

*Law Office of*  
**Stephanie L. Schneider, P.A.**

*Board Certified Elder Law Attorney*

1776 N. PINE ISLAND ROAD, SUITE 208  
PLANTATION, FLORIDA 33322

TELEPHONE (954) 382-1997

[www.fl-elderlaw.com](http://www.fl-elderlaw.com)

FACSIMILE (954) 382-9997

*Your Trusted Planning Advisor Through Life*

**TOP 10 ELDER LAW ISSUES IN A DISSOLUTION PROCEEDING**

**Estate & Incapacity  
Planning**

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

**Advocacy Services**

- ◆ Guardianship & Guardian Advocate
- ◆ Facility Residents' Rights
- ◆ Medicaid Applications & Appeals
- ◆ Veterans Benefits Counseling

**Government Assistance**

- ◆ Special Needs Trusts
- ◆ Representation of Trustees
- ◆ Protecting Lawsuit Proceeds & Inheritances to Preserve Medicaid & SSI Eligibility
- ◆ Exceptions to Medicaid Lien Recovery

*Proper Planning  
May Create Peace  
of Mind*

**1. Is either spouse temporarily or permanently disabled? (i.e. Multiple Sclerosis; Parkinson's; Stroke)** *\*Explore the necessity of a Durable Power of Attorney or, guardianship in order for the divorce to proceed.*

**2. Is either spouse mentally incapacitated or have questionable capacity?** *\*Explore the necessity for guardianship or make certain the guardianship has been in place for three (3) years.*

**3. Is there a child of the divorcing couple who has a disability, a developmental disability or special needs?** (i.e. Autism; mental retardation; Spina Bifida; Cerebral Palsy) *\* Explore the necessity and benefits of a Special Needs Trust for child support.*

**4. Is either spouse receiving or applying for public assistance such as Medicaid, Food Stamps or, SSI?** *\* Receipt of alimony (lump-sum or, monthly) can affect entitlement to public assistance.*

**5. Is a child of the divorcing couple receiving or, applying for public assistance such as Medicaid, Food Stamps or SSI?** *\*Receipt of child support can affect entitlement to public assistance.*

**6. Does either spouse require long term medical care and may not be medically insurable?** *\*Explore the necessity for Medicare, Medicaid, SSI or Social Security Disability (SSDI).*

**7. Is the petitioning spouse seeking dissolution solely to protect assets because the other spouse is ill?** *\*Explore non-divorce legal options and understand how government agencies view assets and income of both spouses in determining Medicaid or SSI eligibility.*

**8. Have you advised your client to update their Last Will & Testament, Trust, Power of Attorney, Health Care Surrogate Designation and beneficiary designations to remove the divorced spouse?** *\*An order of dissolution results in a spouse being treated as predeceased if named in a Will or Trust, or designated as agent in a Durable Power of Attorney, Healthcare Surrogate **but**, does not automatically affect beneficiary designations on assets.*

**9. Is the spouse who will receive alimony or child support unable to manage his/her finances?** *\*Explore the advantages of a Special Needs Trust.*

**10. Have you advised your client to update their estate plan to create a Special Needs Trust to manage the inheritance of child with a disability?** *\*Creating a management plan can save your client time, expense and loss of privacy in the future.*