

Index

A-B TRUSTS

Taxes and Taxation, this index

ABILITY

Guardian and attorney fees, **§ 28:257**

ABROAD

Medicare Part B voluntary coverage, services abroad, **§ 18:48**

ABSENCES

Medicaid, this index

Supplemental Security Income, aliens' eligibility, **§ 16:12**

ABUSE

Incapacity planning, freedom from abuse, **§ 21:13**

Nursing home resident rights, prohibition, **§ 23:29**

Prevention, **§§ 5:1 to 5:61**

ACCEPTANCE

Emotions of client, terminally ill client representation, **§§ 4:20 to 4:22**

Medicaid, refusal to accept inheritance, **§ 25:225**

ACCESS

Americans with Disabilities Act, **§§ 19:10, 19:11**

Nursing Homes, this index

Probate, this index

Residential setting choice, access to physicians' services, **§ 22:2**

ACCIDENTS

Medicare Part B voluntary coverage, automobile accidents, **§ 18:60**

ACCOMMODATIONS

Americans with Disabilities Act, **§§ 19:9, 19:11**

ACCOUNTABILITY OF TRUSTEE

Living trust advantages, **§ 10:42**

ACCOUNTING OR ACCOUNTINGS

Final accounting

Living trusts, forms, **§§ 10:197, 10:198**

Probate proceedings, **§§ 8:61, 8:104**

Guardianship, this index

Living Trusts, this index

Medicaid, qualified income trust, **§ 25:156**

Personal representatives for decedents' estates, providing information for accountings, **§ 7:30**

Power of attorney, authorized powers, **§ 26:31**

ACCOUNTING OR ACCOUNTINGS—Cont'd

Probate, this index

ACCOUNTS

Attorney's fees held in trust account, SSI and SSDI, **§ 16:75**

Banks and Banking, this index

Guardianship, this index

Health Savings Accounts, this index

Living Trusts, this index

Medicaid, determination and management of assets for eligibility, **§§ 25:181 to 25:184, 25:199**

Pensions and Retirement, this index

Probate, this index

Supplemental Security Income, this index

ACCRUED INCOME ON TRANSFERRED ASSET

Taxable transfers and trust assets valuation, **§ 12:65**

ACKNOWLEDGMENT OF REFERRAL

Form, scope of elder law, **§ 1:56**

ACQUISITION

Medicaid, this index

ACT OR ACTS

Guardianship, this index

Living trusts, voidable trustee acts, **§ 10:35**

Medicaid, this index

Nursing homes, prohibition against facility acting as trustee, **§§ 23:55, 23:56**

Powers of attorney, immunity of third party acting in good faith without notice, **§ 26:18**

ACTIONS AND PROCEEDINGS

Abuse and neglect remedies, **§§ 5:32 to 5:34**

Assisted living facilities, civil actions, **§ 23:70**

Attorney's role, long term care facilities' regulation, **§ 23:75**

Civil actions

 Abuse and neglect remedies, **§ 5:34**

 Assisted living facilities, **§ 23:70**

 Incapacity planning tools, **§ 21:39**

Estate Planning, this index

Guardianship, this index

 Incapacity planning tools, **§§ 21:37 to 21:39**

Long term care facilities' regulation, causes of litigation, **§ 23:4**

Medicaid, this index

Powers of attorney, incompetency proceedings, **§§ 26:13, 26:14**

Probate, this index

Supplemental Security Income, litigation awards as resources, **§ 16:34**

Veterans' benefits, protective legislation, **§ 15:65**

INDEX

ACTIVE DUTY

Veterans' Benefits, this index

ACTIVITIES

Americans with Disabilities Act, limited performance of major life activities, **§ 19:4**

Daily living activities. Activities of Daily Living, this index
Nursing home resident rights, **§ 23:34**

ACTIVITIES OF DAILY LIVING

Long term care insurance, **§ 24:34**

Medicaid, assessment of appropriate placement and level of care, **§ 25:120**

ACTUARIAL VALUATION

Taxable transfers and trust assets valuation, **§ 12:64**

ACUMEN

Living trusts, business acumen as trust company use advantage, **§ 10:79**

AD LITEM GUARDIANS FOR MINORS

Generally, **§ 28:37**

ADA (AMERICANS WITH DISABILITIES ACT)

Generally, **§§ 19:1 to 19:15**

ADAPTED HOMES

Veterans' benefits, disability benefits, **§ 15:19**

ADDICTS

Supplemental Security Income, eligibility, **§ 16:7**

ADDING DEDUCTIONS BACK INTO PAYMENTS

Medicaid, calculating and managing income for eligibility, **§ 25:127**

ADDITIONAL MATTERS

Living Trusts, this index

Taxes and Taxation, this index

Veterans' disability benefits, payment, **§ 15:14**

ADJUDICATION OF INCAPACITY

Guardianship, effect on individual's rights, **§§ 28:65 to 28:69**

ADJUSTMENTS

Living trusts, allocation of income and principal, **§ 10:127**

Medicaid, further adjustments to income after eligibility established, **§ 25:161 et seq.**

ADLs

Activities of Daily Living, this index

ADMINISTRATION

Guardianship, **§§ 28:159 to 28:209**

Living Trusts, this index

Long Term Care Ombudsman Council, **§ 23:7**

Medicaid, federal and local authorities, **§ 25:22**

ADMINISTRATION—Cont'd

Older Americans Act, §§ 20:2 to 20:4
Probate, this index
Special needs trust, disabled heir planning, § 11:19
Supplemental Security Income program, § 16:2
Veterans Administration, this index

ADMINISTRATIVE MATTERS

Appeal and review
Denial or suspension of SSI or SSDI benefits, §§ 16:68 to 16:70
Social Security benefits, §§ 14:35, 14:36
Veterans' benefits, §§ 15:67 to 15:115
Enforcement of Americans with Disabilities Act, § 19:14
Incapacity planning tools, administrative action, § 21:37
Medicaid, definitions of intermediate care and skilled care, § 25:386
Review. Appeal and review, above
Scope of elder law, administrative law, § 1:9

ADMINISTRATOR

Nursing home management, § 23:44

ADMISSION TO NURSING HOME OR ASSISTED LIVING FACILITY

Powers of attorney, application, § 26:47

ADMITTING WILL TO PROBATE

Order form, § 8:95

ADOPTED CHILDREN OR ADOPTION OF CHILDREN

Estate planning, adopted child heirs, §§ 6:16, 6:17
Virtual adopted children or adoption of children, §§ 6:17, 7:23

ADULTS

Medicaid, this index

ADVANCE HEALTH CARE DIRECTIVES

Generally, §§ 27:1 to 27:27
Advocate, guardian, § 27:27
Alert form, scope of elder law, § 1:63
Baker Act, guardian's decision, §§ 27:26, 27:27
Christian Science practitioners' directives, form, § 27:95
Condition of patient, §§ 27:3 to 27:10
Court enforcement, §§ 27:16 to 27:20
Decisions
Guardian's decision, §§ 27:21 to 27:27
Review of surrogate's decision, court enforcement, § 27:17
Defining terminal condition, §§ 27:3 to 27:10
Do not resuscitate order, guardian's decision, § 27:24
Duty of health care facility to provide patient with information, § 27:14
Effect on insurance, § 27:12
End-stage condition, § 27:4
Enforcement, §§ 27:1 to 27:27

INDEX

ADVANCE HEALTH CARE DIRECTIVES—Cont'd

- Ethics committees, guardian's decision, § **27:25**
- Execution in another state, § **27:8**
- Forms, §§ **1:63, 27:94 to 27:97**
- Guardianship
 - Decision of guardian, §§ **27:21 to 27:27**
 - Delegable rights, § **28:68**
 - Halachic directives, form, § **27:94**
 - Hearing, court enforcement, § **27:20**
 - Immunity of health care provider from liability, § **27:13**
 - Incapacity, § **27:9**
 - Information, duty of health care facility to provide patient with, § **27:14**
 - Insurance, effect on, § **27:12**
 - Liability, immunity of health care provider from, § **27:13**
 - Limitations or restrictions
 - Generally, § **27:10**
 - Guardian's decision, §§ **27:22, 27:23**
 - Notice, court enforcement, § **27:19**
 - Older advance directives, § **27:7**
 - Patients, §§ **27:1 to 27:27**
 - Penalty for health care facility's interference with patient's rights, § **27:15**
 - Persistent vegetative state, § **27:6**
 - Petition, court enforcement, § **27:18**
 - Placement limit, guardian's decision, § **27:23**
 - Provide patient with information, duty of health care facility to, § **27:14**
 - Refusal of treatment, right, §§ **27:1 to 27:27**
 - Restrictions. Limitations or restrictions, above
 - Review of surrogate's decision, court enforcement, § **27:17**
 - Rights
 - Guardianship, delegable rights, § **28:68**
 - Refuse treatment, §§ **27:1 to 27:27**
 - Scope of elder law, alert form, § **1:63**
 - Terminal condition, §§ **27:3 to 27:10**
 - Treatment, right to refuse, §§ **27:1 to 27:27**
 - Types, § **27:2**

ADVANCE MATTERS

- Guardianship, this index
- Health care directives. Advance Health Care Directives, this index
- Prepayment, this index
- Retirement funds raised by using reverse mortgages, advances, §§ **13:15, 13:18, 13:19, 13:31**

ADVANCEMENTS

- Medical advancements, dynamic nature of elder law, § **1:30**

ADVANTAGES AND DISADVANTAGES

- Employer health plans, §§ **18:113 to 18:117**
- Living Trusts, this index

ADVANTAGES AND DISADVANTAGES—Cont'd

Medicaid, this index
Medicare, this index
Probate, this index
Professional guardians, **§ 28:94**
Remain at home choice, nurse's aides, **§§ 22:6, 22:7**
Retirement funding with annuities, **§ 13:7**
Taxes and Taxation, this index

ADVISORS AND ADVISORY MATTERS

Incapacity planning, financial and tax advisors, **§§ 21:30, 21:31**
Living Trusts, this index

ADVOCATE

Advance health care directives, guardian advocate, **§ 27:27**

AFFECTED EMPLOYERS

Americans with Disabilities Act, **§ 19:7**

AFFIDAVITS

Medicaid, designated representative, **§§ 25:351, 25:355**
Powers of Attorney, this index
Probate proceedings, form for affidavit of no Florida estate tax due, **§ 8:92**
Will validity, **§§ 7:7 to 7:11**

AFTER DEATH

Post Mortem, this index

AFTER-ACQUIRED ASSETS

Medicaid, this index

AGE

Advance health care directives, older advance directives, **§ 27:7**
Americans with Disabilities Act, **§ 19:5**
Employee Retirement Income Security Act qualified plans, normal retirement age, **§ 14:87**
Long term care insurance, **§ 24:14**
Medicaid, this index
Medicare, eligibility, **§ 18:3**
Probate avoidance by use of jointly owned property, Uniform Gifts to Minors Act, **§ 9:19**
Real property taxes, additional homestead exemption for persons 65 and older, **§ 17:36**
Social Security benefits, **§§ 14:7, 14:22, 14:28 to 14:30**
Social Security Disability Insurance, this index
Supplemental Security Income, this index

AGENCIES

Americans with Disabilities Act, implementation by federal agencies, **§ 19:13**
Medicaid, government agency assistance, **§ 25:138**
Older Americans Act, state agency administration, **§ 20:4**
Role of charitable agencies, planning for lifetime needs of elderly client, **§ 1:17**

INDEX

AGENT ORANGE

Veterans' benefits, outpatient treatment health care benefits, **§ 15:95**

AGENTS

Conflicts of interest

Attorney, **§ 3:8**

Living trusts, transfer agents for securities, **§ 10:103**

Medicaid applicant's agent, creation of qualified income trust, **§ 25:153**

AGREEMENTS

Contracts or Agreements, this index

AID OR ASSISTANCE

Blind aids, veterans' health care benefits, **§ 15:59**

Disabled heir planning, **§§ 11:7, 11:8, 11:11**

Estate Planning, this index

Hearing aids, Medicare Part B voluntary coverage, **§ 18:55**

Hearing assistance, Medicaid, **§ 25:65**

Incapacity planning, psychological aid, **§ 21:23**

Living assistance. Assisted Living, this index

Living trusts, duties of attorney in aiding trustee's administration, **§§ 10:164 to 10:166**

Long term care insurance, assisted living or care, **§§ 24:5, 24:35**

Medicaid, this index

Medicare, this index

Public Assistance, this index

Suicide, this index

Veterans' Benefits, this index

AIDES

Nurses' aides, remain at home choice, **§§ 22:5 to 22:7**

AIDS

Medicaid, project AIDS care, **§ 25:31**

AIME (AVERAGE MONTHLY EARNINGS) DETERMINATION

Social Security benefits computation, **§ 14:20**

AIP (ALLEGED INCAPACITATED PERSON)

Guardianship, this index

ALERTS

Marketing, **§§ 1:49, 1:63**

ALFs

Assisted Living Facilities, this index

ALIENATION OF JOINT SPOUSAL ASSETS

Guardianship administration, **§ 28:186**

ALIENS

Medicaid, this index

Supplemental Security Income, eligibility, **§§ 16:8 to 16:12**

ALIMONY

Medicaid, this index

Probate avoidance by use of jointly owned property, **§ 9:14**

ALLEGED INCAPACITATED PERSON

Guardianship, this index

ALLOCATION OF INCOME AND PRINCIPAL

Living trusts, lifetime administration, **§§ 10:126, 10:127**

ALLOWANCES

Medicaid, this index

ALLOWED OR PERMITTED

Medicaid, this index

Supplemental Security Income, resources, **§§ 16:30 to 16:34**

ALTERATION

Living trust agreement, lifetime administration, **§§ 10:120 to 10:123**

ALTERNATIVE OR ALTERNATIVES

Date of valuation of transfer, estate taxes, **§ 12:59**

Disposition of assets, estate planning, **§ 6:19**

Guardianship, this index

Living arrangements, Medicaid, **§ 25:96**

ALZHEIMER'S DISEASE

Assisted living facilities, caring for patients, **§ 23:67**

ALZHEIMER'S DISEASE INITIATIVE

Federal matters, **§§ 20:8, 20:9**

AMATEURS

Guardian selection, **§ 28:91**

AMBULANCE SERVICES

Medicare Part B voluntary coverage, **§ 18:31**

AMENDMENT, MODIFICATION OR CHANGE

Adjustments, this index

Anatomical gift declaration, **§ 27:72**

Guardianship, change of ward's residence or domicile, **§§ 28:202, 28:233**

Living Trusts, this index

Medicaid, this index

Nursing home resident rights, notification of room change, **§ 23:24**

Veterans' benefits, change of representative for appeals, **§ 15:97**

Wills, **§ 7:13**

AMERICANS WITH DISABILITIES ACT

Generally, **§§ 19:1 to 19:15**

AMNESTY PROGRAMS

Intangible personal property taxes, **§ 17:18**

INDEX

AMOUNT

Additional Matters, this index
Benefit or Benefits, this index
Estate Planning, this index
Excess, this index
Extended or Extension, this index
Increase, this index
Individual retirement accounts, contributions, **§§ 14:101, 14:110**
Infrequent Matters, this index
Living Trusts, this index
Maximum, this index
Medicaid, this index
Medicare, this index
Multiple Matters, this index
Primary insurance amount determination, Social Security benefits computation, **§ 14:21**
Probate, this index
Quarters of coverage, Social Security benefits eligibility, **§§ 14:8, 14:9**
Reduction or Decrease, this index
Retirement funds raised by using reverse mortgages, loan amount not income, **§ 13:36**
Simplified employee pension contribution, **§ 14:110**
Size of Estate, this index
Social Security Disability Insurance, this index
Supplemental Security Income, this index
Taxes and Taxation, this index
Total or Complete, this index
Unlimited Matters, this index
Veterans' Benefits, this index
Will validity, witnesses, **§§ 7:5, 7:6**

ANATOMICAL GIFTS

Generally, **§§ 27:60 to 27:81**
Amendment of declaration of gift, **§ 27:72**
Attending physician, declaration of gift, **§ 27:70**
Bar to gift, persons other than decedent as donors, **§ 27:63**
Corneas, **§§ 27:79 to 27:81**
Coroners or medical examiners, harvesting of eyes and corneas, **§ 27:80**
Costs of harvesting, **§ 27:76**
Custody of parts of body not gifted, harvesting, **§ 27:78**
Declaration of gift, **§§ 27:68 to 27:72, 27:93**
Delivery of declaration of gift, **§ 27:71**
Discrimination, donees, **§ 27:66**
Donors and donees, **§§ 27:61 to 27:67, 27:70**
Embalming body gifted for scientific purposes, harvesting, **§ 27:77**
Eyes, **§§ 27:79 to 27:81**
Form of declaration of gift, **§§ 27:69, 27:70**
Funeral directors, harvesting of eyes and corneas, **§ 27:81**

ANATOMICAL GIFTS—Cont'd

- Harvesting, §§ 27:73 to 27:81
- Living wills, § 27:41
 - Medical examination required, donors, § 27:64
 - Medical examiners or coroners, harvesting of eyes and corneas, § 27:80
 - Parts of body not gifted, custody of, § 27:78
 - Refusal of gift, donees, § 27:67
 - Revocation of declaration of gift, § 27:72
 - Scientific purposes, embalming body gifted for, § 27:77
 - Specific donee, declaration of gift, § 27:70
 - Suggested anatomical gift declaration form, § 27:93
 - Terminally ill client representation, § 4:8
 - Testing, harvesting, § 27:75
 - Third persons, donors, §§ 27:62, 27:63
 - Time of death, harvesting, § 27:74

ANCILLARY PROCEEDINGS

- Nonresidents with assets in Florida, probate proceedings, §§ 8:77 to 8:80

ANGER

- Emotions of client, terminally ill client representation, § 4:13

ANNUAL MATTERS

- Guardianship, this index
- Retirement funds raised by using reverse mortgages, total annual loan cost rate, § 13:23
 - Taxes and Taxation, this index
 - Veterans' benefits, maximum annual rates for pension, § 15:25

ANNUITIES

- Evaluation guidelines, medicaid, § 25:390
 - Immediate annuities
 - Medicaid, this index
 - Retirement funding, §§ 13:5, 13:37
 - Individual retirement accounts, § 14:106
 - Medicaid
 - Evaluation guidelines, § 25:390
 - Medicaid, this index
 - Retirement funding, §§ 13:3 to 13:7, 13:22, 13:37, 13:38
 - Reverse mortgages, retirement funds raised by using, §§ 13:22, 13:37, 13:38
 - Taxes and Taxation, this index

ANSWERS

- Medicaid, qualified domestic relations order, § 25:150

ANTENUPTIAL AGREEMENTS

- Estate Planning, this index

APPARATUS

- Medicare Part B voluntary coverage, durable medical apparatus, § 18:32

INDEX

APPEAL AND REVIEW

Administrative Matters, this index
Courts, this index
Medicaid, this index
Peer Review Organization, this index
Reconsideration, this index
Social Security Disability Insurance, this index
Supplemental Security Income, this index
Veterans' benefits, **§§ 15:67 to 15:115**

APPEAL TO KEEP EXCESS ASSETS

Medicaid, preserving assets methods, **§§ 25:263 to 25:265**

APPEALS COUNCIL REVIEW

SSI and SSDI, denial or suspension of benefits, **§ 16:70**

APPEARANCE

Abuse identification, **§ 5:22**

APPLICATION OR APPLICABILITY

Americans with Disabilities Act, **§§ 19:3 to 19:5, 19:7**
Medicaid, this index
Powers of attorney, property interests subject to power, **§ 26:21**
Probate assets, **§§ 8:12 to 8:20, 9:2**
Taxes and Taxation, this index
Wills, surviving spouse's elective share applicable to nonprobate assets, **§ 7:19**

APPLICATIONS

Guardian appointment, procedure, **§ 28:110**
Medicaid, this index
Powers of attorney, **§§ 26:43, 26:44, 26:47**
Real property tax exemption, **§ 17:26**
Social Security benefits, **§ 14:32**
SSI and SSDI benefits, **§§ 16:59 to 16:66**

APPOINTMENT

Commissioner, will forms, **§§ 7:49, 7:51**
Guardianship, this index
Personal Representatives, this index
Power of Appointment, this index
Trustee for special needs trust, disabled heir planning, **§ 11:18**

APPRECIATION

Tax avoidance, GRITs, GRATs and GRUTs, **§§ 12:175, 12:181**

APPROACH

Interdisciplinary approach, incapacity planning, **§§ 21:24 to 21:31**
Multi-dimensional approach, scope of elder law, **§§ 1:20 to 1:27**

APPROPRIATE PLACEMENT AND LEVEL OF CARE ASSESSMENT

Medicaid, eligibility criteria, **§§ 25:118 to 25:120**

APPROVAL

Denial, this index

Medicaid, this index

Medicare cost cutting features, only approved amounts are paid, **§ 18:63**

Personal representatives for decedents' estates, approving papers and settlements, **§ 7:29**

ARDUOUS 35-YEAR LABOR

Social Security Disability Insurance, eligibility, **§ 16:51**

ARMED FORCES

Military Matters, this index

ASSESSMENT

Medicaid, appropriate placement and level of care, **§§ 25:118 to 25:120**

Real property taxes, additional reduction in assessed value for widows, widowers, blind persons and disabled persons, **§ 17:32**

Residential setting choice, capability of client, **§§ 22:18, 22:25**

Terminally ill client representation, assessing psychological factors, **§ 4:3**

ASSETS

Disabled heir planning, management, **§ 11:9**

Estate planning, client interview and unified planning, **§ 6:19**

Family asset protection planning, **§ 1:69**

Guardianship, this index

Lists, living trusts, **§ 10:191**

Living Trusts, this index

Marshaling Assets, this index

Medicaid, this index

Personal representatives for decedents' estates, **§§ 7:26, 7:33**

Probate, this index

Supplemental Security Income, this index

Taxes and Taxation, this index

Wills, surviving spouse's elective share applicable to nonprobate assets, **§ 7:19**

ASSIGNMENT

Medicaid, this index

Medicare cost cutting features, assignments limits fees, **§ 18:64**

Powers of attorney, rights of support, **§ 26:50**

ASSISTANCE

Aid or Assistance, this index

ASSISTED LIVING

Facilities. Assisted Living Facilities, this index

Long term care insurance, **§ 24:5**

ASSISTED LIVING FACILITIES

Alzheimer's disease, caring for patients with, **§ 23:67**

Bill of rights of residents, **§ 23:69**

Care, **§§ 23:59 to 23:67**

INDEX

ASSISTED LIVING FACILITIES—Cont'd

Choices

Extended congregate care services, resident's choices, **§ 23:65**

Residential setting choice, **§§ 22:13, 22:14**

Civil actions, **§ 23:70**

Competition among hospitals, nursing homes and assisted living facilities, **§ 23:72**

Congregate care services, extended, **§§ 23:59 to 23:66**

Contracts with residents, **§ 23:68**

Criteria for residency, extended congregate care services, **§ 23:66**

Dignity, extended congregate care services, **§ 23:64**

Extended congregate care services, **§§ 23:59 to 23:66**

Medicaid, this index

Nurses, extended congregate care services, **§ 23:62**

Operation standards, **§ 23:58**

Patients with Alzheimer's disease, caring for, **§ 23:67**

Physical environment, extended congregate care services, **§ 23:60**

Powers of attorney, applying for admission, **§ 26:47**

Regulation, **§§ 23:57 to 23:75**

Residency criteria, extended congregate care services, **§ 23:66**

Residential setting choice, **§§ 22:13, 22:14**

Residents, **§§ 23:65, 23:68, 23:69**

Services, extended congregate care, **§§ 23:59 to 23:66**

Staff and staffing, extended congregate care services, **§§ 23:61, 23:63**

Standards of operation, **§ 23:58**

Training of staff, extended congregate care services, **§ 23:63**

Waiver program, Medicaid, **§ 23:73**

ASSISTED SUICIDE

Suicide, this index

ASSUMPTION OF DUTIES

Preneed guardian, **§ 28:63**

ASSURANCE THAT ESTATE IS DISTRIBUTED IN TIMELY FASHION

Probate proceedings, advantages, **§ 8:8**

AT-HOME OR IN-HOME

Care

Health Care, this index

Incapacity planning, **§ 21:19**

Long term care insurance, **§§ 24:4, 24:37**

Medicare Part A hospital insurance benefits, homebound care, **§ 18:21**

Public assistance programs, home care for elderly and disabled, **§ 25:40**

Health Care, this index

Medigap Plan D, costs of at-home assistance, **§ 18:100**

Public assistance programs, home care for elderly and disabled, **§ 25:40**

Remain at home choice, **§§ 22:3 to 22:12**

ATTENDANCE

- Guardianship, incapacity hearing, **§ 28:134**
- Supplemental Security Income, blind and disabled children attending school, **§ 16:16**
- Veterans' benefits, survivor benefits, **§ 15:35**

ATTENDING PHYSICIAN

- Anatomical gift declaration, **§ 27:70**

ATTORNEY IN FACT

- Powers of Attorney, this index

ATTORNEYS

- Abuse and neglect prevention, **§§ 5:1 to 5:61**
- Community resources for the elder law client. Community or Communities, this index
- Conduct of attorney
 - Office practice tips, **§ 1:35**
 - Rules of professional conduct, ethical duties, **§§ 3:1 to 3:9**
- Conflicts of interest
 - As agent, **§ 3:8**
- Diminished capacity, clients under, **§ 3:9**
- Disability, clients under, **§ 3:9**
- Estate planning, **§§ 6:1 to 6:88**
- Ethical duties, **§§ 3:1 to 3:14**
- Fees. Attorney's Fees, this index
- Guardianship, this index
- Incapacity planning, **§§ 21:1 to 21:39**
- Living Trusts, this index
- Long term care facilities' regulation, **§§ 23:74, 23:75**
- Malpractice insurance, **§ 2:9**
- Medicaid, this index
- Personal representatives for decedents' estates, **§§ 7:25, 7:37, 7:44, 7:54**
- Pro Bono Publico, this index
- Probate, this index
- Residential setting choice, role, **§ 22:1**
- Retainer agreement forms, **§§ 8:88, 25:358**
- Role
 - Emotions of client, terminally ill client representation, **§§ 4:17 to 4:19, 4:22**
 - Guardianship, **§§ 28:121 to 28:132**
 - Living Trusts, this index
 - Long term care facilities' regulation, **§§ 23:74, 23:75**
 - Medicaid, misconceptions, **§§ 25:20, 25:21**
 - Residential setting choice, **§ 22:1**
- Scope of elder law, **§§ 1:1 to 1:72**
- Terminally ill client representation, **§§ 4:1 to 4:22**
- Veterans' benefits, staff attorneys and appellate procedure, **§ 15:99**

ATTORNEY'S FEES

- Agreements, **§§ 1:69, 1:70**

INDEX

ATTORNEY'S FEES—Cont'd

- Guardianship, this index
- Living trusts, post mortem administration, §§ **10:167, 10:168**
- Medicaid, initial planning consultation, § **25:112**
- Nursing homes, civil enforcement, §§ **23:19, 23:20**
- Powers of attorney, § **26:26**
- Probate, this index
- Rules of professional conduct, ethical duties, § **3:10**
- Social Security benefits, administrative and court reviews, § **14:36**
- Social Security Disability Insurance, appealing denial or suspension of benefits, §§ **16:74 to 16:78**
- Structuring of fees, office practice tips, §§ **1:37 to 1:42**
- Supplemental Security Income, appealing denial or suspension of benefits, §§ **16:74 to 16:78**

AUGMENTED ESTATE

- Estate planning, elective share, §§ **6:30, 6:33**

AUTHORITIES

- Medicaid administration by federal and local authorities, § **25:22**

AUTHORITY OR POWER

- Guardianship, this index
- Health care surrogate, §§ **27:50 to 27:52**
- Living trusts, power to direct trustees, § **10:37**
- Medicaid, power of state to recover funds and to penalize fraud, §§ **25:73 to 25:80**
- Probate, this index
- Tax avoidance, documentation of crummey powers in life insurance trusts, § **12:133**

AUTOMOBILES

- Motor Vehicles, this index

AUTOPSY

- Living wills, publication contents, § **27:35**
- Terminally ill client representation, § **4:7**

AUTUMN MARRIAGES

- Estate planning, dangers of elective share rights, § **6:52**

AUXILIARY SERVICES

- Generally, §§ **1:67, 3:7**

AVAILABLE OR AVAILABILITY

- Americans with Disabilities Act, telecommunications devices for deaf persons, § **19:12**
- Disabled heir planning, choices, §§ **11:12 to 11:20**
- Medicaid, this index
- Medicare, this index
- Railroad retirement pension benefits, § **14:38**

AVAILABLE OR AVAILABILITY—Cont'd

Social Security Disability Insurance eligibility, availability of other work, **§ 16:49**
Veterans' Benefits, this index

