



Modern Family: Elder Law Planning for Mixed Families

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Marshall, Parker & Weber, LLC
Elder Law & Estate Planning for over 30 Years
www.paelderlaw.com



**Certified Elder Law Attorney by the National Elder Law Foundation*

It's not all about what we learned in law school

- What's really going on with the client?
- Do they trust us?



Definition of a Modern Family



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The First Meeting

- With whom do you meet?
- What should they bring?
 - Confidential Client Questionnaire
 - Consultation Checklist



Keeping Secrets

- When the spouse or partner tells you something
- When the children tell you something



Keeping Secrets

- Ethical Conundrums
 - Rules of Professional Conduct
 - Conflict of Interest Letter



Unequal Knowledge of Family Members

- Finances
- Surviving spouse / significant other who was out of the loop
- One child who knows and runs the family business



Unequal Knowledge of Family Members

- Health care wishes
 - Have the document – Health Care Power of Attorney
 - Act 169 may not fit your wishes
 - Have the discussion



Subsequent Marriage Issues



- Did they have a Prenuptial Agreement?
 - Is your planning consistent?
 - Do you need to refer to a family law attorney?
 - Do they need separate counsel?



Subsequent Marriage Issues

- Postnuptial Agreement



Subsequent Marriage Issues

- Impact if nursing home for one of spouses
- Spousal refusal
 - Does it work?
 - Spousal Refusal Statement
 - Assignment of Support Rights
 - Letter to County Assistance Office



Unmarried but Committed or Convenience Arrangement

- Opposite sex
- Same sex



Unmarried but Committed or Convenience Arrangement

- Documents
 - Cohabitation or Living Together Agreements
 - Separation Agreements
 - Revocable Living Trusts



Estates of Unequal Value

- Income Issues
 - Spouse with supporting income dies – how do you provide income for survivor?



Estates of Unequal Value

- Modest vs. Large



Qualified Accounts Planning



- One spouse dies, second marriage – all to second spouse instead of kids of first



Divorce, Alimony, Child Support and Planning

What does the Long-Term Care Handbook have to say?

- Alimony is income
 - Not a deduction from gross income
 - Must take legal action to get court-ordered payment
 - Payment of delayed alimony is a lump sum payment



Divorce, Alimony, Child Support and Planning

What does the Long-Term Care Handbook have to say?

- Child Support
 - Not a deduction from gross income
 - Must take legal action to get court-ordered payment



Divorce, Alimony, Child Support and Planning

- Is a party qualified to enter into agreements related to divorce and planning?

- Competency

- Fraud



Multi-Generational Issues

- Parents living with children
- Special needs' siblings sharing houses
- Educational Funds



Digital Assets

- Who has authority to access?
 - Can they access?



Covering Your File

Document



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