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If You're Going to San Francisco

See the West by Rail This Year

You've heard traveling is more about the journey than the destination, but why not have both? A journey by train is one of the most classic and relaxing ways to see the country, and when your destination is the beautiful City by the Bay, you really can't go wrong.

The California Zephyr is well known as one of the world's most scenic passenger rail routes, running daily from Chicago, Illinois to Emeryville, California just across the iconic bay bridge from San Francisco. The journey takes around two days and showcases the sort of jaw-dropping landscapes only found in the Wild West. At 2,438 miles in length, the route passes through the Rocky Mountains and the Sierra Nevadas before reaching San Francisco. From the observation car, you can behold the views of Ruby Canyon and pass through the 6-mile long Moffat Tunnel over the Continental Divide.

Get a roomette in the sleeping car, which sleeps two people, and settle in for the long journey. Bring a good book for the lulls in scenery. It's a long journey across the country! The dining car on the train is a great place to socialize and meet

your fellow passengers, and you'll love the view from the lounge car on the upper deck — the best seat in the house.

San Francisco welcomes you at the end of your long journey, and reaching the edge of the world will feel even sweeter after having spent the last two days watching over half the country fly by. From the station, take the Emery Go Round to the Bay Area Rapid Transit (BART) to head into the city, or take a Thruway Motorcoach over the San Francisco Bay Bridge to enjoy the skyline as you approach.

Once you've made yourself at home, spend a few days getting to know San Francisco. Walk the Golden Gate Bridge, visit the San Francisco Museum of Modern Art, and dine with the locals in the Mission neighborhood. Missing the beach? Take the N-Judah line straight out to Ocean Beach for a walk in the sand and a Frisbee toss or two.

There are so many ways to get from point A to point B, but traveling by train is certainly the most memorable. On the California Zephyr, you can have the best of your journey and revel in your destination, too.



NURSING HOME COSTS AND ESTATE PLANNING.



Did you know that an average nursing home in South Carolina costs \$190 per DAY! And that is just for "room and board." Almost all skilled nursing homes require their residents to contract with their pharmacy, which often increases prescription drug costs, and they all bill separately for all supplies and services, such as haircuts, nail care, laundry, etc. With those additional costs, most individuals in skilled nursing centers in the Columbia and Lexington area are paying around \$7,500 per month for their loved ones monthly care. Often in these situations the family comes to meet with us in a panic because they are spending such large amounts of money every month, and their loved one had no plan in place for how to pay for their care.

DO I REALLY NEED TO PLAN FOR LONG TERM CARE?

One of the things I hear the most often from elderly clients is "my family promised they would take care of me. I'm not ever going to a nursing home so I don't need to plan for that." This is one of the most frustrating conversations for me to have as an Elder law attorney because it is like reasoning with a toddler who has been promised ice cream, but the ice cream shop is closed. The toddler is upset because ice cream was promised, but ice cream is impossible because the store is closed. In the same manner, you cannot rely on the promise of a loved one to never put you into a skilled nursing facility. Ninety-nine percent of the time, that decision is out of the hands of your loved one. For most of my clients, the nursing home is the last place they want to put their mom or dad, brother or sister. But, circumstances, like medical needs and doctor's orders, put them in a position that they have no choice. US News & World Report recently posted

an article that found that 70% of people 65 or older will spend some amount of time in a nursing facility. Yet, the same article said that only 14% of persons age 65 or older have some type of plan to pay for their long term care.

WHAT HAPPENS WHEN PEOPLE DON'T PLAN

The Employee Benefit Research Institute (EBRI) did a comprehensive study in 2012 about the effect of long term care costs on an individual's finances and assets. The study is thorough and goes into a ton of detail, but the most shocking outcomes to me were as follows:

1. For people who stayed in a nursing home for less than 30 days the median household wealth was \$108,300.
2. For people who stayed in a nursing home for stays between 31 – 180 days the median household wealth was \$67,836.
3. For people who stayed in a nursing home for more than 180 days the median household wealth was only \$5,518.

These numbers show the devastating financial costs of nursing care, and these numbers are likely obvious to you if you sat down and did the math of what \$7,500 per month in nursing home costs would do to your own finances. Yet, less than 14% of people over the age of 65 do any type of planning for how they are going to pay for their long term care needs.

HOW DO I PLAN?

Well, every family is different, and in order to make recommendations that fit your family's unique situation, we would need to schedule a consultation. But, normal recommendations often include things such as: creating and funding certain types of protective trusts, making sure you have proper language in your Power of Attorney to allow your family to do long term care planning if you were unable to do it for yourself, and buying long term care insurance! I don't sell long term care insurance and don't make any money off of it, but I think it is so important. Is it cheap? No. But look at it this way – paying \$250 per month in premium for a long term care policy is less than the costs of paying for 2 days in a skilled nursing home.

If you have concerns about long term care planning and want to discuss options for planning that are unique to your family, please schedule a free consultation with us.

