

LAW REVIEW

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NEW BOOKLET FOR SENIORS

This aging thing is getting old. Earlier this month your intrepid reporter turned 63, and most of you celebrated – on Cinco de Mayo. Thank you mucho.

Do you know what it is like to turn 63 when you think of yourself as somewhere around 45? Maybe 50, but certainly not over 60.

Well, the California State Bar Association and the Foundation of the State Bar of California have just updated a nifty pamphlet for my kind: *SENIORS AND THE LAW – A Guide for Maturing Californians*. Yesterday we were aging, now we are maturing.

The booklet is chuck full of useful bits of information. Here is a little sampling --organized the way the *Guide* is laid out.

MAKING ENDS MEET

This section explains Social Security and Supplemental Security Income with plenty of web site references, and explanations of reverse mortgages, tax relief for seniors, senior immigrant issues, and ways to get a 20 percent discount on electric and natural gas bills. There is even a subsection entitled “What Can I Do If I Can’t Afford to Eat?” That would be a problem.

HOUSING

Here you learn about tax breaks in downsizing your home and your rights as a senior tenant. Remember it is illegal for landlords and sellers of residential real estate to discriminate against folks 62 years old or older. Hey, that's me. Housing options are discussed like shared housing, senior citizen housing development, senior housing, assisted living, continuing care retirement community, and nursing homes.

If you are over 60 and live in rented housing owned or operated by the State or by a city or county, your landlord cannot prohibit you from keeping a pet, even a tiger. Not sure about that tiger.

HEALTH CARE

Here is an area that is in the forefront for those of us with elderly parents. Did I mention that I myself am 63? Unbelievable to me.

What is the difference between Medicare and Medi-Cal, and what is Medigap? How about veteran's benefits and purchasing long-term care insurance? Don't forget the free counseling from California's Health Insurance Counseling and Advocacy Program.

PLANNING AHEAD

Where there's a will, there's a way. (Standard industry joke). I am passionate about families taking care of their estate planning. Do you have a will? How about a living trust to avoid probate? Think about it if you don't like giving your assets to the government or to the wrong person as a result of an obsolete will or trust.

How about an Advanced Health Care Directive? Or a Durable Power of Attorney for Health Care for direction about use of life-support and taking care of your affairs if you become incapacitated.

Do you know whether a will covers life insurance proceeds, retirement plan assets, community property, and joint tenancy? Probably not. Is your beneficiaries' inheritance taxed? What is a conservator? Find out by reading the *Seniors and the Law* guide.

DEALING WITH DEBT

Here's a section I hope you have no need to read. What happens if you can't pay your bills and how do you know when it is time to file bankruptcy? Can bill collectors call late at night? Everyone else does. Will a homestead protect my home from a foreclosure? Answer: No.

JOB ISSUES

Your employer cannot fire you, deny you a job, or discriminate against you simply because you are over 40. They may find some other reason, but it can't be because you are over 40 or even 63. Remember if you collect social security payments before you turn 65 *and* earn additional income your benefits will be reduced if your earnings exceed a certain amount.

GETTING AROUND

Learn the rules for getting a disabled parking placard and losing your driver's license. Did you know anyone can fill out a DMV *Request for Driver Re-Examination* to flag an unsafe driver? I wonder if they had that form when my

grandfather was driving late in life? Riding with him was like a trip on Nightmare Alley.

ELDER ABUSE

Elder abuse is the neglect, mistreatment, or exploitation of anyone age 65 or older. Criminal fines are stiffer for crimes against elders, which can involve physical violence, psychological abuse, isolation, or a caregiver's neglect.

The *Senior's Guide* recites many of the dozens of elder laws, with a plethora of references for additional information.

AVOIDING CONSUMER SCAMS

This section covers such things as charitable donation cons, door-to-door solicitation, investment scams, funeral and cemetery fraud, home repair misrepresentations, identity theft, living trust mills and telemarketing and mail fraud.

To remove your name from telephone and mailing lists call the National Do Not Call Registry at 1-888-382-1222 or go to the website at donotcall.gov.

The updated *Guide* also touches on recent changes in the law related to foreclosure and foreclosure consultants, and to insurance brokers and investment advisors who tout themselves as specialists on senior-related issues.

RAISING YOUR GRANDCHILDREN

Included in the *Guide* is some worthwhile advice for this not-that-uncommon scenario that may surprise you.

CAREGIVER OR NURSING HOME

The *Guide* has a helpful section to explain the options for senior caregiving and nursing homes as well as Medicare coverage. This is an area where advice from an estate planning attorney may be helpful because there are things you can do to keep the government from grabbing your parent's few assets. Watch out for the look-back rules for asset transfers--to qualify for Medicaid and Medi-cal. I learned that from our estate planning specialist Kelley Carroll.

SENIORS AND THE LAW

To obtain a copy of *Seniors and the Law* you may e-mail your request (including your name, mailing address, phone number, and number of copies desired) to seniors@calbar.ca.gov. Or, mail your request to: "Seniors and the Law", Office of Media and Information Services, State Bar of California, 180 Howard Street, San Francisco, CA 94105-1639.

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