



# **The Ins and Outs of Estate Planning & Elder Law**

**Presented by  
Goldfarb & Luu P.C.  
Estate Planning & Elder Law Attorneys  
Alzheimer's LA Memory Club  
May 7, 2025**

THANK YOU

**Alzheimer's LA is  
the BEST!**



# Roadmap for Today:

- ✓ *Teach you something new*
- ✓ Step 1: Estate Planning 101 + ***Fatal Flaws***
- ✓ Step 2: What is Elder Law?
- ✓ Step 3: Action Item Checklists, *I have a favor to ask*, Questions and Resources

A group of diverse people, including a woman with curly hair in a blue shirt and a man in a light blue shirt, are laughing and smiling outdoors. The background is a soft-focus view of green trees and foliage, suggesting a park or garden setting. The overall mood is joyful and positive.

**Step 1:**  
**This is for YOU**

Put **Your** Own  
Oxygen Mask On  
**First**

# What is the Purpose of an Estate Plan?

*A set of documents that together **should***

Honor Your  
Wishes

Avoid Court

Maintain Family  
Harmony

99% of the plans we review have a fatal flaw in one or all these areas

# Estate Planning 101

Ways **YOU** Should Plan  
So Your Family Doesn't **HAVE TO**...

**Are you  
over 18?**

**Health  
Directive**

**Trust**

**Have  
assets /  
kids?**

**Power of  
Attorney**

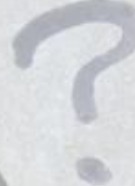
**Will**

**Myth:** I don't need an estate plan; my family will be able to handle things automatically.



# The Problem

- 
- 1) People **don't have a plan** when needed
- 2) The **plan doesn't work** when needed







# The Solution

Find the **RIGHT law firm** to educate, empower & collaborate with you to create a plan that works when you need it.

This means you must have a **lifelong relationship** with the law firm because life changes over time + you will need help along the way.



A blurred background image of a person lying in a hospital bed. They are wearing a light blue hospital gown. A medical professional in blue gloves is attending to their arm, which has an IV line. The person's hand is holding a pulse oximeter. The overall scene is clinical and focused on medical care.

# What if **YOU**

# become incapacitated?

# ***Fatal Flaws***

## **Advance Health Care Directives**



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**1. Wrong agents**

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**2. Springing powers**

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**3. No HIPAA/CMIA**

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**4. Insufficient details**

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**5. No POLST**

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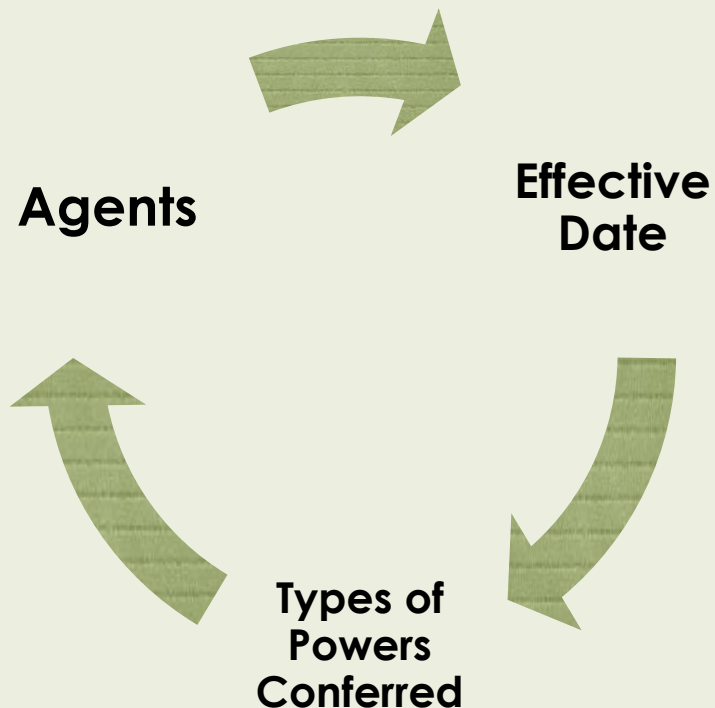


