

**ATTORNEYS
HELPING THE
ELDERLY AND
PERSONS WITH
DISABILITIES**



MARTHA C. BROWN & ASSOCIATES, LLC
ELDER LAW ATTORNEYS
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Volume 1

MARTHA C. BROWN is pleased to announce the establishment of her new firm:

Martha C. Brown & Associates, LLC
Elder Law Attorneys

The firm continues to provide legal services to the elderly and persons with disabilities. Our attorneys include Martha C. Brown, CELA*, Alicia A. Albus, Micah H. Huff and M. Brigid Fernandez. We are dedicated to offering our clients service in the following areas:

Elder Law - In an age when we are living longer lives, there are many new issues which the elderly face. At Martha C. Brown & Associates, LLC we will assist you in planning for yourself or your loved ones.

Estate Planning - For a will or trust, we will review your assets, discuss your long term goals and advise you on an estate plan that will allow you to meet those goals. We provide advice to fiduciaries and beneficiaries about trust administration and about their rights and obligations under a trust. We help clients plan for incapacity or disability. We can also provide durable powers of attorney, health care directives and Living Wills.

Fiduciary Litigation - Conflicts can develop over wills, trusts, estates and related matters. We can handle such cases for you and your family. Martha C. Brown & Associates, LLC will help you through finding additional heirs, determining the authenticity of a will or trust and uncovering estate assets.

Guardianship/Conservatorship - We are often faced with a situation when a loved one needs help with their decision making, either because of a physical or mental handicap, both to meet their daily living needs and their financial needs. We can assist in setting up and maintaining the care they need through a guardianship or conservatorship.

Life Care Planning - A Life Care Plan is a holistic approach to long-term planning for the elderly, disabled or chronically-ill client. A Life Care Plan includes the services of an attorney and an elder care coordinator who work together to enhance the quality of life of their client for a lifetime of total care. Life Care Planning includes legal services to protect assets, coupled with health care assessment, comprehensive care coordination and advocacy services. Life Care Plans are customized to meet our clients' needs and desires and provides the client with a road map to achieve their goals.

Medicaid - The Medicaid laws are constantly changing and our staff at Martha C. Brown & Associates, LLC is experienced in assisting you in planning for Medicaid. From in-home nursing to residential care facilities, we can help you in the application and utilization process of Medicaid.

Probate and Trust Administration - We can advise you whether a deceased person's estate needs to go through the probate court and, if so, handle the process on your behalf. We also assist people in administering a trust either during life or after death.

Special Needs Planning - We can assist families with estate planning for those with disabilities. We prepare and administer Special Needs Trusts. If proper estate planning is not done, a bequest for Trust for the disabled or injured person may result in the loss of public benefits. We can develop an estate plan through the preparation of a Special Needs Trust which will protect public benefits eligibility.

Veterans Benefits - The Department of Veterans Affairs (VA) provides wartime veterans and the surviving spouses of deceased wartime veterans a special monthly pension called Aid and Attendance. This pension may be available to wartime veterans and their surviving spouses who have in-home care or who live in assisted living facilities or nursing homes. Eligibility includes military service requirements in addition to a "needs" requirement. The laws governing VA benefits are complex and filing a claim can be time consuming and confusing. Our services include Veterans Benefits Planning and assistance with the application process.

Personal Injury Settlement Consulting - When handling personal injury cases, there are many issues an attorney should consider prior to or at the time of settlement. Sometimes personal injury attorneys find this out by being sued by the client they fought to protect. We can help avoid this problem by working with other attorneys on their cases. We help to protect their client by preparing trusts, negotiate claims or liens and consulting on the victim's potential needs. By working together, we can help provide a better outcome for the client.

Martha C. Brown & Associates would be happy to give a presentation or lead a discussion for your work group, community organization, church or religious group about any of the above listed topics. Please call the office at 314-962-0186 to make arrangements.

Certified Elder Law Attorney* as certified by the
National Elder Law Foundation

*Neither the Supreme Court of MO nor the Missouri Bar reviews or approves certifications, organizations or specialist designations.

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Mission Statement:

We are a law firm that concentrates on the unique legal needs of people who are elderly, disabled and the families who care for them. We appreciate and understand that each client's legal needs are personal to them. We are prepared to counsel our clients about the many non-legal issues that may arise, including financial, health and long term care concerns. We dedicate ourselves to educating our clients, empowering them to make decisions that are right for them and giving them peace of mind.