AVERAGE MONTHLY EARNINGS DETERMINATION

Social Security benefits computation, **§ 14:20**

AVOIDANCE

Estate Planning, this index
Medicaid, this index
Probate, this index
Remand, appellate procedure for veterans' benefits, **§§ 15:104 to 15:106**
Taxes and Taxation, this index

AWARD OR AWARDS

Supplemental Security Income, litigation awards as resources, **§ 16:34**

BABYBOOMERS

Dynamic nature of elder law, **§ 1:32**

BAKER ACT

Advance health care directives, guardian's decision, **§§ 27:26, 27:27**

BALANCE

Medicaid, minimum balance preferred for qualified income trust, **§ 25:159**

BALANCING LIFETIME AND POST MORTEM NEEDS

Estate planning, unified planning, **§ 6:10**

BALLOON ANNUITIES

Medicaid, Deficit Reduction Act, **§ 25:12**

BANKS AND BANKING

Accounts
Abuse and neglect prevention, **§ 5:39**
Guardianship administration, **§§ 28:187 to 28:189**
Living trusts, statements to settlor, **§ 10:119**
Medicaid, determination and management of assets for eligibility, **§§ 25:181 to 25:184**
Probate, this index
Office of Financial Regulation, abuse and neglect statutes, **§ 5:54**
Power of attorney, banking authority, **§ 26:32**

BAR OR PROHIBITION

Prohibition or Bar, this index

BARGAIN AND SALE DEED

Probate avoidance by use of jointly owned property, **§ 9:30**

BARGAINING

Emotions of client, terminally ill client representation, **§ 4:14**

INDEX

BASIS OF APPEAL

Veterans' benefits, **§§ 15:74 to 15:76**

BEDS

Nursing Homes, this index

BEHAVIOR

Emotions of client, terminally ill client representation, **§ 4:21**

BELIEFS

Living wills, special provisions to address individual beliefs, **§ 27:36**

BELONGINGS

Medicaid spenddowns, purchase of personal belongings, **§ 25:271**

BENEFICIAL TITLE

Real property taxes, homestead exemption, **§§ 17:28, 17:29**

BENEFICIARIES

Estate planning, elective share, **§ 6:37**

Individual retirement accounts, **§§ 14:117, 14:118, 14:120 to 14:125**

Living Trusts, this index

Medicaid, this index

Medicare, eligibility, **§ 18:6**

Probate, this index

Taxes and Taxation, this index

Veterans' outpatient treatment health care benefits, beneficiary travel, **§ 15:56**

BENEFIT OR BENEFITS

Amount of benefits

Federal civil service retirement programs, **§§ 14:63 to 14:65**

Railroad retirement pensions, **§§ 14:39 to 14:41**

Broader benefits or range of benefits, **§ 25:105**

Death benefits

Employee Retirement Income Security Act qualified plans, **§ 14:91**

Medicaid, calculating and managing income for eligibility, **§ 25:133**

Social Security benefits eligibility of widows and widowers, **§ 14:16**

Decrease of benefits. Reduction or decrease of benefits, below

Defined benefit plans

Employee Retirement Income Security Act, **§§ 14:79 to 14:81**

Individual retirement accounts, **§ 14:98**

Disability benefits

Federal civil service retirement programs, **§§ 14:60, 14:74**

Federal Employee Retirement System Plan, **§ 14:74**

Railroad disability pension, **§ 14:45**

Veterans' Benefits, this index

Disabled heir planning, preservation of governmental assistance benefits,
§§ 11:7, 11:8

Employee Retirement Income Security Act, **§§ 14:76 to 14:96**

Employer health plans, all employees entitled to same benefits, **§ 18:116**

Federal civil service retirement programs, **§§ 14:57 to 14:75**

BENEFIT OR BENEFITS—Cont'd

Federal Employee Retirement System Plan, §§ **14:72 to 14:75**
Incapacity planning, government benefits, §§ **21:7, 21:8**
Long Term Care Insurance, this index
Medicaid, this index
Medicare, this index
Optional state supplementation, public assistance programs, § **25:39**
Powers of Attorney, this index
Railroad retirement pensions, §§ **14:37 to 14:53**
Reduction or decrease of benefits
 Federal civil service retirement programs, § **14:68**
 Social Security, §§ **14:9, 14:27 to 14:31**
Retirement funds raised by using real property, §§ **13:16 to 13:20, 13:35 to 13:38, 13:43, 13:44**
Reverse mortgages, retirement funds raised by using, §§ **13:16 to 13:20, 13:35 to 13:38**
Sale-leaseback, retirement funds raised by using, §§ **13:43, 13:44**
Social Security, this index
Taxes and Taxation, this index
Veterans' Benefits, this index

BEQUESTS

Disabled heir planning, choices available to client, §§ **11:14, 11:15**

BILL OF RIGHTS OF RESIDENTS

Assisted living facilities, § **23:69**

BILLS AND BILLING

Fee structuring, office practice tips, §§ **1:38, 1:39**
Probate proceedings, payment of bills, § **8:58**

BIOLOGICALS

Medicare Part B voluntary coverage, § **18:33**

BLINDNESS AND BLIND PERSONS

Medicaid, blind child, §§ **25:237, 25:242**
Real property taxes, homestead exemption, § **17:32**
Social Security Disability Insurance, eligibility, § **16:52**
Supplemental Security Income, this index
Veterans' health care benefits, blind aids and services, § **15:59**

BLOOD

Medigap Plan A, § **18:94**

BOARD OF VETERANS' APPEALS

Veterans' benefits, §§ **15:70, 15:93, 15:99 to 15:111**

BODY

Abuse identification, body movements, § **5:19**
Anatomical Gifts, this index

INDEX

BONDS

Guardianship, this index
Living Trusts, this index
Medicaid, determination and management of assets for eligibility, **§ 25:197**
Personal Representatives, this index

BONE MASS MEASUREMENT

Medicare Part B voluntary coverage, **§ 18:45**

BRACELET

Do not resuscitate orders, **§ 27:58**

BRAIN AND SPINAL CORD INJURY

Medicaid, home and community based services, **§ 25:34**

BREAK ON TAXES

Long term care insurance, **§ 24:12**

BRINGING LAWSUITS

Guardianship administration, **§ 28:197**

BROADER BENEFITS OR RANGE OF BENEFITS

Generally, **§ 25:105**

BROCHURES

Firm brochures, marketing, **§§ 1:52, 1:65**

BROKERS' ACCOUNT STATEMENTS TO SETTLOR

Living trusts, lifetime administration, **§ 10:119**

BROTHERS AND SISTERS

Medicaid, this index

BUILDING OR BUILDINGS

Guardianship administration, building repairs, **§ 28:193**
Medicaid, this index

BURDEN OF PROOF

Guardianship, incapacity hearing, **§ 28:136**

BURIAL

Benefits, veterans' benefits, **§§ 15:37 to 15:39**
Contracts. Medicaid, this index
Funeral, this index

BUSINESS

Living trusts, business acumen as trust company use advantage, **§ 10:79**
Powers of attorney, managing business operations, **§ 26:42**
Taxable transfers and trust assets valuation, farmland and real property held in connection with closely held business, **§ 12:67**

BUY OR BUYER

Purchase or Purchaser, this index

BVA (BOARD OF VETERANS' APPEALS)

Veterans' benefits, §§ 15:70, 15:93, 15:99 to 15:111

CALCULATION OR COMPUTATION

Earnings, Social Security benefits, § 14:30

Medicaid, this index

Required distributions, individual retirement accounts, § 14:116

Social Security benefits, §§ 14:19 to 14:23

Taxes, §§ 12:72 to 12:82

CALL OR CALLS

Bonds, securities funding of living trusts, § 10:108

Docket, appellate procedure for veterans' benefits, §§ 15:88 to 15:90

CANCELLATION

Long term care insurance, non-cancellation, § 24:23

Medicaid, self-canceling note form, § 25:371

CANCER SCREENING

Medicare Part B voluntary coverage, §§ 18:42, 18:43

CANONS OF ETHICS

Abuse and neglect remedies, § 5:28

CAPABILITY OR CAPABILITIES

Assessment, residential setting choice, §§ 22:18, 22:25

Signatory capabilities, Medicaid, § 25:110

CAPACITY

Estate planning, client, § 6:2

Guardianship termination, capacity restoration, §§ 28:211 to 28:217

Health care surrogate, § 27:49

Incapacity, this index

Will validity, § 7:3

CAPITAL GAINS TAXES

Charitable remainder trusts, reducing value of estate assets to avoid tax, § 12:138

Computation of tax, §§ 12:77, 12:78

Homesteads, § 12:5

Probate, this index

Reducing size of estate to avoid tax, considerations when instituting gift program, § 12:91

CAPITALIZATION OF EARNINGS

Taxable transfers and trust assets valuation, § 12:68

CAPS

Federal civil service retirement programs, benefits, § 14:64

Medicaid, exceeding income cap causes disqualification, §§ 25:122 to 25:124

No probate, asset caps, § 8:27

CARE

Assisted living facilities, §§ 23:59 to 23:67

INDEX

CARE—Cont'd

At-Home or In-Home, this index
Geriatric Care Managers and Management, this index
Givers. Caregivers, this index
Guardianship, this index
Health Care, this index
Incapacity planning, §§ 21:9, 21:18, 21:19, 21:25, 21:30, 21:35
Living trust advantages, care monitors can direct administration by trustee,
 § 10:43
Living Wills, this index
Long Term Care, this index
Medicaid, §§ 25:1 to 25:390
Medical Care. Health Care, this index
Nursing Homes, this index
Powers of Attorney, this index
Public assistance programs for elder care, §§ 25:22 to 25:46
Residential setting choice, §§ 22:9, 22:11, 22:26, 22:27

CAREFUL RECORDKEEPING

Guardian and attorney fees, § 28:244

CAREGIVERS

Compensation, terminally ill client representation, § 4:5
Financial security, incapacity planning, § 21:9
Medicaid, this index
Nurses and Nursing, this index
Physicians, this index
Wrongful caregivers, guardianship, § 28:16

CARES TEAM

Medicaid, assessment of appropriate placement and level of care, §§ 25:119,
 25:120

CARS

Motor Vehicles, this index

CASH OR MONEY

Incapacity planning, money buys care, § 21:30
Living trusts, distribution of assets, § 10:161
Medicaid, cash value of life insurance, § 25:204
Retirement funds raised by using reverse mortgages, choice of cash benefits,
 §§ 13:16 to 13:20
Supplemental Security Income, cash accounts as resources, § 16:33

CASH-IN VALUE LACKING

Medicaid, immediate annuity as noncountable investment, § 25:284

CAUSE AND CAUSATION

Long term care facilities' regulation, causes of litigation, § 23:4
Medicaid, exceeding income cap causes disqualification, §§ 25:122 to 25:124
Veterans' Benefits, this index

CAUSE OF ACTION

Attorney's role, long term care facilities' regulation, **§ 23:75**

CAVEAT

Estate planning, marriage contracts, **§ 6:27**

Medicaid, spousal refusal to support, **§§ 25:316 to 25:324**

CCRC ENTRANCE FEES

Medicaid, Deficit Reduction Act, **§ 25:15**

CEDING CONTROL

Tax avoidance, charitable remainder trusts, **§ 12:145**

CEMETERY COMPANIES

Abuse and neglect statutes, Office of Financial Regulation, **§ 5:55**

CERTIFICATES

Guardianship, this index

Taxes and Taxation, this index

CERTIFICATION

Living wills, patient's terminal condition, **§ 27:30**

Nursing home management, certified personnel required, **§ 23:52**

Probate proceedings, form for certification of death by attorney, **§ 8:108**

CHAIN OF APPEAL

Veterans' benefits, **§§ 15:68 to 15:73**

CHALLENGE

Contest or Challenge, this index

CHANGE OR MODIFICATION

Amendment, Modification or Change, this index

CHARACTERISTIC BEHAVIOR

Emotions of client, terminally ill client representation, **§ 4:21**

CHARGES

Living trusts, securities funding and initial administration, **§ 10:105**

CHARITY AND CHARITABLE MATTERS

Deduction. Taxes and Taxation, this index

Individual retirement accounts, beneficiaries, **§§ 14:124, 14:125**

Remain at home choice, charity help, **§ 22:8**

Remainder trusts. Taxes and Taxation, this index

Role of charitable agencies, planning for lifetime needs of elderly client, **§ 1:17**

Taxes and Taxation, this index

CHECKLISTS

Estate planning, **§§ 6:85 to 6:88**

Guardianship, **§§ 28:271, 28:272**

Medicaid, summary of income and exclusions from income, **§ 25:344**

CHECKUPS

Medicare Part B voluntary coverage, **§ 18:52**

INDEX

CHILDREN OR MINORS

Adopted Children or Adoption of Children, this index
Estate Planning, this index
Grandchildren. Medicaid, this index
Guardians, **§§ 28:37, 28:38**
Individual retirement accounts, **§ 14:121**
Medicaid, this index
Parents, this index
Pretermitted children, will heirs, **§ 7:22**
Probate avoidance by use of jointly owned property, Uniform Gifts to Minors Act, **§§ 9:17 to 9:21**
Railroad retirement pensions, **§§ 14:48, 14:51**
Referrals to paper children, multi-dimensional approach, **§ 1:24**
Social Security benefits eligibility, **§ 14:17**
Supplemental Security Income, exclusions from earned income, **§ 16:16**
Taxes and Taxation, this index
Veterans' benefits, survivor benefits, **§ 15:34**
Wills, heirs, **§§ 7:22, 7:23**

CHOICE OR OPTION

Assisted Living Facilities, this index
Disabled heir planning options, **§§ 11:1 to 11:23**
Elections, this index
Estate planning, unified planning, **§ 6:11**
Guardianship, this index
Law, choice of. Governing Law, this index
Medicaid, this index
Medicare + Choice program, Part C, **§§ 18:70 to 18:75**
Nursing Homes, this index
Public assistance programs, optional state supplementation, **§§ 25:37 to 25:39**
Residential setting, **§§ 22:1 to 22:27**
Retirement funds raised by using reverse mortgages, choice of cash benefits, **§§ 13:16 to 13:20**

CHOSES IN ACTION

Probate proceedings, **§ 8:14**

CHRISTIAN SCIENCE PRACTITIONERS

Advance health care directives, form, **§ 27:95**

CIRCUMSTANCES

Guardianship, this index
Medicaid, new assets, **§ 25:343**

CITIZENSHIP

Medicaid, this index
SSI and SSDI, application for benefits, **§ 16:65**

CIVIL ACTIONS

Actions and Proceedings, this index

CIVIL ENFORCEMENT

Nursing homes, §§ 23:13 to 23:20

CIVIL LIBERTIES

Nursing home resident rights, § 23:26

CIVIL PENALTIES

Abuse, neglect and exploitation reporting statutes, § 5:50

CIVIL SERVICE

Federal civil service retirement programs, §§ 14:54 to 14:75

CLAIMS

Creditors, this index

Estate planning, elective share, §§ 6:30 to 6:78

Guardianship, this index

Living Trusts, this index

Medicaid, this index

Medicare, this index

Probate, this index

CLASSIFICATION OF DISCHARGE

Veterans' benefits, eligibility, § 15:6

CLOSELY HELD

Taxes and Taxation, this index

CLOSURE

Living trust disadvantages, no closure, § 10:62

CLOTHING

Veterans' benefits, disability benefits, § 15:21

CODICIL

Form, § 7:48

COGNITIVE DEFICIENCIES

Long term care insurance, § 24:33

COINSURANCE

Medicare, this index

COLA

Cost of Living Increases, this index

COLLECTION

Guardian and attorney fees, § 28:269

COLORECTAL CANCER SCREENING

Medicare Part B voluntary coverage, § 18:43

COMBINATION

Medicaid, this index

Q-TIP and A-B trust, tax avoidance, § 12:115

INDEX

COMMENCEMENT, INITIATION OR INSTITUTION

Guardianship case, §§ **28:70 to 28:74**

Medicaid, commencement of penalty period for uncompensated transfers, § **25:222**

Probate, this index

Tax avoidance, instituting gift program for reducing size of estate, §§ **12:86 to 12:91**

COMMISSIONER

Will forms, §§ **7:49, 7:51**

COMMISSIONS OF PERSONAL REPRESENTATIVE

Probate proceedings, formal administration, §§ **8:64 to 8:66**

COMMITTAL

Loan committal agreement forms, Medicaid, §§ **25:372, 25:374**

COMMITTEES

Guardianship, this index

COMMON INVESTMENT STRATEGY

Retirement funding, § **13:2**

COMMON MISCONCEPTIONS OF CLIENTS

Probate avoidance, reasons for and methods of, §§ **8:1 to 8:4**

COMMON NEW ASSETS

Medicaid, § **25:335**

COMMON PROPERTY

Living Trusts, this index

Probate, this index

COMMON THREADS

Retirement funds raised by using reverse mortgages, §§ **13:10 to 13:15**

COMMUNICATION OR COMMUNICATIONS

Americans with Disabilities Act, availability of telecommunications devices for deaf persons, § **19:12**

Living trusts, infrequent communication with settlor or beneficiary as disadvantage of trust company use, § **10:88**

Nursing home resident rights, § **23:30**

Rules of professional conduct, ethical duties, § **3:3**

COMMUNITY CARE FOR THE ELDERLY (CCE) PROGRAM

Eligibility, § **20:7**

Federal matters, § **20:6**

COMMUNITY OR COMMUNITIES

Abuse and neglect prevention, community support mechanisms, § **5:40**

Best interests, § **2:8**

Developing community resources, §§ **2:10, 2:11**

Fee structuring, community standards, § **1:41**

Guardianship alternatives, community resources, § **28:32**

COMMUNITY OR COMMUNITIES—Cont'd

- Integrated approach to elder law, **§ 2:11**
- Knowledge of community resources, developing, **§ 2:4**
- Layering community resources for the elder law client, **§§ 2:1 to 2:5**
- Limiting liability, **§§ 2:6 to 2:9**
- Malpractice insurance, **§ 2:9**
- Meager government resources, **§ 2:5**
- Medicaid, this index
- Multiple referrals, **§ 2:8**
- Referral procedures, **§§ 2:6 to 2:9**
- Role of community organizations, planning for lifetime needs of elderly client, **§ 1:17**
- Senior communities, residential setting choice, **§§ 22:16, 22:19 to 22:24**
- Social worker
 - Affiliating with a social worker or geriatric care manager, **§ 2:3**
 - Elder law attorney as social worker, **§ 2:1**
 - Hiring social worker or geriatric care manager, **§ 2:2**
- Spouse. Medicaid, this index

COMPARISONS

- Nursing homes, inspection, **§ 23:56**
- Taxes and Taxation, this index

COMPENSATION

- Caregivers, terminally ill client representation, **§ 4:5**
- Guardian and attorney fees, compensable services, **§ 28:258**
- Individual retirement accounts, **§ 14:98**
- Living trusts, venue and post mortem administration, **§ 10:171**
- Medicaid, this index
- Medicare Part B voluntary coverage, workers' compensation, **§ 18:59**
- Veterans' benefits, disability benefits, **§§ 15:13, 15:15**

COMPETENCE OR COMPETENCY

- Estate planning, checklist for letter to doctor asking for competency opinion, **§ 6:87**
- Incompetency, this index
- Voluntary guardianship, **§ 28:53**

COMPETENT REPRESENTATION

- Conflicts of interest, ethical duties, **§ 3:5**

COMPETITION

- Long term care facilities, **§ 23:72**

COMPLAINTS

- Long Term Care Ombudsman Council, **§ 23:9**

COMPLETE

- Total or Complete, this index

COMPLETION OF DOCKET CALL

- Veterans' benefits, appellate procedure, **§ 15:89**

INDEX

COMPLICATIONS

Death of custodian or minor, probate avoidance by use of jointly owned property, §§ **9:20, 9:21**

COMPOSITION OF EXAMINING COMMITTEE

Guardianship, § **28:126**

COMPREHENSIVE CARE AVAILABLE FOR PRIVATE PAY CLIENTS

Medicaid, initial planning consultation, § **25:94**

COMPUTATION

Calculation or Computation, this index

CONCERNS OF CLIENTS

Probate avoidance, reasons for and methods of, §§ **8:1 to 8:4**

CONDITION OF PERSON

Long Term Care Insurance, this index

Nursing home resident rights, information concerning resident's medical condition, § **23:39**

Patients, this index

Terminal, this index

CONDITIONS FOR SPOUSAL REFUSAL TO SUPPORT TO BE EFFECTIVE

Medicaid, preserving assets methods, § **25:318**

CONDOMINIUM REQUIREMENTS

Probate avoidance by use of jointly owned property, life estate deed to convey title to heirs, §§ **9:50, 9:60**

CONDUCT OF HEARINGS

Hearings, this index

CONDUCT OF PERSONS

Attorneys, this index

Veterans' benefits, disability or death not due to willful misconduct, § **15:9**

CONFERENCES

Medicaid, optional conference, § **25:67**

CONFIDENCE

Persons in position of confidence, abuse, neglect and exploitation reporting statutes, § **5:49**

CONFIDENTIALITY

Abuse and neglect prevention, §§ **5:28, 5:47**

Canons of ethics, abuse and neglect remedies, § **5:28**

Information, ethical duties, §§ **3:11 to 3:14**

Reporting abuse, neglect and exploitation, statutes, § **5:47**

CONFIRMATION

Spouse qualifies for qualified domestic relations order, Medicaid, § **25:147**

CONFLICTS

Guardianship, this index
Interests. Conflicts of Interest, this index
Law. Governing Law, this index
Reconciling conflicts, abuse and neglect remedies, **§ 5:29**

CONFLICTS OF INTEREST

Disclosure forms, **§§ 1:66, 3:15**
Ethical duties, **§§ 3:4 to 3:7, 3:15**
Guardian disqualification, **§ 28:83**

CONFLICTS OF INTEREST AS ATTORNEY AND AGENT

Long term care insurance, **§ 24:39**

CONGREGATE CARE SERVICES

Assisted living facilities, extended services, **§§ 23:59 to 23:66**

CONSENT

Attorney acting as personal representative, **§ 7:54**
Estate planning, elective share avoidance, **§§ 6:65, 6:68**
Medicaid, this index
Written consent
Estate planning, elective share avoidance, **§ 6:65**
Medicaid, guardianship, **§ 25:332**

CONSEQUENCES

Estate tax avoidance, GRITs, GRATs and GRUTs, **§§ 12:177, 12:178**
Medicaid, consequences for property owner of purchase of life estate deed, **§ 25:294**

CONSIDERATION

Exchanges for consideration, gift taxes, **§ 12:27**

CONSIDERATIONS

Disabled heir planning, **§§ 11:4 to 11:11**
Guardian selection, **§ 28:76**
Incapacity planning, particular needs to be considered, **§§ 21:15 to 21:22**
Long term care insurance, prior to purchase considerations, **§§ 24:10, 24:11**
Medicaid, this index
Nursing homes, trial judge considerations on punitive damages for medical mal-practice, **§ 23:18**
Taxes and Taxation, this index

CONSTITUTIONAL LAW

Medicaid, power of state to penalize fraud, **§ 25:80**
SSI and SSDI, appealing denial or suspension of benefits, **§ 16:72**
Unconstitutional Matters, this index

CONSTRUCTIVE SERVICE OF NOTICE

Guardianship, procedure, **§ 28:118**

INDEX

CONSULTATION

Initial consultation

Fee, office practice tips, **§ 1:40**

Medicaid, planning, **§§ 25:91 to 25:116**

Medicaid, **§§ 25:91 to 25:116**

CONTACT

Guardianship, this index

Medicaid, this index

Probate proceeding initiation, heirs initial contact with attorney, **§ 8:21**

CONTEST OR CHALLENGE

Federal Housing for Older Persons Act, difficult to challenge, **§ 22:22**

Guardianship, this index

CONTINGENCY

Estate planning, elective share avoidance, **§ 6:72**

SSI and SSDI, contract for attorney's fees, **§ 16:76**

CONTINUANCE

Employer health plans, continuance of coverage after retirement, **§ 18:117**

Medicaid, this index

CONTRACTS OR AGREEMENTS

Assisted living facilities, residents, **§ 23:68**

Escrow agreement forms, **§§ 25:379, 26:54**

Estate Planning, this index

Fees and representation, **§§ 1:69, 1:70**

Guardianship administration, **§§ 28:191, 28:194**

Leases, this index

Living Trusts, this index

Medicaid, this index

Nursing home management, **§ 23:54**

Postnuptial Agreements, this index

Probate proceedings, form for retainer agreement on formal administration, **§ 8:88**

Residential setting choice, forms, **§§ 22:26, 22:27**

Retainer agreement forms, **§§ 8:88, 25:358**

Scope of elder law, **§ 1:4**

SSI and SSDI, contingency contract for attorney's fees, **§ 16:76**

Trust agreements

Living Trusts, this index

Tax avoidance, costs of preparing charitable remainder trust agreement, **§ 12:158**

CONTRARY LAW

Medicaid, spousal refusal to support, **§ 25:321**

CONTRIBUTIONS

Defined contribution plans

Employee Retirement Income Security Act, **§§ 14:82 to 14:84**

CONTRIBUTIONS—Cont'd

Defined contribution plans—Cont'd

Individual retirement accounts, **§ 14:98**

Employee Retirement Income Security Act, defined contribution plans, **§§ 14:82 to 14:84**

Estate planning, elective share, **§§ 6:48 to 6:50**

Federal Employee Retirement System Plan, **§ 14:71**

Individual retirement accounts, **§§ 14:98, 14:101, 14:109, 14:110**

Order of contribution, **§§ 6:48 to 6:50, 7:32**

Personal representatives for decedents' estates, **§ 7:32**

SECURE Act, **§ 14:100**

Simplified employee pension, **§§ 14:109, 14:110**

CONTROL

Medicaid, joint ownership of bank accounts, **§ 25:184**

Probate avoidance by use of jointly owned property, life estate deed to convey title to heirs, **§§ 9:52, 9:56**

Tax avoidance, ceding control of charitable remainder trust, **§ 12:145**

CONVALESCENT HOME

Supplemental Security Income, in-kind support and maintenance, **§ 16:27**

CONVERSION

Medicaid, this index

Supplemental Security Income, resources, **§ 16:32**

Tax avoidance, qualified personal residence trusts, **§ 12:196**

Veterans' Benefits, this index

CONVEYANCE

Medicaid, this index

Powers of attorney, homestead, **§§ 26:37, 26:38**

Probate avoidance by use of jointly owned property, title to heirs, **§§ 9:42 to 9:62**

COORDINATED CARE PLANS

Medicare Part C, **§ 18:72**

CO-OWNER WITHDRAWAL OF FUNDS

Guardianship administration, **§ 28:189**

COPY OR COPIES

Living trusts, furnishing beneficiaries with copies of trust agreement, **§ 10:157**

Probate proceeding forms, copy of will used in place of lost original, **§§ 8:90, 8:91**

CORNEAS

Anatomical gifts, **§§ 27:79 to 27:81**

CORONERS OR MEDICAL EXAMINERS

Anatomical gifts, harvesting of eyes and corneas, **§ 27:80**

CORPORATE TRUSTEES

Trustees, this index

INDEX

COSMETIC SURGERY

Medicare Part B voluntary coverage, **§ 18:57**

COST OF LIVING INCREASES

Federal civil service retirement programs, benefits, **§ 14:66**

Long term care insurance, **§ 24:32**

Social Security benefits computation, **§ 14:23**

COSTS AND EXPENSES

Anatomical gifts, harvesting, **§ 27:76**

Cost of Living Increases, this index

Employer health plans, lower premium costs, **§ 18:115**

Guardianship, this index

Health Maintenance Organizations, this index

Living trust disadvantages, legal expense of setting trust up, **§ 10:59**

Long Term Care Insurance, this index

Medicaid, this index

Medical Expenses, this index

Medicare, this index

Patients, this index

Probate, this index

Retirement funds raised by using reverse mortgages, **§§ 13:21 to 13:23**

Social Security Disability Insurance, reimbursements when appealing denial or suspension of benefits, **§ 16:75**

Supplemental Security Income, this index

Taxes and Taxation, this index

Veterans' Benefits, this index

CO-TRUSTEES

Living trusts, **§§ 10:70, 10:71, 10:75**

COUNCILS

Appeals Council review, denial or suspension of SSI or SSDI benefits, **§ 16:70**