# Create a POLST

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Patient First Name:		Patient Date of Birth:
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<b>A</b> <b>CARDIOPULMONARY RESUSCITATION (CPR):</b> <i>If patient has no pulse and is not breathing. If patient is NOT in cardiopulmonary arrest, follow orders in Sections B and C.</i> <small>Check One</small> <input type="checkbox"/> Attempt Resuscitation/CPR (Selecting CPR in Section A <u>requires</u> selecting Full Treatment in Section B) <input checked="" type="checkbox"/> Do Not Attempt Resuscitation/DNR (Allow Natural Death)		
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<b>SEND FORM WITH PATIENT WHENEVER TRANSFERRED OR DISCHARGED</b> <small>*Form versions with effective dates of 1/1/2009, 4/1/2011 or 10/1/2014 are also valid.</small>		

# ***Fatal Flaws***

## **Durable Powers of Attorney**



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**1. Wrong/co-agents**

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**2. Springing powers**

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**3. No gifting/access to SP**

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**4. No access: Logins/PWs**

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**5. Each financial institution!**

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# What happens after you pass away?

... and I'm sure  
I can trust you  
not to fight over  
my money  
when I'm  
gone.

of course!





# NEW LAW as of 4/1/25

- ❖ **CA has expanded the simplified probate** process for those who die after 4/1/25 with a "primary residence" worth up to **\$750,000** plus personal property worth **\$184,500**. This totals **\$934,500**.
- ❖ **Requirements:** 1) Wait 40 days after date of death, 2) Appraisal to confirm home's value, 3) Notice to interested parties 15 days before the hearing where the judge will authorize the property transfer.
- ❖ **Wildcards:** 1) "primary residence" is not limited to the decedent's residence at time of death but it doesn't apply to additional properties. 2) probate referee's desktop valuation (can vary with the market), what about discounts for joint ownership, liens, deferred maintenance. 3) What about blended families, unmarried partners, uncertainty as to heirs, heirs contesting title or value, omitted heirs or unknown creditor claims, Medi-Cal recovery, etc. 4) Property remains under court supervision so it's not private like in a Trust Administration. 5) Possible title insurance issues.
- ❖ **Estate Planning is still best** for privacy, comprehensiveness, court avoidance for conservatorship and simplified probate, customized wishes and beneficiaries, protection of minors, spendthrifts or special needs heirs, to reduce the risk of disputes and to maintain family harmony.



## Will

- ~ ~~UNDER \$184,500~~
- ~ Accurate beneficiary designations
- ~ Given outright
- ~ No minor kids

## Trust

- ~ Real estate
- ~ Given over time
- ~ Kids/grandkids
- ~ **Special needs**

# Marshall Assets

## ✓ **Assets in MY TRUST**

- Actually re-titled or just mentioned in trust or in Schedules?
- These assets go through the trust, others may not!
- Grantor to resign as Trustee?

## ✓ **Assets in MY NAME**

- DPOA immediate or springing? Right person?
- Who has DPOA, agent, financial institutions?
- Beneficiary: None or person, the trust? Follow grantor's intent?

