

PRACTICE AREAS

Estate & Incapacity Planning

Last Will & Testament
Probate & Trust Administration
Revocable Trust
Durable Power of Attorney
Designation of Healthcare Surrogate
Quit Claim Deed
Living Will

Emergency & Advocacy Services

Emergency & Standard Guardianships
Long Term Care Residents' Rights
Medicaid Applications & Appeals

Government Assistance

Special Needs Trusts
Representation of Special Needs Trusts' Trustees
Protecting Lawsuit Proceeds and Inheritances
While Preserving Medicaid and SSI
Exceptions to Medicaid Lien Recovery

The Firm's Philosophy

Stephanie L. Schneider and her team are dedicated to providing compassionate quality services to seniors, young adults and persons with disabilities (of all ages). We work with families who have loved ones with special needs, and domestic partners. Our staff takes a holistic approach to providing elder law services to ensure that the client's legal, social, psychological, medical and financial needs are coordinated and fulfilled as the client ages. This is accomplished by working with other professional such as geriatric care managers, social workers, support coordinators, financial planners, accountants, psychologists, and medical professionals.



Stephanie L. Schneider

... is the former Chair of The Florida Bar Elder Law Section and is certified as an Elder Law Attorney by the National Elder Law Foundation and The Florida Bar Elder Law Section. She obtained her law degree from Nova Southeastern University Shepard Broad Law Center in 1991. Stephanie is committed to educating both the public and professionals and raises awareness of elder law issues by writing and lecturing locally and nationally.



The Importance of Board Certification

Certification assures the public the attorney has substantial experience and has demonstrated special knowledge and proficiency in certified areas of practice and professionalism and ethics in the practice of law.

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PROPER PLANNING MAY
CREATE PEACE OF MINDSM



OUR FIRM'S VISION

Create an environment where satisfied and committed clients are empowered to make deliberate decisions that result in their peace of mind.

PROBATE

WILLS, TRUSTS

ESTATE PLANNING
&

Law Office of

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FREQUENTLY ASKED QUESTIONS ABOUT WILLS, TRUSTS & ESTATE PLANNING

What are the Advantages to Having a Will?

A will allows you to exercise control over the disposition of your property. Other benefits include:

- ◆ Naming the personal representative of your choice.
- ◆ Providing that your personal representative not be required to post a bond.
- ◆ Creating trusts for minors or adults who require assistance due to disabilities, inability to handle finances or, substance and other addictions.
- ◆ Making gifts to charities.
- ◆ Planning to reduce or eliminate estate tax.

What Does Probating an Estate Mean

Probate is a legal process provided by Florida Law which determines the value of a deceased person's estate, distribution of assets to beneficiaries, payment of creditor's claims, and the legal transfer of ownership of real estate and other property with recorded ownership.

What Happens to My Assets if I Die Without a Will?

If you do not make a Will to name your beneficiaries and designate what each will receive, the laws of Florida or the state where you reside will. The State determines who will receive your property and their percentage; be the executor to administer your estate; and be the guardian of your minor children.

Florida law generally provides for distribution to the surviving spouse and the closest family member.

What Can a Parent of a Special Needs Child Do to Plan in Advance for the Child's Future Care and Financial Affairs?

A coordinated plan that addresses your child's financial, medical, and social needs can be developed. It may involve creating a **special needs trust** within your Will or Trust to hold the child's inheritance so that government benefits are not lost. It can also involve having a Court appoint a Guardian or, Guardian Advocate to make decisions for your child.

What is a Revocable Trust (aka. Living Trust)?

It is an estate planning tool used to assist people who want their assets to avoid the probate process. It is created and operates while you are alive. You are the trustee who manages your affairs and finances. You name a successor trustee in the event you become incapacitated or, die.

The trust provides for continuity of management of your assets and investments during your incapacity. This avoids the need for a legal guardianship proceeding. To avoid probate, your assets are retitled in the name of the revocable trust. Upon your death the trust's assets pass to your beneficiaries, outside of probate, according to the terms of the trust document. A living trust can: reduce the expense associated with probate administration; provide for immediate distribution of the trust property and afford greater privacy during the administration process.

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- ◆ Reduce the expense associated with probate administration.
- ◆ Provide for immediate distribution of the trust property
- ◆ Afford greater privacy during the administration process.



The following legal documents are used to create a plan to manage your personal and financial affairs in the event you become disabled or incapacitated:

Durable Power of Attorney

You can designate a trusted person to handle your financial affairs if you are unable to make decisions due to a temporary or permanent incapacity. You also designate a successor financial agent. The document provides detailed instruction about the agent's authority. It avoids the need for a guardianship.

Designation of Healthcare Surrogate

You can designate a trusted person to make medical and residential decisions for you in the event you cannot communicate or, are incapacitated. You also designate a successor medical agent. It avoids the need for a guardianship.

Living Will

A living will declares your wishes concerning the provision, withholding, or withdrawal of life-prolonging procedures if you are diagnosed with a terminal condition where there is no medical probability of recovery or, cure.

Designation of Preneed Guardian

A competent adult can appoint a preneed guardian for themselves or, their minor child in the event the adult becomes incapacitated or, dies. The guardian can make medical and financial decisions for the incapacitated adult or, minor child.

The Benefits of Planning

As life expectancies increase, more people are interested in creating a management plan for their financial and health care needs. Our firm is devoted to educating and counseling clients about their legal rights and planning options so they can make the best informed decision. Proper and timely planning has numerous benefits such as:

- ◆ Maintaining one's privacy and dignity;
- ◆ Maintaining one's independence and control over personal decisions and financial affairs.
- ◆ Minimizing federal estate taxes and expenses associated with probating an estate