Long Term Care Ombudsman Council, **§§ 23:6 to 23:11**

COUNSEL

Attorneys, this index

COUNSELING

Counselors, this index

Emotions of client, terminally ill client representation, **§ 4:12**

Scope of elder law, **§ 1:13**

Veterans' Benefits, this index

COUNSELORS

Attorney as counselor, terminally ill client representation, **§ 4:1**

Referrals to financial counselors, multi-dimensional approach, **§ 1:25**

COUNTABLE

Medicaid, this index

COURT OF VETERANS' APPEALS

Veterans' benefits, chain of appeal, **§ 15:71**

COURTS

Advance health care directives, enforcement, **§§ 27:16 to 27:20**

Americans with Disabilities Act, enforcement, **§§ 19:14, 19:15**

Appeal and review

Social Security benefits, **§§ 14:35, 14:36**

SSI and SSDI, denial or suspension of benefits, **§§ 16:71, 16:72**

Surrogate's decision, advance health care directives, **§ 27:17**

Veterans' benefits, chain of appeal, **§§ 15:71 to 15:73**

Disabled heir planning, creation of special needs trust, **§§ 11:21, 11:29, 11:30**

Enforcement

Advance health care directives, **§§ 27:16 to 27:20**

Americans with Disabilities Act, **§§ 19:14, 19:15**

Estate planning, exercise of right to elective share, **§ 6:45**

Expedited judicial intervention, form, **§ 27:90**

Federal courts. Federal Matters, this index

Guardianship, this index

Living Trusts, this index

Medicaid, this index

Personal representatives for decedents' estates, **§§ 7:32, 7:43**

Probate, this index

Review. Appeal and review, above

Veterans' benefits, chain of appeal, **§§ 15:71 to 15:73**

COVERAGE

Employee Retirement Income Security Act, **§ 14:77**

Employer health plans, **§§ 18:118 to 18:121**

Health Maintenance Organizations, this index

Long term care insurance, **§§ 24:3 to 24:19, 24:22**

Medicaid, this index

Medicare, this index

Social Security benefits eligibility, **§§ 14:5 to 14:18**

Veterans' health care benefits, nursing home, **§§ 15:45 to 15:48**

CO-WORKERS' REPORTS

SSI and SSDI, application for benefits, **§ 16:64**

CRATs (CHARITABLE REMAINDER ANNUITY TRUSTS)

Tax avoidance, **§§ 12:149, 12:204**

CREATION

Estate planning, elective share avoidance by creation of contingency, **§ 6:72**

Medicaid, this index

Trusts

Living trusts, **§§ 10:9 to 10:12, 10:59**

Medicaid, this index

Special needs trust, disabled heir planning, **§§ 11:21, 11:28 to 11:30, 11:32**

INDEX

CREDIT

Retirement funds raised by using reverse mortgages, line of credit, §§ **13:17, 13:29**

CREDIT SHELTER TRUSTS

Taxes and Taxation, this index

CREDITORS

Claims

Living Trusts, this index

Marriage arrangements, estate planning, § **6:23**

Personal representatives for decedents' estates, paying creditor claims, § **7:31**

Probate, this index

Living Trusts, this index

Notice to creditors

Living trusts, post mortem administration, §§ **10:139, 10:150**

Probate, this index

Payment

Living trusts, post mortem administration, §§ **10:138, 10:139, 10:141, 10:145 to 10:150**

Personal representatives for decedents' estates, paying creditor claims, § **7:31**

Probate, this index

Personal representatives for decedents' estates, paying creditor claims, § **7:31**

Probate, this index

Specific creditors

Entitled to notice of formal administration, probate proceedings, § **8:48**

Search, post mortem administration of living trusts, § **10:140**

Tax avoidance, reducing size of estate, § **12:90**

CREDITS

Taxes and Taxation, this index

CRIMES AND CRIMINAL MATTERS

Abuse and neglect prevention, §§ **5:32, 5:33, 5:43 to 5:48**

Incapacity planning tools, criminal proceedings, § **21:38**

Medicaid, this index

Penalties

Abuse, neglect and exploitation reporting statutes, §§ **5:43 to 5:58**

Intangible personal property taxes, § **17:14**

Reporting statutes, abuse, neglect and exploitation, §§ **5:43 to 5:48**

Scope of elder law, criminal law, § **1:8**

CRITERIA

Assisted living facilities, residency, § **23:66**

Federal Housing for Older Persons Act, senior communities, § **22:21**

Guardian and attorney fees, §§ **28:248, 28:254**

Hospice criteria, living wills, § **27:44**

Living trusts, corporate trustee selection, § **10:77**

Medicaid, this index

Senior communities, residential setting choice, §§ **22:21, 22:24**

CRITERIA—Cont'd

Tax avoidance, setting up valid charitable remainder trust, **§§ 12:151 to 12:157**

CRTs (CHARITABLE REMAINDER TRUSTS)

Taxes and Taxation, this index

CRUMMEY TRUSTS

Taxes and Taxation, this index

CRUTs (CHARITABLE REMAINDER UNITRUSTS)

Tax avoidance, **§§ 12:150, 12:205**

CSIA (COMMUNITY SPOUSE INCOME ALLOWANCE)

Medicaid, this index

CSRA (COMMUNITY SPOUSE RESOURCE ALLOWANCE)

Medicaid, this index

CUSTODIANS

Individual retirement accounts, **§ 14:105**

Intangible personal property tax rate, **§ 17:8**

Probate avoidance by use of jointly owned property, death of custodian, **§ 9:20**

CUSTODY

Anatomical gifts, custody of parts of body not gifted, **§ 27:78**

Custodians, this index

CUSTOMARY OR USUAL MATTERS

Guardianship, this index

CUSTOMERS

Medicaid customer discrimination, assisted living facility waiver shortages,
§ 25:104

CUTTING COST FEATURES

Medicare, **§§ 18:62 to 18:66**

DAILY MATTERS

Living activities. Activities of Daily Living, this index

Long term care insurance, per day benefits, **§ 24:38**

DANGER OR DANGERS

Estate planning, elective share rights, **§§ 6:51 to 6:59**

Guardianship, this index

DATE

Time or Date, this index

DBPs (DEFINED BENEFIT PLANS)

Benefit or Benefits, this index

DCAF (DEPARTMENT OF CHILDREN AND FAMILIES)

Medicaid, this index

DCPs (DEFINED CONTRIBUTION PLANS)

Contributions, this index

INDEX

DEAF PERSONS

Americans with Disabilities Act, availability of telecommunications devices for deaf persons, **§ 19:12**

DEALING OR DEALINGS

Issuer or transfer agents, living trusts, **§ 10:103**

Mood swings of client, terminally ill client representation, **§ 4:4**

DEATH

Anatomical Gifts, this index

Benefit or Benefits, this index

Burial, this index

Decedents' Estates, this index

Emotions of client, terminally ill client representation, **§ 4:9**

Estate Planning, this index

Euthanasia, this index

Funeral, this index

Living Trusts, this index

Medicaid, this index

Morticians, this index

Post Mortem, this index

Powers of Attorney, this index

Probate, this index

Social Security Disability Insurance, termination of benefits, **§ 16:54**

Suicide, this index

Taxes and Taxation, this index

Terminal, this index

Veterans' Benefits, this index

Ward, guardianship termination, **§ 28:236**

DEBTS

Estate taxes, deductions from gross estate, **§ 12:16**

Medicaid, spenddowns allowed, **§ 25:274**

Retirement funds raised by using reverse mortgages, rising debt, **§ 13:14**

DECANTING

Living trusts, **§§ 10:21 to 10:23**

DECEDENTS' ESTATES

Medicaid, this index

Personal representatives, generally, **§§ 7:24 to 7:45**

Probate, this index

DECISIONS

Advance Health Care Directives, this index

Estate planning, exercise of right to elective share, **§ 6:45**

Health Care, this index

Living wills, palliative care, **§§ 27:40, 27:41**

Medicaid, this index

SSI and SSDI, attorney's fees for appealing denial or suspension of benefits, **§ 16:78**

DECISIONS—Cont'd

Veterans' benefits, appellate procedure, §§ **15:76, 15:100 to 15:103, 15:107 to 15:111**

DECLARATION

Anatomical gifts, §§ **27:68 to 27:72, 27:93**

Preneed guardian, §§ **28:61, 28:62**

United States citizenship or lawful alien status, Medicaid form, § **25:352**

DECOR

Office practice tips, § **1:34**

DECREASE

Reduction or Decrease, this index

DECREES

Estate planning, Enoch Arden decrees, § **6:18**

Medicaid, transfer of assets pursuant to divorce decree, § **25:313**

DEDUCTIBLES

Medicare, this index

DEDUCTIONS

Federal Employee Retirement System Plan, § **14:71**

Medicaid, calculating and managing income for eligibility, §§ **25:127, 25:135, 25:136**

Taxes and Taxation, this index

DEEDS

Life Estates, this index

Living trusts, form, § **10:204**

Medicaid, this index

Probate avoidance by use of jointly owned property, §§ **9:28 to 9:31, 9:41 to 9:62**

DEEMED INCOME

Supplemental Security Income, §§ **16:28, 16:29**

DEFENDING LAWSUITS

Guardianship administration, § **28:197**

DEFERRAL OR DEFERRED

Federal civil service retirement programs, deferred benefits, § **14:59**

Retirement funding, deferred annuity, §§ **13:4, 13:38**

Taxes and Taxation, this index

DEFICIENCIES

Long term care insurance, cognitive deficiencies, § **24:33**

DEFICIT REDUCTION ACT

Medicaid, §§ **25:2 to 25:15**

DEFINED BENEFIT PLANS

Benefit or Benefits, this index

INDEX

DEFINED CONTRIBUTION PLANS

Contributions, this index

DEFINITIONS

Alleged incapacitated person, **§ 28:6**
Applicable family member, **§ 12:167**
Disability, **§ 19:3**
General masters, **§ 28:7**
Generation skipping transfer tax, **§§ 12:38 to 12:41**
Grantor's family members, **§ 12:168**
Gross estate, estate taxes, **§§ 12:10 to 12:20**
Guardian, **§§ 28:8 to 28:10**
Incapacity, **§ 21:1**
Interest in trust, **§ 12:169**
Intermediate care, **§ 25:386**
Limited guardian, **§ 28:9**
Living trust, **§§ 10:5, 10:8**
Negligence, **§ 23:20**
Non-linear beneficiaries, **§ 12:40**
Palliative care, **§ 27:39**
Personal residence, **§ 12:185**
Plenary guardian, **§ 28:10**
Qualified interest, **§ 12:170**
Restrictive definitions, long term care insurance, **§ 24:15**
Skilled, **§ 18:16**
Skilled care, **§ 25:386**
Skip person, **§§ 12:39, 12:40**
Spouse, Social Security benefits eligibility, **§ 14:13**
Terminal condition, **§§ 27:3 to 27:10**
Transferor, **§ 12:41**
Ward, **§ 28:11**

DELAY

Probate, this index

Social Security benefits increased if retirement delayed, **§ 14:22**

DELEGATION

Guardianship, this index

Investment functions, **§§ 10:129, 28:174**

DELINQUENCY

Taxes and Taxation, this index

DELIVERY

Anatomical gift declaration, **§ 27:71**

DEMANDS OF HEIRS

Conflicts of interest, ethical duties, **§ 3:6**

DENIAL

Approval, this index

DENIAL—Cont'd

Emotions of client, terminally ill client representation, §§ **4:10 to 4:12**
Guardian appointment petition, attorney's fees, § **28:158**
SSI and SSDI, denial of benefits appeal, §§ **16:67 to 16:78**

DENTISTS AND DENTAL MATTERS

Medicare Part B voluntary coverage, § **18:54**
Veterans' benefits, outpatient treatment health care benefits, § **15:54**

DEPARTMENT OF CHILDREN AND FAMILIES

Medicaid, this index

DEPARTMENT OF ELDER AFFAIRS

Abuse and neglect, prevention, § **5:57**
Older Americans Act, administration, § **20:4**

DEPARTMENT OF VETERANS AFFAIRS

Veterans Administration, this index

DEPENDENTS

Guardianship, support of ward's dependents, § **28:182**
Medicaid, this index
Veterans' benefits, disability benefits, § **15:17**

DEPOSIT

Guardianship, this index
Safe Deposit Boxes, this index

DEPRESSION

Abuse identification, § **5:20**
Emotions of client, terminally ill client representation, §§ **4:15 to 4:19**

DESCRIPTION

Identification or Description, this index

DESIGN

Office practice tips, § **1:34**

DESIGNATION

Guardianship, this index
Medicaid, this index
Veterans' benefits, appellate procedure, § **15:97**

DESIRABLE QUALITIES IN TRUSTEE

Living trusts, §§ **10:72, 10:74**

DESires OF DECEDENT PUBLICLY STATED

Probate proceedings, advantages, § **8:7**

DETAILED REPORTS AND FINDINGS

SSI and SSDI, application for benefits, §§ **16:63, 16:64**

DETERMINATIONS

Guardianship, incapacity, §§ **28:97 to 28:101**
Medicaid, this index

INDEX

DETERMINATIONS—Cont'd

Probate proceeding initiation, determining if there are probatable assets, **§ 8:22**
Social Security benefits computation, §§ **14:20, 14:21**

DEVELOPMENTAL SERVICES

Medicaid, home and community based services, **§ 25:32**

DEVICES

Americans with Disabilities Act, availability of telecommunications devices for deaf persons, **§ 19:12**
Medicaid spenddowns, purchase medical devices, **§ 25:276**
Prosthetic Devices, this index

DIABETES MONITORING

Medicare Part B voluntary coverage, **§ 18:44**

DIAGNOSTIC RELATED GROUPS LIMIT COVERAGE

Medicare, cost cutting features, **§ 18:65**

DIALYSIS

Medicare Part B voluntary coverage, **§ 18:40**

DIFFERING INVESTMENT STYLES

Living trusts, trust company use disadvantages, **§ 10:87**

DIFFICULT BODY MOVEMENTS

Abuse identification, **§ 5:19**

DIFFICULTIES

Challenges, Federal Housing for Older Persons Act, **§ 22:22**
Identification of signs of abuse, §§ **5:7 to 5:13**
Long term care insurance, Medicaid eligibility, **§ 25:83**

DIFFICULTY

Guardian and attorney fees, **§ 28:250**

DIGNITY

Assisted living facilities, extended congregate care services, **§ 23:64**
Nursing home resident rights, **§ 23:28**

DILIGENCE

Guardian and attorney fees, **§ 28:257**

DIMINISHED CAPACITY

Clients, rules of professional conduct and ethical duties, **§ 3:9**

DIRECT RECIPIENTS' LIABILITY

Estate planning, elective share, **§ 6:37**

DIRECT SKIPS

Generation skipping transfer tax, §§ **12:45, 12:54**

DIRECTIONS OR DIRECTIVES

Instructions or Directions, this index

DIRECTORS

Anatomical gifts, harvesting of eyes and corneas by funeral directors, **§ 27:81**

DISABILITY OR HANDICAP

Americans with Disabilities Act, **§§ 19:1 to 19:15**

Benefit or Benefits, this index

Clients under disability, rules of professional conduct and ethical duties, **§ 3:9**

Diminished capacity of clients, rules of professional conduct and ethical duties, **§ 3:9**

Estate Planning, this index

Heirs

Estate planning, tailoring estate plan, **§ 6:8**

Planning for disabled heir, **§§ 11:1 to 11:32**

Home care for disabled, public assistance programs, **§ 25:40**

Medicaid, this index

Medicare, this index

Planning

Estate Planning, this index

Heir who is disabled, **§§ 11:1 to 11:32**

Scope of elder law, **§ 1:2**

Railroad disability pension, **§ 14:45**

Real property tax exemption, **§§ 17:32 to 17:35, 17:42**

Scope of elder law, disability planning, **§ 1:2**

Social Security Disability Insurance, this index

Supplemental Security Income, this index

Veterans' Benefits, this index

DISADVANTAGES

Advantages and Disadvantages, this index

DISAGREEMENT NOTICE

Veterans' benefits, timing of appeal, **§§ 15:78, 15:79**

DISCHARGE

Guardian, termination of guardianship, **§§ 28:222, 28:229, 28:234 to 28:237**

Nursing home resident rights, **§ 23:42**

Probate, this index

Veterans' Benefits, this index

DISCLAIMER

Gift taxes, **§ 12:25**

DISCLOSURE

Auxiliary services disclosure, scope of elder law, **§ 1:67**

Forms, this index

Guardianship incapacity hearing, experts, **§ 28:147**

Medicaid, financial records, **§§ 25:60, 25:61**

Power of attorney, authorized powers, **§ 26:31**

DISCOMFORT OF CLIENT

Terminally ill client representation, **§ 4:2**

INDEX

DISCRETIONARY MATTERS

Health care benefits for veterans, **§ 15:42**

Payments, estate taxes, **§ 12:13**

DISCRIMINATION

Donees of anatomical gifts, **§ 27:66**

Employment, Americans with Disabilities Act, **§§ 19:6 to 19:9**

Medicaid customer, assisted living facility waiver shortages, **§ 25:104**

DISCUSSION

Refusal to discuss matters, abuse identification, **§ 5:24**

DISEASES

Assisted living facilities, caring for patients with Alzheimer's disease, **§ 23:67**

Medicare, this index

Specified disease insurance, **§ 18:111**

DISINHERITANCE

Disabled heir planning, choices available to client, **§ 11:13**

DISPOSABLE ASSETS

Medicaid, determination and management of assets for eligibility, **§ 25:175**

DISPOSITION

Estate planning, assets, **§ 6:19**

Guardianship termination, unclaimed funds, **§§ 28:238, 28:239**

DISPUTES

Real property taxes, **§ 17:37**

DISQUALIFICATION

Guardian, **§§ 28:81 to 28:83**

Medicaid, this index

DISREGARDING PATIENT'S DIRECTIVES

Living wills, health care provider, **§ 27:42**

DISSENT

Multiple attorneys in fact, **§ 26:23**

DISTINCTIONS

Assisted suicide and euthanasia, **§ 27:83**

Depression and incapacity, terminally ill client representation, **§ 4:18**

Living trusts and testamentary trusts, **§ 10:8**

DISTRIBUTION OR DISTRIBUTIONS

Employee Retirement Income Security Act qualified plans, **§§ 14:86 to 14:92**

Individual retirement accounts, **§§ 14:115, 14:116**

Living trusts, post mortem administration, **§§ 10:156 to 10:161, 10:166**

Personal representatives for decedents' estates, distributing assets to heirs, **§ 7:33**

Probate, this index

Required distributions

Employee Retirement Income Security Act qualified plans, **§ 14:90**

Individual retirement accounts, **§§ 14:115, 14:116**

DISTRIBUTION OR DISTRIBUTIONS—Cont'd

Taxes and Taxation, this index

DISTRICTS

Taxing districts, real property taxes, **§ 17:20**

DIVERSIFICATION

Tax avoidance, charitable remainder trusts, **§ 12:141**

DIVERSION

Medicaid, long term diversion program and the transition to managed care,
§ 25:30

DIVIDENDS

Living trusts, securities funding and initial administration, **§ 10:109**

DIVORCE

Alimony, this index

Estate planning, faulty divorce and Medicaid spouse's elective share, **§ 6:62**

Medicaid, this index

Social Security benefits eligibility, **§ 14:14**

DNROs (DO NOT RESUSCITATE ORDERS)

Generally, **§§ 27:24, 27:54 to 27:59, 27:92**

DO NOT RESUSCITATE ORDERS

Generally, **§§ 27:24, 27:54 to 27:59, 27:92**

DOCKET CALL

Veterans' benefits, appellate procedure, **§§ 15:88 to 15:90**

DOCTORS

Physicians, this index

DOCUMENTATION

Medicaid, this index

Tax avoidance, documentation of crummey powers in life insurance trusts,
§ 12:133

DOCUMENTS

Living trusts, additional documents, **§§ 10:174 to 10:176, 10:181**

Medicaid application, **§ 25:113**

Wills, separate revocation document form, **§ 7:53**

DOEA

Department of Elder Affairs, this index

DOMICILE OR DOMICILIARY

Guardianship termination, change of ward's domicile, **§ 28:233**

Residence, this index

Taxes and Taxation, this index

Veterans' Benefits, this index

DONATION OF ORGANS

Anatomical Gifts, this index

INDEX

DONORS AND DONEES

Anatomical gifts, §§ 27:61 to 27:67, 27:70
Guardianship ward as donee of power, administration of guardianship, § 28:192
Tax avoidance, gift program for reducing size of estate, §§ 12:88 to 12:90

DRA (DEFICIT REDUCTION ACT)

Medicaid, §§ 25:2 to 25:15

DRESSINGS

Medicare Part B voluntary coverage, § 18:37

DRGs (DIAGNOSTIC RELATED GROUPS) LIMIT COVERAGE

Medicare, cost cutting features, § 18:65

DRUGS, MEDICINES AND MEDICATION

Medicare, this index

Nursing home management, emergency medication kit, § 23:46

DUE

Probate, form for affidavit of no Florida estate tax due, § 8:92
Retirement funds raised by using reverse mortgages, when due, § 13:11

DURABLE MEDICAL APPARATUS

Medicare Part B voluntary coverage, § 18:32

DURABLE POWER OF ATTORNEY

Powers of Attorney, this index

DURATION

Guardianship, this index

DURING LIFE

Inter Vivos, this index

DUTIES AND RESPONSIBILITIES

Advance health care directives, duty of health care facility to provide patient with information, § 27:14

Conflicts of interest

Attorney as agent, § 3:8

Diminished capacity, clients under, § 3:9

Disability, clients under, § 3:9

Ethical duties, §§ 3:1 to 3:14

Gift taxes, payments made to fulfill legal obligation, § 12:36

Guardianship, this index

Living Trusts, this index

Long Term Care Ombudsman Council, § 23:8

Medicaid, this index

Personal Representatives, this index

Probate, this index

DYNAMIC NATURE OF ELDER LAW

Scope of elder law, §§ 1:28 to 1:32

EARLY MATTERS

Guardianship administration, no penalty for early withdrawal of certificate accounts, **§ 28:178**
Living trusts, early calls on bonds, **§ 10:108**
Retirement. Pensions and Retirement, this index

EARNED INCOME

Supplemental Security Income, **§§ 16:14 to 16:18, 16:21, 16:22**

EARNINGS

Capitalization, formulas for valuation of taxable transfers and trust assets, **§ 12:68**
Income, this index
Individual retirement accounts, **§ 14:102**
Social Security benefits, **§§ 14:20, 14:28 to 14:31**
Veterans' disability benefits, no retirement pay, **§ 15:16**

EASE OF TRANSACTION

Living trusts, securities funding and initial administration, **§ 10:102**

EDUCATION

Guardian qualifications, **§ 28:79**
Medicaid, methods for preserving assets, **§ 25:333**
Taxes and Taxation, this index
Veterans' Benefits, this index

EFFECTIVE DATE

Elective share, estate planning, **§ 6:31**
Gifting, Medicaid, **§ 25:8**

EFFECTIVE MATTERS

Date. Effective Date, this index
Medicaid, this index

EFFORT TO SELL

Medicaid, this index

EIN

Living trusts, notification to account holders to use EIN, **§ 10:154**

ELECTIONS

Living Trusts, this index
Marital Election, this index
Medicaid, this index
Share. Elective Share, this index
Tax avoidance, Q-TIP trusts, **§§ 12:109, 12:112, 12:113**

ELECTIVE SHARE

Estate planning, marriage arrangements, **§§ 6:30 to 6:78**
Living trusts, form, **§ 10:199**
Wills, surviving spouse, **§§ 7:18, 7:19**

INDEX

ELECTRONIC FILING

Probate, § 8:83

ELIGIBILITY OR QUALIFICATION

Disqualification, this index

Estate planning, eligibility for government assistance preservation, § 6:9

Federal civil service retirement programs, §§ 14:61, 14:62, 14:70

Federal Employee Retirement System Plan, § 14:70

Guardianship, this index

Health care surrogate, who may be proxy, § 27:53

Medicaid, this index

Medicare, this index

Optional state supplementation, public assistance programs, § 25:38

Powers of Attorney, this index

Probate, this index

Railroad retirement pensions, §§ 14:43 to 14:53

Social Security benefits, §§ 14:5 to 14:18

Social Security Disability Insurance, §§ 16:43 to 16:52

Supplemental Security Income, this index

Taxes and Taxation, this index

Veterans' Benefits, this index

ELIMINATION OF TRUST OWNERSHIP PROBLEMS

Probate avoidance by use of jointly owned property, life estate deed to convey title to heirs, § 9:62

E-MAIL SERVICE

Probate, § 8:84

EMBALMING BODY GIFTED FOR SCIENTIFIC PURPOSES

Anatomical gifts, harvesting, § 27:77

EMBARRASSMENT OF CLIENT

Abuse identification difficulties, § 5:8

EMERGENCY

Do not resuscitate orders, EMS procedures, § 27:59

Guardianship, this index

Nursing Homes, this index

EMISSARY ROLE OF ATTORNEY

Emotions of client, terminally ill client representation, § 4:22

EMOTIONAL ABUSE

Prevention, § 5:4

EMOTIONS OF CLIENT

Terminally ill client representation, §§ 4:9 to 4:22

EMPATHY LACKING

Living trusts, trust company use disadvantages, § 10:86

EMPLOYEE RETIREMENT INCOME SECURITY ACT

Private employment retirement and pension plans, §§ **14:76 to 14:96**

EMPLOYMENT, JOBS OR WORK

Americans with Disabilities Act, discrimination in employment, §§ **19:6 to 19:9**

Assisted living facilities, staff and staffing, §§ **23:61, 23:63**

Funding of retirement with jobs, § **13:52**

Guardian and attorney fees, preclusion of other employment, § **28:251**

Health plans of employers and employees, §§ **18:61, 18:112 to 18:117**

Living trusts, post mortem administration, §§ **10:154, 10:171**

Medicare, this index

Nursing home management, personnel records, §§ **23:51, 23:52**

Pensions and Retirement, this index

Social Security Disability Insurance, this index

Supplemental Security Income, incurred work expenses excluded from earned income, §§ **16:17, 16:18**

Veterans' Benefits, this index

Workers' compensation, Medicare Part B voluntary coverage, § **18:59**

EMS PROCEDURES

Do not resuscitate orders, § **27:59**

ENCUMBRANCES

Liens, this index

END OF DISABILITY

Social Security Disability Insurance, termination of benefits, § **16:55**

END-STAGE

Condition, advance health care directives, § **27:4**

ENFORCEMENT

Advance health care directives, §§ **27:1 to 27:27**

Americans with Disabilities Act, §§ **19:14, 19:15**

Courts, this index

Intangible personal property taxes, §§ **17:13 to 17:17**

Living wills, patient's condition when will is to be enforced, § **27:33**

Nursing homes, civil enforcement, §§ **23:13 to 23:20**

ENGAGEMENT RING REPLACEMENT

Medicaid, spenddowns allowed, § **25:272**

ENGAGING ATTORNEY TO HANDLE PROBATE PROCEEDING

Personal representatives for decedents' estates, § **7:25**

ENOCH ARDEN DECREES

Estate planning, client interview and unified planning, § **6:18**

ENRICHMENT OF HEIR

Guardianship, ethics, § **28:20**

ENROLLMENT

Medicare Part C plans, § **18:74**

INDEX

ENTERING CONVALESCENT OR NURSING HOME

Supplemental Security Income, reduction of benefits, **§ 16:27**

ENTIRETY, TENANCY BY THE

Probate avoidance by use of jointly owned property, **§§ 9:16, 9:38, 9:39**

ENTITLEMENT

Employer health plans, all employees entitled to same benefits, **§ 18:116**

Guardianship, attorney's fees, **§ 28:263**

Medicaid, date, **§ 25:49**

Probate proceedings, creditors' entitlement to notice of formal administration, **§ 8:48**

Real property taxes, deferral of payment if entitled to homestead exemption, **§ 17:23**

ENTRANCE FEES

Medicaid, Deficit Reduction Act, **§ 25:15**

ENVIRONMENT

Abuse identification, **§ 5:23**

Assisted living facilities, physical environment, **§ 23:60**

Incapacity planning, **§ 21:14**

EQUIPMENT

Medicaid spenddowns, purchase medical equipment, **§ 25:276**

EQUITY

Medicaid, this index

Retirement funds raised by using reverse mortgages, equity loan, **§ 13:13**

ERISA (EMPLOYEE RETIREMENT INCOME SECURITY ACT)