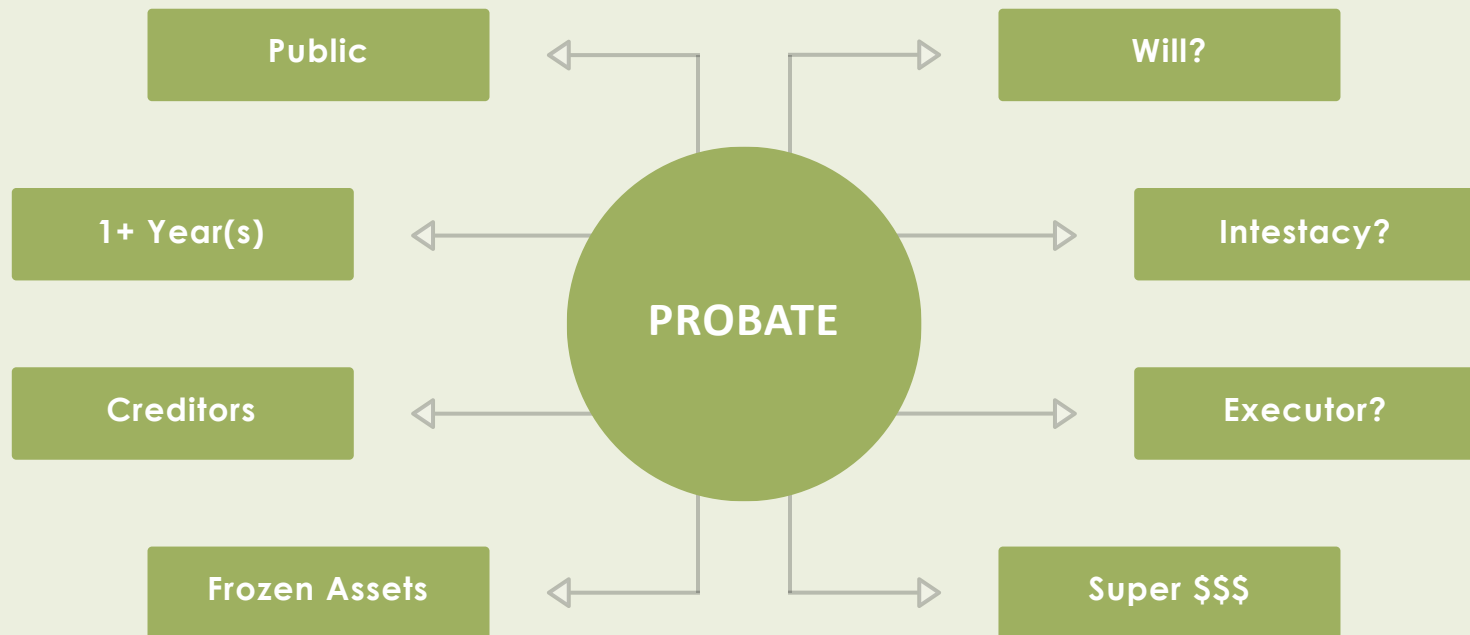
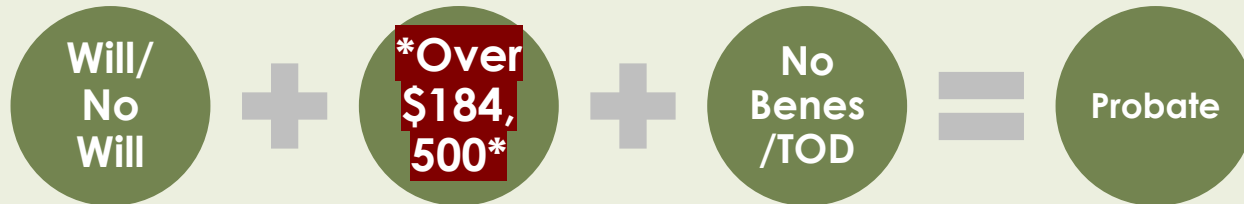
## ✓ **Assets in MY NAME with SPOUSE or ADULT CHILD**

- Grantor's intent?
- Enough assets to administer estate?
- Family harmony?

