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New Jersey Elder Lawyer

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THE CAREGIVER CHILD

A house can be transferred to a caregiver child . This is an exception to the Medicaid 5-yr. lookback rule. In order for this exception to be granted, the following conditions are required.

1. The parent's diagnosis must be a chronic degenerative condition. It cannot be a condition that is rapid onset.
2. A deed must be prepared and recorded which shows the child as the new owner. Medicaid may also want to see a copy of the deed whereby the parent originally took title.
3. A doctor's letter must clearly state that to the best of that physician's knowledge, information and belief, the child provided care that exceeded normal personal support activities such as shopping and transportation. It must have been care essential to the parent's health and safety such as supervision of medication, monitoring nutritional status, and insuring the parent's safety. The note must include a statement that the care was sufficient to have allowed the parent to remain in his/her own home, for at least 2 years, instead of being placed in a nursing home or assisted living arrangement. This note must be on a doctor's letterhead including the address and phone number for verification.
4. The child must show verification that he/she lived with the parent for 2 years prior to the parent being admitted into the nursing home or assisted living facility.
5. The child must prepare a statement with regard to his/her employment. If he/she was not employed, what was the means of support. If he/she was employed, who was the parent's caregiver during working hours.

Sincerely,

James C. De Martino

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James E. De Martino is licensed to practice in the State of New Jersey.

Our practice is limited to estate planning, long-term care planning, and NJ Medicaid asset protection.

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Elder Law and NJ Estate Planning Strategies

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