

eldercare lawyers

What is Elder Law?

Elder Law is the practice of law relevant to the legal issues that particularly affect people 65 years and older. The goal of elder law is to shift and expand the emphasis from the limited focus of estate planning and the financial issues surrounding death to include Life Planning Issues.

What are Elder Law Issues?

Elder Law has expanded to address the multiple life planning issues facing the elderly. Life planning is about individuals and their families working with elder care lawyers to design strategies focusing on two major areas:

1. Health and personal care planning
2. Income and asset protection and preservation

Life Planning Issues include:

- Benefits Conservatorship
- Durable Power of Attorney
- Elder Abuse
- Estate Planning
- Financing Long-term Care
- Guardianship
- Health Care Proxy
- Medicaid
- Medicare
- Living Will
- Wills

Medicare is the nation's public health care system for the elderly, does not cover the cost of long-term custodial care. It also does not provide for most nursing home and home health care services.

Medicaid is the nation's primary health insurance program for low-income families and finances acute and long-term care. Medicaid will not pay for these services of the elderly whose assets exceed Medicaid income and asset limitations. Individuals must "spend down" or deplete most personal assets to satisfy eligibility requirements.

Guardianship involves a court hearing that allows for the appointment of a surrogate decision-maker (a guardian). The guardian is selected for an incapacitated or disabled person who has lost the physical or mental ability to make or communicate the informed decisions needed to manage their affairs. The court also determines the extent of the individual incapacity. Any relative, state official, or other person may make this request.

Conservatorship or **limited guardianship** limits the exercise of broad authority over the affairs of the incapacitated individual.

Power of Attorney authorizes another person to act for you as your agent. Name only someone you absolutely trust.

Durable Power of Attorney is an advance directive that allows your agent to act even if you become incompetent. It will be effective when you sign it or when two physicians state, in writing, that you are not capable of handling your affairs. This second option is called a "springing" power. Depending on what you say your agent may be able to sign legal documents in your place, buy and sell real estate for you, pay your bills and take other actions on your behalf.

A Living Will is an advance directive allowing individuals to make their wishes known concerning their future health care, should they lose capacity because of illness or progressive problems associated with aging.

Elder Abuse can be defined as the physical, sexual, psychological, or financial abuse of the elderly, otherwise causing the deprivation of their human rights by their relatives or caretakers. Elder abuse may occur within the family home or in institutional settings.

Health Care Proxy is consent given in writing to someone designated to make a broad range of decisions for a person who is not able to give informed consent. This form can be completed without the assistance of a lawyer. Contact your physician or call the Western New York Alzheimer's Association chapter for a copy. Quickly create your own **health care proxy** with an automated online form at www.lawdepot.com.

eldercare attorneys & legal services

LEGAL SERVICES

Bar Association of Erie County

438 Main St. 6th Floor
Buffalo, NY 14202
P: 716.852.3100 | F: 716.852.7641
www.eriebar.org

Legal Services for the Elderly (Based on income)

Main-Seneca Bldg.
237 Main Street, Suite 1015
Buffalo, NY 14203
P: 716.853.3087 | F: 716.856.5317
www.lsed.org

Legal Aid Bureau of Buffalo, Inc.

237 Main Street Suite 1602
Buffalo, NY 14203
P: 716.853.9555 | F: 716.853.3219

ALLEGANY COUNTY

Richardson & Pullen, PC

David T. Pullen

21 Minard Street
PO Box 182
Fillmore, NY 14735
P: 585.567.2222 | F: 585.567.2221

Woltag, Mark

164 North Main Street
Wellsville, NY 14895
P: 585.593.1090 | F: 585.593.6540

CATTARAUGUS COUNTY

Bulson, Raymond W.

6 South Main Street
PO Box 248
Portville, NY 14770
P: 716.933.8792 | F: 716.933.8793

DiCerbo, Nicholas A.

410 Community Bank Bldg.
Olean, NY 14760
P: 716.373.2165 | F: 716.373.5180

Elder Legal Services

Cattaraugus County Dep't. of the Aging

One Leo Moss Drive, Suite 7610
Olean, NY 14760
P: 716.373.8032 / 1.800.462.2901 | F: 716.701.3730
www.cattco.org/aging/index.html

CHAUTAUQUA COUNTY

Bly, Sheffield, Bargar, Pillittieri & MacCallum

3 Lakeview Avenue
Jamestown, NY 14701
P: 716.484.9151 | F: 716.483.3351
www.blysheffield.com

Erickson, Webb, Scolton & Hajdu

P.O. Box 414
414 East Fairmount Avenue
Lakewood, NY 14750
P: 716.488.1178 | F: 716.488.1448
www.ewsh.lawfirm.com