**IMPORTANT**



# What is Probate?



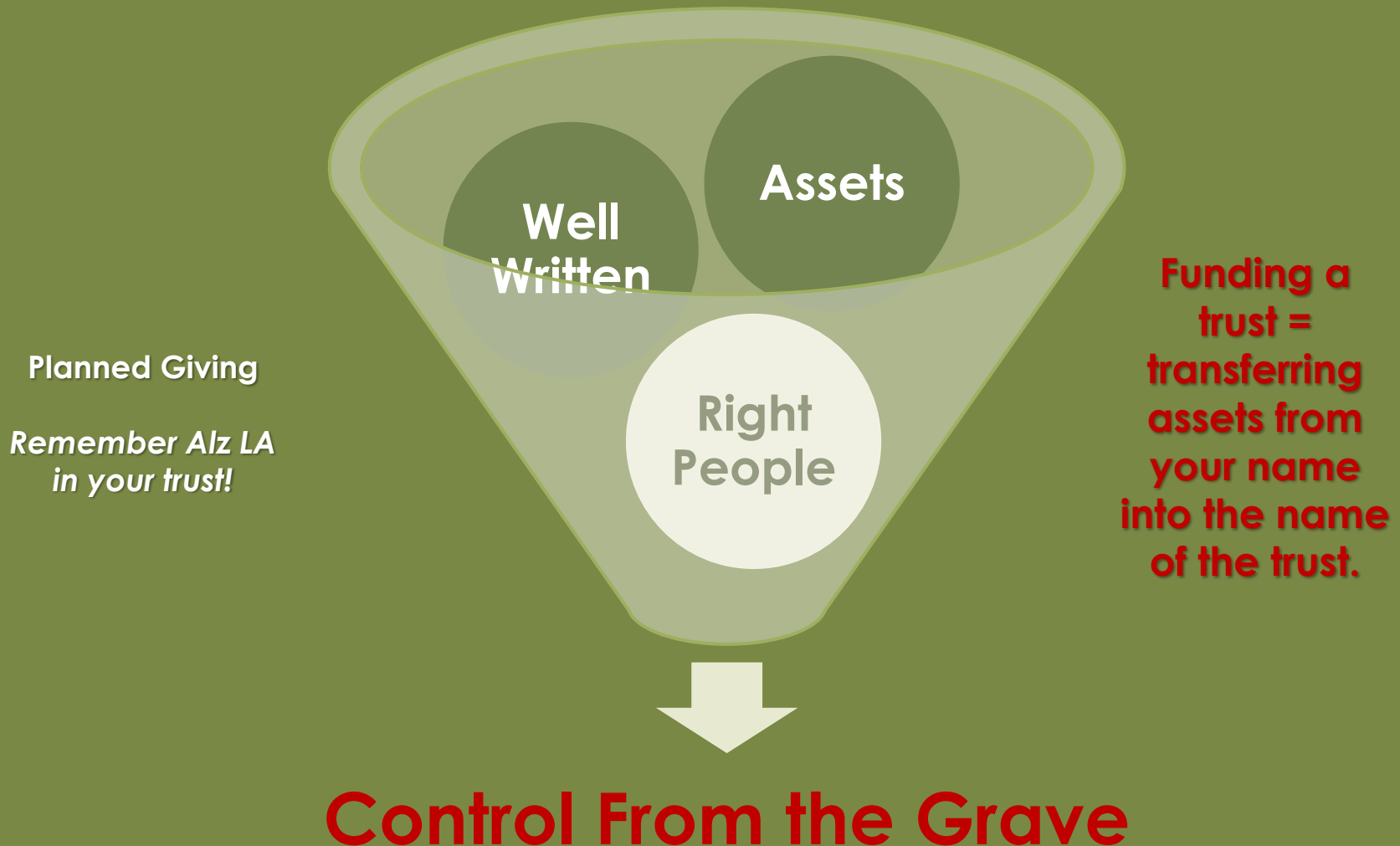
# What Will Probate Cost?

