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"READY-READY" MODE FOR ESTATE PLANNING DOCUMENTS

a. THE WILL (OR LIVING TRUST) may need to be re-structured so that assets don't unintentionally pass, upon death, to the Nursing Home or Assisted Living facility.

b. THE POWER OF ATTORNEY may need to be augmented to specifically list all of the provisions of the NJ Medicaid code which are the exceptions to the 5-yr. lookback rule.

c. THE LIVING WILL: may need to be much more specific and detailed from the format generally used when someone is younger and healthier.

This prevents the family members, or authorities, from accusing the agent of running afoul of what their loved one wants (or doesn't want) in various medical situations.

d. THE HEALTHCARE PROXY: Designates someone to be in charge of making certain:

(1) that medical treatments, that their loved one doesn't want, is forced upon them by health-care providers.

(2) that medical treatments, they do desire, are not withheld from them.

(3) that their loved one's funeral, religious and memorial wishes are effectuated accordingly.

Having such documents in the "ready-ready" mode enables the loved one's agent to implement the exceptions to the NJ Medicaid 5-yr. lookback when assets are transferred or re-titled.

The documents also serve to shield, for the loved one's agent to ward-off attacks from:

- (1) Dissident Family Members
- (2) Government Institutions and Agencies
- (3) Healthcare Providers
- (4) Financial and Banking Institutions
- (5) Adult Protective Services
- (6) Health Insurance Providers
- (7) Medicaid and Medicare

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Elder Law and NJ Estate Planning Strategies

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