



A University of Hawai'i Cooperative Extension Service Project

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Course Objectives



- Increase your knowledge about financial planning
- Improve your ability to make informed decisions



Elder Law Issues

Presenter



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Lesson Objectives



- Learn what is Elder Law
- Become aware of common legal concerns of elders
- Learn about common tools used in Elder Law

What is Elder Law?



Unique field of law that:

- Focuses on the population to be served, rather than a substance area
- Used to address issues related to aging, older adults, and/or caregivers
- Focuses on “preventative” law”

Preventative



Elder law can be used to prevent certain legal problems

- Avoiding abuse
- Avoiding costs
- Dealing with reasonably expected life events

Capacity



- A threshold question within elder law, either as a starting point or as a planning signpost is the issue of capacity
- A person must have capacity to take any legal action, but not every action requires a different level of capacity

Capacity for What?



- A person with diminished capacity is not incapacitated and efforts can be made to enhance capacity
- The law can also help to address incapacity – this is sometimes called “parens patriae” and usually involves court proceedings such as guardianship or conservatorship

Plan Ahead



Common legal concerns:

- Health Care?
- Finances?
- Taxes?
- Long-term care?
- Death

Health Care



No one's health is guaranteed

- Insurance is only one part of the planning process
- Other issues related to health care:
 - How to get to appointments
 - Authorizing persons to assist with providing informed consent
 - Obtaining and administering prescription medications

Finances



- Set up the proper ownership methods on assets
- Help manage day-to-day finances
- Protect against exploitation
- Plan for transitions from full capacity, to diminished capacity, to incapacity or death
- Estate planning

Taxes



Types of taxes to evaluate:

- Estate Tax
- Gift Tax
- Income Tax
- Capital Gains Tax

Long-Term Care



- Who will care?
- Where will care be provided?
- What type of care do you want?
- How will care be financed?

Death



One of the few guaranteed things we need to plan for

- Plan for end-of-life decisions
- Memorial planning
- Estate planning and administration

Common Tools



- Power of Attorney
- Advance Health Care Directive
- Last Will
- Trusts
- Guardianships
- Conservatorships
- Probate

Conclusion



- “Elder law” is a unique field of law focusing on a population to be served and frequently utilizes “preventative” methods to address a number of legal concerns
- Coming Up
 - Health Care Decision
 - Financial Decisions
 - Financing Long-Term Care

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