**Probate is  
triggered at  
\*\$184,500\***

① VALUE OF YOUR ESTATE	② PROBATE FEES WITHOUT A TRUST	③ PROBATE FEES WITH A TRUST
\$200,000	\$14,000	\$0
\$300,000	\$18,000	\$0
\$400,000	\$22,000	\$0
\$500,000	\$26,000	\$0
\$600,000	\$30,000	\$0
\$700,000	\$34,000	\$0
\$800,000	\$38,000	\$0
\$900,000	\$42,000	\$0
\$1,000,000	\$46,000	\$0
\$1,500,000	\$56,000	\$0
\$2,000,000	\$66,000	\$0
\$3,000,000	\$86,000	\$0

**Increases  
with the  
size of your  
estate**

# Avoid Probate, Get A Trust!



# ***Fatal Flaws***

## **Trusts**

- 
1. Successor trustee issues
- 
2. Funding incomplete
- 
3. Documents are ambiguous
- 
4. Financial abuse – who has access
- 
5. Mandatory A/B split
- 
6. No trust protector
- 
7. No one to care for pets
-



# Trust Administration

## Hire a Lawyer to Help!



Easy Peasy  
Lemon  
Squeezy

Trustee

Assets  
Debts  
Taxes

Distribution

Family Harmony

Getting Blood  
From a Stone

Trustee -  
*nightmare*

Assets –  
*Heggstad?*

Debts  
Taxes  
Distribution

*Family Feud*

# A Gift to My Dearest Loved Ones



A **regularly updated** estate plan

# Caregiver Burnout

## Warning Signs

- Fatigue
- Sleep problems
- Depression
- Neglecting self
- Health issues
- Withdrawn
- Anxiety...

## Prevention

- Learn resources
- Ask for help!
- Take breaks
- Self care
- Get away

**Many caregivers die first!**

# 6 Immediate Actions

1. Create your **village** and care for yourself.
2. Finish **estate plan** / update it.
3. **Share your wishes** with your family.
4. **Assets** – organize them, fund your trust and update beneficiaries.
5. List of **logins, passwords & bills**.
6. Make sure you're properly **insured**.

## **Myth:**

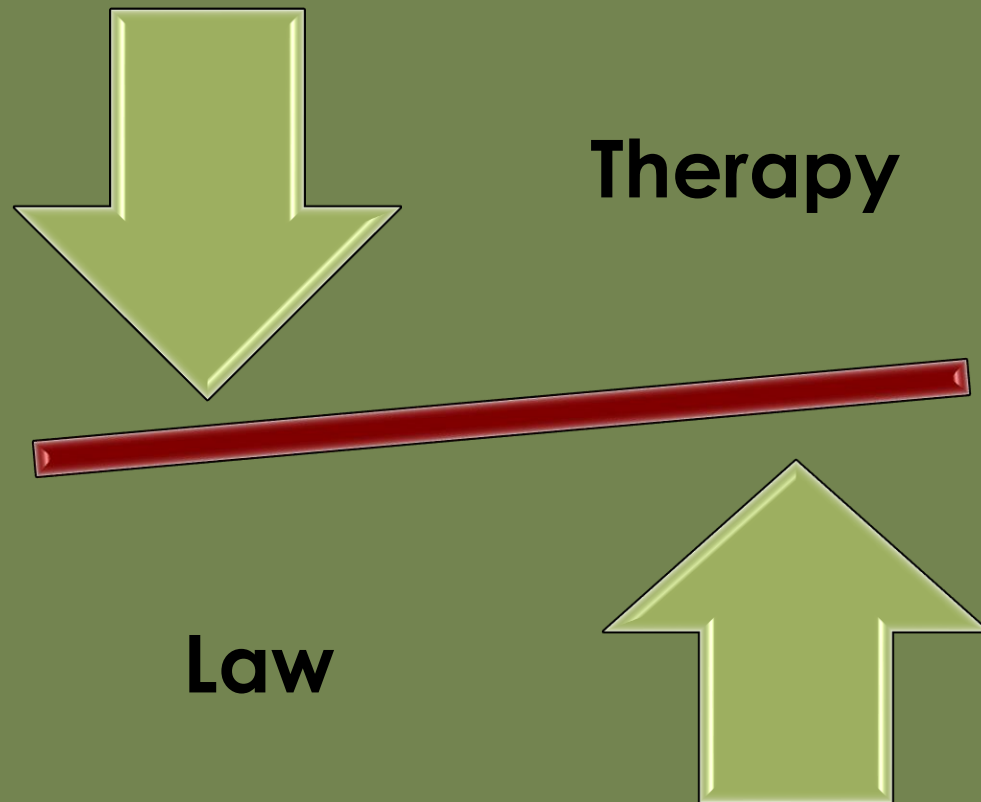
My spouse or kids will be able to handle things automatically