Legal Services for the Elderly

Mondays

Dunkirk Senior Center

45 Cliffstar Avenue
Dunkirk, NY 14048
P: 716.366.9886 | F: 716.366.3238

Fridays

610 W. 3rd Street
Jamestown, NY 14701
P: 716.664.2020 | F: 716.664.2023

ERIE COUNTY

Abbott, Tills & Knapp LLC

44 Union Street
Hamburg, NY 14075
P: 716.649.6700 | F: 716.649.2264

Brown & Kelly, LLP

1500 Liberty Building
Buffalo, NY 14202
P: 716.854.2620 | F: 716.854.0082
www.brownkelly.com

ERIE COUNTY CONTINUED**Brunea, Chris**

170 Franklin St. Suite 600
Buffalo, NY 14202
P: 716.852.1088 | F: 716.845.6457

Campbell, Bolas, & Moran

10535 Main Street
Clarence, NY 14031
P: 716.759.2952 | F: 716.759.0749
www.clarencelaw.com

Carland, Edward

17 Beresford Court
Williamsville, NY 14221
P: 716.565.2000 | F: 716.565.2002

Carrel, Jerome

17 Beresford Court
Williamsville, N.Y. 14221
716.634.2511 | F: 716.565.2002

Dee, Dennis J.

114 Burroughs Drive
Snyder, NY 14226
P: 716.839.1316 | F: 716.839.1316

Fenster & Lewis, LLC**David Fenster**

5460 Broadway Street
Lancaster, NY 14086
P: 716.685.4167 | F: 716.685.2664

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1540 Ellicott Creek Road
Tonawanda, NY 14150
716.602.3237 | Fax 716.213.0911

Friedman & Ranzenhofer

4 offices in Erie County
74 Main Street, Akron NY 14001
P: 716.542.5444 / 1.800.729.4571 | F: 716.542.4090
www.wny-lawyers.com

Gervase, Joseph

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930 Convention Tower
Buffalo, NY 14202
P: 716.819.1118 | F: 716.845.6475

Harris Beach PLLC**Judy N. Cuzzacrea Wagner**

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P: 716.200.5157 | F: 716.200.5204
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Hodgson Russ LLP**Britta McKenna**

140 Pearl Street Suite 100
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P: 716.848.1467 | F: 716.819.4740
www.hodgsonruss.com

Hogan Willig**Jean Gustafson****Linda S. Grear****Carly W. Speyer****Marianne Koenig**

2410 North Forest
Getzville, NY 14068
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P: 716.636.7600 / 1.800.636.5255 | F: 716.636.7606
www.hoganwillig.com

Hurwitz & Fine, P.C.**Robinson, Edward**

1300 Liberty Bldg.
Buffalo, NY 14202
P: 716.849.8900 | F: 716.855.0874
www.hurwitzfine.com

Jaeckle, Fleischmann & Mugel, LLP

12 Fountain Plaza Suite 800
Buffalo, NY 14202.2292
P: 716.856.0600 | F: 716.856.0432
www.jaekle.com

Katz, Jeffrey & Mark Baehre

8604 Main Street Suite 2
Williamsville, NY 14221.7455
P: 716.633.3363 | F: 716.633.6187

ERIE COUNTY CONTINUED**Kwieciak, Richard**

2448 Union Road
Cheektowaga, NY 14227
P: 716.668.0001 | F: 716.668.0217

Lippes Mathias Wexler Friedman LLP

665 Main Street Suite 300
Buffalo, NY 14203
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William C. Moran & Associates**David P. Lazenski**

6500 Main Street, Suite 5
Williamsville, NY 14221
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1990 Whitehaven Road
Grand Island, NY 14072
P: 716.773.9433 | F: 716.773.9438

Murphy, Richard H.

6461 Main Street
Williamsville, NY 14221
P: 716.634.6750 | F: 716.634.5642

Pfalzgraf, Beinhauer & Menzies LLP

455 Cayuga Road Suite 600
Buffalo, NY 14225
P: 716.204.1055 | F: 716.204.1080
www.pbmlawyers.com

Philips Lytle**Lisa McDougal & William Keefer**

3400 HSBC Center
Buffalo, NY 14203
P: 716.847.8400 | F: 716.852.6100

Magavern, Magavern & Grimm LLP**Reinoso, Bruce**

1100 Rand Building
14 Lafayette Square
Buffalo, NY 14203
P: 716.856.3500 | F: 716.856.3390
www.magavern.com

Reynolds, Carla

5555 Main Street
Williamsville, NY 14221
P: 716.626.1564 | F: 716.626.0366
www.lglaw.com

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42 Delaware Avenue Suite 120
Buffalo, NY 14202
P: 716.849.1333 ext. 302 | F: 716.849.2800

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Kenmore, NY 14217
P: 716.874.0308 | F: 716.873.5630

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33 Central Avenue
Lancaster, NY 14086
P: 716.685.4636 | F: 716.683.3341

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6 N. Pearl
Buffalo, NY 14202
P: 716.885.1270 | F: 716.885.2180
&
13 Bloomingdale
Akron, NY 14001
P: 716.542.5223 | F: 716.885.2180

Siegel, Kelleher & Kahn**Stephen Silverstein**

426 Franklin Street
Buffalo, NY 14202
P: 716.881.5800 / 1.800.888.5288 | F: 716.881.0669
www.skllaw.com

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This list by the Alzheimer's Association, WNY Chapter intended for informational purposes only and is not an endorsement of any of the sources listed. There may be other providers of such services in the eight counties of WNY. 2/11