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5 TIPS FOR CHOOSING AN ELDER LAW ATTORNEY



By Brenda D. Colbert, Esq., CELA* and Kevin R. Grebas, Esq., CELA*

The particular legal issues that affect seniors are complex given the number of laws and regulations that intersect in this discipline. Often, legal actions taken regarding a certain matter may have serious negative consequences in another. Elder Law Attorneys must have broad knowledge in all areas of the law that affect their clients in order to ensure that future problems do not arise. These areas include estate planning with Wills, Trusts, and Powers of Attorney, Asset Protection from nursing home costs, Medical Assistance, Medicare, Social Security, and other government benefits, Trust and Estate Administration, and so on. So, how do you choose the right attorney for your elder law needs?

Tip #1 – Look for an Experienced Elder Law Attorney

The attorney that you choose to handle your elder law issue must have the necessary experience to effectively resolve your matter. Experience comes with years of practice and a dedication to the practice of Elder Law. The most sure-fire way to determine if an attorney has the level of experience you are looking for is the Certified Elder Law Attorney or CELA designation. An attorney with the CELA designation has been certified by the National Elder Law Foundation (NELF) as an expert in the field of Elder Law. In other words, NELF has done the work for you.

A CELA designation means that the attorney has practiced for at least 5 years and has demonstrated a substantial involvement in the field of elder law. The attorney must also undergo a review by other attorneys indicating ethical integrity and competence. The CELA attorney would have demonstrated knowledge and expertise by passing a rigorous examination. The attorney must then be re-certified every five (5) years. There are currently fewer than 60 CELAs who practice law in Pennsylvania.

Tip # 2 – Look for a local Elder Law Attorney

An attorney who lives, works, spends, hires, and invests in NEPA will have a vested interest in the favorable outcomes of NEPA client matters that may not be present in an attorney who merely has a satellite office here. A local attorney will be more convenient and accessible to you. A local attorney will also have the best working knowledge of the resources available to clients here in NEPA. Most importantly, a local attorney with a strong connection to NEPA will most likely treat you like a neighbor, and not just a number.

Tip # 3 – Look for an Elder Law Attorney who gives you Peace of Mind

Peace of mind comes with knowledge and understanding. If you are dealing with an elder law issue, such as a loved one needing nursing home care or having special needs or

even planning your own estate, you may feel anxious and fearful. This is understandable especially because of the many misconceptions in the community concerning these issues. An elder law attorney should alleviate your fears by educating you about the facts concerning the rules and regulations that impact elder law issues and by providing viable and tailored solutions to your particular issues.

Tip # 4 – Look for an Elder Law Attorney who represents only seniors, not institutions

An elder law attorney should always have the best interest of the senior in mind. Your elder law attorney should be committed to helping individuals to work with institutions, but should not represent those institutions because a conflict could occur when loyalties are divided.

Tip # 5 – Look for and attend Educational Events by the Elder Law Attorney

One of the best ways to get to know an attorney and to get valuable information about elder law issues and solutions is to attend educational events given by the attorney in the community. Attending such events will give you an opportunity to evaluate your level of comfort with the attorney prior to an initial consultation.

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GRANDPARENTS CALLED UPON TO RAISE GRANDCHILDREN



Older adults whose children have grown up often look forward to the next stages in life, which may involve retirement, downsizing and enjoying visits with their grandchildren. A growing number of aging adults may find themselves playing a key role in their grandchildren's lives.

According to data from the U.S. Census Bureau, 2.7 million grandparents across the country are stepping into parental roles for their grandkids. Some assist their adult children while others have become the primary caregivers. Factors like military deployment, illness, incarceration, and substance abuse are forcing grandparents to take on responsibilities they may have thought were over. PBS reports that, between 2009 and 2016, the number of grandparents raising grandchildren in the United States rose by 7 percent.

Although raising the next generation can

bring about many rewards, including security, sense of purpose, a deeper relationship with family, and social interaction, there are many obstacles as well. That includes the financial strain that raising children can place on individuals unprepared for the cost of child-rearing. Census figures also show that about one-fifth of grandparents caring for children have incomes that fall below poverty level. Grandparents may be rusty concerning safety requirements and equipment now needed to care for grandchildren as well.

