

## WHAT IS ELDER LAW?

Elder law is an evolving area of law which focuses on the issues that we encounter as we age.

Rather than being defined by a particular type of legal work, Elder Law is defined by the needs of the elderly and the disabled. But Elder Law is not only important for older or disabled adults: individuals of *all* ages can and should engage in planning to ensure that their assets are protected and that their wishes are respected, both during life and after death.

Elder Law covers many different areas of planning and law:

- Estate Planning (Wills & Trusts)
- Charitable Giving
- Advance Health Care Directives
- Powers of Attorney
- Guardianships
- Long-Term Care Planning
- Medicaid Planning
- VA Benefits Planning
- Special Needs Trusts
- Probate Administration

Still Have Questions?

Call the Attorneys at:  
**The Law Offices of  
Douglas E. Koenig, PLLC**

You will find compassionate, caring attorneys and staff who can help you and your family.

**(919) 883-2800**



Douglas E. Koenig  
Attorney-at-Law

Note: This document is not legal advice, and contains only a summary of general legal principles. You are not a client of the Law Offices unless you have a written agreement.

— The Law Offices of —  
**DOUGLAS E. KOENIG**  
— PLLC

Planning for the Future,  
Safeguarding your Assets,  
and Protecting your Family

# Elder Law

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## Wills and Trusts

Wills enable individuals to declare who gets their personal assets when they die and to appoint a guardian to care for minor children. Wills prevent legal problems and potential conflicts among family members. If you do not have a will, your assets could be distributed according to applicable law. We suggest that both spouses have a will and update it regularly to reflect changes in the estate.

Trusts come in several types, including a living trust. They are created for many reasons, including incapacity planning, avoiding probate (the distribution of an estate after an individual's death), providing care for a dependent family member, and/or assisting in estate and tax planning.

### Financial Powers of Attorney

A power of attorney is a written authorization to act on another's behalf in private affairs, health, business, or any other legal matter. Durable powers of attorneys are critical estate planning documents which allow an individual to appoint someone he trusts to take care of his

financial and other affairs in the event of incapacity.

### Advance Health Care Directives

This is a legal document through which individuals specify the types of medical intervention and long-term care choices to be made on their behalf in the event they become seriously ill or incapacitated. We also use the "Five Wishes" forms.

Health care Power of Attorney  
A health care power of attorney appoints a person to make health-related decisions on the individual's behalf when the individual is incapacitated.

### Guardianships

When individuals do not complete durable powers of attorney to specify whom they want to act on their behalf in the event of incapacity, a court can appoint a guardian after the individual becomes incapacitated.

The guardian may make health care, personal and financial decisions for a person who is incapacitated due to a physical or mental disability.

Once appointed, a guardian is accountable to the court and must act in the best interests of the incapacitated ward.

### Long-Term Planning

For older adults who fall below certain income and asset thresholds, Medicaid is available to assist with the devastating costs of long-term nursing home care. A number of VA benefits are also available to veterans and their spouses and dependents, including several types of improved pensions.

Planning needs careful and strategic thought, ensuring that the programs' strict eligibility requirements are fully satisfied while preserving your assets.

**Call us today!**

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