**Step 2:**  
**This is for your loved one**

Elder Law,  
doing the best you can

# Elder Law begins when people start needing *extra* help...



# Common Issues:

## Elder Law attorneys can help!

Caregiver is **overwhelmed** by the complex medical, financial and legal systems

Person who needs care is difficult and/or there is **family drama**

Person who needs care doesn't have **capacity**

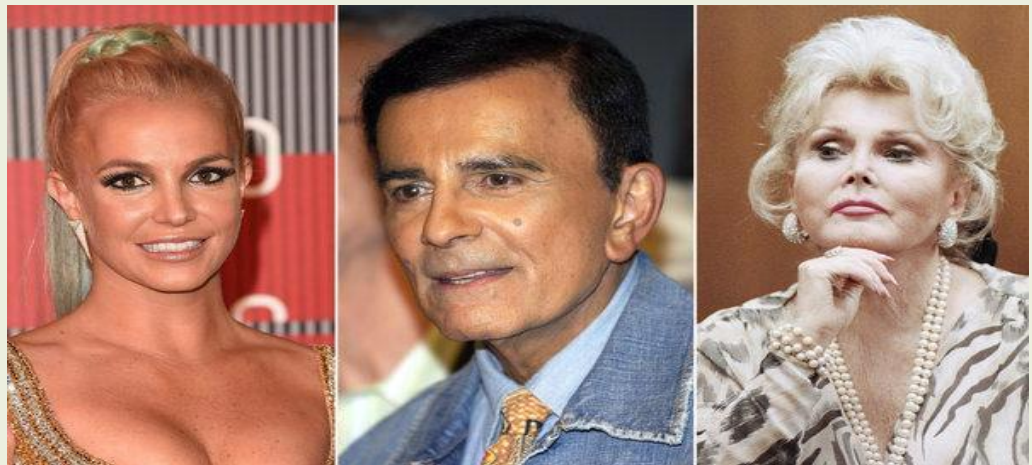
Person who needs care is running out of **money**

# What is Conservatorship?



## Myth:

I don't need an AHCD & DPOA now, my spouse or adult child will be able to handle my affairs when I need help.



## Judge decides:

Who takes care of you & your finances, voting, driving, etc.



# Conservatorship **Issues**

1. Super expensive, permanent court intervention - annual accounting.
2. Contested by other family or conservatee. Families often get torn apart.
3. This is a last resort! Is there a way to avoid it?

# A Sneak-Peek Into Long-Term Care Planning

## → Long-Term Care

- Costs of care in CA
  - Private caregiver – \$175,000-\$289,000 (private pay vs. agency)
  - Assisted Living – \$75,000 (average)
  - Skilled Nursing – \$140,976 (semi-private) or \$163,536 (private)
  - Residential care home \$36,000-\$84,000+
- What covers it?
  - Private pay, Long Term Care insurance and Medi-Cal
  - Not Medicare (age 65) – only after hospital visit

**Myth:**  
Medicare  
will cover  
the cost of  
my care!

## → Medi-Cal (as of Jan 2024, eligibility is based solely on income not assets, but this may change in Jan 2026)

- **BEWARE:** Quality of care, Eligibility, SOC & Recovery

## → VA Aid & Attendance / Housebound Benefits

- Net worth must be under \$138,489 (= assets and annual income)
- 3-year lookback may trigger a 5-year penalty
- Must need help with ADLs, mostly bedridden, live in a SNF or extremely poor vision
- Maximum annual pension rate (-) Yearly income = VA Pension
  - Approx MAPR - Single veteran (\$24,610), married veteran w/ non-veteran spouse or dependent (\$29,175), 2 veteran spouses (\$39,036)