As grandparents navigate the unexplored waters of raising grandchildren, there are certain factors they need to consider.

Legal advice or advocacy

Certain circumstances may require grandparents to seek legal help so they can raise

their grandchildren in lawful ways. If there is neglect, divorce, arrest, or other factors, it may be a smart idea for grandparents to seek the help of an attorney or advocacy group to clarify their legal rights and ensure access to grandchildren. In addition, grandparents may need certain legal documents, such as a power of attorney, citizenship papers, adoption records, or consent forms.

Get educated

The rules have changed since grandparents raised their own children. It is important they learn as much as possible on child safety guidelines. Consumer advocacy groups or pediatricians can help explain how guidelines

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GRANDPARENTS

from 10

have changed. New furniture and toys that meet current safety guidelines may have to replace older, unsafe items.

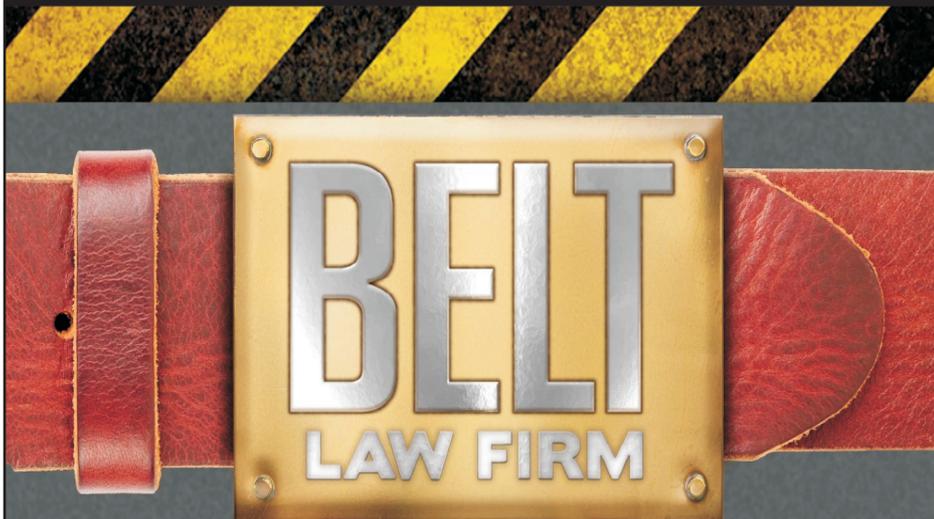
Take care of yourself

Raising grandchildren can be emotionally taxing, especially if poor circumstances led to the grandchildren being placed with family. It is crucial to recognize feelings and one's own health when caring for others. A grandparent who is exhausted or overwhelmed may not offer the appropriate care. Emphasizing one's own mental and physical health is essential, as is getting help and advice when it's most needed. The organization AARP recommends compiling a list of support services, such as respite care providers, counselors and support groups.

Grandchildren will have feelings, too

Children, whether they are old enough to understand or not, may react to change differently. Some children may act out while others may grow detached. Grandparents can focus on providing stable environments and offer support and consistency even if grandchildren are withdrawing or pushing their loved ones away with words or actions. Raising grandchildren can be complicated, but it has become more prevalent. It can take time for these new family units to find their grooves. More information is available at www.aarp.org in their Grand-Families Guide.

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REDUCE ACCIDENT PAIN AND HEAL WITH CHIROPRACTIC CARE

Did you know that automotive accidents are one of the leading causes of injuries? In 2012, more than 5.6 million car accidents were reported to law enforcement and car insurance companies, and the numbers keep growing. The attorney referral service and legal information resource Find Law says the economic cost of car accidents is estimated at \$277 billion each year.

