



## 5 Must-Dos for Hoosiers Nearing or In Retirement

### *Certain legal documents can protect older adults at any income level*

Growing old is never easy. There are so many unknowns about the future. An elder law attorney can help you to understand your choices and prepare documents to help you carry out your wishes, regardless of your income level and whether you're entering or already in retirement.

#### **1. Plan Ahead for Healthcare Decision Making.**

You never know when a health event might make you unable, in the short or the long term, to make your own decisions about your care. Indiana gives Hoosiers ways to plan for this.

- **Appoint a “healthcare representative”** who can make decisions for you when your doctor determines you cannot make a healthcare decision for yourself.
- **Sign a “living will”** if you want to state that you do not want extraordinary measures to be taken to sustain your life should you have a terminal condition with death expected in a short time.
- **Sign a POST Form** (Physician Order for Scope of Treatment) if you have a terminal illness or a progressive advanced illness or condition. This allows you to make decisions about CPR, the level of medical interventions you desire, and whether you would want to be fed through a feeding tube. This form is then signed by the doctor as a medical order, so it is more specific and more effective than a living will.

#### **2. Select a Power of Attorney.**

Plan ahead for when you may become incapacitated or cannot handle your financial and affairs. Even if you are married, your spouse does not legally have the right to act for you.

- **Sign a power of attorney** to designate the person of your choice to be able to manage your affairs. The power of attorney is flexible and can be written as broadly or as narrowly as you wish. It can be made effective immediately or can go into effect when you become incapacitated. If you do not have a power of attorney, the court may name a guardian for you.

### 3. Prepare an Estate Plan.

An estate plan determines how your property will be distributed at your death. Your attorney can review the options, such as a will, trust, and transfer on death designations.

- Once in place, **review your estate plan every three to five years** and after any major change.
- **Review the beneficiary designations** on your life insurance, retirement, bank, and other accounts periodically. Accounts with a beneficiary designation will pass to the named beneficiary, which could alter your estate plan.

### 4. Plan for the Costs of Long-term Care.

Long-term care, such as home healthcare, nursing home care, and assisted living is expensive. Medicare and most health insurance policies have only limited coverage for these costs.

- **Investigate long-term care insurance.** Policies can be expensive, but so is care. Some companies offer “Partnership Plans” that allow you to preserve assets while receiving Medicaid once the policy has been exhausted. Visit [www.in.gov/iltcp](http://www.in.gov/iltcp) for more information.

### 5. Think Before You Gift.

Because it’s so costly, many people who need long-term care exhaust their assets and need to apply for Medicaid. When applying for Medicaid, the state agency will ask about gifts you’ve made in the previous five years. While gifts of up to \$14,000 a year per donee are exempt from gift taxes, they are *not* exempt for Medicaid purposes.

- **Think carefully about making gifts** until you are confident that you have enough assets and/or insurance to cover long-term care needs for the next five years.

These are a few steps to take as you head into retirement. Many of the forms can be found online, but an elder law attorney who is knowledgeable about Medicaid law can answer questions and help guide you through a very complex and changing system.



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**Indiana Legal Services** receives funding under the Older American Act to provide legal assistance to low income Hoosiers, including older adults, and has eight offices throughout

Indiana.

 5 Tips For Retirement

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