

THE HOWELL LAW GROUP, APC

ESTATE PLANNING • PROBATE • ELDER LAW • BUSINESS FORMATION

BEGINNING A NEW CHAPTER

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This is an Advertisement

The Howell Law Group Officially Opens

Announcing the Opening of The Howell Law Group, A.P.C.

The Howell Law Group, a California Professional Law Corporation, officially began operating in January 2010. The Howell Law Group was formed for the purpose of practicing law and representing individuals who reside in California.

The Howell Law Group is the brain-child of Shannon T. Howell, an attorney licensed to practice in California and Florida. Although Ms. Howell can handle any legal matter, she has designed The Howell Law Group to focus on the areas of Estate Planning, Probate, Elder Law, and Business Formation.

This newsletter is designed to provide information on these areas of practice by answering some common questions. Ms. Howell is proud to share in her excitement of beginning this endeavor with you. Thank you for reading.



Shannon T. Howell

Attorney

Licensed in California and Florida

(619) 683-2747 Tel

(619) 512-4317 Fax

Shannon@howellawgroup.com

Do I Need an Estate Plan (Will, Trust, etc.)?

The simple answer is, Yes. A properly drafted estate plan will address not only how your assets are to be distributed upon your death, but also how you are to be cared for during your life.

Everyone needs to consider designating someone to manage their assets and make health care decisions for them in case they ever become unable to do so for themselves. This is not a consideration merely for the elderly. A number of events can take place in ones life that renders them either temporarily or permanently unable to take care of their own personal decisions. An estate plan will address this concern and ensure that you are protected should the need arise.

If you have a relatively small estate, a will may be sufficient to set forth who will care for your children and receive your assets after your death, who will manage your estate, pay your last debts and handle the final distribution of your assets.

With a larger estate, there are various ways of preserving your assets for your beneficiaries and of



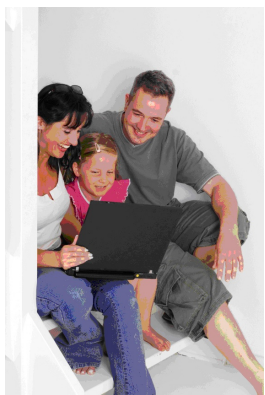
reducing or postponing the amount of estate tax payable upon your death.

Failing to plan ahead will result in a judge appointing someone to handle your assets and personal care during your life, or to care for your children after your death. Your assets will be distributed to your heirs according to state statute - regardless of who you actually want to receive your hard earned assets - upon your death. Finally, failing to plan ahead subjects your estate to taxes that could otherwise be avoided, diminishing the amount that will pass to your heirs.

Can't I Just Use Automated Estate Planning Software or an Internet Service?

A standard form, for a standard set of situations, may be proper for a standard person. But, what these software solutions fail to recognize is that individuals are not standard. Each person or couple has their own unique set of situations and circumstances requiring a specific and carefully tailored set of clauses which fit those unique circumstances and situations. You are unique.

However, a lawyer is more than a paper mill, churning out standard form after standard form. A lawyer will take the time to understand your estate and the particular goals you have. After consideration and reflection on your unique set of circumstances, a lawyer will provide you with advice and prepare an estate plan appropriate for you and tailored to those unique circumstances.



While automated software and internet services are appealing because they are seemingly affordable and efficient, particularly in the internet

age in which we live, an improper and standard form estate plan may cost you and your loved ones dearly in the future.

What does Elder Law Encompass?

Elder law is a growing area of the law which contemplates such things as:

- Arranging long-term care, now or in the future
- Qualifying for government benefits
- Protection of your assets via an estate plan to ensure you are able to leave a legacy for your heirs
- Preserving your right to be free from financial or physical abuse and neglect



What is Elder Abuse?

California defines elder abuse as physical abuse, neglect, financial abuse, abandonment, isolation, abduction, or other treatment with resulting harm or pain or mental suffering, or the deprivation by a care custodian of goods or services that are necessary to avoid physical harm or mental suffering. (Welf. & Inst. Code § 15610.07)

Physical abuse may encompass such crimes as assault, battery, sexual assault, prolonged or continued deprivation of food or water, or the use of physical or chemical restraints for punishment, convenience, or without - or beyond the scope of - doctor's orders.

Financial abuse generally involves the illegal or unauthorized taking, secreting, appropriating, obtaining, retaining the real or personal property of an elder or dependent adult for a wrongful use or with the intent to defraud. Usually, this type of abuse involves a person trying to con an elder into

purchasing something he or she does not need or is not in their best financial interest. It can be difficult to spot this type of abuse until it has already happened.

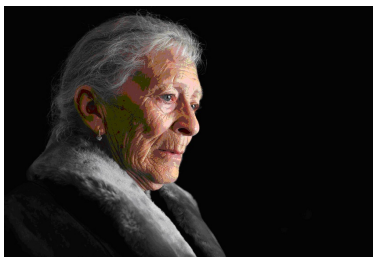
In California, the elder abuse laws generally apply to those age 65 or older. Potential abusers come in many forms - from care custodians, nurses, doctors, financial planners, insurance salesmen or other health care or service providers to the victim's own family members or friends.



What are the Signs of Elder Abuse?

There are many indicators of elder abuse. A few such indicators are as follows:

- suspicious marks, bruises, bedsores, or burns on the skin.
- unexplained broken bones.
- poor hygiene (dirt under nails, smells of urine or feces)
- unexplained weight loss, malnutrition or dehydration
- elder not given the opportunity to speak for self, restricted activities, conflicting reports on condition of elder
- fear, helplessness or resignation, hesitation to talk openly
- anxiety, agitation or non-responsiveness
- reliance upon new "friends" suddenly appearing in the elder's life
- lost or stolen personal belongings



- family or legal representative's failure to pay for services
- unusual activity in bank accounts
- signatures don't match
- missing checks
- new loans on property
- missing will, trust or other instrument
- isolation

What Should I Do if I Suspect, or am a Victim of, Elder Abuse?

Suspected or confirmed abuse should be reported right away. Following is a list of numbers you may use to report to a state agency:

- In case of emergency, always call **911**
- Office of California Attorney General, Bureau of Medi-Cal Fraud and Elder Abuse
 - **1-888-436-3600**
- Adult Protective Services
 - **1-800-510-2020**
- And, if in a licensed facility (i.e. nursing home, residential care, etc), call the Long Term Care Ombudsman Program
 - **1-800-231-4024**

These agencies will investigate reports of abuse and forward their findings on to the proper authority for prosecution.

In addition to protection from abuse by the state when it comes to criminal matters, you or your loved one may have civil remedies against the abuser. For this reason, you should also contact an attorney who can assess the facts of your case and provide advice on how best to proceed.

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