# PROBLEM:

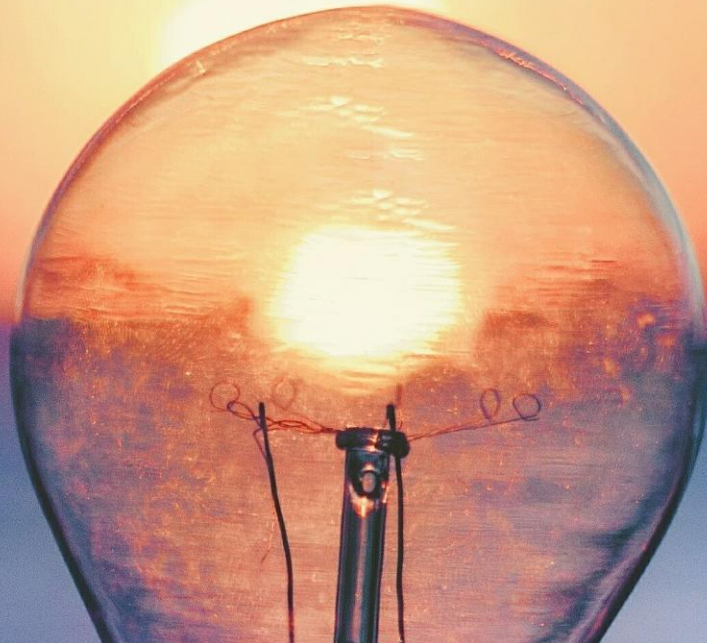
## Grey Area in the Law

People who have enough capacity to avoid Conservatorship but who are making terrible decisions / family drama



# **SOLUTION**

**An outside-of-the box  
problem solving  
elder law firm**



For those who still  
have **capacity** to  
make legal,  
financial and  
medical decisions



# 5 Immediate Actions

1. Get two **capacity declarations** for estate planning & potential reverse mortgage.
2. Finish **estate plan** / update it.
3. Make sure AHCDs/DPOAs are **immediate**.
4. Discuss “**gifting**” authority in DPOA with a lawyer for potential Medi-Cal planning.
- ✓ 5. Get in a **support** group like an UCLA Alzheimer’s Memory Group!

**Myth:**  
Their situation is simple so I can use online DIY options.


For those who are  
unable to make  
decisions  
(incapacitated)

# Estate Planning

- Can't create EP docs →  
Conservatorship
- Can't update EP docs →  
**3 Immediate Actions**

#1

# Create a POLST

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# #2 Marshall Assets

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## ✓ **Assets in MY NAME with SPOUSE or ADULT CHILD**

- Grantor's intent?
- Enough assets to administer estate?
- Family harmony?

**IMPORTANT**



A multi-generational family portrait featuring an older man in a cowboy hat and glasses seated in the center, surrounded by his wife, children, and grandchildren. The family is posed in front of a building with a circular sign that reads 'WELLCOM'. The image is semi-transparent, allowing the text to be clearly visible.

# 3

# Family Harmony & Spend Time Together

What can you do to  
ensure everyone is on  
the same page?