Private employment retirement and pension plans, **§§ 14:76 to 14:96**

ERRANT GUARDIAN OR ATTORNEY

Payment of fees, **§ 28:262**

ESCROW AGREEMENT

Forms, **§§ 25:379, 26:54**

ESSENTIAL INCOME PRODUCING PROPERTY

Medicaid, appeal to keep excess assets, **§ 25:265**

ESTABLISHMENT OF ELIGIBILITY

Medicaid, **§§ 25:161 et seq., 25:254**

ESTATE

Estates, this index

ESTATE PLANNING

Generally, **§§ 6:1 to 6:88**

Actions and proceedings

Court decision, exercise of right to elective share, **§ 6:45**

Surviving spouse, elective share, **§ 6:50**

Two ways to avoid probate proceedings, form, **§ 6:84**

ESTATE PLANNING—Cont'd

- Adopted child heirs, client interview and unified planning, §§ **6:16, 6:17**
- Agreements. Contracts or agreements, below
- Aid or assistance
 - Letter to doctor of client asking for aid, checklist, § **6:88**
 - Preserving eligibility for government assistance, tailoring estate plan, § **6:9**
- Alternative disposition of assets, client interview and unified planning, § **6:19**
- Amount
 - Elective share, § **6:35**
 - Short marriages, elective share right dangers, § **6:57**
 - Size of estate, client interview and unified planning, §§ **6:21, 6:22**
- Antenuptial agreements. Prenuptial agreements, below
- Appointment, power of, elective share avoidance, § **6:71**
- Arrangements, marriage, §§ **6:23 to 6:80**
- Asset disposition, client interview and unified planning, § **6:19**
- Assistance. Aid or assistance, above
- Attorneys, §§ **6:1 to 6:88**
- Augmented estate, elective share, §§ **6:30, 6:33**
- Autumn marriages, dangers of elective share rights, § **6:52**
- Avoidance
 - Marital election, elective share, §§ **6:63 to 6:74**
 - Probate and probate proceedings, §§ **6:20, 6:84**
- Balancing lifetime and post mortem needs, unified planning, § **6:10**
- Basic information needed to recommend estate plan, unified planning, §§ **6:12 to 6:14**
- Beneficiaries' liability, elective share, § **6:37**
- Capacity of client, tailoring estate plan, § **6:2**
- Caveat, marriage contracts, § **6:27**
- Checklists, §§ **6:85 to 6:88**
- Children
 - Elective share right dangers, children in need, § **6:58**
 - Heirs, client interview and unified planning, §§ **6:16, 6:17**
- Claims, elective share, §§ **6:30 to 6:78**
- Clients, §§ **6:1 to 6:88**
- Competency, checklist for letter to doctor asking for opinion, § **6:87**
- Consent, elective share avoidance, §§ **6:65, 6:68**
- Contingency, elective share avoidance, § **6:72**
- Contracts or agreements
 - Informal agreement, Medicaid spouse and elective share, § **6:61**
 - Marriage, below
 - Palimony contract, checklist, § **6:86**
 - Postnuptial agreements, below
 - Prenuptial agreements, below
- Contribution order, elective share, §§ **6:48 to 6:50**
- Court decision, exercise of right to elective share, § **6:45**
- Create contingency, elective share avoidance, § **6:72**
- Dangers of elective share rights, §§ **6:51 to 6:59**
- Date. Time or date, below

INDEX

ESTATE PLANNING—Cont'd

Death

Client interview and unified planning, deceased child heirs, **§ 6:16**

Elective share avoidance, **§§ 6:73, 6:74**

Decision of court, exercise of right to elective share, **§ 6:45**

Direct recipients' liability, elective share, **§ 6:37**

Disability or handicap

Learning disabled spouse, elective share, **§ 6:55**

Tailoring estate plan, handicapped heirs, **§ 6:8**

Disposition of assets, client interview and unified planning, **§ 6:19**

Doctors, checklists for letters, **§§ 6:87, 6:88**

Duties of personal representative, elective share, **§ 6:49**

Effect of elective share, **§ 6:32**

Effective date of elective share, **§ 6:31**

Elective share, marriage arrangements, **§§ 6:30 to 6:78**

Eligibility for government assistance preservation, tailoring estate plan, **§ 6:9**

Enoch Arden decrees, client interview and unified planning, **§ 6:18**

Exclusions or exemptions

Give gifts exempt under gift tax law, elective share, **§ 6:75**

Marital elective claim, elective share, **§ 6:34**

Exercise of right, elective share, **§§ 6:43 to 6:47**

Explanation of estate plans, letter to client, **§ 6:79**

Fair market value, valuation of property used to satisfy elective share, **§ 6:40**

Family needs, lifestyles and traditions, tailoring estate plan, **§§ 6:5 to 6:8**

Faulty prenuptial agreement or divorce, elective share, **§§ 6:59, 6:62**

Feuds in family, tailoring estate plan, **§ 6:6**

Financial management, tailoring estate plan, **§ 6:4**

First marriages, marriage contracts, **§ 6:26**

Forms

Advanced care, **§ 1:68**

Estate and Incapacity Planning, **§ 1:70**

Intake memoranda, **§§ 1:58, 6:81**

Postnuptial agreement, **§ 6:83**

Prenuptial agreement, **§ 6:82**

Two ways to avoid probate proceedings, **§ 6:84**

Gifts, elective share, **§§ 6:73, 6:75 to 6:77**

Give gifts, elective share, **§§ 6:73, 6:75**

Give up use and possession, elective share avoidance, **§ 6:70**

Guardianship administration, **§ 28:201**

Handicap. Disability or handicap, above

Heirs

Identify all possible heirs, client interview and unified planning, **§§ 6:16, 6:17**

Tailoring estate plan, **§§ 6:7, 6:8**

Identify all possible heirs, client interview and unified planning, **§§ 6:16, 6:17**

Incapacity, judging, **§ 6:3**

Informal agreement, elective share of Medicaid spouse, **§ 6:61**

Information needed to recommend estate plan, **§§ 6:12 to 6:14, 6:85**

ESTATE PLANNING—Cont'd

- Intake memoranda
 - Forms, §§ **1:58, 6:81**
 - Unified planning, §§ **6:13, 6:14**
- Intake questionnaires, mailing to client, § **6:14**
- Interview of client
 - Marriage arrangements, § **6:23**
 - Unified planning, §§ **6:15 to 6:22**
- Investment counsel, letter to client suggesting, § **6:80**
- Irrevocable trust, elective share avoidance, § **6:66**
- Judging incapacity, § **6:3**
- Later marriages, marriage contracts, § **6:25**
- Learning disabled spouse, dangers of elective share rights, § **6:55**
- Letters
 - Competency opinion of doctor, checklist, § **6:87**
 - Doctors, checklists, §§ **6:87, 6:88**
 - Explaining estate plans to client, § **6:79**
 - Suggesting investment counsel to client, § **6:80**
- Liability of direct recipients and beneficiaries, elective share, § **6:37**
- Lifestyles of family, tailoring estate plan, §§ **6:5 to 6:8**
- Lifetime needs, unified planning, § **6:10**
- Mailing intake questionnaires to client, unified planning, § **6:14**
- Marriage
 - Arrangements, §§ **6:23 to 6:80**
 - Contracts
 - Generally, §§ **6:24 to 6:29**
 - Postnuptial agreements, below
 - Prenuptial agreements, below
- Medicaid, this index
- Mentally ill spouse, dangers of elective share rights, § **6:54**
- Minors. Children, above
- Need or needs
 - Balancing lifetime and post mortem needs, unified planning, § **6:10**
 - Children or others in need, elective share right dangers, § **6:58**
 - Family needs, tailoring estate plan, §§ **6:5 to 6:8**
 - Information needed to recommend estate plan, §§ **6:12 to 6:14, 6:85**
 - Qualifying special needs trust, elective share, § **6:77**
- Non-marriage arrangements, marriage contracts, § **6:29**
- Options, unified planning, § **6:11**
- Order of contribution, elective share, §§ **6:48 to 6:50**
- Other interests, elective share, § **6:41**
- Others in need, elective share right dangers, § **6:58**
- Palimony contract, checklist, § **6:86**
- Paper marriages, elective share right dangers, § **6:53**
- Payment, elective share, § **6:36**
- Payors protection, elective share, § **6:42**
- Personal representative's duties, elective share, § **6:49**

INDEX

ESTATE PLANNING—Cont'd

- Possession given up, elective share avoidance, **§ 6:70**
- Possible heirs identification, client interview and unified planning, **§§ 6:16, 6:17**
- Post mortem needs, unified planning, **§ 6:10**
- Postnuptial agreements
 - Generally, **§ 6:28**
 - Elective share avoidance, **§ 6:64**
 - Form, **§ 6:83**
- Power of appointment, elective share avoidance, **§ 6:71**
- Power of attorney, authority, **§ 26:34**
- Prenuptial agreements
 - Generally, **§ 6:28**
 - Avoidance of elective share, **§ 6:64**
 - Elective share, **§§ 6:59, 6:64**
 - Faulty prenuptial agreement, dangers of elective share rights, **§ 6:59**
 - Form, **§ 6:82**
- Preserving eligibility for government assistance, tailoring estate plan, **§ 6:9**
- Prey, surviving spouse as, elective share right dangers, **§ 6:56**
- Probate
 - Avoidance of probate and probate proceedings, **§§ 6:20, 6:84**
 - Client interview and unified planning, **§ 6:20**
 - Satisfaction of estate plan, life estate deed to convey title to heirs, **§ 9:44**
 - Thwarted estate plan, joint bank accounts with right of survivorship, **§ 9:15**
 - Two ways to avoid probate proceedings, form, **§ 6:84**
- Proceedings. Actions and proceedings, above
- Property
 - Alternative disposition of assets, client interview and unified planning, **§ 6:19**
 - Elective share, **§§ 6:30 to 6:78**
- Protection of payors and third parties, elective share, **§ 6:42**
- Qualifying special needs trust, elective share, **§ 6:77**
- Recommend estate plan, information needed, **§§ 6:12 to 6:14, 6:85**
- Reducing taxable estate, client interview and unified planning, **§ 6:22**
- Revocation, elective share avoidance, **§§ 6:67 to 6:69**
- Rights, elective share, **§§ 6:30 to 6:78**
- Satisfy elective share, valuation of property used to, **§§ 6:38 to 6:40**
- Scope of elder law, **§§ 1:3, 1:58**
- Second marriages, marriage contracts, **§ 6:25**
- Share, elective, **§§ 6:30 to 6:78**
- Short marriages, elective share right dangers, **§ 6:57**
- Size of estate, client interview and unified planning, **§§ 6:21, 6:22**
- Sophistication of client, tailoring estate plan, **§§ 6:2, 6:4**
- Sources from which elective share is payable, **§ 6:36**
- Special heirs, tailoring estate plan, **§ 6:7**
- Suggesting investment counsel, letter to client, **§ 6:80**
- Surviving spouse, elective share, **§§ 6:30 to 6:78**
- Tailoring estate plan, **§§ 6:1, 6:2, 6:4 to 6:9**

ESTATE PLANNING—Cont'd

Taxes and taxation

Give gifts exempt under gift tax law, elective share, **§ 6:75**

Reducing taxable estate, client interview and unified planning, **§ 6:22**

Third persons or parties

Others in need, elective share right dangers, **§ 6:58**

Protection of third parties, elective share, **§ 6:42**

Time or date

Effective date, elective share, **§ 6:31**

Exercise of right to elective share, **§§ 6:46, 6:47**

Give gifts more than one year prior to death, elective share avoidance, **§ 6:73**

Valuation of property used to satisfy elective share, **§ 6:39**

Traditions of family, tailoring estate plan, **§§ 6:5 to 6:8**

Transfers not triggered by death, elective share avoidance, **§ 6:74**

Trusts, elective share, **§§ 6:66, 6:67, 6:76, 6:77**

Two ways to avoid probate proceedings, form, **§ 6:84**

Unified planning, **§§ 6:10 to 6:22**

Use

Give up use, elective share avoidance, **§ 6:70**

Valuation of property used to satisfy elective share, **§§ 6:38 to 6:40**

Valuation of property used to satisfy elective share, **§§ 6:38 to 6:40**

Virtual adoption of children, client interview and unified planning, **§ 6:17**

Withdrawal, exercise of right to elective share, **§ 6:47**

Written consents, elective share avoidance, **§ 6:65**

ESTATE TAXES

Generally, **§§ 12:7 to 12:20**

Alternative valuation date, fair market value as of date of transfer, **§ 12:59**

Applicability, **§ 12:7**

Avoidance of estate tax, **§§ 12:83 to 12:197, 12:200 to 12:205**

Changing tax law, planning in view of, **§ 12:198**

Charitable deduction from gross estate, **§ 12:18**

Charitable remainder trusts, reducing value of estate assets to avoid tax, **§ 12:140**

Computation of tax, **§§ 12:74, 12:80**

Consequences of GRITs, GRATs and GRUTs, avoidance of tax, **§§ 12:177, 12:178**

Considerations for GRITs, GRATs and GRUTs if grantor dies within trust term, avoidance of tax, **§§ 12:176 to 12:178**

Credits

State death tax credit, **§ 12:9**

Table of estate tax credit, **§ 12:199**

Death of grantor, considerations for GRITs, GRATs and GRUTs, **§§ 12:176 to 12:178**

Deductions from gross estate, **§§ 12:15 to 12:20**

Defining gross estate, **§§ 12:10 to 12:20**

Discretionary payments, exclusions from gross estate, **§ 12:13**

Exclusions from gross estate, **§§ 12:12 to 12:14**

Expenses, deductions from gross estate, **§ 12:16**

INDEX

ESTATE TAXES—Cont'd

Fair market value as of date of transfer, valuation of taxable transfers, **§§ 12:58 to 12:60**

Grantor, considerations for GRITs, GRATs and GRUTs, **§§ 12:176 to 12:178**

Gross estate, **§§ 12:10 to 12:20**

Inclusions in gross estate, **§ 12:11**

Indebtedness, deductions from gross estate, **§ 12:16**

Individual retirement accounts, **§§ 14:119 to 14:125**

Inter vivos transfers, fair market value as of date of transfer, **§ 12:60**

Liability for tax, **§ 12:7**

Life estates, exclusions from gross estate, **§ 12:14**

Living Trusts, this index

Losses, deductions from gross estate, **§ 12:17**

Marital deduction from gross estate, **§§ 12:19, 12:20**

Other states, estate taxation in, **§§ 17:39 to 17:41**

Payment or payments

Discretionary payments, exclusions from gross estate, **§ 12:13**

Using proceeds of life insurance trust to pay estate tax, reducing value of estate assets to avoid tax, **§ 12:131**

Planning

Changing tax law, planning in view of, **§ 12:198**

Individual retirement accounts, **§§ 14:119 to 14:125**

Probate proceedings, form for affidavit of no Florida estate tax due, **§ 8:92**

Proceeds of life insurance trust used to pay estate tax, reducing value of estate assets to avoid tax, **§ 12:131**

State tax

Generally, **§§ 12:8, 12:9, 17:39**

Probate proceedings, form for affidavit of no Florida estate tax due, **§ 8:92**

Table of estate tax credit, **§ 12:199**

Taxes deducted from gross estate, **§ 12:16**

Terminable interests, marital deduction from gross estate, **§ 12:20**

Trusts

Avoidance of tax, **§§ 12:92 to 12:197, 12:200 to 12:205**

Living Trusts, this index

Unlimited deductions from gross estate, **§§ 12:18 to 12:20**

Using proceeds of life insurance trust to pay estate tax, reducing value of estate assets to avoid tax, **§ 12:131**

Valuation of taxable transfers, **§§ 12:58 to 12:60**

ESTATES

Decedents' Estates, this index

Intestacy, this index

Life Estates, this index

Medicaid, this index

Planning, Estate Planning, this index

Size of Estate, this index

Taxes, Estate Taxes, this index

Wills, **§§ 7:1 to 7:55**

ETHICS

- Advance health care directives, ethics committees, **§ 27:25**
- Canons of ethics, abuse and neglect remedies, **§ 5:28**
- Conflicts of interest
 - Attorney as agent, **§ 3:8**
 - Diminished capacity, clients under, **§ 3:9**
 - Disability, clients under, **§ 3:9**
 - Duties, **§§ 3:1 to 3:14**
 - Guardianship, this index
 - Medicaid, ethical planning in gifting and other transactions, **§ 25:232**
 - Rules of Professional Conduct, **§ 5:27**

EUTHANASIA

- Assisted suicide distinguished, **§ 27:83**
- Evolution of elder law, dynamic nature of elder law, **§ 1:29**
- Terminally ill client representation, **§ 4:6**

EVALUATION

- Disabled heir planning, **§§ 11:2, 11:3**
- Long term care insurance, evaluating specific features of policy, **§§ 24:20 to 24:39**
- Medicaid, **§ 25:109**
- Residential setting choice, client's capabilities, **§ 22:18**

EVIDENCE

- Guardianship, this index
- Lack of proof, abuse identification difficulties, **§ 5:11**
- Living trusts, incompetence of successor trustee, **§ 10:69**
- Medicaid, this index
- Presumptions, this index
- Probate, this index
- Social Security Disability Insurance, this index
- Springing powers of attorney, incapacity, **§ 26:8**
- Supplemental Security Income, this index
- Taxes and Taxation, this index
- Veterans' benefits, appellate procedure, **§§ 15:87, 15:96, 15:106**
- Will validity, self-proving affidavit, **§ 7:10**
- Witnesses, this index

EVOLUTION OF ELDER LAW

- Dynamic nature of elder law, **§§ 1:28, 1:29**

EXACERBATION OF PREEXISTING INJURY

- Veterans' benefits, eligibility, **§ 15:7**

EXAMINATION

- Guardianship, this index
- Medical Examination, this index

INDEX

EXCEEDING INCOME CAP

Medicaid disqualification, calculating and managing income for eligibility,
§§ 25:122 to 25:124

EXCEPTIONS

Exclusions or Exemptions, this index

EXCESS

Earnings, Social Security benefits limits, **§§ 14:28 to 14:30**
Medicaid, this index
Resources, Supplemental Security Income, **§ 16:38**

EXCHANGES FOR CONSIDERATION

Gift taxes, **§ 12:27**

EXCISE TAXES

Employee Retirement Income Security Act, **§ 14:94**

EXCLUSIONS OR EXEMPTIONS

Employee Retirement Income Security Act, **§ 14:77**
Estate Planning, this index
Homesteads, this index
Medicaid, this index
Personal representatives for decedents' estates, **§ 7:45**
Social Security benefits, **§§ 14:6, 14:10**
Social Security Disability Insurance, appealing denial or suspension of benefits,
§ 16:73
Supplemental Security Income, this index
Taxes and Taxation, this index

EXCULPATORY PROVISIONS

Living trusts, **§ 10:38**

EXECUTION

Advance health care directives, execution in another state, **§ 27:8**
Health care surrogate, **§ 27:47**
Living trust agreement, initial administration, **§ 10:93**
Living wills, **§ 27:29**
Preneed guardian, **§ 28:60**

EXEMPTIONS

Exclusions or Exemptions, this index

EXERCISE

Estate planning, elective share right, **§§ 6:43 to 6:47**
Medicaid, this index
Powers of Attorney, this index

EXHAUSTION OF WARD'S FUNDS

Guardianship termination, **§ 28:235**

EXISTING MATTERS

Client, guardianship, **§ 28:72**

EXISTING MATTERS—Cont'd

Mortgages, retirement funds raised by using reverse mortgages, **§ 13:26**

Preexisting, this index

EXPECTED MATTERS

Life Expectancy, this index

Retirement funds raised by using reverse mortgages, short residency expected, **§ 13:27**

Tax avoidance and charitable remainder trusts, expected decreases in charitable giving, **§ 12:147**

EXPEDITED MATTERS

Court review for constitutional questions, denial or suspension of SSI or SSDI benefits, **§ 16:72**

Docket call, appellate procedure for veterans' benefits, **§ 15:90**

Judicial intervention, form, **§ 27:90**

EXPENSES

Costs and Expenses, this index

EXPERIENCE

Guardian and attorney fees, **§ 28:257**

EXPERTISE

Living Trusts, this index

EXPERTS

Guardianship, incapacity hearing, **§§ 28:144 to 28:147**

EXPLANATION OR EXPLANATIONS

Estate plans, letter to client, **§ 6:79**

Medicaid, initial planning consultation, **§§ 25:98 to 25:107, 25:112, 25:114 to 25:116**

Probate proceedings, memoranda to client forms, **§§ 8:86, 8:87**

EXPLOITATION

Reporting exploitation, statutes, **§§ 5:41 to 5:51**

EXPRESSLY STATED AUTHORITY

Health care surrogate, **§ 27:51**

EXTENDED OR EXTENSION

Assisted living facilities, extended congregate care services, **§§ 23:59 to 23:66**

Veterans' benefits, appellate procedure, **§§ 15:86, 15:98**

EXTRA COVERAGE

Medigap plans, **§ 18:107**

EXTRAORDINARY POWERS

Powers of attorney, **§§ 26:41 to 26:49**

EXTRAS

Medicaid, state's right to proceed to bring support proceedings if spousal refusal community spouse wants to pay extras, **§ 25:324**

INDEX

EYEGLASSES

Medicare Part B voluntary coverage, **§ 18:53**

EYES AND VISION

Anatomical gifts of eyes, **§§ 27:79 to 27:81**

Blindness and Blind Persons, this index

Medicare Part B voluntary coverage, eyeglasses, **§ 18:53**

FACILITIES

Advance health care directives, health care facility, **§§ 27:14, 27:15**

Assisted Living Facilities, this index

Health Maintenance Organizations, this index

Long Term Care, this index

Medicare Part A hospital insurance benefits, skilled nursing facility, **§§ 18:15 to 18:18**

Nursing Homes, this index

Residential setting choice, **§§ 22:13, 22:14, 22:17**

FACTUAL CIRCUMSTANCES

Guardianship, petition to determine incapacity, **§ 28:100**

FAILURE OF PENSION COMPANY

Private employment retirement and pension plans, **§ 14:97**

FAILURE TO FILE NOTICE OF TRUST

Living trusts, liability, **§ 10:145**

FAILURE TO PAY

Employer health plans, Medicare coverage if group plan fails to pay, **§ 18:121**

FAILURE TO REPORT

Abuse, neglect and exploitation reporting statutes, **§ 5:44**

FAIR COMPENSATION

Medicaid, permitted transfers to reduce assets, **§ 25:234**

FAIR MARKET VALUE

Estate planning, valuation of property used to satisfy elective share, **§ 6:40**

Medicaid, installment contract for sale of asset value, **§ 25:195**

Taxable transfers and trust assets valuation, **§§ 12:55 to 12:60**

FALSE REPORTS

Abuse, neglect and exploitation reporting statutes, **§ 5:45**

FAMILY

Asset protection planning, **§§ 1:69, 1:71**

Children or Minors, this index

Estate planning, family needs, lifestyles and traditions, **§§ 6:5 to 6:8**

Guardianship, this index

Medicaid, this index

Members

Guardians, fees, **§ 28:261**

FAMILY—Cont'd

Members—Cont'd

Tax avoidance, GRITs, GRATs, GRUTs, PRITs and QPRITs, §§ **12:167, 12:168**

Parents, this index

Relatives, this index

Remain at home choice, § **22:10**

Retirement funds raised by using reverse mortgages, family homestead, § **13:25**

Siblings. Medicaid, this index

Social Security benefits, family maximum, § **14:25**

Spouses, this index

FAMILY ASSET PROTECTION PLANNING

Assets, §§ **1:69, 1:71**

FARMLAND

Taxable transfers and trust assets, formulas for valuation, § **12:67**

FAULTY PRENUPTIAL AGREEMENT OR DIVORCE

Estate planning, elective share, §§ **6:59, 6:62**

FEAR

Abuse identification difficulties, §§ **5:10, 5:13**

FEATURES

Cost cutting, Medicare, §§ **18:62 to 18:66**

Florida Trust Code, living trusts, § **10:17**

Long term care insurance policy, §§ **24:20 to 24:39**

FEDERAL MATTERS

ADI services, § **20:10**

Alzheimer's Disease Initiative, §§ **20:8, 20:9**

Americans with Disabilities Act, §§ **19:1 to 19:15**

Assisted suicide, federal cases, § **27:86**

Circuit Court of Appeals, veterans' benefits, § **15:72**

Civil service retirement programs, §§ **14:54 to 14:75**

Community Care for the Elderly (CCE) Program, § **20:6**

Eligibility, § **20:7**

Courts

Veterans' benefits, chain of appeal, §§ **15:71 to 15:73**

Employee Retirement Income Security Act, §§ **14:76 to 14:96**

Home Care for the Elderly (HCE), §§ **20:11, 20:12**

Identifying specialized federal programs, planning for lifetime needs of elderly client, § **1:16**

Living wills, HIPAA, § **27:37**

Medicaid, this index

Medicare, this index

Older Americans Act, §§ **20:1 to 20:5**

RELIEF program, §§ **20:13, 20:14**

Senior communities, Federal Housing for Older Persons Act, §§ **22:20 to 22:23**

Social Security, this index

INDEX

FEDERAL MATTERS—Cont'd

Taxes and Taxation, this index
Veterans Administration, this index
Veterans' Benefits, this index

FEES

Attorney's Fees, this index
Guardianship, this index
Living Trusts, this index
Medicaid, this index
Medicare, this index
Nursing Homes, this index
Powers of attorney, **§ 26:26**
Probate, this index

FEMALES

Women, this index

FERS (FEDERAL EMPLOYEE RETIREMENT SYSTEM) PLAN

Generally, **§§ 14:69 to 14:75**

FESTERING WOUNDS

Abuse identification, **§ 5:16**

FEUDS IN FAMILY

Estate planning, tailoring estate plan, **§ 6:6**

FIDGETY BODY MOVEMENTS

Abuse identification, **§ 5:19**

FIDUCIARIES

Guardianship, this index
Intangible personal property tax rate, **§ 17:8**
Powers of attorney, fiduciary duties and powers, **§ 26:45**

FILING OR FILINGS

Electronic filing, **§ 8:83**
Guardianship, this index
Intangible personal property taxes, untimely filings, **§§ 17:15, 17:17**
Living Trusts, this index
Medicaid, suit against pensioner, **§ 25:149**
Veterans' Benefits, this index

FINAL MATTERS

Accounting or Accountings, this index
Distribution of assets to heirs and beneficiaries, probate proceedings, **§ 8:60**
Report, resignation of guardian and appointment of successor, **§ 28:223**

FINANCIAL MATTERS

Abuse, prevention, **§ 5:3**
Advisors, incapacity planning, **§ 21:30**
Affairs, nursing home resident rights, **§ 23:35**
Danger, guardianship necessary, **§ 28:15**

FINANCIAL MATTERS—Cont'd

- Disabled heir planning, client's financial position, **§§ 11:2, 11:3**
- Incapacity planning, **§§ 21:3 to 21:22, 21:30**
- Information
 - SSI or SSI/DDDI concurrent claims, application for benefits, **§ 16:66**
- Management
 - Estate planning, **§ 6:4**
 - Incapacity planning, **§ 21:17**
- Medicaid, this index
- Planning, scope of elder law, **§ 1:11**
- Protection, incapacity planning, **§ 21:16**
- Referrals from attorney to financial counselors, multi-dimensional approach, **§ 1:25**
- Security, incapacity planning, **§§ 21:3 to 21:22**

FINANCIAL REGULATION, OFFICE OF

- Abuse and neglect statutes, **§§ 5:53 to 5:55**

FINCEN'S RESIDENTIAL

- Real estate rule, **§ 9:63**

FINDING

- Investor, retirement funds raised by using sale-leaseback, **§ 13:45**

FINDINGS

- Guardianship, examining committee, **§ 28:132**
- Long term care facilities' regulation, **§ 23:2**
- SSI and SSDI application for benefits, lab findings, **§ 16:64**

FIRM BROCHURES

- Marketing, **§§ 1:52, 1:65**

FIRST MARRIAGES

- Estate planning, marriage contracts, **§ 6:26**

FIVE-MONTH STATUTORY WAITING PERIOD

- Social Security Disability Insurance, disability eligibility, **§ 16:47**

FIXED TERM

- Retirement funds raised by using reverse mortgages, **§ 13:34**

FIXED-FEE BILLING SCHEDULE

- Office practice tips, **§ 1:38**

FLORIDA TRUST CODE

- Living trusts, **§§ 10:16, 10:17**

FOOD SERVICE

- Nursing home management, **§ 23:49**

FOREIGN AND SISTER STATES

- Advance health care directives, execution in another state, **§ 27:8**
- Income and estate taxation in other states, **§§ 17:39 to 17:41**

INDEX

FOREIGN AND SISTER STATES—Cont'd

- Living trust advantages, avoiding multiple probate proceedings concerning out of state realty, **§ 10:49**
- Medicaid, this index
- Will validity, **§ 7:12**

FOREIGN MATTERS

- Medicare Part B voluntary coverage, services abroad, **§ 18:48**
- Personal representatives, probate proceedings, **§ 8:79**
- States. Foreign and Sister States, this index

FORM OR FORMAT

- Anatomical gift declaration, **§§ 27:69, 27:70**
- Do not resuscitate orders, **§§ 27:55 to 27:59**
- Employee Retirement Income Security Act qualified plans, form of distribution, **§ 14:92**
- Medicaid, using investments to convert assets to noncountable form, **§§ 25:278, 25:290, 25:300**