News & Updates

News & Updates

Get additional information at our website by visiting:

www.elderlawstlouis.com/news.html

National Healthcare Decisions Day is April 15th

Brigid Fernandez is coordinating the 4th Annual National Healthcare Decisions Day on April 15th and 16th. Together with The Bar Association of Metropolitan St. Louis (BAMSL) and the Missouri National Academy of Elder Law Attorneys (MO-NAELA) and other national, state and community organizations, we are leading a massive effort to highlight the importance of advance healthcare decision-making. For 3 years, our attorneys have worked with the public providing helpful information during this event. Our goal is to ensure that everyone has the opportunity to communicate and document their healthcare decisions to their families and healthcare providers. On Friday, April 15th from 10:00 am to 2:00 p.m., various locations throughout St. Louis City and St. Louis County will be open to the community. Attorneys will be assisting older adults in completing their advance directives. Attorney volunteers will be providing information free of charge about advance care planning and advance directive forms. For more information or to join in this worthwhile effort, please call Brigid Fernandez at 314-962-0186. Information is also available at the following website:

<http://www.nhdd.org/>

What We've Been Up To

What We've Been Up To

Get additional information at our website by visiting:

<http://www.elderlawstlouis.com/speak.shtm>

Martha and Brigid Attend the UnProgram

Martha C. Brown and Brigid Fernandez participates during the NAELA UnProgram that was held at the Courtyard by Marriott in Columbia, Missouri. Both facilitated discussion groups on Special Needs Trusts and Special Needs Trust drafting with distribution problems, Veterans Benefits Planning issues and MO HealthNet Supplemental Nursing Care Program. It was an educational opportunity that offered NAELA members an opportunity to spend a long weekend learning and connecting by brainstorming, networking and sharing ideas with their peers.

Firm Attends the 79th St. Louis Times Funfest

Martha C. Brown and Associates was an exhibitor at the St. Louis Times Funfest held at Orlando Garden's in South County on March 23rd. The event was a lot of fun and the turnout was fantastic.

Martha Attends the SNA Spring Meeting

Martha C. Brown attended the Special Needs Alliance Spring Meeting. The event was at the Hotel Contessa on the Riverwalk in San Antonio, Texas.

Brigid Fernandez Presents During NASW Show-Me Symposium

Brigid Fernandez discussed "Social Workers and Subpoenas, Depositions and Courtroom Testimony" during the 2011 Missouri National Association of Social Workers Annual Symposium. The event was held Friday, March 11th through Sunday, March 13th at the Country Club Hotel & Spa in Lake Ozark, Missouri.

Martha Discusses Advance Directives

Martha C. Brown did a Webinar entitled "Specialized Preparation of Advance Directives" during a Special Needs Alliance Armchair Chat.

Brigid Fernandez Presents at SLU

Brigid gave a presentation to students in Professor Needham's class at St. Louis University Law School.

Martha C. Brown & Associates Attend the Senior Living Options Fair

Martha C. Brown & Associates was a vendor at the 4th Annual Senior Living Options Fair on March 19. The event was held at the James J. Eagan Civic Center in Florissant, Missouri. The event was sponsored by The Northeast County Senior Ministry.

Micah Huff Gives Tax Update

Micah Huff discusses tax law updates at a Missouri National Academy of Elder Law Attorneys (NAELA) meeting in Columbia, Missouri.

Martha C. Brown Speaks to Financial Professionals

Martha C. Brown discussed "Elder Law and Special Needs Attorneys" to the St. Louis Chapter of The Society of Financial Service Professionals on March, 10th at the Des Peres Lodge in Missouri.

Martha Discusses MO HealthNet During Webinar

Martha C. Brown gave a "2011 MO HealthNet Update: Practical Applications of MO HealthNet Rules to Complicated Cases" discussion during a Webinar on March 16. Martha presented with William Hubbard and Reg Turnbull. The Missouri Bar hosted the event.

Contact Us

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Use of e-mail does not protect the confidentiality that is a basic element of the attorney-client relationship. We regret that we cannot respond to e-mails from non-clients seeking legal advice because of the possibility of conflict of interest. Because of this, we will not read the substance of your message. Please contact us by telephone at (314) 962-0186 between the hours of 8:30 a.m. to 5:00 p.m. if you wish to discuss your situation with us.

Calendar of Events

WEDNESDAY, APRIL 20 — 8:00 a.m.-11:30 a.m.

DE SOTO SENIOR EXPO
DE SOTO KNIGHTS OF COLUMBUS HALL
13225 STATE ROAD E
DE SOTO, MO

A fun morning is planned for seniors including bingo, giveaways and many vendors to check out. The theme of this expo is Travel. There will be a grand attendance prize of a two-day Branson getaway. In addition, when the expo is over, a fun day trip is planned. Anyone wanting to participate can go to River City Casino. Buses will be provided by Huskey Trailways. Contact Leader Publications for additional information at 636-937-7501.

