



## Becoming the Caregiver

*Contributed by Meagan Miller*

I found myself making a doctor's appointment for my mother-in-law this week. She moved in with us about three weeks ago and it has been startling to learn that she isn't as healthy as we believed. The phone has provided her a disguise.

Our office serves so many families who, as part of our understanding of a case, describe the daily care they provide for loved ones. We discuss the help that people need with dressing and bathing, meal preparation, transportation, and managing their finances. Sometimes we help families who have gone through medical training for the sole purpose of being able to provide more complex care like wound care or injections. When it comes to the needs of their loved ones, our client's families are often willing to embrace big responsibilities of providing care. The surprise in all this is that so often these loved ones don't consider themselves a "caregiver".

**IT'S NEVER TOO EARLY TO PLAN, AND  
IT'S ALSO NEVER TOO LATE TO PLAN.**

As I walked through the steps to setup this appointment- completing the new patient forms, providing insurance information, having medical records transferred from her prior physician, and scheduling transportation- I couldn't help but think to myself, 'is this how it begins for our clients and their families?'. Is this similar to other unrecognizable milestones marking when a loved one becomes a caregiver?

AARP tracks Long-Term Services and Supports through state by state scorecards. The report, "Picking Up the Pace of Change: A State Scorecard on Long-Term Services and Supports for Older Adults, People with Physical Disabilities, and Family Caregivers",

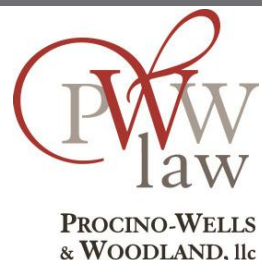
evaluates five areas of care: affordability and access, choice of setting and provider, quality of life and care, support for family caregivers, and effective transitions between nursing homes, hospitals and homes. Among other concerning rankings, Delaware ranks 40th nationwide for the support it provides for family caregivers.

The Genworth Cost of Care 2016 report shares that long-term care costs are staggering. Facility average costs range between \$5,500 and \$9,900 depending on the care needs and home care services are not much more affordable. Genworth estimates that the average cost of in home care, based on a forty hour week, is \$4,500 a month, and there are families who use our local day service programs and those fees average an additional \$1,400 a month.

With such significant costs it is not surprising that unpaid family caregivers provide the bulk of care for older Delawareans, extending long after care needs accelerate beyond scheduling new doctor's appointments. It seems logical that even when a family recognizes a need for more than family support, at these rates, even families with comfortable savings become nervous about the cost, so they choose to continue making ends meet within the family support system. AARP estimates that more than 123,000 residents help their aging parents, spouses and other loved ones with assistance so that they can maintain their goal of staying at home. The value of this unpaid care totals well over one billion dollars.

225 High Street  
Seaford, Delaware 19973  
17252 N. Village Main Blvd., Unit 16  
Lewes, Delaware 19958

Tel. 302.628.4140  
Fax 302.628.4150  
[www.pwwlaw.com](http://www.pwwlaw.com)



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So where is the break? How can our older Delawareans find the resources for the care that they need, implement the care when needed instead of delaying care for financial reasons, and financially plan over the period of needing long-term care? How can our family caregivers both recognize themselves in their role as caregiver and find the support they need?

One tool, in a toolbox that should be full, is legal planning. Under the umbrella of Elder Law, asset protection planning cases are designed to help families identify any level of care that is needed, identify the financial cost of that care, and then identify all payor sources available to cover the care costs. A payor source is simply a benefit that will either provide, or financially cover, long-term care needs. There are several. When payor sources are added to a family's financial plan of affording long-term care the result is having relieved some of the financial burden and having provided some respite for the caregiver.

Our firm's favorite illustration for explaining asset protection planning is a pyramid that is broken into three parts. The bottom of the pyramid represents pre-planning where 100% of assets can be sheltered. The middle represents intermediate planning allowing 65-80% of assets to be sheltered and the top of the pyramid reflects crisis planning cases where we still feel confident about sheltering about 50% of a client's assets.

