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Seniors and Special Needs News - October 9, 2015

1 message

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Fri, Oct 9, 2015 at 9:01 AM

With help, seniors and people with special needs can keep some of their assets in the family rather than lose their entire life savings to the costs of long term care. They can use these protected assets to enhance their quality of life beyond what long term care alone will provide.

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The Koewler Law Firm
 JAMES L. KOEWLER, JR.



Seniors and Special Needs News

Legal Issues when someone has Dementia Application for Guardianship

Today's newsletter continues the discussion of Legal Issues when someone has Dementia. The introductory newsletter ([May 1, 2015](#)) put forth the issue of "Who can speak for someone with dementia?" The [May 15, 2015](#) newsletter discussed the situation where the person with dementia has Advance Directives in place. The [May 22, 2015](#) newsletter discussed the legal issues in determining whether a dementia sufferer can choose to have new Advance Directives prepared. The [May 31, 2015](#) newsletter discussed options in preparing a Health Care Power of Attorney. The [June 5, 2015](#) newsletter discussed how to decide whether to prepare a Living Will. The [June 12, 2015](#) newsletter discussed the General Power of Attorney. The [June 19, 2015](#) newsletter discussed the importance of making the General Power of Attorney "durable." The [June 26, 2015](#) newsletter discussed whether to make General Powers of Attorney "springing." The [July 3, 2015](#) newsletter discussed revoking prior Powers of Attorney. The [July 10, 2015](#) newsletter discussed Do Not Resuscitate orders. The [July 17, 2015](#) newsletter discussed the Right of Disposition designation. The [July 24, 2015](#) newsletter discussed the Will (aka Last Will and Testament.) The [August 1, 2015](#) newsletter discussed Beneficiary Designations on IRAs, bank accounts, etc. The [August 7, 2015](#) newsletter discussed whether to pre-plan a funeral. The [August 14, 2015](#) newsletter discussed how to choose a final resting place. The [August 28, 2015](#) newsletter discussed pre-planning the funeral ceremony itself. The [September 4, 2015](#) newsletter discussed when and how to pay for the pre-planned funeral. The [September 11, 2015](#) newsletter discussed medical insurance choices. The [September 18, 2015](#) newsletter discussed long

term care insurance. The [September 25, 2015](#) newsletter discussed seeking the help of an elder law attorney. The [October 2, 2015](#) newsletter introduced the topic of guardianship. Today's newsletter will discuss the guardianship application, the beginning of the guardianship process.

When the person's disease has taken away the decision-making ability and the person has not prepared advance directives appointing someone else to make decisions, the next legal alternative is guardianship. Guardianship is a long process with many potential twists and turns. The twists and turns can start right at the outset with the guardianship application itself.

In determining whether the proposed ward is incompetent, the probate court must decide whether the person is "so mentally impaired [as to be] incapable of taking proper care of the person's self or property." (Ohio Revised Code section 2111.01(D)) The determination whether the proposed ward is incompetent starts with an application for guardianship submitted by the would-be guardian. The application must have with it a statement from a health care professional supporting the applicant's claim that the proposed ward is incompetent. (In Ohio, there is a form for this medical statement.) If no health professional will support the applicant's claim, the probate court won't even accept the application for guardianship. If a medical professional won't support the claim, the probate court won't bother with it.

If the would-be guardian submits an application with the necessary medical statement, the probate court will have one of its own investigators check out the claim of incompetence. The investigator will meet with the proposed ward and try to determine whether the person is able to make decisions about his or her health care and finances. In my experience, these investigators are very conscientious, trying very hard to make a fair determination. The investigator then reports back to the probate court. If the investigator reports that the proposed ward seems unable to handle his or her own affairs, the guardianship process will continue. If the investigator reports that the proposed ward seems capable of handling his or her own affairs, the guardianship process ends.

If the investigator reports that the would-be ward seems unable to handle his or her own affairs, the probate court will set a hearing date on the guardianship application at which the proposed ward can oppose the application.

Suggest a Newsletter Topic

I try to write something new (and useful) in my newsletter every week. So, I know that I will sometimes have writer's block. I'd like your help, please.

If you have a topic for my newsletter that you'd kindly suggest, I promise to consider it. (I don't promise to pursue it. I just promise to consider it.) I try to write about issues concerning seniors, health care, long term care, special

needs, Veterans Pension (aka Aid and Attendance) benefits, and Veterans Compensation benefits. Please keep your suggestions within or near to those topics.

Please submit your suggestion [here](#). If I use your topic suggestion, I'll put the content in both my blog and newsletter.

Thank you for your help.

Social Media Posts from the past week

10-08-2015 #Genetic link to #Autism <http://ow.ly/RPif1>

10-07-2015 Difficult emotions for #FamilyCaregiver when relationship with #AgingParent is strained <http://ow.ly/RPmIQ>

10-06-2015 #HomeCare payment alternative to for #OlderAdults that cannot get #LongTermCareInsurance <http://ow.ly/RPaCI>

10-05-2015 Choosing among #LongTermCare options for an #AgingParent <http://ow.ly/RPImv>

10-04-2015 Strategies for dealing with #ChronicPain <http://ow.ly/RPnYM>

10-03-2015 Is there a time when #OlderAdults get too old for to start something? <http://ow.ly/RP9By>

10-02-2015 #Legal Issues when someone has #Dementia – #Guardianship <http://wp.me/p47F09-bd>

Older social media posts can be found in the [social media post archive](#) on the firm's website, ProtectingSeniors.com.