FORMAL ADMINISTRATION

- Probate, this index

FORMALITIES OF EXECUTION

- Preneed guardian, **§ 28:60**

FORMER MATTERS

- Prior or Former Matters, this index

FORMS

- Acknowledgment of referral, scope of elder law, **§ 1:56**
- Advance health care directives, **§§ 1:63, 27:94, 27:95**
- Advanced care & estate planning, **§ 1:68**
- Analysis and client report, **§ 1:69**
- Anatomical gift declaration, **§ 27:93**
- Auxiliary services disclosure, scope of elder law, **§ 1:67**
- Basic intake memorandum, scope of elder law, **§ 1:55**
- Combined living will, health care surrogate and power of attorney, **§ 27:91**
- Conflict of interest disclosure, **§§ 1:66, 3:15**
- Disabled heir planning, **§§ 11:25 to 11:33**
- Disclosures
 - Auxiliary services, scope of elder law, **§ 1:67**
 - Conflict of interest, **§§ 1:66, 3:15**
- Do not resuscitate order, **§ 27:92**
- Escrow agreement, **§§ 25:379, 26:54**
- Estate and Incapacity Planning, **§ 1:70**
- Estate Planning, this index
- Expedited judicial intervention, **§ 27:90**
- Family asset protection planning, **§§ 1:69, 1:71**
- Fee Agreement, **§§ 1:69 to 1:72**
- Firm brochures, scope of elder law, **§ 1:65**
- Guardianship, this index

FORMS—Cont'd

- Health care surrogate, §§ **27:91, 27:96, 27:97**
- Honor received noted in news release, scope of elder law, § **1:61**
- Information
 - Letter, scope of elder law, § **1:64**
 - Medicaid planning information, scope of elder law, § **1:57**
 - Sheet, §§ **8:85, 25:347**
- Intake memoranda
 - Estate planning, §§ **1:58, 6:81**
 - Medicaid, § **25:356**
 - Scope of elder law, §§ **1:55, 1:58**
- Letters
 - Eliciting lecture dates, scope of elder law, § **1:59**
 - Information letter, scope of elder law, § **1:64**
 - Living Trusts, this index
 - Medicaid, §§ **25:357, 25:364, 25:383**
 - Referred professional, scope of elder law, § **1:53**
 - Sample friends and family letter form, § **11:31**
 - Sample third party irrevocable special needs trust funding instructions, § **11:32**
- Living Trusts, this index
- Living will, § **27:91**
- Long term care insurance, memorandum for client, § **24:41**
- Medicaid, §§ **1:57, 25:345 to 25:385**
- News release, scope of elder law, §§ **1:60, 1:61**
- News story, scope of elder law, § **1:62**
- Pour-over will, sample, § **10:193**
- Powers of attorney, §§ **26:4, 26:51 to 26:56, 27:91**
- Probate, this index
 - Referral to professional, scope of elder law, §§ **1:53, 1:54, 1:56**
 - Representation, §§ **1:69 to 1:72**
 - Residential setting choice, §§ **22:25 to 22:27**
 - Retainer agreement, §§ **8:88, 25:358**
 - Scope of elder law, §§ **1:53 to 1:67**
 - Simplified employee pension, § **14:112**
 - Taxes and Taxation, this index
 - Wills, §§ **7:46 to 7:55**

FORMULAS

- Residential setting choice, assessment formula for evaluating client's capabilities, § **22:18**
- Taxable transfers and trust assets valuation, §§ **12:61 to 12:71**

FOUND ASSETS

- Medicaid, new assets, §§ **25:334, 25:335**

FRAUD

- Mail fraud scams, abuse and neglect remedies, § **5:33**
- Medicaid, power of state to penalize, §§ **25:73 to 25:80**

INDEX

FREE SERVICES

Medicare Part B voluntary coverage, **§ 18:49**

FREEDOM FROM ABUSE

Incapacity planning, **§ 21:13**

FREEZING ESTATE

Tax avoidance, GRITs, GRATs, GRUTs, PRITs and QPRITs, **§ 12:164**

FRIENDS

Guardianship alternatives, friend intercession, **§ 28:30**

Remain at home choice, **§ 22:10**

FTC (FLORIDA TRUST CODE)

Living trusts, **§§ 10:16, 10:17**

FULFILL LEGAL OBLIGATION PAYMENTS

Gift taxes, unlimited gifts for medical or educational expense, **§ 12:36**

FULL COVERAGE

Social Security benefits eligibility, **§§ 14:8 to 14:11**

FUNCTIONS

Delegation of investment functions, **§§ 10:129, 28:174**

FUNDS AND FUNDING

Disabled heir planning, **§§ 11:3, 11:22**

Guardianship, this index

Individual retirement accounts, gifts using retirement funds, **§ 14:126**

Living Trusts, this index

Medicaid, this index

Older Americans Act, administration, **§ 20:3**

Powers of Attorney, this index

Probate, this index

Retirement, **§§ 13:1 to 13:52**

Social Security, **§§ 14:2 to 14:4**

Taxes and Taxation, this index

FUNERAL

Burial, this index

Companies, abuse and neglect statutes, **§ 5:55**

Contracts, Medicaid spenddowns, **§ 25:275**

Directors harvesting of eyes and corneas, anatomical gifts, **§ 27:81**

Expenses, guardianship administration, **§ 28:200**

Plans, terminally ill client representation, **§ 4:8**

FUNERAL SERVICE PROVIDERS

Referrals from attorney, multi-dimensional approach, **§ 1:26**

FURNISHING BENEFICIARIES WITH COPIES

Living trust agreement, post mortem administration, **§ 10:157**

FURNISHINGS OF HOME

Remain at home choice, **§ 22:12**

FUTURE MATTERS

Interests, §§ **12:31, 25:178**

Title, probate avoidance by use of jointly owned real property, §§ **9:53 to 9:62**

GAINS

Capital Gains Taxes, this index

GAMBLING

Retirement funds raised by using reverse mortgages, § **13:28**

GAPS

Medicare, this index

GAY ELDERS NEGLECTED

Long term care facilities' regulation, § **23:5**

GENERAL EXCLUSIONS

Supplemental Security Income, earned and unearned income, §§ **16:21, 16:22**

GENERAL MASTERS

Guardianship, definition, § **28:7**

GENERATION SKIPPING TRANSFER TAX

Generally, §§ **12:37 to 12:54**

Avoidance, exceptions to tax, § **12:48**

Beneficiaries, § **12:40**

Computation of tax, §§ **12:81, 12:82**

Definitions

Generation skipping transfer tax, §§ **12:38 to 12:41**

Non-linear beneficiaries, § **12:40**

Skip person, §§ **12:39, 12:40**

Transferor, § **12:41**

Direct skips, §§ **12:45, 12:54**

Distributions, §§ **12:43, 12:52**

Educational expenses, exceptions to tax, § **12:47**

Exceptions to tax, §§ **12:46 to 12:48**

Exemption, § **12:49**

Expenses, exceptions to tax, § **12:47**

Inclusion ratio, computation of tax, § **12:82**

Individual retirement accounts, § **14:127**

Liability for tax, §§ **12:51 to 12:54**

Medical expenses, exceptions to tax, § **12:47**

Non-linear beneficiaries, § **12:40**

Purpose, § **12:37**

Rate of tax, § **12:50**

Skip person, §§ **12:39, 12:40, 12:52**

Terminations, §§ **12:44, 12:53**

Transferor, §§ **12:41, 12:54**

Trust is liable for taxable terminations, § **12:53**

When generation skipping transfer occurs, §§ **12:42 to 12:45**

INDEX

GEOGRAPHICAL LOCATION

Living trusts, selection of trustee, **§ 10:74**

GERIATRIC CARE MANAGERS AND MANAGEMENT

Guardianship alternatives, **§ 28:29**

Incapacity planning, **§ 21:25**

Referrals from attorney, multi-dimensional approach, **§ 1:24**

Remain at home choice, **§ 22:9**

GERONTOLOGISTS

Incapacity planning, **§ 21:26**

Referrals from attorney, multi-dimensional approach, **§ 1:22**

GI BILL

Veterans' Benefits, this index

GIFT TAXES

Generally, **§§ 12:21 to 12:36**

Annual exclusion, **§§ 12:29 to 12:32**

Applicable exclusion amount, unified gift tax credit, **§ 12:73**

Beneficiaries of crummey trusts, reducing value of estate assets to avoid tax,
§§ 12:121, 12:122, 12:124

Charitable deduction, **§ 12:33**

Computation of tax, **§§ 12:73, 12:76, 12:79**

Crummey trusts, reducing value of estate assets to avoid tax, **§§ 12:118 to 12:124**

Date. Time or date, below

Deductions, **§ 12:33**

Disclaimer, what constitutes gift, **§ 12:25**

Educational expenses, unlimited gifts, **§§ 12:34 to 12:36**

Effect of disclaimer, what constitutes gift, **§ 12:25**

Estate planning, elective share, **§ 6:75**

Exchanges for consideration, what constitutes gift, **§ 12:27**

Exclusions

Annual exclusion, **§§ 12:29 to 12:32**

Applicable exclusion amount, unified gift tax credit, **§ 12:73**

Limited to unreimbursed tuition and medical expenses, **§ 12:35**

Personal services are excluded from gift tax, **§ 12:24**

Use of crummey trust to qualify for gift tax exclusion, reducing value of estate assets to avoid tax, **§§ 12:118 to 12:123**

Expenses, unlimited gifts, **§§ 12:34 to 12:36**

Fair market value as of date of transfer, valuation of taxable transfers, **§ 12:57**

Fulfill legal obligation payments, unlimited gifts for medical or educational expense, **§ 12:36**

Future interests, annual exclusion, **§ 12:31**

Incomplete gifts, **§ 12:26**

Independent trustee of crummey trust used to qualify for gift tax exclusion, reducing value of estate assets to avoid tax, **§ 12:120**

Involuntary transfers, what constitutes gift, **§ 12:28**

GIFT TAXES—Cont'd

- Irrevocable crummey trust used to qualify for gift tax exclusion, reducing value of estate assets to avoid tax, **§ 12:119**
- Legal obligation payments, unlimited gifts for medical or educational expense, **§ 12:36**
- Liability for tax, **§ 12:22**
- Lifetime annual exclusion, **§ 12:30**
- Limitation of exclusion to unreimbursed tuition and medical expenses, **§ 12:35**
- Marital deduction, **§ 12:33**
- Married couples, annual exclusion, **§ 12:32**
- Medical expenses, unlimited gifts, **§§ 12:34 to 12:36**
- Payments made to fulfill legal obligation, unlimited gifts for medical or educational expense, **§ 12:36**
- Personal services are excluded from gift tax, **§ 12:24**
- Rights of beneficiary of crummey trust used to qualify for gift tax exclusion, reducing value of estate assets to avoid tax, **§ 12:122**
- Support payments, unlimited gifts for medical or educational expense, **§ 12:36**
- Time or date
 - Annual exclusion, **§§ 12:29 to 12:32**
 - Fair market value as of date of transfer, valuation of taxable transfers, **§ 12:57**
 - Lifetime annual exclusion, **§ 12:30**
- Tuition, unlimited gifts for educational expense, **§§ 12:34 to 12:36**
- Unified gift tax credit, computation of tax, **§ 12:73**
- Unlimited
 - Deductions, **§ 12:33**
 - Gifts for medical or educational expense, **§§ 12:34 to 12:36**
- Unreimbursed tuition and medical expenses, exclusion limited to, **§ 12:35**
- Use of crummey trust to qualify for gift tax exclusion, reducing value of estate assets to avoid tax, **§§ 12:118 to 12:123**
- Valuation of taxable transfers, **§ 12:57**
- What constitutes gift, **§§ 12:23 to 12:28**

GIFTS

- Anatomical Gifts, this index
- Avoidance of tax, reducing size of estate with gifts, **§§ 12:84 to 12:91**
- Estate planning, elective share, **§§ 6:73, 6:75 to 6:77**
- Individual retirement accounts, gifts using retirement funds, **§ 14:126**
- Medicaid, this index
- No gift from client, conflicts of interest and ethical duties, **§ 3:5**
- Powers of attorney, gifting powers, **§ 26:36**
- Taxes. Gift Taxes, this index
- Uniform Gifts to Minors Act, probate avoidance by use of jointly owned property, **§§ 9:17 to 9:21**

GIVE UP USE AND POSSESSION

- Estate planning, elective share avoidance, **§ 6:70**

GOALS

- Guardian selection, **§ 28:75**
- Incapacity planning, **§§ 21:3 to 21:14**

INDEX

GOALS—Cont'd

Medicaid, initial planning consultation, **§§ 25:92 to 25:96**

GOOD ACCOUNTING AND REPORTING SYSTEMS

Living trusts, trust company use advantages, **§ 10:80**

GOOD FAITH

Medicaid, effort to sell, **§ 25:176**

Powers of attorney, immunity of third party acting in good faith without notice, **§ 26:18**

GOVERNING LAW

Guardianship, **§ 28:2**

Long term care insurance, **§ 24:2**

GOVERNMENT AND GOVERNMENTAL MATTERS

Americans with Disabilities Act, effect on state and local governments, **§ 19:2**

Disabled heir planning, preservation of governmental assistance benefits, **§§ 11:7, 11:8**

Estate planning, preserving eligibility for government assistance, **§ 6:9**

Federal Matters, this index

Incapacity planning, government benefits, **§§ 21:7, 21:8**

Medicaid, government agency assistance, **§ 25:138**

Retirement funds raised by using reverse mortgages, effects on government benefits, **§§ 13:35 to 13:38**

Scope of elder law, government services, **§ 1:5**

State, this index

GRANDCHILDREN

Medicaid, this index

GRANTOR

Probate avoidance by use of jointly owned property, life estate deed to convey title to heirs, **§ 9:52**

Tax avoidance, GRITs, GRATs, GRUTs, PRITs and QPRITs, **§§ 12:168, 12:176 to 12:178**

GRATs

Tax avoidance, **§§ 12:163 to 12:197**

GRATUITOUS TRANSFER REQUIRED

Transfer taxes, **§ 12:4**

GRIEVANCES

Medicare Part C, **§ 18:75**

Nursing home resident rights, **§ 23:32**

GRITs

Tax avoidance, **§§ 12:163 to 12:197**

GROSS ESTATE

Estate taxes, **§§ 12:10 to 12:20**

GROUND FOR DIVORCE

Medicaid, preserving assets methods, **§ 25:312**

GROUPS

Medicare cost cutting features, diagnostic related groups limit coverage, **§ 18:65**
Nursing home resident rights, **§ 23:33**

GRUTs

Tax avoidance, **§§ 12:163 to 12:197**

GST TAX

Generation Skipping Transfer Tax, this index

GUARDIANSHIP

Generally, **§§ 28:1 to 28:276**

Ability, guardian and attorney fees, **§ 28:257**

Abuse and neglect remedies, **§ 5:31**

Accounting

Annual accounting, administration of guardianship, **§ 28:169**

Termination of guardianship, **§ 28:232**

Accounts

Joint accounts

Alternatives to guardianship, **§ 28:27**

Bank accounts, administration of guardianship, **§§ 28:187 to 28:189**

No penalty for early withdrawal of certificate accounts, administration of
guardianship, **§ 28:178**

Act or acts

Attorney representing guardian on unauthorized acts, fees, **§ 28:270**

Supervision over guardian's acts by attorney, ethics, **§ 28:22**

Actions and proceedings

Defending or bringing lawsuits, administration of guardianship, **§ 28:197**

Disabled heir planning form, petition for creation of special needs trust in
guardianship proceedings, **§ 11:28**

Hearings, below

Probate proceeding, disposition of unclaimed funds held by guardian,
§ 28:238

Ad litem guardians for minors, **§ 28:37**

Adjudication of incapacity effect on individual's rights, **§§ 28:65 to 28:69**

Administration of guardianship, **§§ 28:159 to 28:209**

Advance

Health care directives. Advance Health Care Directives, this index

Notice of contest, incapacity hearing, **§ 28:142**

After-acquired assets, Medicaid planning, **§ 28:206**

AIP. Alleged incapacitated person, below

Alienation of joint spousal assets, administration of guardianship, **§ 28:186**

Alleged incapacitated person

Definition, **§ 28:6**

Payment of guardian and attorney fees for representing, **§ 28:264**

Role of attorney, **§ 28:121**

INDEX

GUARDIANSHIP—Cont'd

- Alternative or alternatives
 - Guardianship alternatives, **§§ 10:47, 28:23 to 28:32**
 - Least restrictive alternative, physically and/or mentally incapacitated persons, **§ 28:41**
- Alternatives
 - Supported Decisionmaking Agreement, **§ 28:25**
- Amateurs, selection of guardian, **§ 28:91**
- Annual
 - Accounting, administration of guardianship, **§ 28:169**
 - Information, initial guardianship plan, **§ 28:163**
 - Plan, administration of guardianship, **§ 28:168**
 - Report, administration of guardianship, **§ 28:167**
- Application for appointment as guardian, procedure, **§ 28:110**
- Appointment
 - Attorneys, below
 - Guardians, below
- Assets
 - Authorization to act, administration of guardianship, **§§ 28:195, 28:206**
 - Depository for ward's assets, administration of guardianship, **§§ 28:171, 28:172, 28:175 to 28:178**
 - Payments, administration of guardianship, **§§ 28:183, 28:186**
- Assumption of duties, preneed guardian, **§ 28:63**
- Attendance, incapacity hearing, **§ 28:134**
- Attorneys
 - Appointment
 - Beginning of guardianship case, **§ 28:71**
 - Court appointed attorneys, below in this group
 - Role of attorney, **§§ 28:121 to 28:123**
 - As guardians, fees, **§ 28:259**
 - Beginning of guardianship case, **§§ 28:70 to 28:74**
 - Conflicts between attorney and client, ethics, **§ 28:19**
 - Court-appointed attorneys
 - Beginning of guardianship case, **§ 28:71**
 - Fees, **§§ 28:265 to 28:267**
 - Presentation at incapacity hearing, **§ 28:139**
 - Role of attorney, **§§ 28:122, 28:123**
 - Fees. Attorney's fees, below
 - Presentation by attorney, incapacity hearing, **§§ 28:138, 28:139**
 - Relationship with attorney, selection of guardian, **§ 28:90**
 - Representation
 - Attorneys, generally, **§ 28:34**
 - Duration of representation, court-appointed attorney, **§ 28:123**
 - Guardian represented on unauthorized acts, fees, **§ 28:270**
 - Role of attorney, **§§ 28:121 to 28:132**
 - Supervision over guardian's acts by attorney, ethics, **§ 28:22**
- Attorney's fees
 - Generally, **§§ 28:244 to 28:270**

GUARDIANSHIP—Cont'd

Attorney's fees—Cont'd

Denial of petition for appointment of guardian, hearing, **§ 28:158**

Authority and authorization

Administration of guardianship, authorization to act, **§§ 28:190 to 28:208**

Duration of authority

Emergency temporary guardianship, **§ 28:51**

Voluntary guardianship, **§ 28:55**

Emergency temporary guardianship, **§ 28:51**

Voluntary guardianship, **§§ 28:54, 28:55**

Background requirements, **§ 28:80**

Bank accounts, administration of guardianship, **§§ 28:187 to 28:189**

Beginning of guardianship case, **§§ 28:70 to 28:74**

Bonds

Administration of guardianship, **§ 28:172**

Procedure, **§ 28:112**

Professional guardians, **§ 28:93**

Bringing lawsuits, administration of guardianship, **§ 28:197**

Building repairs, administration of guardianship, **§ 28:193**

Burden of proof, incapacity hearing, **§ 28:136**

Capacity restoration, termination of guardianship, **§§ 28:211 to 28:217**

Care

Caregivers, wrongful, **§ 28:16**

Geriatric care management, alternatives to guardianship, **§ 28:29**

Health care, below

Careful recordkeeping, guardian and attorney fees, **§ 28:244**

Caregivers, wrongful, **§ 28:16**

Certificates

Licensed physician, **§§ 28:120, 28:275**

No penalty for early withdrawal of certificate accounts, administration of guardianship, **§ 28:178**

Change of ward's residence or domicile, **§§ 28:202, 28:233**

Checklists, **§§ 28:271, 28:272**

Choice

Governing law, **§ 28:2**

Guardians, appointment of guardian hearing, **§ 28:157**

Circumstances

Factual circumstances, petition to determine incapacity, **§ 28:100**

Termination of guardianship, **§ 28:210**

Time limits imposed by circumstances, guardian and attorney fees, **§ 28:255**

Claims

Authorization to act, administration of guardianship, **§§ 28:198, 28:199**

Funds on deposit, termination of guardianship, **§ 28:242**

Unclaimed funds, termination of guardianship, **§§ 28:238 to 28:243**

Clients

Conflicts between attorney and client, ethics, **§ 28:19**

Existing client, beginning of guardianship case, **§ 28:72**

Collection of guardian and attorney fees, **§ 28:269**

INDEX

GUARDIANSHIP—Cont'd

Committees

Ethics committees, advance health care directives, **§ 27:25**

Examining committee, **§§ 28:124 to 28:132, 28:145**

Community resources, alternatives to guardianship, **§ 28:32**

Compensable services, guardian and attorney fees, **§ 28:258**

Competence, voluntary guardianship, **§ 28:53**

Composition of examining committee, role of attorney, **§ 28:126**

Conduct of incapacity hearing, **§ 28:136**

Confidentiality of information, ethical duty owed to guardianship ward, **§ 3:14**

Conflicts

Attorney and client, ethics, **§ 28:19**

Governing law, **§ 28:2**

Interest, disqualification of guardian, **§ 28:83**

Considerations, selection of guardian, **§ 28:76**

Constructive service of notice, procedure, **§ 28:118**

Contact

Attorney contact with members of examining committee, **§ 28:130**

Persons in contact with elder, beginning of guardianship case, **§ 28:73**

Contents

Initial guardianship plan, administration of guardianship, **§ 28:164**

Notice, procedure, **§ 28:114**

Report, examining committee, **§ 28:129**

Contested matters

Appointment of guardian hearing, **§§ 28:150 to 28:157**

Court-appointed attorneys, fees, **§ 28:267**

Incapacity hearing, **§§ 28:141 to 28:143**

Contracts, administration of guardianship, **§§ 28:191, 28:194**

Co-owner withdrawal of funds, administration of guardianship, **§ 28:189**

Costs and expenses

Funeral expenses, administration of guardianship, **§ 28:200**

Payments of ward's expenses, administration of guardianship, **§§ 28:179 to 28:184**

Public guardian, **§ 28:86**

Retention of funds by guardian to pay costs, termination of guardianship, **§ 28:243**

Selection of guardian, **§§ 28:86, 28:89**

Counsel. Attorneys, above

Courts

Appointment of attorneys. Attorneys, above

Reporting to court, administration of guardianship, **§ 28:159**

Role of court, incapacity hearing, **§ 28:140**

Criteria, guardian and attorney fees, **§§ 28:248, 28:254**

Customary or usual matters

Fees for guardian and attorney, **§ 28:252**

Start of guardianship case, **§ 28:70**

Danger

Imminent danger, emergency temporary guardianship, **§ 28:48**

GUARDIANSHIP—Cont'd

Danger—Cont'd

 Necessary guardianship, §§ 28:14, 28:15

Date. Time or date, below

Death of ward, termination of guardianship, § 28:236

Declaration, preneed guardian, §§ 28:61, 28:62

Defending lawsuits, administration of guardianship, § 28:197

Definitions

 Alleged incapacitated person, § 28:6

 General masters, § 28:7

 Guardian, §§ 28:8 to 28:10

 Limited guardian, § 28:9

 Plenary guardian, § 28:10

 Ward, § 28:11

Delegation

 Effect of adjudication of incapacity on individual's delegable rights, §§ 28:67, 28:68

 Investment functions or authority, administration of guardianship, §§ 28:174, 28:203

Denial of petition for appointment of guardian, attorney's fees, § 28:158

Dependents of ward, support, § 28:182

Deposit

 Depository for ward's assets, administration of guardianship, §§ 28:171, 28:172, 28:175 to 28:178

Safe deposit box inventory, administration of guardianship, § 28:170

 Unclaimed funds, termination of guardianship, §§ 28:239 to 28:242

Designation

 Depository for ward's assets, administration of guardianship, §§ 28:171, 28:172, 28:175 to 28:178

 Stand-alone preneed guardian designation, form, § 28:273

Determinations regarding incapacity, procedure, §§ 28:97 to 28:101

Difficulty, guardian and attorney fees, § 28:250

Diligence, guardian and attorney fees, § 28:257

Disabled heir planning form, petition for creation of special needs trust in guardianship proceedings, § 11:28

Disadvantages of professional guardians, § 28:94

Discharge of guardian, termination of guardianship, §§ 28:222, 28:229, 28:234 to 28:237

Disclosure of experts, incapacity hearing, § 28:147

Disposition of unclaimed funds held by guardian, termination of guardianship, §§ 28:238, 28:239

Disqualification of guardian, §§ 28:81 to 28:83

Domicile of ward change, termination of guardianship, § 28:233

Duration

 Authority and authorization, above

 Incapacity hearing, § 28:135

 Representation, court-appointed attorney, § 28:123

INDEX

GUARDIANSHIP—Cont'd

Duties

- Assumption of duties, preneed guardian, **§ 28:63**
- Confidentiality of information, ethical duty owed to guardianship ward, **§ 3:14**
- Court-appointed attorney, **§ 28:122**
- Examining committee, **§ 28:127**

Educational requirements, qualifications of guardians, **§ 28:79**

Effect

- Adjudication of incapacity effect on individual's rights, **§§ 28:65 to 28:69**
- Declaration, preneed guardian, **§ 28:62**
- Guardianship's effect on ward, ethics, **§ 28:17**

Eligibility or qualification

- Depository for ward's assets, administration of guardianship, **§ 28:175**
- Guardians, **§§ 28:75 to 28:95**

Emergency

- If guardianship is necessary, **§ 28:45**
- Temporary guardianships. Emergency temporary guardianships, below
- Emergency temporary guardianships (ETG)
- Notice, procedure, **§ 28:117**
- Petition and order for appointment of emergency temporary guardian, procedure, **§§ 28:108, 28:109**

Types of guardianships, **§§ 28:47 to 28:51**

Enrichment of heir, ethics, **§ 28:20**

Entitlement, attorney's fees, **§ 28:263**

Errant guardian or attorney, payment of fees, **§ 28:262**

Estate planning, administration of guardianship, **§ 28:201**

Ethics

- Generally, **§§ 28:12, 28:13, 28:17 to 28:22**
- Advance health care directives, ethics committees, **§ 27:25**
- Confidentiality of information, ethical duty owed to guardianship ward, **§ 3:14**

Evidence

- Appointment of guardian hearing, **§ 28:152**
- Examining committee, **§§ 28:125, 28:131, 28:145**
- Incapacity hearing, **§§ 28:136, 28:144 to 28:147**
- Restoration to capacity hearing, **§ 28:215**

Examination

- Committee, **§§ 28:124 to 28:132, 28:145**
- Medical examination, restoration to capacity, **§ 28:213**

Execution, preneed guardian, **§ 28:60**

Exhaustion of ward's funds, termination of guardianship, **§ 28:235**

Existing client, beginning of guardianship case, **§ 28:72**

Expenses. Costs and expenses, above

Experience, guardian and attorney fees, **§ 28:257**

Experts, incapacity hearing, **§§ 28:144 to 28:147**

Factual circumstances, petition to determine incapacity, **§ 28:100**

Family

- Fees for family member guardians, **§ 28:261**
- Impact on family, ethics, **§ 28:18**

GUARDIANSHIP—Cont'd

Family—Cont'd

 Intercession by family, alternatives to guardianship, **§ 28:30**

Fees

 Attorney's fees, above

 Depository for ward's assets, administration of guardianship, **§ 28:176**

 Guardians, **§§ 28:244 to 28:270**

Fiduciaries

 Ward as fiduciary, administration of guardianship, **§ 28:192**

 Wrongful caregivers, **§ 28:16**

Filings

 Designating depository for ward's assets, administration of guardianship, **§ 28:177**

 Procedure, **§§ 28:96 to 28:98, 28:105, 28:113**

Final report, resignation of guardian and appointment of successor, **§ 28:223**

Financial danger, necessary guardianship, **§ 28:15**

Finding of incapacity, examining committee, **§ 28:132**

Formalities of execution, preneed guardian, **§ 28:60**

Forms

 Generally, **§§ 28:4, 28:273 to 28:276**

 Certificate of licensed physician, **§ 28:275**

 Disabled heir planning form, petition for creation of special needs trust in guardianship proceedings, **§ 11:28**