THURSDAY, APRIL 21 — 8:30 a.m.-4:00 p.m.

IT'S ALL ABOUT MO HEALTHNET: PLANNING AND PAYING FOR LONG-TERM CARE
MOTHER OF GOOD COUNSEL HOME
6828 NATURAL BRIDGE ROAD
ST. LOUIS, MO

Many people are not prepared for the financial burden of long term care and don't really know where to begin or who to turn to for help. Presented by Brigid Fernandez, this workshop is structured to increase the social worker's understanding of MO HealthNet (Medicaid) eligibility and guidelines for elderly and disabled clients. This is one of three presentations. The other two are listed below on May 12th in Columbia, MO and May 19th in Cape Girardeau. For more information visit: <http://www.nasw-mo.org/cde.cfm?event=328606>

SUNDAY, MAY 1 — 12:00 p.m.-2:00 p.m.

SENIOR RESOURCE FAIR
WEBSTER GROVES RECREATION CENTER
6828 NATURAL BRIDGE ROAD
WEBSTER GROVES, MO

Attendees will learn ways to "Age in Place" in their community. The Webster Groves Senior Roundtable has planned this event to showcase the many important programs and services including housing that is available to older adults in the community. From 1:00 p.m. to 4:00 p.m., guests can tour and sample refreshments at local senior living communities. This fair is designed for seniors as well as families of seniors looking for opportunities to stay in the community or relocate to Webster Groves. For additional information contact Miki Mckee Koelsch with Webster Groves Parks & Recreation at 314-963-5656.

THURSDAY, MAY 12 — 8:30 a.m.-4:00 p.m.

IT'S ALL ABOUT MO HEALTHNET: PLANNING AND PAYING FOR LONG-TERM CARE
HOLIDAY INN EAST
915 PORT WAY
COLUMBIA, MO

Many people are not prepared for the financial burden of long term care and don't really know where to begin or who to turn to for help. Presented by Brigid Fernandez, this workshop is structured to increase the social worker's understanding of MO HealthNet (Medicaid) eligibility rules and guidelines for vendor nursing home care for our elderly and disabled clients. This is one of three presentations. The other two are listed above on April 21st in St. Louis, Mo and listed below on May 19th in Cape Girardeau. For additional information or to register please visit: <http://www.nasw-mo.org/cde.cfm?event=328607>

MONDAY, MAY 16—TUESDAY, MAY 17

AGING WITH DEVELOPMENTAL DISABILITIES CONFERENCE
HOLIDAY INN SOUTHWEST AND VIKING CENTER
10709 WATSON ROAD
ST. LOUIS, MO

The Association on Aging with Developmental Disabilities (AADD) is holding their 21st Annual Aging with Developmental Disabilities Conference. AADD strives to develop, link and support opportunities and services for older adults with developmental disabilities. Martha Brown will be giving a presentation during Tuesdays session called "Social Security Benefits: Are You Secure?" She will help you to find out if the people you serve receive the benefits to which they are entitled. For more information and a list of all session topics check the AADD website at www.agingwithdd.org or call 314-647-8100.



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***If you are
interested in having
an elder law
attorney from
Martha C. Brown &
Associates speak at
your event, please
contact Peggy at
314-962-0186***



Calendar of Events (Continued)

TUESDAY, MAY 17 — 9:00 a.m.-1:00 p.m.

10TH ANNUAL SPRING INTO GOOD HEALTH AND WELLNESS HEALTH & EDUCATION FAIR
CHRISTIAN LIFE CENTER OF WEBSTER HILLS UNITED METHODIST CHURCH
1333 WEST LOCKWOOD AVENUE
GLENDALE, MO

“Spring into Good Health” at this annual health fair. Big Papa “G” will be providing the entertainment for this event. He is sure to keep everyone entertained. There will also be a Market Place area in which participants can browse and shop from a variety of exhibitors. This event is sponsored by PrimeLife Media. For additional information, contact 314-842-6002.

WEDNESDAY, MAY 18 — 9:30 a.m.-2:00 p.m.

MID-EAST AREA AGENCY ON AGING SENIOR FAIR “AMERICA’S GREATEST HITS”
ST. ANN COMMUNITY CENTER
1 COMMUNITY CENTER DRIVE
ST. ANN, MO

This event will feature live music, dancing, information booths, games, prizes and health screenings. Back by popular demand, Steve Davis will be presenting “Memories of Elvis” and Terry Thompson and his Swingin’ Band will perform. A special award for extraordinary volunteer will be presented to Tom Goldenberg. Stop by the Martha C. Brown & Associates table. Admission is free. For more information, contact 636-207-0847 or visit: www.mid-eastaaa.org.