The Koewler Law Firm News

10-28-2015 Jim Koewler will discuss Preventing Senior Fraud at Southwest General Medical Center in Middleburg Heights, Ohio. Continuing education credit is available for Certified Case Managers, social workers, counselors, and nurses.

10-28-2015 Jim Koewler will discuss Helping Reluctant Seniors accept the benefits of Long Term Care at Westlake Village in Westlake, Ohio.

Continuing education credit is available for Certified Case Managers, social workers, counselors, and nurses.

10-30-2015 Jim Koewler will present Legal Lessons for Life at Marous Construction in Willoughby, Ohio.

Older items of firm news can be found in the [news archive](#) on the firm's website, ProtectingSeniors.com.

Jim's available presentations

- Overcoming Seniors' Resistance to Long Term Care (Continuing Education credit available for social workers, counselors, nurses and Certified Case Managers)
- Preventing Senior Fraud (Continuing Education credit available for social workers, counselors, and nurses)
- My Care Ohio and Medicare/Medicaid “Dual Eligibles” (Continuing Education credit available for social workers, counselors, and nurses)
- Navigating Medicaid, Medicare, and the Affordable Care Act (Continuing Education credit available for social workers, counselors, and nurses)
- What people Know about Long Term Care that is Wrong (Continuing Education credit available for social workers, counselors, and nurses)
- Government Benefits that can help Pay for Long Term Care (Continuing Education credit available for social workers, counselors, and nurses)
- Legal Issues for People with Dementia (Continuing Education credit available for social workers, counselors, and nurses)
- Veterans Benefits for Long Term Care (Continuing Education credit available for social workers, counselors, and nurses)
- Advance Directives – Powers of Attorney, Living Wills, etc. (Continuing Education credit available for social workers, counselors, and nurses)
- Buying Long Term Care Insurance Wisely (Continuing Education credit available for social workers, counselors, and nurses)
- Planning Ahead to Protect against Long Term Care Costs (Continuing Education credit available for social workers, counselors, and nurses)
- Organizing for Long Term Care (Continuing Education credit available for social workers, counselors, and nurses)
- Pre-planning your Funeral (Continuing Education credit available for social workers, counselors, and nurses)
- Elder Law: A Primer (Continuing Legal Education credit available)
- Legal Lessons for Life
- Protecting your Money when you need Long Term Care and Essential Estate Planning Considerations (with free living wills for up to 20 audience members)
- Myths about Long Term Care Costs
- How to help your Parents Manage their Affairs
- Legal Lessons for Life

Upcoming meetings

10-14-2015 Medina County Senior Services Network, The Avenue at Medina, Medina, Ohio, 8:00 a.m.

10-14-2015 Summit Senior Sales, Administrators and Marketers Association, Heather Knoll, Tallmadge, Ohio, 2:30 p.m.

10-15-2015 UH Bedford SeniorNet Legislative Awareness Committee, Panera, Warrensville Heights, Ohio, 3:00 p.m.

10-19-2015 Medina County Senior Services Network's Education Committee, Tres Potrillos, Medina, Ohio, 11:30 a.m.

10-20-2015 UH Bedford Medical Center Senior Network, Montefiore, Beachwood, Ohio, 8:30 a.m.

10-21-2015 Geauga Professional Association Specializing in Seniors ("PASS"), Brooks House Assisted Living, Hiram, Ohio, 8:30 a.m.

10-22-2015 Portage Senior Services Network, Family and Community Services Building, Ravenna, Ohio, 8:30 a.m.

10-22-2015 Parma Hospital Senior Resource Network, UH Parma Medical Center's Health Education Center, Parma, Ohio, 8:30 a.m.

10-23-2015 Eldercare Professionals of Ohio, Crossroads Hospice, Valley View, Ohio, 9:00 a.m.

10-27-2015 Summit County Senior Services Network, Anthony Kucko Kertesz Funeral Home, Akron, Ohio, 8:00 a.m.

10-27-2015 Professional Networking Group, Brentwood Healthcare Center, Sagamore Hills, Ohio, 8:30 a.m.

10-27-2015 Wayne Holmes Senior Service Coalition, Wayne County Care Center, Wooster, Ohio, 8:30 a.m.

10-29-2015 The Association of Specialists in Aging, Mentor Senior Center, Mentor, Ohio, 8:30 a.m.

11-3-2015 Aging Services Network of Euclid, Euclid Hospital's Waltz Auditorium, Euclid, Ohio, 8:30 a.m.

11-4-2015 Stark Senior Services Network, Canton Baptist Temple, Canton, Ohio, 9:00 a.m.

11-5-2015 Richfield Chamber of Commerce luncheon, The Taverne of Richfield, Richfield, Ohio, 11:45 a.m.

11-4-2015 Medina County Senior Services Network's Client Services Committee, Sully's, Medina, Ohio, 3:00 p.m.

Newsletter Archive

Past issues of this newsletter can be found in the [newsletter archive](#) on the firm's website, ProtectingSeniors.com.

Contact Jim Koewler

If you'd like to contact Jim, this newsletter has a dedicated [contact page](#) on the firm's blog site, ProtectingSeniorsNews.com.

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