 Intake form, **§ 28:274**

 Itemized description of services, **§ 28:276**

 Stand-alone preneed guardian designation, **§ 28:273**

Friend intercession, alternatives to guardianship, **§ 28:30**

Funds

 Exhaustion of ward's funds, discharge of guardian, **§ 28:235**

 Unclaimed funds, termination of guardianship, **§§ 28:238 to 28:243**

 Withdrawal of funds, administration of guardianship, **§§ 28:188, 28:189**

Funeral expenses, administration of guardianship, **§ 28:200**

General masters, definition, **§ 28:7**

Geriatric care management, alternatives to guardianship, **§ 28:29**

Goal in selection of guardian, **§ 28:75**

Governing law, **§ 28:2**

Guardians

 Administration of guardianship, **§§ 28:159 to 28:209**

 Appointment

 Application for appointment, procedure, **§ 28:110**

 Hearing, **§§ 28:148 to 28:158**

 Orders, **§§ 28:106, 28:109, 28:227, 28:228**

 Petitions, **§§ 28:102 to 28:105, 28:108, 28:158, 28:227, 28:228**

 Preneed guardian, **§ 28:63**

 Qualifications of guardian, **§§ 28:77, 28:85**

 Successor guardian, resignation of guardian, **§§ 28:219 to 28:229**

 Definitions, **§§ 28:8 to 28:10**

 Fees, **§§ 28:244 to 28:270**

INDEX

GUARDIANSHIP—Cont'd

Guardians—Cont'd

 Incapacity planning, **§ 21:11**

 Intangible personal property tax rate, **§ 17:8**

 Living wills, palliative care, **§§ 27:40, 27:41**

 Motives of guardian, ethics, **§ 28:21**

 Personal representatives for decedents' estates, selection, **§ 7:42**

 Preneed guardian, below

 Procedure, **§§ 28:96 to 28:120**

 Professional guardians, below

 Qualifications of guardian, **§§ 28:75 to 28:95**

 Selection of guardian, **§§ 28:75 to 28:95**

 Supervision over guardian's acts by attorney, ethics, **§ 28:22**

 Termination of guardianship, **§§ 28:210 to 28:243**

 Types of guardians, **§§ 28:33 to 28:64**

Health care

 Advance Health Care Directives, this index

 Surrogate, alternatives to guardianship, **§ 28:28**

Hearings

 Appointment of guardian hearing, **§§ 28:148 to 28:158**

 Incapacity hearing, **§§ 28:133 to 28:158**

 Restoration to capacity, termination of guardianship, **§§ 28:214 to 28:216**

Heirs

 Disabled heir planning form, petition for creation of special needs trust in guardianship proceedings, **§ 11:28**

 Enrichment of heir, ethics, **§ 28:20**

Held

 Disposition of unclaimed funds held by guardian, termination of guardianship, **§§ 28:238, 28:239**

 Use of assets held jointly with spouse or another person, administration of guardianship, **§ 28:183**

 Imminent danger, emergency temporary guardianship, **§ 28:48**

 Impact on family, ethics, **§ 28:18**

Incapacity

 Generally, **§§ 28:1 to 28:276**

 Adjudication of incapacity effect on individual's rights, **§§ 28:65 to 28:69**

 Alleged incapacitated person, above

 Planning, **§§ 21:11, 21:36**

 Individual's rights, effect of adjudication of incapacity on, **§§ 28:65 to 28:69**

 Informal proceeding, incapacity hearing, **§ 28:137**

Information

 Annual information, initial guardianship plan, **§ 28:163**

 Confidentiality of information, ethical duty owed to guardianship ward, **§ 3:14**

Initial

 Interview, beginning of guardianship case, **§ 28:73**

 Plan, administration of guardianship, **§§ 28:162 to 28:164**

 Pleadings, **§§ 28:96, 28:113, 28:271, 28:272**

 Report, administration of guardianship, **§ 28:161**

GUARDIANSHIP—Cont'd

- Institutional guardians, selection and qualifications, **§ 28:78**
- Insurance claims, administration of guardianship, **§ 28:199**
- Intake form, **§ 28:274**
- Intangible property
 - Payments, administration of guardianship, **§ 28:185**
 - Tax rate, **§ 17:8**
- Intercession by family or friend, alternatives to guardianship, **§ 28:30**
- Inventory, administration of guardianship, **§§ 28:165, 28:166, 28:170**
- Investments, administration of guardianship, **§§ 28:173, 28:174, 28:203**
- Involuntary guardianship, initial pleadings checklist, **§ 28:272**
- Irregular expenses of ward, administration of guardianship, **§ 28:181**
- Itemized description of services, form, **§ 28:276**
- Joint property
 - Accounts, above
 - Payments, administration of guardianship, **§§ 28:183, 28:186 to 28:189**
 - Use of joint assets, administration of guardianship, **§§ 28:183, 28:195**
- Jurisdiction, **§ 28:3**
- Keeping. Retention, below
- Knowledge, petition to determine incapacity, **§ 28:99**
- Labor involved, guardian and attorney fees, **§ 28:249**
- Laws. Statutes, below
- Lawyers. Attorneys, above
- Leases, administration of guardianship, **§ 28:194**
- Least restrictive alternative, physically and/or mentally incapacitated persons, **§ 28:41**
- Letters of guardianship, procedure, **§ 28:107**
- Licensed physician certificate, **§§ 28:120, 28:275**
- Limitations or restrictions
 - Guardianships. Limited guardianships, below
 - Least restrictive alternative, physically and/or mentally incapacitated persons, **§ 28:41**
 - Personal liability of guardian, administration of guardianship, **§ 28:209**
 - Time limits imposed by circumstances, guardian and attorney fees, **§ 28:255**
- Limited guardianships
 - Definition of limited guardian, **§ 28:9**
 - Fees, **§ 28:260**
 - Petition to determine incapacity, procedure, **§ 28:98**
 - Types of guardianships, **§ 28:57**
- Live testimony of examining committee, role of attorney, **§ 28:131**
- Living trusts, alternatives to guardianship, **§§ 10:47, 28:24**
- Living wills, palliative care, **§§ 27:40, 27:41**
- Local guardian preferred, selection of guardian, **§ 28:88**
- Medicaid, this index
- Medical examination, restoration to capacity, **§ 28:213**
- Members
 - Examining committee, **§§ 28:126, 28:130**
 - Family member guardians, fees, **§ 28:261**

INDEX

GUARDIANSHIP—Cont'd

- Mentally incapacitated persons, types of guardianships, **§§ 28:40 to 28:42**
- Minors, types of guardians, **§§ 28:37, 28:38**
- Missing ward, discharge of guardian, **§ 28:234**
- Mortgages, administration of guardianship, **§ 28:194**
- Motives of guardian, ethics, **§ 28:21**
- Multiple guardians, selection and qualifications, **§ 28:95**
- Natural guardians, types of guardians, **§ 28:36**
- Nature
 - Incapacity, adjudication of incapacity effect on individual's rights, **§ 28:65**
 - Ward's property, guardian and attorney fees, **§ 28:253**
- Necessary guardianship, **§§ 28:13 to 28:15, 28:42 to 28:45**
- Need
 - Preneed guardian, below
 - Special needs trust, below
- New guardian or guardianship
 - Appointment of guardian hearing, **§§ 28:151 to 28:157**
 - Report, termination of guardianship, **§ 28:218**
- No guardianship if examining committee does not find incapacity, role of attorney, **§ 28:132**
- No penalty for early withdrawal of certificate accounts, administration of guardianship, **§ 28:178**
- Non-elder law guardianships, types of guardianships, **§ 28:35**
- Notice
 - Advance notice of contest, incapacity hearing, **§ 28:142**
 - Emergency temporary guardianship, **§ 28:50**
 - Procedure, **§§ 28:113 to 28:118**
 - Resignation of guardian and appointment of successor, **§ 28:224**
 - Service of notice, **§§ 28:115, 28:118, 28:224**
- Novelty, guardian and attorney fees, **§ 28:250**
- Oath of guardian, procedure, **§ 28:111**
- Objections, resignation of guardian and appointment of successor, **§ 28:225**
- Obtained results, guardian and attorney fees, **§ 28:254**
- Orders
 - Appointment of guardians, **§§ 28:106, 28:109, 28:227, 28:228**
 - Determining incapacity, procedure, **§ 28:101**
 - Restoration to capacity, termination of guardianship, **§ 28:217**
- Other employment preclusion, guardian and attorney fees, **§ 28:251**
- Other service of notice, procedure, **§ 28:115**
- Overall goal in selection of guardian, **§ 28:75**
- Payment or payments
 - Administration of guardianship, **§§ 28:179 to 28:189, 28:208**
 - Guardian and attorney fees, **§§ 28:245 to 28:247, 28:262, 28:264, 28:268**
 - Retention of funds by guardian to pay costs, termination of guardianship, **§ 28:243**
- Person, guardian of the, **§ 28:46**
- Personal liability of guardian, limitations, **§ 28:209**

GUARDIANSHIP—Cont'd

- Personal representatives
 - Discharge of guardian named as personal representative, termination of guardianship, **§ 28:237**
 - Selection by guardians, **§ 7:42**
- Persons in contact with elder, beginning of guardianship case, **§ 28:73**
- Persons with knowledge, petition to determine incapacity, **§ 28:99**
- Petitioner's attorney's presentation, incapacity hearing, **§ 28:138**
- Petitions
 - Appointment of guardians, **§§ 28:102 to 28:105, 28:108, 28:158, 28:227, 28:228**
 - Determine incapacity, procedure, **§§ 28:97 to 28:100**
 - Disabled heir planning form, petition for creation of special needs trust in guardianship proceedings, **§ 11:28**
 - Discharge of guardian, resignation of guardian and appointment of successor, **§ 28:222**
 - Voluntary guardianship, procedure, **§§ 28:119, 28:120**
- Physically incapacitated persons, types of guardianships, **§§ 28:40 to 28:42**
- Plans and planning
 - Administration of guardianship, **§§ 28:160, 28:162 to 28:164, 28:168, 28:201, 28:204 to 28:207**
 - Disabled heir planning form, petition for creation of special needs trust in guardianship proceedings, **§ 11:28**
 - Estate planning, administration of guardianship, **§ 28:201**
 - Incapacity planning, **§§ 21:11, 21:36**
 - Medicaid planning, administration of guardianship, **§§ 28:204 to 28:207**
- Pleadings
 - Initial pleadings, **§§ 28:96, 28:113, 28:271, 28:272**
 - Resignation of guardian and appointment of successor, **§§ 28:220 to 28:222**
- Plenary guardianships
 - Definition of plenary guardian, **§ 28:10**
 - Petition to determine incapacity, procedure, **§ 28:98**
 - Types of guardianships, **§ 28:56**
- Point of appointment of guardian hearing, **§ 28:153**
- Posting, deposit of unclaimed funds, **§ 28:240**
- Power. Authority and authorization, above
- Powers of attorney, alternatives to guardianship, **§ 28:26**
- Preclusion of other employment, guardian and attorney fees, **§ 28:251**
- Preference for local guardian, selection of guardian, **§ 28:88**
- Preneed guardian
 - Stand-alone preneed guardian designation, form, **§ 28:273**
 - Types of guardians, **§§ 28:59 to 28:63**
- Presentation by attorney, incapacity hearing, **§§ 28:138, 28:139**
- Probate proceeding, disposition of unclaimed funds held by guardian, **§ 28:238**
- Procedure
 - Generally, **§§ 28:96 to 28:120**
 - Payment of guardian and attorney fees, **§ 28:245**
- Proceedings. Actions and proceedings, above

INDEX

GUARDIANSHIP—Cont'd

- Professional guardians
 - Appointment of guardian hearing, **§ 28:156**
 - Selection and qualifications, **§§ 28:92 to 28:94**
- Profits from property, administration of guardianship, **§§ 28:184, 28:185**
- Proof. Evidence, above
- Property
 - Assets, above
 - Authorization to act, administration of guardianship, **§§ 28:193 to 28:196, 28:206**
 - Guardian of the property, **§§ 28:46, 28:103**
 - Intangible property, above
 - Joint property, above
 - Nature and value of ward's property, guardian and attorney fees, **§ 28:253**
 - Payments, administration of guardianship, **§§ 28:183 to 28:189**
 - Surrender of property, termination of guardianship, **§ 28:232**
 - Proposing new guardian, appointment of guardian hearing, **§§ 28:151 to 28:157**
 - Prudent investor rule, administration of guardianship, **§ 28:173**
 - Public guardian, selection and qualifications, **§§ 28:84 to 28:86**
 - Publication, deposit of unclaimed funds, **§ 28:240**
 - Purchasing real property, administration of guardianship, **§ 28:196**
 - Purpose, **§ 28:1**
 - Qualification. Eligibility or qualification, above
 - Qualified income trust, Medicaid planning, **§ 28:205**
 - Real property, administration of guardianship, **§§ 28:184, 28:196**
 - Reasonable guardian and attorney fees, **§ 28:247**
 - Reasons for
 - Particular guardian, petition for appointment of guardian, **§ 28:104**
 - Removal of guardian, termination of guardianship, **§ 28:231**
 - Receipt of successor guardian, resignation of guardian and appointment of successor, **§ 28:228**
 - Recording declaration, preneed guardian, **§ 28:61**
 - Records retention
 - Guardian and attorney fees, **§ 28:244**
 - Verified inventory, administration of guardianship, **§ 28:166**
 - Regular expenses of ward, administration of guardianship, **§ 28:180**
 - Relationship with
 - Attorney, selection of guardian, **§ 28:90**
 - Ward, guardian and attorney fees, **§ 28:256**
 - Removal
 - Guardian, termination of guardianship, **§§ 28:230, 28:231**
 - Rights, **§§ 28:44, 28:66**
 - Repairs to buildings, administration of guardianship, **§ 28:193**
 - Reports
 - Administration of guardianship, **§§ 28:159 to 28:161, 28:167**
 - Examining committee, **§§ 28:128, 28:129**
 - Final report, resignation of guardian and appointment of successor, **§ 28:223**
 - New guardianship report, termination of guardianship, **§ 28:218**

GUARDIANSHIP—Cont'd

- Representation
 - Attorneys, above
 - Guardian and attorney fees, §§ **28:264, 28:268, 28:270**
- Representative payee, § **28:31**
- Representatives. Personal representatives, above
- Reputation, guardian and attorney fees, § **28:257**
- Requesting authorization to act, administration of guardianship, § **28:190**
- Residence of ward change, administration of guardianship, § **28:202**
- Resident guardian, types of guardians, § **28:39**
- Resignation of guardian and appointment of successor, termination of guardianship, §§ **28:219 to 28:229**
- Resolution, appointment of guardian hearing, § **28:154**
- Responsibilities. Duties, above
- Restoration to capacity, termination of guardianship, §§ **28:211 to 28:217**
- Restrictions. Limitations or restrictions, above
- Results obtained, guardian and attorney fees, § **28:254**
- Retention
 - Funds retained by guardian to pay costs, termination of guardianship, § **28:243**
 - Records retention, above
 - Rights, effect of adjudication of incapacity, § **28:69**
- Rights
 - Adjudication of incapacity effect on individual's rights, §§ **28:65 to 28:69**
 - Removal, §§ **28:44, 28:66**
 - Ward, restoration to capacity hearing, § **28:216**
- Role
 - Attorney, §§ **28:121 to 28:132**
 - Court, incapacity hearing, § **28:140**
- Safe deposit boxes, inventory, § **28:170**
- Sales, administration of guardianship, § **28:194**
- Scope of authority, voluntary guardianship, § **28:54**
- Selection
 - Guardian, §§ **28:75 to 28:95**
 - Personal representatives for decedents' estates, selection by guardians, § **7:42**
- Self, danger to, § **28:14**
- Service of notice, §§ **28:115, 28:118, 28:224**
- Services
 - Compensable services, guardian and attorney fees, § **28:258**
 - Itemized description of services, form, § **28:276**
- Settlement of claims, administration of guardianship, § **28:198**
- Several types of guardians, § **28:33**
- Special needs trust
 - Disabled heir planning form, petition for creation of trust in guardianship proceedings, § **11:28**
 - Medicaid planning, authorization to act in administration of guardianship, § **28:207**
- Spouses, payments in administration of guardianship, §§ **28:183, 28:186, 28:208**
- Stand-alone preneed guardian designation, form, § **28:273**

INDEX

GUARDIANSHIP—Cont'd

- Standby guardianship, types of guardianships, **§ 28:58**
- State treasurer, deposit of unclaimed funds, **§ 28:241**
- Status, disqualification of guardian, **§ 28:82**
- Statutes
 - Guardian and attorney fees, **§§ 28:248, 28:254**
 - Qualifications and considerations, **§ 28:76**
 - Veterans' benefits, protective legislation, **§ 15:66**
- Successor guardian appointment, resignation of guardian, **§§ 28:219 to 28:229**
- Suggestion of capacity, restoration to capacity, **§ 28:212**
- Supervision over guardian's acts by attorney, ethics, **§ 28:22**
- Support of ward's dependents, administration of guardianship, **§ 28:182**
- Surrender of property, termination of guardianship, **§ 28:232**
- Temporary guardianships. Emergency temporary guardianships, above
- Termination of guardianship, **§§ 28:210 to 28:243**
- Time or date
 - Annual, above
 - Duration, above
 - Emergency temporary guardianship, **§ 28:49**
 - Filing petition for appointment of guardian, procedure, **§ 28:105**
 - Incapacity hearing, **§ 28:135**
 - Involved time, guardian and attorney fees, **§ 28:249**
 - Limits imposed by circumstances, guardian and attorney fees, **§ 28:255**
 - Payment, guardian and attorney fees, **§§ 28:246, 28:247**
- Treasurer of state, deposit of unclaimed funds, **§ 28:241**
- Trusts
 - Living trusts, alternatives to guardianship, **§§ 10:47, 28:24**
 - Qualified income trust, Medicaid planning, **§ 28:205**
 - Special needs trust, above
- Types of guardianships, **§§ 28:33 to 28:64**
- Unanticipated expenses of ward, administration of guardianship, **§ 28:181**
- Unauthorized acts, fees for attorney representing guardian on, **§ 28:270**
- Unclaimed funds, termination of guardianship, **§§ 28:238 to 28:243**
- Uncontested matters
 - Appointment of guardian hearing, **§ 28:149**
 - Court-appointed attorneys, fees, **§ 28:266**
- Use
 - Experts, incapacity hearing, **§§ 28:144 to 28:146**
 - Joint assets, administration of guardianship, **§§ 28:183, 28:195**
- Usual matters. Customary or usual matters, above
- Value of ward's property, guardian and attorney fees, **§ 28:253**
- Venue, **§ 28:3**
- Verified inventory, administration of guardianship, **§§ 28:165, 28:166**
- Veterans
 - Benefits, protective legislation, **§ 15:66**
 - Types of guardianships, **§ 28:64**

GUARDIANSHIP—Cont'd

Voluntary guardianship

Initial pleadings checklist, **§ 28:271**

Notice, procedure, **§ 28:116**

Petition for voluntary guardianship, procedure, **§§ 28:119, 28:120**

Types of guardianships, **§§ 28:43, 28:52 to 28:55**

Waiver, resignation of guardian and appointment of successor, **§ 28:226**

Ward

Administration of guardianship, **§§ 28:159 to 28:209**

Change of ward's residence or domicile, **§§ 28:202, 28:233**

Confidentiality of information, ethical duty owed to ward, **§ 3:14**

Definition, **§ 28:11**

Effect of guardianship on ward, ethics, **§ 28:17**

Nature and value of ward's property, guardian and attorney fees, **§ 28:253**

Payment for representing ward, guardian and attorney fees, **§§ 28:264, 28:268**

Relationship with ward, guardian and attorney fees, **§ 28:256**

Termination of guardianship, **§§ 28:210 to 28:243**

Weighing alternatives to guardianship, **§ 28:23**

Withdrawal

Funds, administration of guardianship, **§§ 28:188, 28:189**

No penalty for early withdrawal of certificate accounts, administration of guardianship, **§ 28:178**

Written report, examining committee, **§§ 28:128, 28:129**

Wrongful fiduciaries or caregivers, necessary guardianship, **§ 28:16**

Yearly. Annual, above

GUIDANCE

Living trust protector, form for provision in trust agreement requiring trustee to seek, **§ 10:207**

GUIDELINES FOR TRUSTEES

Living trusts, form, **§ 10:202**

HABITS

Veterans' benefits, disability or death not due to vicious habits, **§ 15:9**

HALACHIC ADVANCE HEALTH CARE DIRECTIVES

Form, **§ 27:94**

HANDICAP

Disability or Handicap, this index

HANDLING TAX MATTERS

Powers of attorney, **§ 26:41**

HARDSHIP

Medicaid, this index

HARVESTING

Anatomical gifts, **§§ 27:73 to 27:81**

INDEX

HAVENS

Florida's tax haven, income and estate taxation in other states, **§ 17:40**

HCBS (HOME AND COMMUNITY BASED SERVICES)

Medicaid, Supplemental Security Income-related programs, **§§ 25:28 to 25:34**

HCE (HOME CARE FOR ELDERLY AND DISABLED)

Public assistance programs, **§ 25:40**

HEALTH

Care. Health Care, this index

Maintenance organizations. Health Maintenance Organizations, this index

Medicaid, this index

Mental Health, this index

Nursing Homes, this index

Plans

Employer and employee health plans, **§§ 18:61, 18:112 to 18:117**

Group health insurance plans, **§§ 18:118 to 18:121**

Savings accounts. Health Savings Accounts, this index

HEALTH CARE

Advance Health Care Directives, this index

Decisions

Advance Health Care Directives, this index

Incapacity planning, **§ 21:18**

Powers of attorney, **§§ 26:14, 26:48**

Guardianship, this index

Home health care

Long term care insurance, **§ 24:37**

Providers, remain at home choice, **§ 22:11**

Incapacity planning, **§§ 21:18, 21:35**

Insurance. Health Insurance, this index

Medicaid, this index

Medicare, this index

Nursing home resident rights, services, **§ 23:37**

Providers

Advance health care directives, immunity from liability, **§ 27:13**

Living wills, when health care provider may disregard patient's directives, **§ 27:42**

Medicaid, limitations on choice of providers, **§ 25:101**

Remain at home choice, **§ 22:11**

Referrals to health care professionals, scope of elder law, **§§ 1:12, 1:22, 1:23**

Remain at home choice, home health care providers, **§ 22:11**

Surrogates. Health Care Surrogates, this index

Veterans' benefits, **§§ 15:40 to 15:101**

HEALTH CARE SURROGATES

Generally, **§§ 27:46 to 27:53, 27:91**

Advance health care directives, court review of surrogate's decision, **§ 27:17**

Form, **§§ 27:96, 27:97**

HEALTH CARE SURROGATES—Cont'd

Guardianship alternatives, § 28:28

Incapacity planning tools, § 21:35

HEALTH INSURANCE

Federal Employee Retirement System Plan benefits, § 14:75

Living wills, HIPAA, § 27:37

Medicare, this index

Private health care insurance, §§ 18:82 to 18:126

HEALTH MAINTENANCE ORGANIZATIONS

Expenses. Costs, above

Facilities

Residential setting choice, choice of facilities, § 22:17

Residential setting choice, choice of facilities, § 22:17

HEARING

Americans with Disabilities Act, availability of telecommunications devices for deaf persons, § 19:12

Medicare Part B voluntary coverage, hearing aids, § 18:55

HEARINGS

Advance health care directives, court enforcement, § 27:20

Conduct of hearings

Guardianship, incapacity hearing, § 28:136

Medicaid, § 25:70

Guardianship, this index

Medicaid, this index

Probate proceedings, form for notice of hearing on petition to use copy in place of lost original will for probate, § 8:91

Social Security Disability Insurance, appealing denial or suspension of benefits, § 16:69

Supplemental Security Income, appealing denial or suspension of benefits, § 16:69

Veterans' benefits, appellate procedure, §§ 15:83, 15:91 to 15:93, 15:95

HEIRS

Demands of heirs, conflicts of interest and ethical duties, § 3:6

Disability or Handicap, this index

Estate Planning, this index

Guardianship, this index

Intestate estate, shares of other heirs, § 7:16

Living trust advantages, § 10:56

Medicaid, this index

Personal representatives for decedents' estates, §§ 7:27, 7:33

Probate, this index

Tax avoidance, charitable remainder trusts, § 12:146

Wills, §§ 7:20 to 7:23

HELD

Hold or Held, this index

INDEX

HELP

Abuse and neglect prevention, help by others, **§ 5:36**

Remain at home choice, charity help, **§ 22:8**

HIDDEN PROBLEMS

Retirement funds raised by using reverse mortgages, **§ 13:39**

HIGH INCOME

Tax avoidance, GRITs, GRATs and GRUTs, **§ 12:182**

HIGHER TAXES AND EXPENSES

Medicaid, initial planning consultation, **§ 25:95**

HIPAA

Living wills, publication contents, **§ 27:37**

HMOs

Health Maintenance Organizations, this index

HOLD OR HELD

Holders, this index

Powers of attorney, form for escrow agreement to hold power of attorney, **§ 26:54**

Property, this index

SSI and SSDI, attorney's fees held in trust account, **§ 16:75**

Taxes and Taxation, this index

HOLDERS

Living trusts, notification to account holders to use EIN, **§ 10:154**

Stock and Stockholders, this index

HOME CARE FOR THE ELDERLY (HCE)

Federal matters, **§§ 20:11, 20:12**

HOME OR HOMES

At-Home or In-Home, this index

Furnishings and layout, remain at home choice, **§ 22:12**

Homesteads, this index

Living Trusts, this index

Long Term Care Insurance, this index

Medicaid, this index

Medicare, this index

Nursing Homes, this index

Remain at home choice, **§§ 22:3 to 22:12**

Supplemental Security Income, entering convalescent home reduces benefits, **§ 16:27**

Veterans' Benefits, this index

HOMESTEADS

Capital gains taxes, **§ 12:5**

Elective share, **§ 6:78**

HOMESTEADS—Cont'd

Exemption

Medicaid, determination and management of assets for eligibility, §§ **25:188 to 25:192**

Probate, this index

Real property taxes, §§ **17:23, 17:27 to 17:32, 17:36**

Medicaid, this index

Powers of attorney, conveyance or mortgage, §§ **26:37, 26:38**

Probate, this index

Real property taxes, §§ **17:23, 17:27 to 17:32, 17:36, 17:38**

Retirement funds raised by using reverse mortgages, family homestead, § **13:25**

HONESTY

Living trusts, trust company use advantages, § **10:83**

HONOR RECEIVED

News release form, scope of elder law, § **1:61**

HONORING

Powers of attorney, liability of third parties for refusal to honor, § **26:19**

HOSPICE

Care, living wills, §§ **27:43 to 27:45**

Services

Living wills, § **27:45**

Medicare Part A hospital insurance benefits, §§ **18:23 to 19:25**

HOSPITALS

Indemnity insurance, § **18:110**

Long term care, competition among hospitals, nursing homes and assisted living facilities, § **23:72**

Medicare, this index

Nursing home resident rights, bed reservations in event of hospitalization, § **23:41**

HOTLINE

Abuse hotline, remedies, § **5:30**

HOURLY RATE FOR ATTORNEY'S FEES

SSI and SSDI, appealing denial or suspension of benefits, § **16:77**

HOURS FOR VISITING

Nursing home resident rights, § **23:30**

HOUSING

Federal Housing for Older Persons Act, senior communities, §§ **22:20 to 22:23**

Home or Homes, this index

Residential setting choice, §§ **22:20 to 22:23, 22:27**

HSAs

Health Savings Accounts, this index

INDEX

HUSBAND AND WIFE

Spouses, this index

ICP (INSTITUTIONALIZED CARE PROGRAM)

Medicaid, this index

IDENTIFICATION OR DESCRIPTION

Abuse signs, §§ 5:6 to 5:25

Estate planning, identify all possible heirs, §§ 6:16, 6:17

Guardianship, itemized description of services form, § 28:276

Living trusts, notification to account holders to use EIN, § 10:154

Medicaid, identify client's needs and goals, §§ 25:92 to 25:96

Planning for lifetime needs of elderly client, identifying specialized federal programs, § 1:16

Terminally ill client representation, identifying depression, § 4:16

IDENTITY EVIDENCE

Medicaid, application process, § 25:59

ILLNESS OR SICKNESS

Disabled heir planning, protecting ill spouse, §§ 11:5, 11:6

Diseases, this index

Estate planning, elective share and mentally ill spouse, § 6:54

Terminally ill client representation, §§ 4:1 to 4:22

IMMEDIATE MATTERS

Annuities, this index

Benefits, federal civil service retirement programs, § 14:58

Medicaid, this index

IMMINENT DANGER

Emergency temporary guardianship, § 28:48

IMMUNITY

Advance health care directives, immunity of health care provider from liability, § 27:13

Powers of attorney, immunity of third party acting in good faith without notice, § 26:18

IMMUNIZATIONS

Medicare Part B voluntary coverage, § 18:56

IMPACT ON FAMILY

Guardianship, ethics, § 28:18

IMPAIRMENT

Social Security Disability Insurance, this index

Supplemental Security Income, application for benefits information, §§ 16:62 to 16:64