THURSDAY, MAY 19 — 8:30 a.m.-4:00 p.m.

IT’S ALL ABOUT MO HEALTHNET: PLANNING AND PAYING FOR LONG-TERM CARE
HOLIDAY INN EXPRESS
3253 WILLIAM STREET
CAPE GIRARDEAU, MO

Many people are not prepared for the financial burden of long term care and don’t really know where to begin or who to turn to for help. Presented by Brigid Fernandez, this workshop is structured to increase the social worker’s understanding of MO HealthNet (Medicaid) eligibility rules and guidelines for vendor nursing home care for our elderly and disabled clients. This is one of three presentations. The other two are shown on April 21st in St. Louis, MO and May 12th in Columbia, MO. For additional information or to register please visit: <http://www.nasw-mo.org/cde.cfm?event=328608>

WEDNESDAY, MAY 25 — 9:00 a.m.-1:00 p.m.

NATIONAL SENIOR HEALTH & FITNESS JAM
MONSANTO YMCA
5555 PAGE BOULEVARD
ST. LOUIS, MO

This health and fitness jam for seniors will include energy and workout classes, health screenings, a cooking demo, bingo, line dancing and music provided by Clear Channel Radio. There will be many giveaways and prizes. Fred Bird of the St. Louis Cardinals and Louie of the St. Louis Blues will be there too. There were over 200 people at last years’ event. For more information contact Greg Horta at 618-207-1833 or by email at Gregory.Horta@wellcare.com.

Martha C. Brown & Associates appreciates and encourages you to share this newsletter with anyone that is interested in issues regarding the elderly, the disabled, or someone needing information on veterans benefits. If you know someone who would like to receive this or future newsletters please have them contact us at 314-962-0186 or email us at: marketing@elderlawstlouis.com.

Save a tree and receive future newsletters by email.
Please send your name, email address and the name of your company to:
marketing@elderlawstlouis.com.
Thank you.

Content of this newsletter is for informational purposes only and not intended as legal advice nor does receipt of the newsletter establish an attorney/client relationship.

The choice of a lawyer is an important decision and should not be based solely upon advertisements.

Veterans Advocate Corner: Aid and Attendance

Brigid Fernandez

In the May 2010 newsletter, we addressed the Service Eligibility criteria that is needed to determine the first level of eligibility for our wartime veterans or their surviving spouses who are interested in the Aid and Attendance special monthly pension. August 2010's newsletter discussed the second prong of Aid and Attendance, the Medical Eligibility criteria that is required to become eligible to receive this pension. This month will address the Financial Eligibility criteria needed to attain eligibility. To qualify for the Aid and Attendance benefit the veteran or surviving spouse will also need to be both eligible in terms of their income and net worth.

The Aid and Attendance special monthly pension is available for those veterans or their surviving spouses who have limited income and insufficient net worth to cover the ordinary living needs for the remainder of their life.

Income

Let's take a look at how the VA analyzes a person's income. Income for VA purposes (IVAP) is the VA's own acronym for a person's income. The IVAP is the result of the critical calculation of total household income less the recurring, unreimbursed medical expenses (Gross income less exclusions = IVAP).

Possible medical expenses that may be deducted from a veteran's gross income include insurance premiums, durable medical equipment, assisted living charges, prescriptions and nursing care, to name a few.

A person's IVAP must fall below the VA's Maximum Annual Pension Rate (MAPR) for a person to qualify for the full monthly benefit listed below:

2011 Maximum Pension Rates for Aid and Attendance

| | | |
|-------------------------------------|--------------------------|--------------------------|
| Single Veteran | \$1,644 Per Month | \$19,736 Per Year |
| Married Veteran | \$1,949 Per Month | \$23,396 Per Year |
| Widowed Spouse | \$1,056 Per Month | \$12,681 Per Year |
| Healthy Veteran / Ill Spouse | \$1,291 Per Month | \$15,493 Per Year |

Net Worth

No specific dollar amount is designated as excessive net worth. This calculation is individual and specific to the facts of each case. The VA considers a person's income from all sources, family expenses, the person's medical condition, unreimbursed medical expenses, life expectancy, and the convertibility into cash of the assets involved.

Based on our experience, we have set the following net worth guidelines: \$50,000 for a married couple and \$30,000 for a single person. A person's home, car and personal belongings are considered exempt by the VA, that is, they are not included in the calculation of a person's net worth. The VA considers all checking and savings accounts, certificates of deposit, savings bonds and the like in determining a person's total net worth.

If you are interested in more information about the Aid and Attendance benefit and how you or someone you know might be eligible, call our office at 314-962-0186. We have ways to assist persons in attaining eligibility.