For healthy seniors, or families supporting them, pre-planning is recommended when they don't expect to need long-term care within the next five years. Tools like Trusts provide tremendous benefits that support our goals of protecting a client's assets and planning ahead for the possibility of needing long-term care in the future.

For seniors who do not currently need long-term care, but suspect they may need it within the next five years, we can provide guidance through intermediate planning using unique tools like caregiver agreements. The agreement could allow a legal exchange of funds for care provided, including activities of daily living, transportation, financial management, etc. In this example, the senior is helping their future financial plan for the cost of care, and their caregiver is reimbursed

financially for the care that is provided.

Families that are supporting a loved one who currently needs care at home, in assisted living, or in a skilled nursing home could benefit from crisis planning strategies that are used to implement payor sources for care immediately following asset protection planning that would shelter some of their nest egg.

In all planning scenarios our goal of asset protection planning is focused on ensuring that a client's assets outlive them so that they always have a financial nest to depend on for their needs throughout any care setting.

Although with a magic wand we would wish to help Delaware's seniors much earlier in life, we love stepping into our client's families and relieving financial concerns related to long-term care needs.

Does scheduling a new doctor's appointment sound like peanuts compared to the care you are providing? It's never too early to plan, and it's also never too late to plan.

## SOMETHING IN THE WATER?



We have yet another engagement to announce! When Matt McCreary dropped to his knee after a bike trip to the top of the Ravenel Bridge in Charleston, SC, Laura Riddle thought it was from exhaustion. Little did she know, it was to pick up a rock that would land on her finger! Laura said yes, and had a much easier, yet more exhilarating, ride back. Congrats to these two!

## TIME OUT — ATTORNEY PROFILE

*Amber B. Woodland, Esquire*

### OFF THE CLOCK:

Amber descends from many generations of strong, independent women. Being raised by her mother and having a close relationship with her great-grandmother who eventually received long term care in a nursing home, she witnessed first-hand how, through much commitment and determination, achieving personal and professional success is possible! Amber hopes her own daughter, Layla, will dream big much like those that preceded her.



To help instill a dreamer philosophy, Amber and her family travel to the most magical place on earth each year. A Disney fanatic, beach lover, and traveler in general, Amber mixes hard work with an unmistakable playful vibrancy.

She and her husband, Justin, also own Davelli's Bagel Café in Seaford. They are proudly committed to supporting and forging strong ties in the community they call home.

## UPCOMING EVENTS

*What is on our Calendar?*

**October 9** — Special Needs Workshop; 5:30 - 7:00 pm,  
Easterseals Tunnell Center

**October 17** — Elder Law Workshop; 5:30 - 7:00 pm,  
Wicomico County Public Library

**October 18** — Sussex CAREs Conference; 8:00 am - 2:30 pm,  
CHEER Community Center

**November 9** — Off the Clock; 6:00—7:00 pm, Milford Place

**November 10** — Elder Law Basics Continuing Education  
(For Professionals); 8:00 am - 12:00 pm,  
Baywood Greens Clubhouse

**November 13** — Elder Law Workshop; 5:30 - 7:00 pm,  
Worcester Technical High School

**November 29** — Trustee School; 5:00 - 7:30 pm,  
Sussex County Association of Realtors

*Our offices will be closed December 25th through January 1, 2018.*

## LEGAL MUMBO JUMBO

*Legal Language in Layman's Terms*

### SUCCESSOR TRUSTEE

The person named to take the place of the Trustee should they be unable or unwilling to fulfill their duties. Multiple successor trustees can be named in case more than one cannot act.

### *A note from the attorneys...*

As we proudly celebrate the third anniversary of our Lewes office, we continue to explore possibilities for growth. So, what's next for Procino-Wells & Woodland? Our plans for 2018 include further supporting our surrounding communities with the opening of a third location in Maryland. The new year is on the horizon and we are already setting resolutions. Stay tuned for more details!

*Michele, Owen & Justin*



**PROCINO-WELLS  
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225 High Street  
Seaford, Delaware 19973



*Planning today to protect your family's tomorrow.*



## OFF THE CLOCK

We would like to thank our featured referrer of the month:



*Where Loving-Kindness Lives*

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1001 Middleford Road  
Seaford, Delaware 19973  
302-404-0505

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