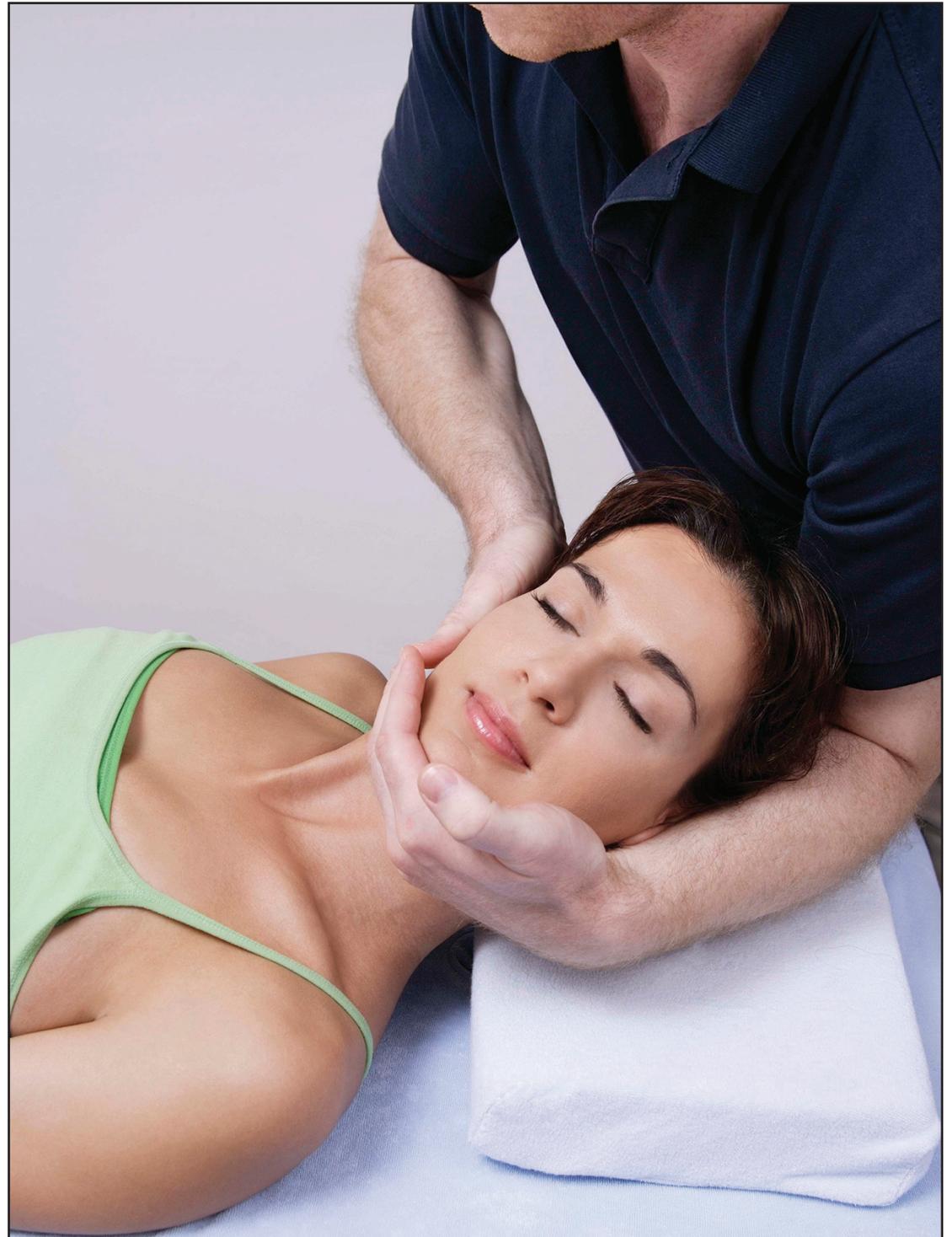
In addition to causing property damage and damage to the vehicle, car accidents can result in various bodily injuries that may impact a person's ability to function and work. Some of the more common injuries include trauma to the head, back and neck. Many different treatments can help people who have been involved in auto accidents. Including chiropractic care in treatment plans may help people decrease their pain and improve their mobility.

It is important for people involved in auto accidents to seek medical care immediately even if the need for medical attention doesn't seem readily apparent. Adrenaline can staunch symptoms, and a person may exacerbate an injury if he or she hasn't undergone a medical exam after a car accident.