# Find **Your** A Team



- ✓ Elder law attorney who is savvy with Medi-Cal, trust administration and probate
- ✓ End of life expert
- ✓ Memorial plan
- ✓ Support and counseling

# Step 3:

## We're **Almost Done!**

- ☐ Action Item Checklists

- ☐ Favor



**Don't assume family & friends are prepared... share what you've learned today with others!**

- ☐ Questions & Resources



# Remember, Court Sucks!



# 4 Takeaways:

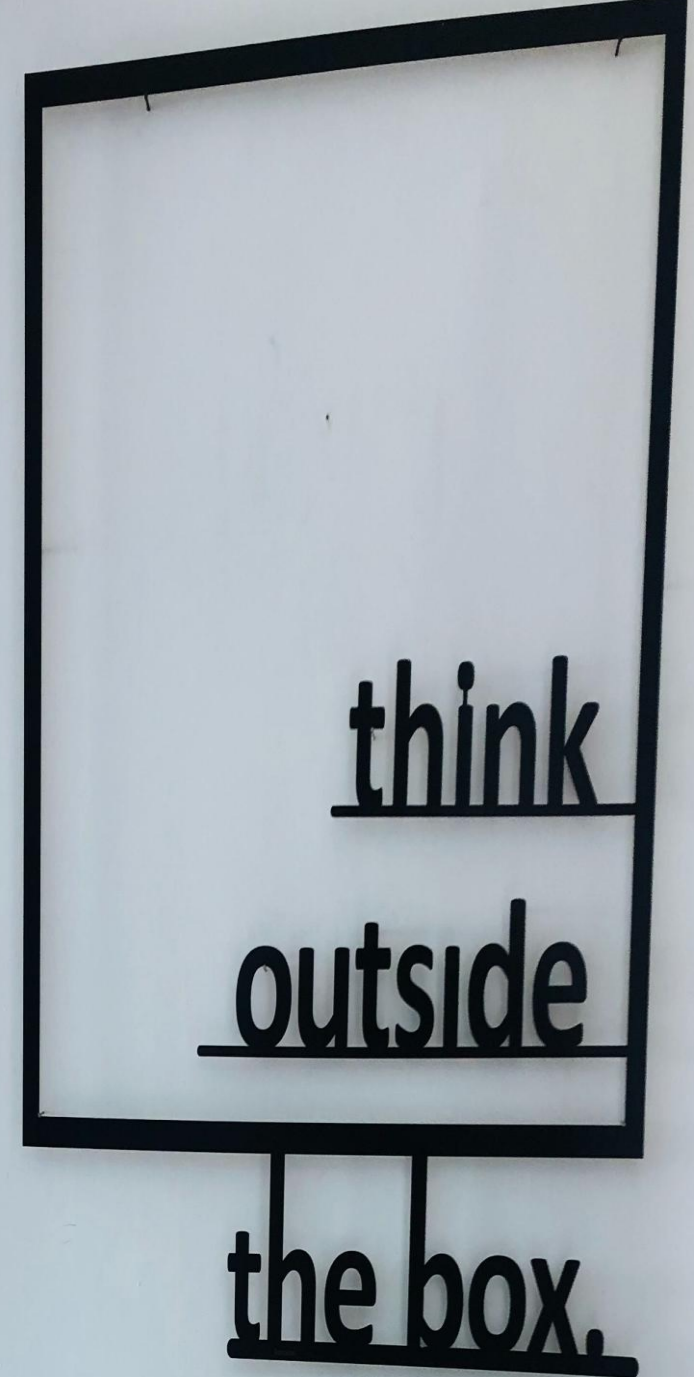
1. You REALLY need some level of estate planning. SH\*T happens! **Don't wait** till it's too late.
2. Family members on SSI/Medi-Cal need **Special Need Trust** provisions to protect benefits / inheritance.
3. Court sucks **99%** of the estate plans we review have a **fatal flaw**. Many families have a false sense of security.
4. It's **easier** than you think ... give a **gift** to your family and feel the **peace of mind** you deserve.

**You've got this!**



# You Deserve The Best

- ✓ Counselors with compassion & expertise
- ✓ Lifelong relationships for your family
- ✓ Comprehensive, detailed & reality-based
- ✓ Plans that work when you need them
- ✓ Treat you like family
- ✓ Work with those who ❤️ what they do



# Goldfarb & Luu

Estate Planning & Elder Law,  
*done differently.*

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