IMPLEMENTATION

Americans with Disabilities Act, § 19:13

IMPOSITION

Guardian and attorney fees, time limits imposed by circumstances, **§ 28:255**

IMPOVERISHMENT

Medicaid, this index

IMPROVEMENTS

Taxable transfers and trust assets, formulas for valuation, **§ 12:63**

INAPPROPRIATENESS

Medicaid benefits for wealthy clients, initial planning consultation, **§§ 25:93 to 25:95**

INCAPACITY

Advance health care directives, **§ 27:9**

Capacity, this index

Estate planning, judging incapacity, **§ 6:3**

General considerations when planning for incapacity, **§§ 21:1 to 21:39**

Guardianship, this index

Long term care insurance, planning, **§§ 24:1 to 24:19**

Planning

Estate planning, judging incapacity, **§§ 1:70, 6:3**

General considerations when planning for incapacity, **§§ 21:1 to 21:39**

Long term care insurance, **§§ 24:1 to 24:19**

Powers of Attorney, this index

Terminally ill client representation, incapacity and depression distinguished, **§ 4:18**

INCIDENTS OF OWNERSHIP

Tax avoidance, relinquishment by settlor of life insurance trust, **§ 12:129**

INCLUSION OR INCLUSIONS

Taxes and Taxation, this index

Veterans' benefits, inclusions in appeal, **§ 15:84**

INCOME

Earnings, this index

Employee Retirement Income Security Act, **§§ 14:76 to 14:96**

Living Trusts, this index

Medicaid, this index

Retirement funds raised by using reverse mortgages, loan amount not income, **§ 13:36**

Social Security Disability Insurance, this index

Supplemental Security Income, this index

Taxes. Income Taxes, this index

Tax-related matters. Taxes and Taxation, this index

Veterans' benefits, health care benefits, **§§ 15:44, 15:47**

INCOME TAXES

Charitable remainder trusts, reducing value of estate assets to avoid tax, **§ 12:139**

Employee Retirement Income Security Act, **§ 14:93**

Individual retirement accounts, **§§ 14:119 to 14:125**

INDEX

INCOME TAXES—Cont'd

- Living Trusts, this index
- Medical income tax deductions, **§ 18:126**
- Other states, income taxation in, **§§ 17:39 to 17:41**
- Planning, individual retirement accounts, **§§ 14:119 to 14:125**
- State taxes, **§ 17:39**

IN-COMMON TENANCIES

- Probate, this index

INCOMPETENCY

- Fear of incompetency, abuse identification difficulties, **§ 5:13**
- Powers of attorney, effect of incompetency proceedings, **§§ 26:13, 26:14**

INCOMPLETE GIFTS

- Gift taxes, **§ 12:26**

INCREASE

- Cost of Living Increases, this index
- Medicaid, this index
- Social Security benefits, **§§ 14:22, 14:23**

INCURRED WORK EXPENSES

- Supplemental Security Income, exclusions from earned income, **§§ 16:17, 16:18**

INDEBTEDNESS

- Debts, this index

INDEMNITY

- Hospital indemnity insurance, **§ 18:110**

INDEPENDENT TRUSTEE

- Taxes and Taxation, this index

INDIVIDUAL BELIEFS

- Living wills, special provisions, **§ 27:36**

INDIVIDUAL RETIREMENT ACCOUNTS

- Generally, **§§ 14:98 to 14:128**
- Employee Retirement Income Security Act, rollover, **§ 14:95**
- Living trusts, funding and initial administration, **§ 10:112**
- Medicaid, determination and management of assets for eligibility, **§ 25:199**
- Tax avoidance, charitable remainder trust used to shelter IRA, **§ 12:162**

INDIVIDUALS

- Guardianship, effect of adjudication of incapacity on individual's rights, **§§ 28:65 to 28:69**
- Intangible personal property tax rate, **§ 17:9**

INFORMAL MATTERS

- Agreement, estate planning, **§ 6:61**
- Client interview, office practice tips, **§ 1:36**
- Counsel, abuse and neglect prevention, **§ 5:35**
- Guardianship incapacity hearing, **§ 28:137**

INFORMATION

Advance health care directives, duty of health care facility to provide patient with information, **§ 27:14**
Confidentiality of information, ethical duties, **§§ 3:11 to 3:14**
Estate plan, information needed to recommend, **§§ 6:12 to 6:14, 6:85**
Financial Matters, this index
Forms, this index
Guardianship, this index
Letters, marketing, **§§ 1:50, 1:64**
Living trusts, informing beneficiaries, **§ 10:36**
Medicaid, this index
Nursing home resident rights, information concerning resident's medical condition, **§ 23:39**
Personal representatives for decedents' estates, providing information for reports and accountings, **§ 7:30**
Social Security Disability Insurance, application for benefits, **§§ 16:60 to 16:66**
Supplemental Security Income, application for benefits, **§§ 16:60 to 16:66**
Veterans' Benefits, this index

INFORMED CONSENT FORM

Medicaid, **§ 25:349**

INFREQUENT MATTERS

Communication with settlor or beneficiary, disadvantages of using trust company for living trust, **§ 10:88**
Income, Medicaid eligibility, **§ 25:128**

INHERITANCE

Disinheritance, disabled heir planning, **§ 11:13**
Individual retirement accounts, **§§ 14:114, 14:118**
Medicaid, this index
Taxes, **§ 12:6**

IN-HOME

At-Home or In-Home, this index

INITIAL MATTERS

Administration, living trusts, **§§ 10:92 to 10:115**
Consultation, this index
Guardianship, this index
Interviews, this index
Medicaid, this index
Probate, this index

INITIATION

Commencement, Initiation or Institution, this index

INJUNCTIONS AND RESTRAINING ORDERS

Prevention of abuse and neglect, **§ 5:59**
Ex parte injunction, **§ 5:61**
Exploitation of a vulnerable adult, **§ 5:60**

INDEX

INJURY

Medicaid home and community based services, brain and spinal cord injury, **§ 25:34**
Veterans' benefits eligibility, exacerbation of injury, **§ 15:7**

IN-KIND

Benefits, Medicaid eligibility, **§ 25:137**
Distribution of assets, post mortem administration of living trusts, **§ 10:161**
Support and maintenance, Supplemental Security Income, **§§ 16:23 to 16:27**

INOCULATIONS

Medicare Part B voluntary coverage, **§ 18:41**

INPATIENT HOSPITAL CARE

Medicare Part A hospital insurance benefits, **§§ 18:10 to 18:14**

INSPECTION

Nursing homes, **§§ 23:25, 23:56**

INSTALLMENT SALES CONTRACTS

Medicaid, **§§ 25:194, 25:195**

INSTITUTING

Commencement, Initiation or Institution, this index

INSTITUTIONAL GUARDIANS

Selection and qualifications, **§ 28:78**

INSTITUTIONALIZATION

Long term care insurance, **§ 24:29**
Medicaid, this index

INSTRUCTIONS OR DIRECTIONS

Advance Health Care Directives, this index
Americans with Disabilities Act, judicial enforcement, **§ 19:15**
Disabled heir planning, **§§ 11:15, 11:27**
Living Trusts, this index
Living wills, when health care provider may disregard patient's directives, **§ 27:42**
Medicaid, funding income-only trust, **§ 25:368**

INSUFFICIENCY

Medicaid, this index

INSURANCE

Advance health care directives, effect on insurance, **§ 27:12**
Guardianship administration, claims, **§ 28:199**
Health Insurance, this index
Incapacity planning, **§ 21:6**
Life Insurance, this index
Living trusts, funding and initial administration, **§§ 10:111, 10:113**
Long Term Care Insurance, this index
Medicaid, this index

INSURANCE—Cont'd

- Powers of attorney, applying for insurance benefits, **§ 26:44**
- Probate, this index
- Proceeds
 - Life Insurance, this index
 - Medicaid, this index
- Scope of elder law, **§ 1:5**
- Social Security benefits computation, primary insurance amount determination, **§ 14:21**
- Social Security Disability Insurance eligibility, insured status under Social Security Act, **§ 16:45**

INTAKE

- Guardianship, form, **§ 28:274**
- Medicaid, this index
- Memoranda. Intake Memoranda, this index
- Questionnaires, estate planning, **§ 6:14**

INTAKE MEMORANDA

- Estate Planning, this index
- Forms, this index
- Probate proceeding initiation, **§ 8:23**
- Scope of elder law, **§§ 1:43, 1:55, 1:58**

INTANGIBLE PROPERTY

- Guardianship, this index

INTANGIBLE TAXES

- Taxes and Taxation, this index

INTENT TO RETURN HOME STATEMENT

- Medicaid, form, **§ 25:348**

INTER VIVOS

- Access to funds, probate avoidance by use of jointly owned property, **§ 9:10**
- Transfers. Taxes and Taxation, this index

INTERACTION

- Incapacity planning, social interaction, **§ 21:22**

INTERCESSION BY FAMILY OR FRIEND

- Guardianship alternatives, **§ 28:30**

INTERDISCIPLINARY APPROACH

- Incapacity planning, **§§ 21:24 to 21:31**

INTEREST ON UNTIMELY FILINGS

- Intangible personal property taxes, **§ 17:15**

INTERESTS

- Conflicts of Interest, this index
- Estate planning, other interests and elective share, **§ 6:41**
- Future interests, **§§ 12:31, 25:178**

INDEX

INTERESTS—Cont'd

- Medicaid, this index
- Powers of attorney, property interests subject to power, **§ 26:21**
- Taxes and Taxation, this index

INTERFERENCE

- Abuse, neglect and exploitation reporting statutes, **§ 5:46**
- Long Term Care Ombudsman Council, **§ 23:11**

INTERIM ACCOUNTING

- Living trusts, forms, **§ 10:196**

INTERMEDIATE CARE

- Medicaid, administrative definitions, **§ 25:386**

INTERPRETATIONS BY COURT

- Living trusts, post mortem administration, **§ 10:169**

INTERSPOUSAL TRANSFERS

- Medicaid, permitted transfers to reduce assets, **§§ 25:244, 25:245**

INTERVENTION

- Expedited judicial intervention, form, **§ 27:90**

INTERVIEWS

- Estate planning, unified planning, **§§ 6:15 to 6:22**

Initial interview

- Guardianship, **§ 28:73**

- Medicaid, application process, **§§ 25:60, 25:61**

- Medicaid, application process, **§§ 25:54 to 25:61**

- Office practice tips, **§§ 1:36, 1:43**

INTESTACY

Estate

- Personal representatives, **§ 7:41**

- Shares, **§§ 7:15 to 7:17**

- Probate proceedings, effect of intestacy, **§§ 8:19, 8:20**

INVALIDITY

- Validity or Invalidity, this index

INVENTORY

- Guardianship administration, **§§ 28:165, 28:166, 28:170**

- Probate, this index

INVESTIGATION INTERFERENCE

- Abuse, neglect and exploitation reporting statutes, **§ 5:46**

INVESTMENTS

- Delegation of investment functions, **§§ 10:129, 28:174**

- Employee Retirement Income Security Act, defined benefit plan investment protection, **§ 14:81**

- Estate planning, letter to client suggesting investment counsel, **§ 6:80**

- Finding investor, retirement funds raised by using sale-leaseback, **§ 13:45**

INVESTMENTS—Cont'd

- Guardianship administration, §§ **28:173, 28:174, 28:203**
- Incapacity planning, § **21:5**
- Living Trusts, this index
- Medicaid, this index
- Power of attorney, investment authority, § **26:33**
- Prudent investor rule
 - Guardianship administration, § **28:173**
 - Living trusts, standard for trustee's investments, § **10:125**
- Reinvesting proceeds, retirement funds raised by using reverse mortgages, § **13:33**
- Retirement funding, §§ **13:1, 13:2, 13:33, 13:45**

INVOCUE USE OF SPRINGING POWER OF ATTORNEY

- Physician's affidavit form, § **26:55**

INVOLUNTARY MATTERS

- Voluntary or Involuntary Matters, this index

IONIZING RADIATION

- Veterans' benefits, outpatient treatment health care benefits, § **15:55**

IRAs

- Individual Retirement Accounts, this index

IRREGULAR MATTERS

- Expenses of ward, guardianship administration, § **28:181**
- Income, Medicaid eligibility, § **25:128**

IRREVOCABLE TRUSTS

- Estate planning, elective share avoidance, § **6:66**
- Living Trusts, this index
- Medicaid, form, § **25:370**
- Special needs trust, disabled heir planning form, § **11:26**
- Taxes and Taxation, this index

ISOLATION

- Emotions of client, terminally ill client representation, §§ **4:10 to 4:12**

ISSUER

- Living trusts, securities funding and initial administration, § **10:103**

ISSUES

- Disabled heir planning, §§ **11:1 to 11:23**
- Social Security, funding issues, § **14:4**
- Veterans' benefits, remand avoidance with new issues, § **15:105**

ITEMIZED DESCRIPTION OF SERVICES

- Guardianship, form, § **28:276**

ITEMS OF PERSONAL PROPERTY

- Medicaid, determination and management of assets for eligibility, §§ **25:206, 25:207**

INDEX

JOBS

Employment, Jobs or Work, this index

JOINT TENANCIES

Probate avoidance, §§ 9:33 to 9:37

JOINTLY OWNED PROPERTY

Guardianship, this index

Medicaid, this index

Probate avoidance by use of, §§ 9:1 to 9:63

JUDGES

Nursing homes, considerations of trial judge on punitive damages for medical malpractice, § 23:18

JUDGING INCAPACITY

Estate planning, § 6:3

JUDICIAL MATTERS

Courts, this index

JURISDICTION

Guardianship, § 28:3

KEEPING

Retention, this index

KEOGH PLANS

Medicaid, determination and management of assets for eligibility, § 25:199

KIDNEYS

Medicare, this index

KILLERS

Wills, heirs, § 7:21

KIT FOR EMERGENCY MEDICATION

Nursing home management, § 23:46

KNOWLEDGE

Guardianship, petition to determine incapacity, § 28:99

Health care surrogate's authority when principal's wishes are unknown, § 27:52

LABOR

Employment, Jobs or Work, this index

Guardian and attorney fees, labor involved, § 28:249

LABORATORIES

Medicare Part B voluntary coverage, laboratory tests, § 18:30

SSI and SSDI applications for benefits, lab findings, § 16:64

LACK

Abuse identification difficulties, lack of proof, § 5:11

Disposition without administration, types of probate proceedings, § 8:27

LACK—Cont'd

Estate planning, avoidance of elective share by revocation without decedent,
§ 6:69

Living trusts, lack of empathy as trust company use disadvantage, **§ 10:86**

Medicaid, this index

Powers of attorney, immunity of third party acting in good faith without notice,
§ 26:18

LAND

Real Property, this index

LATER MARRIAGES

Estate planning, marriage contracts, **§ 6:25**

LAWFUL ALIEN STATUS

Medicaid, declaration form, **§ 25:352**

LAWS

Statutes, this index

LAWSUITS

Actions and Proceedings, this index

LAWYERS

Attorneys, this index

LAYOUT OF HOME

Remain at home choice, **§ 22:12**

LEARNING DISABLED SPOUSE

Estate planning, dangers of elective share rights, **§ 6:55**

LEASES

Guardianship administration, **§ 28:194**

Retirement funds raised by using sale-leaseback, **§§ 13:41 to 13:51**

LEAST RESTRICTIVE ALTERNATIVE

Guardianship, physically and/or mentally incapacitated persons, **§ 28:41**

LECTURES

Marketing, **§§ 1:45, 1:59**

LETTERS

Estate Planning, this index

Forms, this index

Living Trusts, this index

Marketing, **§§ 1:48, 1:50**

LETTERS OF ADMINISTRATION

Probate proceedings, form, **§ 8:96**

LETTERS OF GUARDIANSHIP

Procedure, **§ 28:107**

INDEX

LEVEL OF CARE ASSESSMENT

Medicaid, eligibility criteria, **§§ 25:118 to 25:120**

LEVEL OF PAYMENT

Net worth, Income for Veterans Affairs Purposes (IVAP), **§ 15:24**

LIABILITY

Advance health care directives, immunity of health care provider, **§ 27:13**

Employee Retirement Income Security Act, **§§ 14:80, 14:84**

Estate planning, liability of direct recipients and beneficiaries for elective share, **§ 6:37**

Guardian, limitations on personal liability, **§ 28:209**

Living trust trustee, post mortem administration, **§§ 10:145, 10:149, 10:162**

Powers of attorney, liability of third parties for refusal to honor, **§ 26:19**

Referrals from attorney to other professionals, multi-dimensional approach, **§ 1:27**

Retirement funds raised by using reverse mortgages, limited liability, **§ 13:12**

Taxes and Taxation, this index

LICENSES AND LICENSING

Assisted living facilities, residential setting choice, **§ 22:14**

Guardianship, licensed physician certificate, **§§ 28:120, 28:275**

Nursing homes, **§§ 23:12 to 23:56**

LIENS

Mortgages, this index

Probate avoidance by use of jointly owned property, creditors, **§ 9:49**

Real property tax payment, liens against property, **§ 17:24**

LIFE

Americans with Disabilities Act, limited performance of major life activities, **§ 19:4**

Expectancy. Life Expectancy, this index

Insurance. Life Insurance, this index

Lifetime, this index

LIFE ESTATES

Deeds

Medicaid, this index

Probate avoidance by use of jointly owned property, **§§ 9:41 to 9:62**

Estate taxes, exclusions from gross estate, **§ 12:14**

Medicaid, this index

Probate avoidance by use of jointly owned property, **§§ 9:41 to 9:62**

LIFE EXPECTANCY

Medicaid, tables, **§ 25:387**

Tax avoidance, considerations when instituting gift program for reducing size of estate, **§ 12:88**

LIFE INSURANCE

Disabled heir planning, funding with proceeds, **§ 11:3**

Estate taxes, payment with proceeds of life insurance trust, **§ 12:131**

LIFE INSURANCE—Cont'd

Living trusts, funding and initial administration, **§ 10:113**
Medicaid, this index
Probate, this index
Proceeds
 Disabled heir planning, funding, **§ 11:3**
 Estate taxes, payment with proceeds of life insurance trust, **§ 12:131**
 Medicaid, calculating and managing income for eligibility, **§ 25:133**
 Probate proceedings, **§ 8:16**
Taxes and Taxation, this index

LIFESTYLES OF FAMILY

Estate planning, tailoring estate plan, **§§ 6:5 to 6:8**

LIFETIME

Aid, disabled heir planning, **§ 11:11**
Estates. Life Estates, this index
Inter Vivos, this index
Living trust administration, **§§ 10:116 to 10:129**
Long term care insurance coverage, **§ 24:22**
Needs
 Estate planning, **§ 6:10**
 Scope of elder law, **§§ 1:15 to 1:19**
Settlor of special needs trust, disabled heir planning, **§ 11:25**
Taxes and Taxation, this index

LIMITATIONS OR RESTRICTIONS

Advance Health Care Directives, this index
Americans with Disabilities Act, limited performance of major life activities,
 § 19:4
Caps, this index
Federal Housing for Older Persons Act, senior communities, **§ 22:23**
Guardianship, this index
Living Trusts, this index
Long Term Care Insurance, this index
Medicaid, this index
Medicare, this index
Nursing homes, punitive damages for medical malpractice, **§ 23:17**
Retirement funds raised by using reverse mortgages, limited liability, **§ 13:12**
Social Security benefits, **§§ 14:24 to 14:31**
Taxes and Taxation, this index
Unlimited Matters, this index

LIMITED GUARDIANSHIPS

Guardianship, this index

LIMITED PARTNERSHIP INTEREST

Medicaid, preserving assets methods, **§ 25:288**

LINE OF CREDIT

Retirement funds raised by using reverse mortgages, **§§ 13:17, 13:29**

INDEX

LIQUID ASSETS

Medicaid, determination and management of assets for eligibility, **§ 25:174**

LISTS

Checklists, this index

Lifetime needs of elderly client, scope of elder law, **§§ 1:18, 1:19**

Living trusts, assets, **§§ 10:96, 10:97, 10:191**

LITIGATION

Actions and Proceedings, this index

LIVE TESTIMONY OF EXAMINING COMMITTEE

Guardianship, **§ 28:131**

LIVE-IN BENEFITS TRIGGER ONE-THIRD REDUCTION RULE

Supplemental Security Income, in-kind support and maintenance, **§ 16:25**

LIVING TRUSTS

Accountability of trustee, living trust advantages, **§ 10:42**

Accounting

Distribution of trust assets, accounting to beneficiaries, **§§ 10:157 to 10:160**

Duties of attorney in aiding trustee's administration, **§ 10:166**

Forms, below

Good accounting system, trust company use advantages, **§ 10:80**

Lifetime administration, accountings from trustee to settlor, **§ 10:118**

Accounts

IRA accounts, funding and initial administration, **§ 10:112**

Notification to account holders to use EIN, post mortem administration, **§ 10:154**

Separate assets and accounts held as common property, initial administration, **§ 10:114**

Statements from banks and brokers to settlor, lifetime administration, **§ 10:119**

Additional matters

Attorney's fees, post mortem administration, **§ 10:168**

Documents, **§§ 10:174 to 10:176, 10:181**

Adjustments to allocation of income and principal, lifetime administration, **§ 10:127**

Administration

Generally, **§§ 10:9 to 10:12, 10:91 to 10:173**

Care monitors can direct administration by trustee, living trust advantages, **§ 10:43**

Contract with trust protector for special needs trust administration, form, **§ 10:206**

Advantages and disadvantages

Co-trustees, **§ 10:71**

Living trusts, **§§ 10:40 to 10:64**

Selection of successor trusteeship, **§§ 10:66 to 10:69**

Trust company use, **§§ 10:78 to 10:88**

Advisory panel

Advantages of living trust, **§ 10:44**

LIVING TRUSTS—Cont'd

Advisory panel—Cont'd

Forms, §§ **10:200, 10:201, 10:205**

Investments, §§ **10:44, 10:205**

Agreements. Contracts or agreements, below

Allocation of income and principal, lifetime administration, §§ **10:126, 10:127**

Alteration of trust agreement, lifetime administration, §§ **10:120 to 10:123**

Alternative to guardianship, §§ **10:47, 28:24**

Alternatives, § **10:63**

Amendment, modification or change

Adjustments to allocation of income and principal, lifetime administration, § **10:127**

Alteration of trust agreement, lifetime administration, §§ **10:120 to 10:123**

Living trusts, §§ **10:19, 10:20, 10:192**

Amount

Additional matters, above

Infrequent communication with settlor or beneficiary, trust company use disadvantages, § **10:88**

Multiple matters, below

Only one trustee's signature should be required, securities as funding and initial administration, § **10:110**

Two types of trustees, §§ **10:65 to 10:71**

Assets

Common property, below

Distribution of trust assets, post mortem administration, §§ **10:156 to 10:161**

Funding, initial administration, §§ **10:96 to 10:100**

List of assets, §§ **10:96, 10:97**

Marshaling assets, post mortem administration, §§ **10:131 to 10:134**

Attorneys

Alteration of trust agreement, lifetime administration, § **10:123**

As trustees, § **10:89**

Fees, post mortem administration, §§ **10:167, 10:168**

Post mortem administration, §§ **10:150, 10:164 to 10:168**

Role of attorney

Alteration of trust agreement, lifetime administration, § **10:123**

Notice to creditors, post mortem administration, § **10:150**

Avoidance. Probate and probate proceedings, below

Bank account statements to settlor, lifetime administration, § **10:119**

Barred claims of creditors, post mortem administration, §§ **10:141, 10:148**

Basics, § **10:1**

Beneficiaries

Communication with beneficiary may be infrequent, trust company use disadvantages, § **10:88**

Distribution of trust assets, post mortem administration, §§ **10:157 to 10:160**

Furnishing beneficiaries with copies of trust agreement, post mortem administration, § **10:157**

Informing beneficiaries, § **10:36**

Letters to beneficiaries, forms, § **10:197**

INDEX

LIVING TRUSTS—Cont'd

Beneficiaries—Cont'd

Parties, **§ 10:12**

Power of attorney, **§ 10:186**

Bonds

Early calls on bonds, securities funding and initial administration, **§ 10:108**

Trustees, **§ 10:32**

Brokers' account statements to settlor, lifetime administration, **§ 10:119**

Business acumen, trust company use advantages, **§ 10:79**

Calls on bonds, securities funding and initial administration, **§ 10:108**

Care monitors can direct administration by trustee, living trust advantages, **§ 10:43**

Cash distribution of trust assets, post mortem administration, **§ 10:161**

Change. Amendment, modification or change, above

Characteristics, **§ 10:6**

Charges, securities funding and initial administration, **§ 10:105**

Claims

Advantages of living trust, marital claims, **§ 10:53**

Creditors, below

Post mortem administration, liability of trustees on claims for marital election, **§ 10:162**

Clients

Explaining, **§ 10:64**

Reluctance to fund trust, living trust disadvantages, **§ 10:60**

Common property

Marshaling assets outside of trust, post mortem administration, **§ 10:134**

Separate assets and accounts held as common property, initial administration, **§ 10:114**

Communication with settlor or beneficiary may be infrequent, trust company use disadvantages, **§ 10:88**

Compensation questions, venue and post mortem administration, **§ 10:171**

Contents of notice of trust, post mortem administration, **§ 10:143**

Contracts or agreements

Forms, below

Power of attorney, **§ 10:184**

Trust agreement

Alteration of trust agreement, lifetime administration, **§§ 10:120 to 10:123**

Forms, **§§ 10:201, 10:203, 10:207**

Furnishing beneficiaries with copies of trust agreement, distribution of trust assets, **§ 10:157**

Overseeing proper execution of trust agreement, initial administration, **§ 10:93**

Corporate trustees, selection of trustees, **§§ 10:76 to 10:88**

Co-trustees, **§§ 10:70, 10:71, 10:75**

Counsel. Attorneys, above

Courts

Interpretations, post mortem administration, **§ 10:169**

Modification of living trust, **§ 10:19**

LIVING TRUSTS—Cont'd

Creation, §§ **10:9 to 10:12, 10:59**

Creditors

Barred claims of creditors, post mortem administration, §§ **10:141, 10:148**

Claims

Barred claims of creditors, post mortem administration, §§ **10:141, 10:148**

Limitations on trustee's liability for payment of claims, post mortem administration, § **10:149**

Nature of trust, § **10:24**

Post mortem administration, §§ **10:141, 10:146, 10:149, 10:165**

Protection from creditors claims, living trust advantages, § **10:46**

Resolution of creditor claims, post mortem administration, §§ **10:146, 10:165**

Nature of trust, §§ **10:24, 10:27**

Notice to creditors, post mortem administration, §§ **10:139, 10:150**

Paying creditors, post mortem administration, §§ **10:138, 10:139, 10:141, 10:145 to 10:150**

Post mortem administration, §§ **10:138 to 10:141, 10:145 to 10:150, 10:165**

Protection from creditors claims, living trust advantages, § **10:46**

Resolution of creditor claims, post mortem administration, §§ **10:146, 10:165**

Criteria, corporate trustee selection, § **10:77**

Date. Time or date, below

Dealings with issuer or transfer agents, securities funding and initial administration, § **10:103**

Death

Paying creditors for settlor dying prior to notice to creditors, post mortem administration, § **10:139**

Post mortem administration, §§ **10:130 to 10:171**

Decanting of trust

Generally, §§ **10:21 to 10:23**

Deed to trust, form, § **10:204**

Defining living trust, §§ **10:5, 10:8**

Delegation of investment functions, lifetime administration, § **10:129**

Desirable qualities in trustee, selection of trustee, §§ **10:72, 10:74**

Differing investment styles, trust company use disadvantages, § **10:87**

Directions. Instructions or directions, below

Disadvantages. Advantages and disadvantages, above

Distinctions between living trusts and testamentary trusts, § **10:8**

Distribution, post mortem administration, §§ **10:156 to 10:161, 10:166**

Dividends, securities funding and initial administration, § **10:109**

Durable power of attorney, form, § **10:194**

Duties

Attorney aiding trustee's administration, post mortem administration, §§ **10:164 to 10:166**

Trustees, below

Early calls on bonds, securities funding and initial administration, § **10:108**

Ease of transaction, securities funding and initial administration, § **10:102**

Effect of probate on paying creditors, post mortem administration, § **10:139**

INDEX

LIVING TRUSTS—Cont'd

EIN, notification to account holders to use, **§ 10:154**

Election

Form for elective share trust, **§ 10:199**

Liability of trustees on claims for marital election, post mortem administration, **§ 10:162**

Empathy lacking, trust company use disadvantages, **§ 10:86**

Employment matters, post mortem administration, **§§ 10:154, 10:171**

Estate taxes

Planning, living trust advantages, **§ 10:54**

Post mortem administration, **§§ 10:135 to 10:137**

Evidence of incompetence, disadvantage of selection of successor trusteeship, **§ 10:69**

