

Elder Law Terminology

- Elder Law:** An area of law some attorneys specialize in that involves legal planning to address your advanced care needs. Elder Law includes asset protection planning when filing for government benefits. Asset protection planning can preserve assets for a spouse and children to avoid an actual spend-down of assets when advanced care is needed.
- Elder Law Attorney:** Attorney that helps with legal planning for your advanced care needs. Not all estate planning attorneys help with asset protection planning.
- Asset Protection:** Legal planning to protect assets for your spouse or loved ones when advanced care expenses would deplete your assets.
- Countable Assets:** Assets that must be spent down to a certain level to become eligible for Medicaid.
- Non-Countable Assets:** Assets that must be reported when filing for Medicaid but do not impact eligibility. Examples: house, vehicle, burial plots, and irrevocable funeral contracts.
- Spend-Down:** Reducing your countable assets down to a certain amount to file for Medicaid to pay for advanced care expenses.
- 5 Year Lookback:** Five years prior to filing a Medicaid application when you may be penalized for any assets you gave away for less than fair market value.
- Revocable Trust:** A typical estate planning trust that you can change. This trust is a plan for who will control and distribute your assets when you die. You retain control as trustee, and you are a beneficiary of the trust. This is not an asset protection trust.
- Irrevocable Trust:** A trust established to protect assets for tax or government benefit planning. You are not the trustee and not the beneficiary. An irrevocable trust cannot be changed.
- SNF:** Skilled nursing facility which provides the highest level of care.

- AL:** Assisted living facility to help with activities of daily living. Some facilities accept the MI Choice Waiver type of Medicaid.
- Trustee:** Person named to follow and administer a trust.
- Beneficiary:** Person named in a will or trust to receive assets at death.
- Patient Advocate:** Someone named in an advanced directive/power of attorney to make medical decisions when two doctors say you cannot.
- Power of Attorney:** Someone you have selected in writing to make financial or health care decisions for you.
- Income:** Fixed amount of money you are entitled to from social security, a pension, or certain types of annuities. You do not have the ability to access anything beyond the payment owed to you.
- Patient Pay Amount:** Amount of Medicaid recipient's income that will be paid each month towards care expenses in a SNF or for room and board at AL.
- Community Spouse Resource Allowance:** Allowance of assets for spouse who is not filing for Medicaid.
- Community Spouse Income Allowance:** Allowance of Medicaid applicant's income to be transferred to community spouse.



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