Persons involved in auto accidents can visit chiropractors as part of their post-accident treatment plans. Chiropractors can perform various services to help people overcome their injuries.

- Assess invisible injuries. Whiplash can produce symptoms hours or even days after an accident. Soreness, dizziness and pain may not register on X-rays or imaging tests. However, a chiropractor may have the tools to assess injuries that result from tension, misalignment and micro-tears in ligaments and muscles.
- Reduce inflammation. Chambers Medical Group says that spinal manipulations and pressure release techniques can realign the spinal column and help release an anti-inflammatory substance through the body that can lower pain and inflammation.
- Improve pressure. Manipulations also can reduce pressure in the neck area, which in turn may ease the pain of headaches, stiffness, dizziness, and even ringing in the ears, according to the chiropractors at Pain Stop Clinics.

Chiropractic care may be used alone or in concert with other treatment options. Medical professionals can work together to provide a regimen that will ease pain and help patients get on the road to recovery.



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WORKERS' COMPENSATION

Article submitted by Munley Law

Everyone wants to believe that they work in a safe environment, but workplace accidents can happen at any time. Workers' compensation is a type of insurance that provides lost wages or medical benefits for employees in case of an injury at work. In return for workers' compensation, the injured employee waives all rights to sue their employer. Here are a few basic steps to follow in case you get hurt at work.

Document your accident as soon as it happens. File a claim with your company stating exactly what happened, where, how and when, and include any eyewitnesses. This way, the company will have no reason to doubt that the accident did indeed happen in the workplace. Otherwise, the company and their insurance agency may find it necessary to investigate the incident.

Next, visit a company-approved doctor as soon as possible. The longer you wait, the greater the chances that your injury could become worse. Additionally, the doctor will provide insight as to the recovery process, how soon you can return to work, or how much time off from work you will need to heal properly.

After visiting the doctor, an official workers' compensation claim should be filed with your employer. This claim should include what was documented in your initial incident report, as well as the doctor's treatment plan and recovery instructions. Workers' compensation will pay for this process, and typically as soon as it is determined that time off from work is needed, wage replacement pay will begin.

The final step in the workers' compensation process is returning to work. Although your employer and the insurance company will want you to return to work as soon as possible after your injury, it is important not to do so until you are fully and properly healed. If you return to work before you are completely physically able, you automatically put yourself at risk for a workplace accident to occur again.

The most important thing to remember after an accident happens in the workplace is that you have rights that were put into place to protect you, and your place of employment cannot take advantage of you. Following these basic steps for workers' compensation should guarantee that your employer pays for your medical treatment and any lost wages should you need medical leave, thereby protecting you and your rights as an employee. If your employer denies your workers' compensation claim, pressures you to return to work before you have healed, or if you simply have questions about the workers' compensation claims process, a workers' compensation lawyer at Munley Law can help.