~ TC and Charity

A Guardian for Life

Special-Needs Children and Guardianship

Recently, we've had several clients ask us about guardianship for their special needs children and about when is the best time to begin the process. First, let's talk for a minute about what a guardianship is. When a child is born, their parents are listed on the birth certificate, and automatically given the legal role of guardian until the child turns 18. Unless those rights are changed by a court of law, that child's natural parents are his or her legal guardian.



That is why most parents can do things such as sign their child up for school, go to the doctor with their child, and access their child's medical records without any type of legal documentation. Of course, that all changes when a child, regardless of special needs, turns 18. Why? Because at the age of 18, South Carolina deems that a child is no longer a child who needs a Guardian but is an adult who can make their own decisions. But when you have a special needs child, their capacity to make their own decisions doesn't magically appear the day they turn 18. But the law, unfortunately, treats incapacitated persons who turn 18 as any other adult until a guardianship has been put into place. That means that the parents often cannot do things like attend doctor's appointments, agree to medical procedures, get access to educational records, etc. until a Court has legally appointed them the guardian of their adult child.

A guardianship is a legal proceeding with many filing and statutory requirements. If everything is filed correctly and approved by the court at a hearing, usually the probate judge will issue an order finding the incapacitated person incapable of managing his or her own affairs, and naming a person or persons to serve as guardian to make decisions for the incapacitated person. It seems almost ridiculous to most of my clients who have special needs children because obviously their child needs someone to help make decisions for them and now they have to get a Court order to continue to do what they have always done, which is care for their

child. I tell clients often that I wish they didn't have to go through this process to continue to do what they have always done, but the process is there to protect persons who are not as fortunate as their child is in having loving and caring parents.

It used to be fairly routine for us to see families with special needs children who did not begin the guardianship process until years after their child turned 18 because they did not have a practical need for a guardianship. They had been going to the same doctor for years who knew their family, and no one ever questioned the parents' authority to make decisions, even though the parents did not legally have that authority under SC law. However, in our litigious society, we are finding that clients are running into issues and need a guardianship in place much sooner now that hospitals, schools, doctor's offices, and other entities are scared of being sued for violating HIPPA or other privacy laws. Parents find that they suddenly cannot go to doctor's appointments, or cannot

Now, we generally recommend that clients begin the process about 2 months before their child turns 18. If you begin the process earlier than that, a hearing would likely be scheduled before your child turns 18 and the court would be barred from appointing a guardian, because a person under the age of 18 already has a guardian.

apply for government benefits like SSI, or cannot continue to meet with administrators or teachers at the schools their children are attending because they do not have this guardianship court order.

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	6	7					
	5					9	
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	7				2		
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ANSWERS

4	8	9	6	2	5	1	3	7
2	1	6	7	9	3	5	4	8
3	7	5	8	1	4	6	9	2
9	2	3	1	5	8	7	6	4
5	4	7	9	3	6	8	2	1
8	6	1	4	7	2	9	5	3
1	5	8	2	4	9	3	7	6
6	9	2	3	8	7	4	1	5
7	3	4	5	6	1	2	8	9

guardian, because a person under the age of 18 already has a guardian. If you wait much longer than that, the hearing could be months after the person turns 18, which puts the parents into a position where they might not be able to make decisions or get information about their child that they need.

If you or someone you know have questions about the guardianship process in South Carolina or a special needs child who is about to turn 18, please give us a call. I know we say this often, but our consultations are always free. We want to be a resource and tool for the special needs community, which is one of the reasons we focus our practice on the special needs area of the law.



Managing Mondays

Take the Dread out of Monday Mornings

Monday has unfortunately earned the reputation of disdain from every nine-to-fiver and school-going person on the planet. It's the clichéd day to hate, but it doesn't have to be. How you define the day -- good, bad, or somewhere in between -- all comes down to how you start your morning. Here's what you can do to turn your next Monday into a day that sets a tone of calm and success for the week.

USE SUNDAY NIGHT TO YOUR ADVANTAGE. While you're watching your favorite Sunday night TV programs (or during the commercial breaks) make lunch for the following day -- or heck, make lunch for the entire week. While you're at it, prep the coffeemaker, organize your clothes, charge your phone, and set out your wallet keys, and other accessories you carry on the daily.

GET OUT OF BED EARLY. Set your alarm slightly earlier than you normally would. Then, go to bed at a reasonable time to ensure you get the hours of rest you need. Not only will you be able to hit the snooze button guilt-free (you're going to do that regardless of what any article recommends), but you'll be out of bed at least a few minutes early. You'll gain several precious minutes to do everything you need before heading out the door.

KEEP BREAKFAST SIMPLE. You can still have a nutritious and delicious breakfast without a production -- or having to rely on unhealthy fast food. Come morning, make a simple breakfast. Keep the ingredient list short. A healthy breakfast sandwich doesn't need to have anything more than egg and avocado between two pieces of toast. That's good eats. If you're feeling extra adventurous, sure add meat or cheese, but nutritionally, the healthy fats, proteins, and complex carbs in the toast, egg, and avocado will take you all the way to lunchtime.

