

How Elder Care Attorneys Can Help Adult Children with Aging or Newly Widowed Parents: Questions and Answers with Miles Hurley, Atlanta-based Elder Law Attorney

By Jamieson Haverkamp,
author of the multi-award winning resource guide
[Mom Minus Dad: The Essential Resource Guide for Busy Adults with a Newly Widowed Parent](#)

I met Miles Hurley, founding partner of Hurley Elder Care Law, at a Caregiver conference in Atlanta, Ga, last year and found him to be filled with great information about elder care and how elder care attorneys can assist adult children with aging parents that may or may not be widowed. You can read his bio [here](#). Additionally, I was a guest on his radio talk show, [Elder Talk with Miles Hurley](#), last year. I asked Miles a few questions related to elder care law and how they can help adult children and families with aging and widowed parents...

JH: How is an elder law attorney different from other estate planning type attorneys?

MH: Elder law attorneys focus on the needs of their clients while the clients are living, but dealing with a loss of functional capacity, as opposed to being concerned with the transfer of assets after death.

JH: What areas of planning does an elder law attorney help families with?

MH: Life Care Planning, Veteran Benefits Eligibility, Medicaid and nursing home planning, Guardianship/Conservatorship, Asset Protection, Medicare, Accessing equity in real estate, Wills, trust and powers of attorney

JH: What do you find most adults don't know about in the eldercare world that surprises them when they meet with you about helping them with planning or caring for their aging parents?

MH: The biggest thing they we find is that people have no idea what they do not know. They have no idea what the options are for providing medical, cognitive and socialization care, much less what the custodial care options are. Additionally, most people do not know what the options are for paying for custodial care, especially that the VA may be an option. They also have no idea that care is so expensive.

JH: When is the best time for families meet with an elder law attorney?

MH: The best time for someone to meet with an elder law attorney is as soon as they become aware of a loss of functional capacity. That may mean a diagnosis of Alzheimer's disease or some other form of dementia; after suffering a fall that caused the break of a hip, pelvis or shoulder; or after having a stroke. Additionally, if an individual or family has determined that it

is time to move out of the house just because it is no longer safe. This, of course, does not mean that preplanning should not be done, but since in many cases an older adult is giving up some freedom and autonomy, we have to take some actions before they are absolutely necessary.

JH: What are the most helpful types of referrals to vendors that elder law attorneys can provide to their clients? Care managers, assisted living facilities, etc?

MH: We provide referrals that cover a very wide range. This includes referrals to primary care physicians that specialize in geriatrics to neurologists, neuropsychologists and geriatric psychiatrists in the medical world, to home care providers, personal care homes and assisted living facilities and nursing homes in the custodial care world, to financial advisors and bankers in the financial world, to people to handle bill paying, getting groceries, housekeepers, organizers, and transportation providers, in the general well being world.

JH: Do you help families navigate the maze of Medicare and Medicaid along with

Veteran's Benefits? MH: We certainly do this as a part of helping families to find, get and pay for good long-term care.

JH: How?

MH: How, of course is a case by case basis. In every case, we have to evaluate the level of care needed (currently and more than likely in the future), determine where that care will be received, and the cost of the care. It is also important to know what the marital situation is. We then evaluate the income stream and the assets to determine how we can make those last the longest under the circumstances. If we then know that the client can qualify for VA and/or Medicaid at some point in time, we will help them prepare for that eventuality.

JH: What does a typical client or family's situation look like when they first meet with you in your office?

MH: In general, we are looking at a "crisis" situation where family members (usually adult children) have discovered that mom or dad is not doing well. There are issues with diet, medical management and socialization that have made it clear that it is no longer safe for mom or dad to live alone anymore. These families really have no idea where to turn and they are looking for advice on how to care for their parents and they want to know what their options are.

JH: And what type of things do you help them put in place to help them straighten their situation out?

MH: First of all, as we follow the Life Care Planning model of elder law, we want to educate the clients on how to best advocate for good care. In order to do that, I have the care coordinator on my staff evaluate the client. Once we have an understanding of the functional limitations of the client, we can then recommend a path through the "elder care maze." Again, most people have never had to deal with caring for an elder, so they really do not even know what their options are. We create a path, then modify that path as the situation changes.

JH: I remember you talking about the number of medications many elderly clients are on when they visit your office because of their many doctors not checking out each other's prescription orders. How does your office assist with managing issues like this?

MH: The average client who comes to us is on fifteen different prescription drugs. They range from statins, to antidepressants, to dementia drugs, to insulin, to blood thinners. If upon

evaluation the client does not seem to be as responsive as they should be, then we will recommend that they see one of their doctors, or possibly recommend a different doctor to perform a complete evaluation of the prescription panel. The end result is that we want the client to have the highest level of functional capacity that is possible so that they can also have the highest quality of life that is possible. We do not practice “hands on” medicine, so we have to depend on the medical community to make these calls.

JH: Describe some of the successes that families have found because they chose to use an elder law attorney like yourself?

MH: We have many success stories, but I believe that the best I can describe is that our firm was able to be available to provide support to a client who is now a widow. When she first came in she was so worked up and nervous that she could barely control her emotions. She was scared about what she was facing with her husband’s conditions, some family issues and of course some family issues. We were able to get her husband in front of the doctors who helped to stabilize his condition most importantly. We were also able to help them to unlock equity in real estate to fund the care needs and to provide for the family for some time to come, to negotiate the sale of the real estate and consolidate assets so that they would work well. On the other hand, we have some families who we have been able to help to get onto a benefit program that allows them to actually afford long-term care in the first place.

JH: How do people know they are working with the most qualified elder law attorney?

MH: There are certainly questions that they need to ask. The first is what percentage of the practice is devoted to elder law and its ancillary issues. I believe that should be 75% of the time at a minimum. Elder Law is an incredibly broad practice area and things change all of the time. People should also find out how long the individual has been in practice overall. There is a credentialing agency for elder law, through which attorneys can become certified elder law attorneys (CELAs). Though Georgia does not recognize specialization, the CELA distinction does carry weight in the elder law community.

JH: Is there a web site people can go to find the most credentialed and highest quality elder law attorneys?

MH: Yes there are a couple: www.lcplfa.org and www.naela.org

JH: Is there anything else you think readers need to know about working with an elder law attorney or eldercare issues that we missed discussing?

MH: I think that the most important thing that readers should understand is that elder law attorneys really are different than other attorneys who they may have encountered during their lives. Elder law attorneys take the time to completely analyze the situation and present choices that lead to successful outcomes. As we like to say to people who are thrown into the elder care world: You have no idea what you do not know. To that end, just having some professionals in the field to help them through the difficult situation provides the peace of mind needed to be able to attend to the needs of the older adult.

Thanks Miles!

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