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## Do I Need to Consult with a Certified Elder Law Attorney?

Elder and Special Needs Law is complex and quickly changing. Due to continued improvements in lifestyle and medical technology, it comes as no surprise that with one Baby Boomer attaining age 50 every seven seconds, Americans are also living longer. By 2024 over 17 percent of the nation's population will be age 65 or over. The demand for information is great. It takes an attorney committed to practicing primarily in this area of law to stay on top of the most current changes in legislation. So ... do you need to consult with a Certified Elder Law Attorney?

- Not if you understand the difference between joint tenants and tenants in common, and when each is appropriate in your circumstances.
- Not if you know when it is appropriate to use a Revocable Trust versus an Irrevocable Trust for purposes of estate planning, disability planning, or planning to achieve or retain SSI or Medicaid eligibility.
- Not if you want your disabled child to lose his SSI and Medicaid benefits after your death.
- Not if your Power of Attorney document specifically allows your agent to do all necessary planning on your behalf - even that which you cannot anticipate today.
- Not if you know the powers and authorities that may be granted to an executor under Georgia law, and have drafted your Will to include those which are appropriate for your situation.
- Not if you understand the difference between Medicare and Medicaid, the eligibility criteria for each, and what benefits each provides.
- Not if you understand the difference between a limited power of appointment and a general power of appointment, and when it is necessary and appropriate to use (or not to use) each.
- Not if you understand and are prepared to draft language to balance tax law and public benefits law as appropriate in your circumstance.
- Not if you know how to use a self proving affidavit appropriately.
- Not if you fully understand both federal and Georgia public benefits law.
- Not if you know when a Medicare or Medicaid lien may attach to assets.
- Not if you understand all of the pros and cons of guardianship, and know if it is appropriate in your situation.
- Not if you want your estate to pay estate taxes after your death.
- Not if you understand the difference between Social Security, Supplemental Security Income, and Social Security Disability Insurance, and the eligibility criteria for each.
- Not if you know all of the Medicaid transfer rules and are sure you have complied with them.
- Not if you know which assets are considered exempt under Georgia Medicaid law.
- Not if you have confirmed that your Financial Power of Attorney document will be accepted by your banker, your employer, your IRA custodian, your stock broker, your insurance company, the IRS, the title company, etc.
- Not if you can apply Georgia real property, trust, estate, tax, and Medicaid law to your particular circumstances to

reach the best result.

- Not if you understand per stirpes and per capita distributions, and the effect each would have under your circumstances.
  - Not if you understand how the capital gains tax laws will operate if you make a gift of real property, stock, or other appreciated assets.
  - Not if you know the rules for creating and administering a d4a Trust.
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Member of the National Academy of Elder Law Attorneys and Member of the Special Needs Alliance

The information you obtain at this site is not, nor is it intended to be, legal advice. You should consult an attorney for individual advice regarding your own situation.

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