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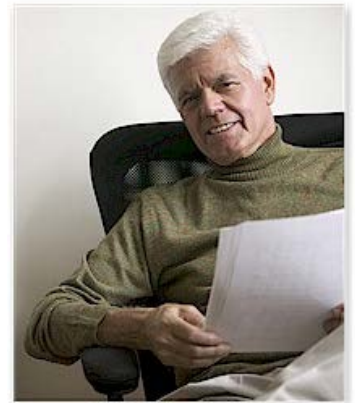


NURSING HOME BOUND? CHANGE YOUR ESTATE PLAN!

By James E. De Martino, NJ Lawyer

If a loved one is New Jersey nursing home bound, it is imperative that you re-visit your estate plan.

1. **Your Will:** If your Will leaves part of your estate to a nursing-home bound loved one, you will need to dis-inherit that person to the extent permitted by law. You will need to engage an attorney in your state because the rules of disinheritance can be very state-specific.
2. **Your Power of Attorney:** most Powers of Attorney we see are very anemic—only 2-3 pages long. This is not to say that these Powers of Attorney are "wrong" or "legally incorrect." We feel, however, that they cover only a few bases when there are a multitude of areas of exposure. Our Power of Attorney is nearly 30 pages long. **It goes without saying that you should avoid downloaded forms** or pre-printed instruments found in stationary stores. In order to cover all areas of exposure, see an attorney who is totally versed in all aspects of Medicaid planning. **Another factor:** definitely change your Power of Attorney if it names the **nursing home-bound loved one** as your agent.
3. **Your Living Will and Healthcare Directive:** make certain that the format your hospital or attorney uses will be viable beyond state lines. Your loved one may be hospitalized out of state due to the fact that the medical specialist will be located there.



Additionally, your loved one may be hospitalized while on vacation or traveling in another state.

In addition to naming healthcare agents to act for you (if you can't act yourself), our Living Wills contain FOUR DIFFERENT MEDICAL SCENARIOS for someone to consider. Under EACH scenario, we ask the person to make decisions on hypothetical medical procedures.

Once again, many documents we review are too general and vague.. They cover only a few bases when there are numerous other areas of exposure.

New Jersey allows a very general witness acknowledgment. Other states require a witness to make several statements, in affidavit form, to give the Living Will and Healthcare Directive more clout.

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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