

Capacity and Care Assessments –

A Necessary Part of Planning for Aging

Elder Law attorneys focus on the legal and financial aspects of aging – how to deal with capacity issues and limited resources. But, how does a family know if there are capacity issues and what the monthly care costs will be?

Enter the **Capacity and Care Assessment** –fundamental tools in developing a comprehensive aging Asset Protection Plan.

Capacity Assessment – A Geriatric Psychiatrist or Psychologist will meet with your family member, assess if they currently have capacity to make their own decisions, and if not, areas in which they need support with decision making (financial, health, daily living). There is no shortcut to this. No lawyer or family member can make a determination if a person has capacity – it is a question for a medical professional.

Capacity Assessments are used as part of the elder law and asset protection process to:

- Confirm that a person has legal capacity to make decisions, such as creating a Will, Trust or Power of Attorney. This is particularly important if there is a concern that the estate plan will be challenged after death or loss of capacity.
- Determine that a person no longer has capacity and they need assistance with decision making. This is used to support the role of an attorney-in-fact under a power of attorney or health care power, or to seek guardianship.

At Porzio we arrange for Capacity Assessments to take place in the comfort of your home as part of our Asset Protection Planning and Guardianship services.

Care Assessment – A Geriatric Care Manager will meet with your loved one and family to determine what supports they need to age in place at home or be best cared for in a facility. Part of elder law planning is determining how to stretch your assets to address escalating care costs and qualify for benefits. How can that be done if the care needs aren't first evaluated?

A Care Assessment informs the Asset Protection Plan by providing insight on:

- In home support needs, such as cooking, shopping, cleaning, companionship, travel to appointments
- In-home care needs such as an aide, nurse, or medical care
- Evaluating the home environment for hazards
- Recommending equipment and technology to safely age at home
- Recommending and coordinating additional geriatric specialists such as nutritionists, contractors, home health services, organizational and downsizing
- Proving boots-on-the-ground support when family members are distant and to relieve them of care responsibilities
- Facilitating entry to assisted living or a nursing home
- Ensuring quality of care at an assisted living or a nursing home
- Reporting on health, care and independence issues to the family and advisors
- Estimating one time and monthly costs for needed equipment and services

At Porzio we arrange for Care Assessments to take place in the comfort of your home as part of our Asset Protection Planning and Medicaid Planning services. The recommendations from the Care Assessment are incorporated into your Asset Protection Plan.

Important Note – Capacity declines and care needs increase as a loved one ages. We recommend annual re-assessments so that the Asset Protection Plan can be modified to meet ongoing needs.



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