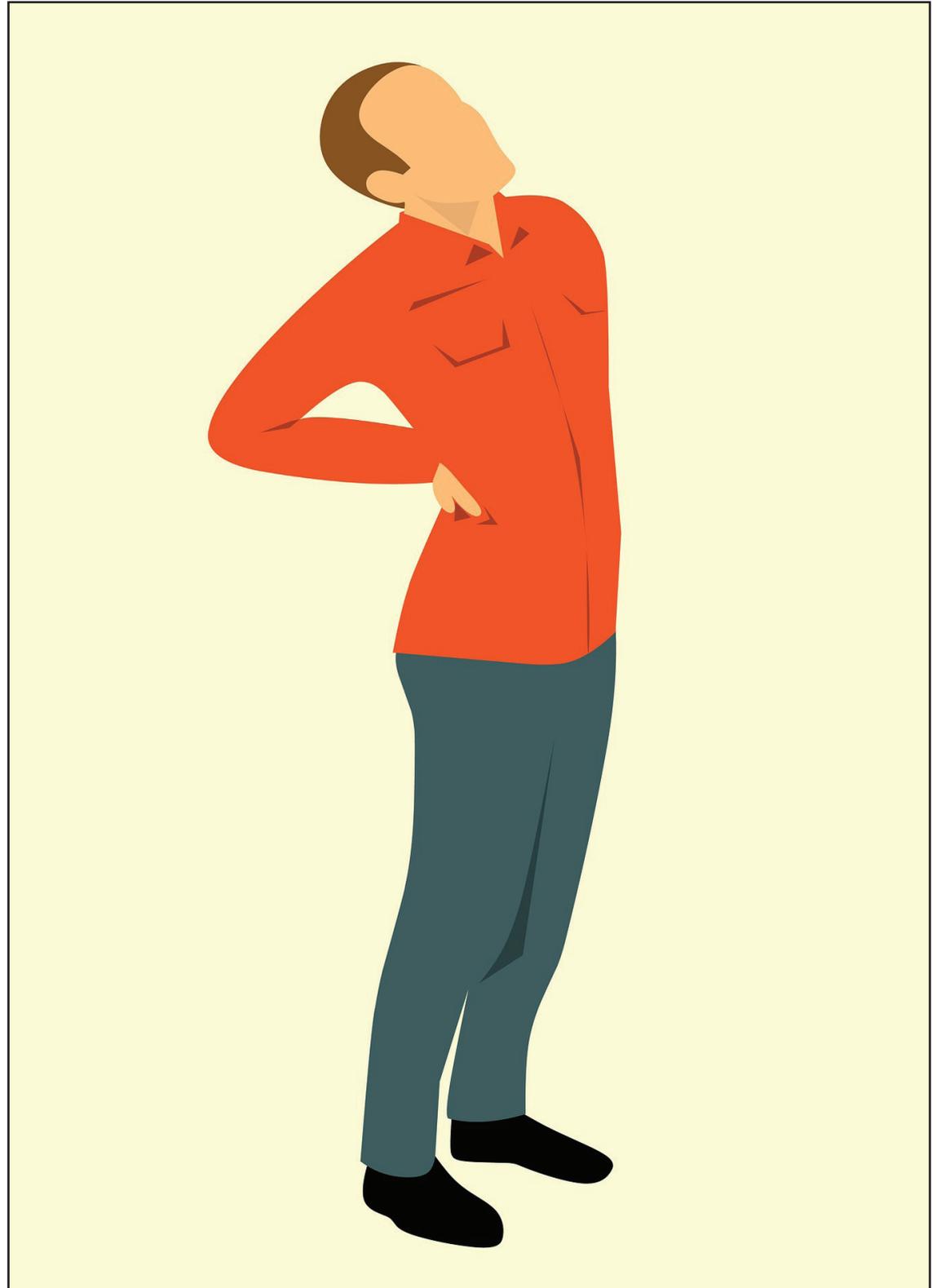
