

Life care planning is a process. It is very different because, with estate planning, what we're doing is we're taking a snapshot. If you can imagine, we're taking a Polaroid picture of your stuff right now, and we're going to plan right now for your stuff. We're going to give you estate planning documents, a will or a trust. We're going to give you durable powers of attorney to plan for incapacity. We're going to give you some documents. They're going to be crafted. We're also going to advise you on how to title your assets, but it's really a snapshot.

Life care planning means that we're going to take you in today. We're going to look at your stuff and we're going to plan, not just the snapshot for today, which we do need to plan for, but we're going to look down the road. What are your needs going to be and what are your assets going to be moving forward? And how do we plan to make sure that your assets are going to be sufficient for you to live out your life, and potentially to leave some stuff to your kids? That's the difference.

Life care planning is a relatively new part of our practice. What we found is that we had so many clients coming to us, seeking information about resources. I'll give you the perfect example. I had a client. It was the guardian and he was the guardian for his mother. And she was in the hospital and she was not in a private room. She was sharing with another person. And so, he was her guardian and she couldn't speak, but he could understand her. And so, he called me and luckily, it was after hours, but he actually sent me an email. I was able to get him on the phone, and he said, "They want to kick me out of the hospital because of her female roommate. And she can't express pain and she can't express that she needs to go to the bathroom and I really need to stay with her when she's here in the hospital."

And I realized what I really needed was a case manager. I needed someone to maneuver and help be an advocate for him through that process. Luckily, I knew enough about that process, even as an attorney, to understand, "Okay, you're going to go to the nurse's station. We're going to get them to give you a private room or we're going to tell them, 'We need to have a review by the case manager, the social worker on call.'" We were able to work through that process, and that's what they did. They moved her into a separate room because of that advocacy. But that's the difficulty is that I can't be a case manager. I can't do that kind of advocacy because I don't have the background and training to do it. I happened to know the answer to that problem.

But that's really the time when I realized we needed an elder care coordinator to help with that kind of advocacy. And also, because our clients need to be connected with resources, not just resources, good resources. Our elder care coordinator is certified as an elder care coordinator through the Life Care Planning Association, which is a nationwide association. She has gone through the rigors of that type of training and certification. She understands what resources are available in our community, and she understands how to assess someone and what their needs might be, whether that means kind of doing a mini mental status exam to see what their level of depression is or what their dementia? What they've got going on. And then, she can help them really navigate through the process of appropriate placement.

And then, as crises come up, she's a resource. When you go into the hospital, she's on speed dial because you have her cell phone number and you can call her and say, "This is what's happening. Help me." And she can be the one to contact the social worker at the hospital to be that advocate. It's a really great addition to an elder law practice, adding in the life care planning, using that process as an elder care coordinator. And what we offer as part of that package is we get you ready for that long term care. We get you connected with resources, we get you an appropriate placement, and then we follow you, meaning that we are going to really make sure that you get that contact with that elder care coordinator on a regular basis. And that we keep on top of all your financial issues, all your legal issues, making sure that you're getting treated appropriately as a resident in a facility if, in fact, that's where you end up.

It's really five different assessments that we go through when we make a determination as to where you might be in the life care planning continuum. We're going to look at things like, "Where are you on the life to death line?" We're going to also look at where your placement should be. Should you be at home? Should you be in a facility? We're going to look at your assets to determine what kind of income do you have? What kind of assets do you have? When are you going to need that Medicaid? When are you going to need that government benefit?

And then, we're also going to look at your exploitability. We're going to make a determination, "How exploitable are you? Are you vulnerable to scammers? And how protected are you? What level of protection do you need at this point with regard to supervision of your assets? Do you need a trust-based plan? Do we need trustees and helpers to supervise your assets?", to make sure that you have assets at the end, and that you haven't given them away to some foreign scammer. All of those things factor into that life care plan. And when we use that elder care coordinator to help us make those assessments and then walk us through that process, what we find is that we're able to give a sense of security to our families coming in, and life care planning is a family affair.

We want everybody to come in and be at the table and understand the process and what's going on. And we want to create access for family members, as well as our clients. It's a unique strategy to help people age gracefully with as much independence as possible, but also with protection. And once we have that plan in place, it just gives a sense of relief to everybody that mom and dad are not going to be destitute, that they are going to have enough assets to make sure that they live a comfortable process through the end of their life, and that no one is going to be able to steal their money. It's a really great tool that we've been able to kind of layer into our practice.