

Hello In There

WANDERPOLO LAW LLC

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TAILORED ESTATE & ELDER LAW PLANNING SOLUTIONS

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Introducing the First WanderPolo Law Client Newsletter

by *Mary WanderPolo*

My mother, Pearl, has a form of dementia commonly known as "Pick's Disease." The symptoms involve changes in behavior and problems with language, including difficulty composing and understanding speech.

Pearl was a woman ahead of her time. Born in 1924, she was the oldest of 7 children of Irish immigrants, living outside of Detroit, Michigan. She graduated from college and went on to a graduate school in Kentucky on a fellowship and later to Union Theological seminary in New York City. Divorced when the youngest of her three children was only a year old, she supported us as a school teacher.

Pearl was never at a loss for words! She could always find something to talk about with the people around her, even if they didn't speak the same language!

It is hard now to see Pearl unable to respond to simple questions, or formulate the words to express her needs. She still smiles beautifully when you say hello, and it is clear she feels comfort

from the words you have spoken, even if she does not get exact meanings.

One of my favorite songs, written by singer songwriter, John Prine, has a chorus that goes like this:

*"You know that old trees just grow stronger
and old rivers grow wilder every day
but old people just grow lonely
waiting for someone to say
Hello in there, Hello."*

So, when you receive this newsletter I hope you all will make an effort to go out and engage someone else in conversation, even if you are not sure that they understand the words you are saying. Remember that the tone of your voice and the fact that you are engaging with them will give them pleasure. When you do it, think of Pearl and try to reach out and contact someone who may seem unreachable to you and others.

One of the goals of this newsletter is to provide our clients and friends with information needed in this rapidly changing



Pearl Wander, at 18.

world. We also want to keep you up to date with the goings on here at WanderPolo Law, LLC. I would also like to inspire you to reach out and embrace those around you, even the prickly ones. Start out with "Hello" and see what comes after.

New Legislation Expands Use of Special Needs Trusts

by *Shana Siegel*

New federal legislation has been introduced which would expand the use of special needs trusts and allow families with a disabled child to save, tax-free, for disability-related expenses. The ABLE Accounts act of 2009 (S.493) combines the idea of a tax free vehicle similar to 529 savings plans with special needs

trusts. Under current law, disabled individuals under 65 or their families can put aside funds in a special needs trust for the supplemental needs of a disabled child without impacting their eligibility for Medicaid and other government benefits.

However, there is currently no tax incentive for funding special needs trusts. The new law would essentially

exempt these new accounts from all income tax, including on contributions and distributions. The legislation would also expand the needs which can be funded through trusts.

Today, if assets held in a special needs trust are used for food and housing for the disabled individual, it can affect other government benefits they receive. Under this new law, trust assets can be used for education, housing, transportation, employment support, health and wellness, assistive technology, personal support services and life necessities.

*For more information about changes in Special Needs Planning visit:
www.nacdd.org/pages/public_policy.htm*

Who's Who In WanderPolo Law: Max Dorsey-Gordon

The most recent addition to the WanderPolo Law workforce is Max Dorsey-Gordon. As Medicaid Assistant, he is a man of many trades.

His various jobs around the office have shown him to be a focused, multi-task oriented worker. Max currently works under Lynet Gaia, learning the complicated and extensive job of creating Adult Medicaid applications and applying for eligibility.

His particular attention to detail and empathetic nature towards clients makes Max well suited to his position. Max graduated with a Bachelor of Arts in Political Science and Economics from New York University and is now pursuing his Masters in Academic teaching at Montclair State University.



Max Dorsey-Gordon (2nd from left) and family.

Debt Collection: What is the Survivor's Responsibility?

by Susana Polo and Shana Siegel

The New York Times recently ran an article about an industry that is actually expanding in today's economic environment: debt collection agencies that specialize in collecting from the dead. Improved database technology is making it easier to see what estates are currently open in probate courts, but if there is no formal estate, agencies are going to the deceased's next of kin. Unfortunately, many of the people they contact are unaware that they are not actually required to pay down their loved one's debt.

"If family members ask, 'we definitely tell them... but is it disclosed upfront – 'Mr. Smith, you definitely don't owe the money'? It's not that blunt.'" Was the

assets. If there was a joint account with the deceased, or a payable on death account, then a creditor could legitimately ask for the payment of debts up to

For more information on dealing with debt collectors go to <http://www.ftc.gov/bcp/edu/pubs/consumer/credit/cre18.shtm>

response of the head of a Cleveland based collector.

If there is no formal estate then family members are responsible for debts of the deceased to the extent of their inherited

the value of those assets.

However, a survivor has no responsibility to pay debts from their own funds, with two exceptions to this rule.

The first exception is if the survivor was a joint signor or co-owner on the debt, as in a mortgage or credit card. This can frequently occur between spouses, and sometimes without the surviving spouse's knowledge. Secondly, in some very limited situations, gifts made prior to death can be brought back in order to pay pre-existing debts or fund a spousal inheritance called elective share.

As always, in these matters, the best way to protect your assets, and your family and loved ones from undue complications, is to stay informed and to have a tightly written Last Will.

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