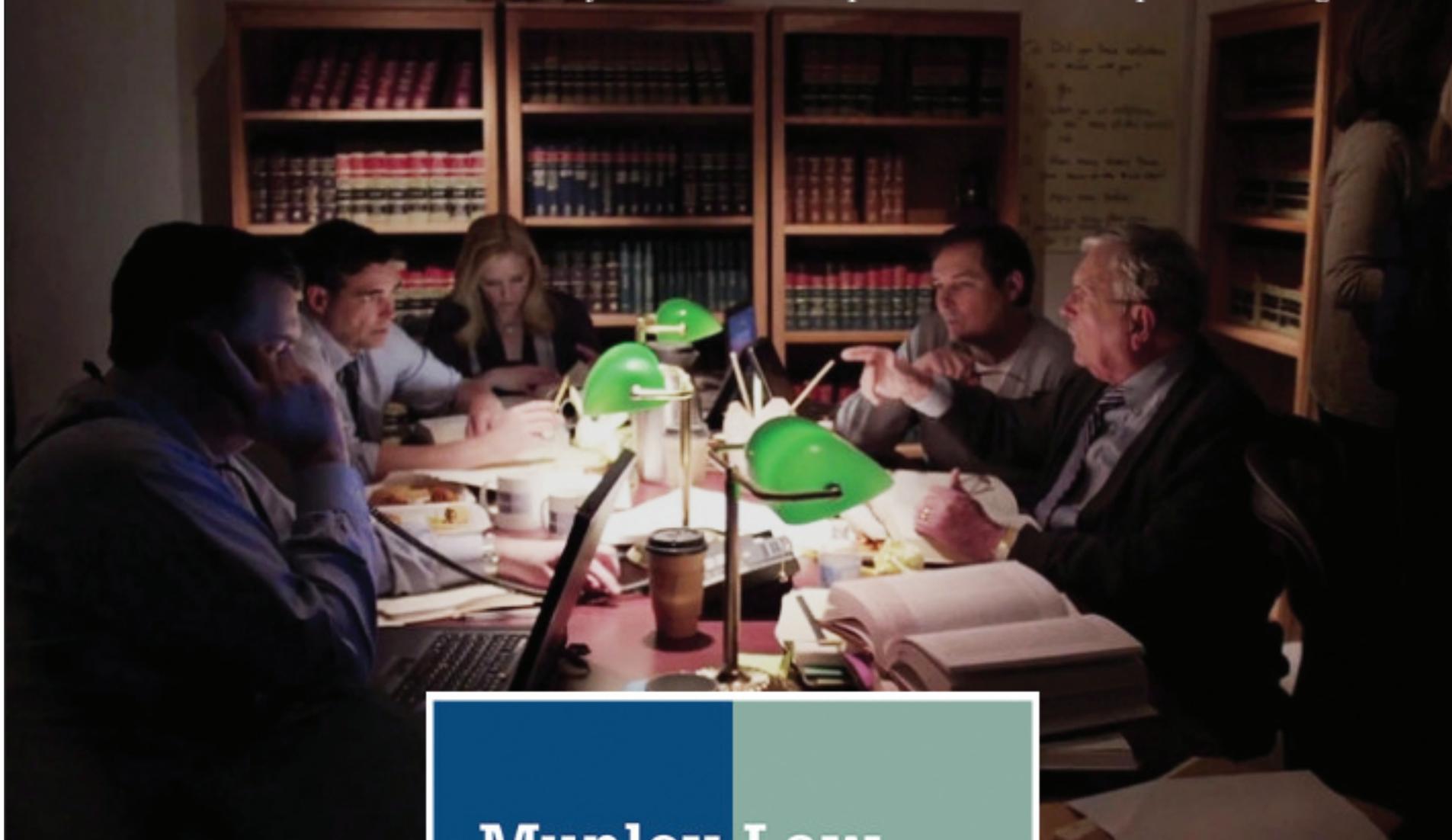


