

SSN-Linn/Benton
VETERAN'S BENEFITS
(VA Aid & Attendance in 2020)

Center 50+

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WHY PLAN:

People want their money and assets spent and used during their lifetime as they choose; and after death, people want their money to go to whom they choose. In addition, people want to be cared for according to their choices, not someone else's. If there is no planning for disability or death, what happens to a person's money and assets are left to chance. Potentially a court may decide how the money is spent, maybe the state will decide, or a third party of someone else's choice will make those decisions. Through proper planning a person can make his/her own decisions in advance. Do not wait until it is too late. A person must have the mental capacity to do planning. If a person does not have capacity to do planning, the options, at that point, are severely limited and may require court involvement to obtain a guardianship or conservatorship, both of which are expensive, intrusive, and require extensive paper work. It does not make any difference the amount of money that a person has, planning at all levels is important.

I. HEALTH CARE DECISIONS

Because of all of the advanced medical technologies available to keep a person alive, it is important that when completing your planning, you make your wishes known to doctors and other persons who will be making medical decisions for you when you are no longer able. Make your wishes known by signing an Advance Directive.

II. ESTATE PLANNING: PLANNING FOR WHAT HAPPENS TO YOUR ASSETS UPON YOUR INCAPACITY AND UPON DEATH

There are three main options for estate planning. First, the use of a combination of a will and durable power of attorney, second a revocable living trust, and third, joint ownership with survivorship rights of all property.

- A. Durable Power of Attorney
- B. Will
- C. Revocable Living Trust

III. PROTECTIVE PROCEEDINGS (COURT IMPOSED AUTHORITY)

- A. Appointment of a Guardian
- B. Appointment of a Conservator

IV. PLANNING FOR THE COST OF NURSING HOME CARE

- A. Medicare
- B. Medicaid
- C. Long Term Health Care Insurance

V. VA BENEFITS THAT INCREASE INCOME TO PAY FOR LONG TERM CARE

DISCLAIMER: The Veterans Administration (VA) has changed its rules to include a 3 year look-back period for transfers/gifts. These rules will affect the planning strategies and no planning should be done without further consulting with an attorney accredited by the VA.

1. A Veteran or Widow(er) of a Veteran may be able to obtain additional income from the VA, to help pay for the cost of long term care. A person who is either housebound, in need of assistance with their activities of daily living, or living in a nursing home, may qualify to receive VA Pension with Aid and Attendance.
2. All of the following criteria must be met before the Veteran/Widow(er) can receive benefits:
 - a. The Veteran must have served at least 90 days of active service, and at least one of those days during a wartime period.
 - b. The Veteran must have received a discharge other than dishonorable.
 - c. The claimant must have limited income and assets available.
 - d. The claimant must have a permanent and total disability, caused without the willful misconduct of the claimant (age 65+ = disability).
 - e. The Veteran/Widow(er) must personally sign the Application.

3. Aid and Attendance

- a. Benefits are available to a Veteran or Widow(er) of a Veteran who meets the following criteria:
 - i. Claimant is blind;
 - ii. Claimant is living in a nursing home; OR
 - iii. Claimant needs assistance with the activities of daily living, including cognition matters, either at home, a foster home, or assisted living, or similar, community.
- b. The applicant will be denied benefits if the Claimant's countable income exceeds the maximum permissible family income limits. Countable income is all income attributable to the applicant, the applicant's spouse, and the applicant's dependent children. However, unreimbursed medical expenses paid by the family members may be used to reduce the countable income. *The most beneficial unreimbursed expenses that may reduce countable income are the costs of home health care, assisted living facilities, or nursing homes.*

4. The permissible family income limits for 2020 for aid & attendance benefits are:

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| a. | Veteran w/no dependents | \$1,911.00/month |
| b. | Veteran w/one dependent (spouse) | \$2,266.00/month |
| c. | Widow(er) with no dependents | \$1,228.00/month |
| d. | Healthy Veteran with ill spouse | \$1,500.00/month |