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HAVING THE TOUGH CONVERSATIONS



By William E. Vinsko, Jr., Esquire with
Brian M. Vinsko, Esquire and Catherine Mihalick, Esquire,
CTFA

You probably don't want to approach the subject of death; however, it's extremely important to have a conversation about Estate Planning, especially between older parents and their adult children. You may be hesitant to raise the subject for a number of reasons. Children may not think it's their place to raise the issue or they may be waiting for Mom or Dad to bring it up. You might be uncomfortable discussing it or simply don't want to think about the losing your parents.

While it may be uncomfortable or even awkward discuss, we urge you to address the subject. Here are some questions to help begin the conversation:

Things to Ask Estate Plans and Wishes

• **DO YOU HAVE A WILL?** If you don't have a legally enforceable, written document, the state will decide who gets what of your money and property. You and your parents can avoid issues for your loved ones by planning now. This will save your family time and heart-ache after death. Failing to even establish a will can push your estate into intestate succession, meaning the courts will decide what family members will get and how much.

Even if you don't have significant assets, it's important to create a Last Will and Testament

to ensure that your wishes about any property you own are followed.

Also, be sure to find out where the last will and testament is. Does the attorney have it? Is it in a file somewhere? Is it in a safety-deposit box? Knowing this will help speed up the process of estate probate, which is a legal process involving concerns such as:

- Proving the validity of a will
- Assembling the decedent's assets for distribution
- Making distributions to those named in the will
- Paying back debts
- Preparing inheritance tax returns
- Addressing the breach of fiduciary duty

• **DO YOU HAVE A POWER OF ATTORNEY and a MEDICAL DIRECTIVE?** Power of Attorney is a legal document giving the authority to act for another person in specified or all legal or financial or health care issues. A Medical Directive, also known as a Living Will, is a legal document which outlines health care wishes should you or your parent not be fit to make them known.

• **IS THERE ANYTHING I SHOULD KNOW?** Ask about detailed desires so you know your loved ones' preferences -- burial or cremation, which funeral home and cemetery, and what to do with ashes, for example. One of our clients who was ailing planned her funeral down to the last detail to save her loved ones that heartache. We made sure she communicated this to her husband so he didn't have to guess at her wishes.

How to Broach the Topic

Now that you know what to ask, what's the best way to bring up this topic? You know your family best of all. You may want to introduce the subject of estate planning over a cup of coffee with just one person. You may sit everyone down at a family dinner. If your family has a great sense of humor, you can break the ice with a joke. Or, you can even reference this article. You can mention that you were reading the Times Leader's Attorney Guide and the article by Vinsko & Associates' suggested that you have a conversation about estate planning with your family. In our experience, you will feel relief once you address the subject of Estate Planning.

Please contact us at 570-970-9700, info@vinsko.com, www.vinsko.com or message us on Facebook, if we can help you and your family with Wills, Power of Attorney, Medical Directive or any aspect of estate planning.

William E. Vinsko, Jr. is the founder and managing partner of Vinsko & Associates, P.C., a full service law firm with offices in Wilkes-Barre and Philadelphia. Brian M. Vinsko is an Associate at Vinsko & Associates, specializing in Family Law, Real Estate Law and Personal Injury. Catherine Mihalick, Esquire, CTFA, is an Associate at Vinsko & Associates with expertise in Estate Law and Planning and is a Certified Trust and Financial Advisor. Vinsko & Associates, P.C. has been providing legal counsel and exceptional representation to individuals, families and professionals in Pennsylvania for more than 15 years.

HOW TO FIND AN ATTORNEY



Attorneys can help people at various times in their lives. Much like doctors specialize in particular types of medicine, attorneys also tend to focus on one area of the law. For example, some lawyers might specialize in criminal law, while others may help their clients with estate planning.

Choosing an attorney is an important decision, and one that many people will need to make at least once during their lifetimes. The following tips can help people find an attorney to help them with whatever legal advice they need.

- Book an initial consultation. Initial consultations are typically free of charge and these meetings often give people a first impression of an attorney before they have to spend any money. Initial consultations are a great opportunity to gauge an attorney's personality and demeanor, determine his or her experience

and even his or her outlook for your particular case. Book consultations with as many attorneys as necessary until you feel comfortable making a decision.

- Be ready to ask questions. Attorneys should not be the only ones to speak during a consultation. Make a list of general questions and questions specific to your case and don't hesitate to ask them. Ask about the attorney's accessibility should he or she become your attorney, making sure to determine if the attorney or someone else, such as a paralegal, will be your primary contact during your case. Many people are most comfortable with attorneys to whom they can speak to directly throughout their case, and that's an important point to consider for people who may never have needed an attorney in the past.

- Discuss costs. Attorney fees are not immaterial, no matter how serious a case might be.

Attorney fees vary widely, and professional legal advice is often expensive, especially when cases are complex and lengthy. Expect to sign a contract regarding fees before an attorney begins working on your case. Many attorneys will provide cost estimates, so get those in writing.

- Seek recommendations. As noted, many people require the services of an attorney at least once in their lifetimes. So don't hesitate to ask family, friends or coworkers for recommendations. Word-of-mouth can be a great way to find a reliable, trustworthy attorney. In addition, certain organizations may be helpful. For example, AARP might recommend lawyers who specialize in estate planning.

Attorneys help people who need legal advice. Finding the right one involves careful consideration of a host of factors.

Injured?

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