Exculpatory provisions, **§ 10:38**

Execution of trust agreement, initial administration, **§ 10:93**

Expertise. Investments, below

Failure to file notice of trust, liability, **§ 10:145**

Features of Florida Trust Code, **§ 10:17**

Fees

Attorney's fees, post mortem administration, **§§ 10:167, 10:168**

Payment of fees, post mortem administration, **§ 10:155**

Protection from nursing home fees, living trust advantages, **§ 10:51**

Trust company use disadvantages, **§ 10:85**

Filing

Estate taxes, post mortem administration, **§ 10:136**

Notice of trust, post mortem administration, **§§ 10:142, 10:145**

Final accounting, forms, **§§ 10:197, 10:198**

Florida Trust Code, **§§ 10:16, 10:17**

Forms

Accounting

Final accounting, **§§ 10:197, 10:198**

Interim accounting, **§ 10:196**

Advisory panel, **§§ 10:200, 10:201, 10:205**

Agreements. Contracts or agreements, below in this group

Beneficiaries, letters to, **§ 10:197**

Contracts or agreements

Advisory panel, **§§ 10:200, 10:205**

Provisions in trust agreements, **§§ 10:201, 10:207**

Special needs trust administration, contract with trust protector for, **§ 10:206**

Trust agreements, **§§ 10:201, 10:203, 10:207**

Deed to trust, **§ 10:204**

Durable power of attorney, **§ 10:194**

Duties of trustee regarding trust advisory panel, provision in trust agreement, **§ 10:201**

Elective share trust, **§ 10:199**

Final accounting, **§§ 10:197, 10:198**

LIVING TRUSTS—Cont'd

Forms—Cont'd

Guidance of trust protector, provision in trust agreement requiring trustee to seek, **§ 10:207**

Guidelines for trustees, **§ 10:202**

Instruction, **§ 10:190**

Interim accounting, **§ 10:196**

Investment expertise, contract with advisory panel, **§ 10:205**

Joint revocable living trust, **§ 10:188**

Letters to

Beneficiaries, **§ 10:197**

Trustee, signature and return of trust agreement, **§ 10:203**

List of assets, **§ 10:191**

Pour-over will, **§ 10:193**

Protector of trust, **§§ 10:206, 10:207**

Provisions in trust agreements, **§§ 10:201, 10:207**

Restatement, **§ 10:189**

Return of trust agreement, letter to trustee, **§ 10:203**

Sample pour-over will, **§ 10:193**

Settlor acknowledgment, **§ 10:208**

Signature, letter to trustee for, **§ 10:203**

Single revocable living trust, **§ 10:187**

Special needs trust administration, contract with trust protector for, **§ 10:206**

Trustees

Guidelines for trustees, **§ 10:202**

Letter to trustee for signature and return of trust agreement, **§ 10:203**

Provisions in trust agreements, **§§ 10:201, 10:207**

FTC (Florida Trust Code), **§§ 10:16, 10:17**

Funds and funding

Advantages of living trust, trustee's use of funds is restricted, **§ 10:45**

Disadvantages of living trust, reluctance of client to fund trust, **§ 10:60**

Initial administration, **§§ 10:94 to 10:113**

Power of attorney to fund trust, **§ 10:182**

Furnishing beneficiaries with copies of trust agreement, post mortem administration, **§ 10:157**

Generally, **§ 10:3**

Geographical location, selection of trustee, **§ 10:74**

Good accounting and reporting systems, trust company use advantages, **§ 10:80**

Governing law, **§ 10:3**

Guardianship alternative, **§§ 10:47, 28:24**

Guidance of trust protector, form for provision in trust agreement requiring trustee to seek, **§ 10:207**

Guidelines for trustees, form, **§ 10:202**

Homes

Motor home, pour-over will, **§ 10:177**

Protection from nursing home fees, living trust advantages, **§ 10:51**

Honesty, trust company use advantages, **§ 10:83**

INDEX

LIVING TRUSTS—Cont'd

Income

Allocation of income and principal, lifetime administration, §§ **10:126, 10:127**

Taxes. Income taxes, below

Income taxes

Lifetime administration, § **10:117**

Planning, living trust advantages, § **10:55**

Post mortem administration, §§ **10:151 to 10:153**

Informing beneficiaries, § **10:36**

Infrequent communication with settlor or beneficiary, trust company use disadvantages, § **10:88**

Initial administration, §§ **10:92 to 10:115**

In-kind distribution of trust assets, post mortem administration, § **10:161**

Instruction forms, § **10:190**

Instructions or directions

Care monitors can direct administration by trustee, living trust advantages, § **10:43**

Funding, initial administration, § **10:95**

Power to direct trustees, § **10:37**

Insurance, funding and initial administration, §§ **10:111, 10:113**

Intangible taxes, post mortem administration, §§ **10:151 to 10:153**

Interim accounting, forms, § **10:196**

Interpretations by court, post mortem administration, § **10:169**

Investments

Advisory panel, §§ **10:44, 10:205**

Delegation of investment functions, lifetime administration, § **10:129**

Expertise

Contract with advisory panel form, § **10:205**

Trust company use advantages, § **10:81**

Standard for trustee's investments, lifetime administration, §§ **10:124, 10:125**

Trust company use advantages and disadvantages, §§ **10:81, 10:87**

IRA accounts, funding and initial administration, § **10:112**

Irrevocable trusts

Alteration of trust agreement, lifetime administration, § **10:122**

Tax status, living trust disadvantages, § **10:61**

Issuer, securities funding and initial administration, § **10:103**

Joint revocable living trust, § **10:188**

Lack of empathy, trust company use disadvantages, § **10:86**

Land. Real property, below

Lawyers. Attorneys, above

Legal expense of setting trust up, living trust disadvantages, § **10:59**

Letters. Forms, above

Liability of trustee, post mortem administration, §§ **10:145, 10:149, 10:162**

Life insurance, funding and initial administration, § **10:113**

Lifetime administration, §§ **10:116 to 10:129**

Limitations. Trustees, below

List of assets, §§ **10:96, 10:97, 10:191**

LIVING TRUSTS—Cont'd

Location

Geographical location, selection of trustee, **§ 10:74**

Venue, post mortem administration, **§§ 10:170, 10:171**

Loyalty of trustees, **§ 10:34**

Mailing, securities funding and initial administration, **§ 10:104**

Maker, **§ 10:10**

Marital matters

Advantages of living trust, marital claims, **§ 10:53**

Liability of trustees on marital election claims, **§ 10:162**

Marshaling assets, post mortem administration, **§§ 10:131 to 10:134**

Modification. Amendment, modification or change, above

Motor home, pour-over will, **§ 10:177**

Motor vehicles

Funding and initial administration, assets to be placed in trust's name, **§ 10:99**

Pour-over will, **§ 10:177**

Multiple matters

Avoiding multiple probate proceedings concerning out of state realty, living trust advantages, **§ 10:49**

Trustees, **§§ 10:70, 10:71, 10:75**

Nature, **§§ 10:5 to 10:38**

No closure, living trust disadvantages, **§ 10:62**

Nonjudicial modification, **§ 10:20**

Notice

Of trust, post mortem administration, **§§ 10:142, 10:143, 10:145**

To account holders to use EIN, post mortem administration, **§ 10:154**

To creditors, post mortem administration, **§§ 10:139, 10:150**

Nursing home fees, living trust advantages, **§ 10:51**

Only one trustee's signature should be required, securities funding and initial administration, **§ 10:110**

Overseeing proper execution of trust agreement, initial administration, **§ 10:93**

Panel. Advisory panel, above

Parties, **§§ 10:9 to 10:12**

Payment

Creditors, post mortem administration, **§§ 10:138, 10:139, 10:141, 10:145 to 10:150**

Estate taxes, post mortem administration, **§ 10:137**

Fees, post mortem administration, **§ 10:155**

Perpetuities, rule against, administration, **§ 10:163**

Personal property

Assets to be placed in trust's name, funding and initial administration, **§ 10:100**

Pour-over will, **§ 10:178**

Place. Location, above

Post mortem administration, **§§ 10:130 to 10:171**

Pour-over will, **§§ 10:175 to 10:180, 10:193**

Power of attorney, **§§ 10:181 to 10:186, 10:194**

Power to direct trustees, **§ 10:37**

INDEX

LIVING TRUSTS—Cont'd

- Preparation of amendments to trust agreement, role of attorney, **§ 10:123**
- Principal allocation, lifetime administration, **§§ 10:126, 10:127**
- Privacy, living trust advantages, **§ 10:52**
- Probate and probate proceedings
 - Advantages of living trust, **§§ 10:48 to 10:50**
 - Avoidance
 - Advantages of living trust, **§§ 10:48 to 10:50**
 - Methods, **§ 8:5**
 - Effect of probate on paying creditors, post mortem administration, **§ 10:139**
 - Procedure if probate proceedings have commenced, post mortem administration, **§ 10:144**
 - Procedure if probate proceedings have commenced, post mortem administration, **§ 10:144**
 - Professionalism, trust company use advantages, **§ 10:82**
 - Proper execution of trust agreement, initial administration, **§ 10:93**
 - Property
 - Assets, above
 - Common property, above
 - Personal property, above
 - Real property, below
 - Protection
 - Creditors claims, living trust advantages, **§ 10:46**
 - Forms, protector of trust, **§§ 10:206, 10:207**
 - Nursing home fees, living trust advantages, **§ 10:51**
 - Provisions
 - Exculpatory provisions, **§ 10:38**
 - Standard provisions of pour-over will, **§ 10:179**
 - Trust agreements, forms, **§§ 10:201, 10:207**
 - Prudent investor rules, standard for trustee's investments, **§ 10:125**
 - Purpose, **§ 10:7**
 - Living trusts, **§ 10:39**
 - Pour-over will, **§§ 10:174 to 10:176**
 - Real property
 - Avoiding multiple probate proceedings concerning out of state realty, living trust advantages, **§ 10:49**
 - Initial administration, **§ 10:115**
 - Pour-over will, **§ 10:180**
 - Reasons for living trust use, **§§ 10:39 to 10:64**
 - Alternatives, **§ 10:63**
 - Recordkeeping, lifetime administration, **§ 10:128**
 - Reluctance of client to fund trust, living trust disadvantages, **§ 10:60**
 - Reports and reporting
 - Good reporting system, trust company use advantages, **§ 10:80**
 - Lifetime administration, **§ 10:128**
 - Securities, funding and initial administration, **§ 10:107**
 - Representation, **§ 10:18**
 - Resignation of trustee, administration, **§ 10:172**

LIVING TRUSTS—Cont'd

- Resolution of creditor claims, post mortem administration, §§ **10:146, 10:165**
- Restatement, § **10:189**
- Return of trust agreement, form for letter to trustee, § **10:203**
- Revocation and revocability
 - Generally, §§ **10:13, 10:28**
 - Intent, § **10:30**
 - Irrevocable trusts, above
 - Revocable becomes irrevocable, § **10:15**
 - Tax treatment, § **10:14**
 - Who can revoke, § **10:31**
 - Wills, § **10:29**
- Role. Attorneys, above
- Rules
 - Perpetuities, rule against, administration, § **10:163**
 - Prudent investor rules, lifetime administration, § **10:125**
- Safe deposit boxes, power of attorney, § **10:185**
- Safety, securities funding and initial administration, § **10:106**
- Search for settlor's creditors, post mortem administration, § **10:140**
- Securities, funding and initial administration, §§ **10:101 to 10:111**
- Selection
 - Heirs, living trust advantages, § **10:56**
 - Trustees, §§ **10:41 to 10:44, 10:67 to 10:69, 10:72 to 10:89**
- Self-settled trusts, § **10:27**
- Separate assets and accounts held as common property, initial administration, § **10:114**
- Settlor
 - Communication with settlor may be infrequent, trust company use disadvantages, § **10:88**
 - Lifetime administration, §§ **10:118, 10:119**
 - Selection of trustee, living trust advantages, §§ **10:41 to 10:44**
 - Settlor acknowledgment, § **10:208**
 - Signature, trustee, §§ **10:110, 10:203**
 - Single revocable living trust, § **10:187**
 - Solely owned assets, post mortem administration, § **10:133**
 - Special needs trust administration, form for contract with trust protector for, § **10:206**
 - Specific creditors search, post mortem administration, § **10:140**
 - Spendthrift trusts, § **10:26**
 - Stages of administration, § **10:91**
 - Standard for trustee's investments, lifetime administration, §§ **10:124, 10:125**
 - Standard provisions, pour-over will, § **10:179**
 - Statutes, §§ **10:16, 10:17**
 - Styles for investment may differ, trust company use disadvantages, § **10:87**
 - Successor trustee, §§ **10:66 to 10:69**
 - Tax treatment, § **10:14**
 - Taxes
 - Estate taxes, above

INDEX

LIVING TRUSTS—Cont'd

Taxes—Cont'd

- Income taxes, above
- Intangible taxes, post mortem administration, §§ **10:151 to 10:153**
- Power of attorney, § **10:183**
- Q-TIP trusts, § **12:114**
- Status of irrevocable trust, living trust disadvantages, § **10:61**
- Tax returns, post mortem administration, § **10:160**
- Testamentary trusts and living trusts distinguished, § **10:8**
- Time or date
 - Early calls on bonds, securities funding and initial administration, § **10:108**
 - Income and intangible taxes up to date of death, post mortem administration, § **10:152**
 - Lifetime administration, §§ **10:116 to 10:129**
 - Paying creditors for settlor dying prior to notice to creditors, post mortem administration, § **10:139**
 - Total accounting to beneficiaries, post mortem administration, § **10:159**
 - Transaction ease, securities funding and initial administration, § **10:102**
 - Transfer agents, securities funding and initial administration, § **10:103**
 - Trust companies, corporate trustees, §§ **10:76 to 10:88**
- Trustees
 - Generally, §§ **10:65 to 10:90**
 - Acceptance, § **10:90**
 - Accountings from trustee to settlor, lifetime administration, § **10:118**
 - Administration, generally, §§ **10:91 to 10:173**
 - Bonds, § **10:32**
 - Duties
 - Generally, § **10:33**
 - Trust advisory panel, provision in trust agreement form, § **10:201**
 - Forms, above
 - Funds use restricted, living trust advantages, § **10:45**
 - Liability of trustee, post mortem administration, §§ **10:145, 10:149, 10:162**
 - Limitations
 - Liability for payment of claims, post mortem administration, § **10:149**
 - Proceedings against trustees, limitations on, § **10:173**
 - Use of funds, living trust advantages, § **10:45**
 - List of assets use, initial administration, § **10:97**
 - Loyalty, § **10:34**
 - Parties, § **10:11**
 - Personal obligations of a trustee, § **10:25**
 - Power to direct trustees, § **10:37**
 - Resignation of trustee, administration, § **10:172**
 - Selection, §§ **10:41 to 10:44, 10:67 to 10:69, 10:72 to 10:89**
 - Settlor chooses trustee, living trust advantages, §§ **10:41 to 10:44**
 - Signature, §§ **10:110, 10:203**
 - Standard for trustee's investments, lifetime administration, §§ **10:124, 10:125**
 - Unreliable trustees, living trust disadvantages, § **10:58**
 - Voidable trustee acts, § **10:35**

LIVING TRUSTS—Cont'd

Two types of trustees, §§ **10:65 to 10:71**

Types, § **10:2**

Types of trustees, §§ **10:65 to 10:71**

Unreliable trustees, living trust disadvantages, § **10:58**

Use

Funds use by trustee restricted, living trust advantages, § **10:45**

List of assets, initial administration, § **10:97**

Living trusts, §§ **10:1 to 10:208**

Notification to account holders to use EIN, post mortem administration, § **10:154**

Venue, post mortem administration, §§ **10:170, 10:171**

Voidable trustee acts, § **10:35**

Wills

Pour-over will, §§ **10:175 to 10:180, 10:193**

Testamentary trusts and living trusts distinguished, § **10:8**

LIVING WILLS

Generally, §§ **27:28 to 27:45**

Anatomical gifts, § **27:41**

Autopsies, publication contents, § **27:35**

Care

Hospice care, §§ **27:43 to 27:45**

Palliative care, §§ **27:38 to 27:41**

Certification of patient's terminal condition, § **27:30**

Condition of patient, §§ **27:30, 27:33**

Contents, publication, §§ **27:32 to 27:37**

Decisions, palliative care, §§ **27:40, 27:41**

Definition of palliative care, § **27:39**

Execution, § **27:29**

Form, §§ **27:91, 27:96**

Guardians, palliative care, §§ **27:40, 27:41**

HIPAA, publication contents, § **27:37**

Hospice care, §§ **27:43 to 27:45**

Palliative care, §§ **27:38 to 27:41**

Patient, §§ **27:30, 27:33, 27:42**

Provisions, publication, §§ **27:32 to 27:37**

Publication, §§ **27:31 to 27:37**

Special provisions to address individual beliefs, publication contents, § **27:36**

Stop treatment, publication contents, § **27:34**

Terminal condition of patient, certification, § **27:30**

Treatment to be stopped or withheld, publication contents, § **27:34**

When health care provider may disregard patient's directives, § **27:42**

Withhold treatment, publication contents, § **27:34**

Witnesses, § **27:29**

LOANS

Abuse and neglect statutes, Office of Financial Regulation, § **5:54**

Medicaid, this index

INDEX

LOANS—Cont'd

Retirement funds raised by using real property, §§ 13:8 to 13:39, 13:47

Supplemental Security Income, loan proceeds, § 16:22

LOCAL MATTERS

Americans with Disabilities Act, effect on local governments, § 19:2

Medicaid administration by local authorities, § 25:22

Preference for local guardian, selection of guardian, § 28:88

Veterans' benefits, local office, §§ 15:69, 15:92

LOCATING HEIRS

Personal representatives for decedents' estates, § 7:27

LOCATION

Living Trusts, this index

Medicaid, this index

Office practice tips, § 1:33

Probate proceedings, ancillary proceedings for nonresidents with assets in Florida, §§ 8:77 to 8:80

Venue, this index

LONG TERM

Care. Long Term Care, this index

Medicaid, this index

LONG TERM CARE

Assisted Living Facilities, this index

Facilities

Assisted Living Facilities, this index

Nursing Homes, this index

Regulation, §§ 23:1 to 23:75

Insurance. Long Term Care Insurance, this index

Nursing Homes, this index

Ombudsman Council, §§ 23:6 to 23:11

Regulation of facilities, §§ 23:1 to 23:75

LONG TERM CARE INSURANCE

Generally, §§ 24:1 to 24:40

Activities of daily living, § 24:34

ADLs (activities of daily living), § 24:34

Age, § 24:14

Assisted living or care, §§ 24:5, 24:35

Benefits

Medicare benefits, § 24:31

Per day benefits, § 24:38

Break on taxes, § 24:12

Clients, §§ 24:1 to 24:40

Cognitive deficiencies, § 24:33

Condition

Preexisting condition, §§ 24:13, 24:27

Verification, § 24:28

LONG TERM CARE INSURANCE—Cont'd

Conflicts of interest, as attorney and agent, **§ 24:39**

Considerations prior to purchase, **§§ 24:10, 24:11**

Cost

Considerations prior to purchase, **§ 24:11**

Increases for cost of living, **§ 24:32**

Coverage, **§§ 24:3 to 24:19, 24:22**

Evaluating specific features of policy, **§§ 24:20 to 24:39**

Features of policy, **§§ 24:20 to 24:39**

Form, memorandum for client, **§ 24:41**

Governing law, **§ 24:2**

Home

Health care, **§ 24:37**

In-home care, **§§ 24:4, 24:37**

Nursing home, **§§ 24:6, 24:26**

Incapacity planning, **§§ 24:1 to 24:19**

In-home care, **§§ 24:4, 24:37**

Institutionalization previously, **§ 24:29**

Lifetime coverage, **§ 24:22**

Limitations. Restrictions, below

Medicaid eligibility planning, **§ 25:83**

Medicare benefits, **§ 24:31**

Memorandum for client, form, **§ 24:41**

Negatives of, **§ 24:40**

New waits, waiting period, **§ 24:25**

Non-cancellation, **§ 24:23**

Nursing homes, **§§ 24:6, 24:26**

Partnership policies, **§§ 24:8, 24:9**

Per day benefits, **§ 24:38**

Planning for incapacity, use in, **§§ 24:1 to 24:19**

Policies, **§§ 24:7, 24:20 to 24:39**

Preexisting condition, **§§ 24:13, 24:27**

Premium waiver, **§ 24:36**

Pre-purchase considerations, **§§ 24:10, 24:11**

Prior institutionalization, **§ 24:29**

Purchase, considerations prior to, **§§ 24:10, 24:11**

Quality of insurer, **§§ 24:17, 24:18**

Ratings, **§§ 24:18, 24:19**

Recommended features of policy, **§§ 24:20 to 24:38**

Restrictions

Definitions, **§ 24:15**

Nursing home restrictions, **§ 24:26**

Return, right to, **§ 24:30**

Right to return, **§ 24:30**

Specific features of policy, evaluation, **§§ 24:20 to 24:39**

Tax matters, **§ 24:12**

Term, **§§ 24:21, 24:22**

INDEX

LONG TERM CARE INSURANCE—Cont'd

- Tie-in policies, § 24:7
- Types of coverage, §§ 24:3 to 24:15, 24:18, 24:19
- Under-coverage, § 24:16
- Use in planning for incapacity, §§ 24:1 to 24:19
- Verification of condition, § 24:28
- Waiting period, §§ 24:24, 24:25
- Waiver of premium, § 24:36

LOOK-BACK PERIOD

- Medicaid, this index

LOSS OR LOSSES

- Probate, this index
- Social Security benefits, complete loss, § 14:31
- Taxes and Taxation, this index

LOST OR MISSING

- Guardian discharge, missing ward, § 28:234
- Medicaid spenddowns, lost wedding or engagement ring replacement, § 25:272
- Probate proceedings, lost original will, §§ 8:90, 8:91

LOW INCOME

- Medicare eligibility, state payments for special low income beneficiaries, § 18:6

LOWER PREMIUM COSTS

- Employer health plans, § 18:114

LOYALTY OF TRUSTEES

- Living trusts, § 10:34

LUMP SUM

- Federal civil service retirement programs, benefits, § 14:67
- Railroad retirement pension benefits post mortem, § 14:53
- Retirement funds raised by using reverse mortgages, §§ 13:15, 13:20, 13:32

MAIL OR MAILING

- Abuse and neglect remedies, mail fraud scams, § 5:33
- Estate planning, mailing intake questionnaires to client, § 6:14
- Living trusts, securities funding and initial administration, § 10:104

MAINTENANCE

- Health Maintenance Organizations, this index
- Medicaid, this index
- Repairs, this index

MAJOR LIFE ACTIVITIES

- Americans with Disabilities Act, limited performance, § 19:4

MALPRACTICE

- Attorneys, limiting liability in elder law practice, § 2:9
- Nursing homes, medical malpractice, §§ 23:16 to 23:18

MAMMOGRAMS

Medicare Part B voluntary coverage, **§ 18:36**

MANAGED CARE

Medicaid, **§§ 25:30, 25:44 to 25:46, 25:103**

MANAGEMENT AND MANAGERS

Disabled heir planning, assets, **§ 11:9**

Financial Matters, this index

Geriatric Care Managers and Management, this index

Medicaid, this index

Nursing homes, **§§ 23:43 to 23:54**

Powers of Attorney, this index

MANDATORY MATTERS

Medicaid, recovery of funds procedures, **§§ 25:73 to 25:75**

Veterans' health care benefits, **§ 15:41**

MARITAL ELECTION

Estate planning, avoidance, **§§ 6:63 to 6:74**

Individual retirement accounts, rights, **§ 14:128**

Living trusts, liability of trustees on claims, **§ 10:162**

Medicaid, **§§ 25:90, 25:325 to 25:328**

Powers of attorney, **§ 26:49**

Probate, this index

Share

Medicaid, **§§ 25:90, 25:325 to 25:328**

Powers of attorney, **§ 26:49**

Wills, **§ 7:18**

Wills, surviving spouse's elective share, **§ 7:18**

MARKET VALUE

Fair Market Value, this index

Medicaid, this index

Taxable transfers and trust assets valuation, **§§ 12:55 to 12:60, 12:66**

MARKETING

Scope of elder law, **§§ 1:44 to 1:52, 1:59 to 1:65**

MARKS

Abuse identification, **§ 5:15**

MARRIAGE

Deduction. Taxes and Taxation, this index

Divorce, this index

Election. Marital Election, this index

Estate Planning, this index

Gift taxes, annual exclusion for married couples, **§ 12:32**

Living Trusts, this index

Postnuptial Agreements, this index

Probate, this index

Same-Sex Marriages, this index

INDEX

MARSHALING ASSETS

Living trusts, post mortem administration, **§§ 10:131 to 10:134**

Personal representatives for decedents' estates, **§ 7:26**

MASTERS

Guardianship, definition of general masters, **§ 28:7**

MAXIMUM

Social Security benefits, family maximum, **§ 14:25**

Veterans' pension, maximum annual rates, **§ 15:25**

MEASUREMENT OF BONE MASS

Medicare Part B voluntary coverage, **§ 18:45**

MECHANISMS

Probate proceedings, oversight mechanisms to monitor personal representative, **§ 8:6**

Support, this index

MEDIATOR ROLE OF ATTORNEY

Emotions of client, terminally ill client representation, **§ 4:22**

MEDICAID

Generally, **§§ 25:1 to 25:390**

Absences. Temporary matters, below

Accounting to Department of Children and Families, qualified income trust, **§ 25:156**

Accounts, determination and management of assets for eligibility, **§§ 25:181 to 25:184, 25:199**

Acquisition. After-acquired assets, below

Act or acts

Election by attorney in fact requires court approval, avoidance of marital election share claims, **§ 25:328**

Prompt action, new assets, **§ 25:337**

State action, guardianship, **§ 25:330**

Actions and proceedings

Qualified domestic relations order, methods for reducing excess income, **§§ 25:149 to 25:151**

Spousal refusal to support, preserving assets methods, **§§ 25:319 to 25:324**

Activities of daily living, assessment of appropriate placement and level of care, **§ 25:120**

Adding deductions back into certain payments, calculating and managing income for eligibility, **§ 25:127**

Adequacy. Insufficiency, below

ADLs (activities of daily living), eligibility criteria for ICP Medicaid and Diversification program, **§ 25:120**

Administration of Medicaid by federal and local authorities, **§ 25:22**

Administrative definitions of intermediate care and skilled care, **§ 25:386**

Adults

Aged or disabled adults, home and community based services, **§ 25:33**

Homestead transfer to reduce assets, adult child caregiver, **§ 25:238**

MEDICAID—Cont'd

Advantages and disadvantages

Divorce, preserving assets methods, **§ 25:314**

Explain disadvantages of Medicaid, initial planning consultation, §§ **25:98 to 25:107**

Gifts, uncompensated transfer penalty, **§ 25:231**

Spenddowns, preserving assets methods, **§ 25:267**

Affidavit for designated representative, forms, §§ **25:351, 25:355**

After-acquired assets

Guardianship, Medicaid planning, **§ 28:206**

New assets, §§ **25:334, 25:335**

Age

Aged persons

Home and community based services, **§ 25:33**

Misconceptions, §§ **25:17, 25:18**

Children, permitted transfers to reduce assets, §§ **25:235, 25:237**

Evidence of age, application process, **§ 25:59**

Agent, qualified income trust created by Medicaid applicant's, **§ 25:153**

Agreements. Contracts or agreements, below

ALFs. Assisted living facilities, below

Aliens

Application process, **§ 25:53**

Declaration of lawful alien status, form, **§ 25:352**

Status, §§ **25:53, 25:352**

Supplemental Security Income, aliens' eligibility, **§ 16:11**

Alimony

Calculating and managing income for eligibility, **§ 25:130**

Permitted transfers to reduce assets, **§ 25:245**

All available income counted for eligibility, §§ **25:125 to 25:139**

All other available benefits, applying for, **§ 25:62**

Allowances

Community spouse income allowance

Calculating and managing income for eligibility, **§ 25:142**

Further adjustments to income after eligibility established, §§ **25:164, 25:165**

Spousal refusal to support, preserving assets methods, **§ 25:323**

Community spouse resource allowance

Determination and management of assets for eligibility, §§ **25:167 to 25:170**

Further adjustments to income after eligibility established, **§ 25:163**

May be inadequate, necessity for planning ICP Medicaid eligibility, **§ 25:87**

Minimum monthly maintenance income allowance, §§ **25:141, 25:163**

Personal needs allowance, further adjustments to income after eligibility established, **§ 25:162**

Allowed or permitted

Assets allowed, determination and management of assets for eligibility, §§ **25:166 to 25:171**

INDEX

MEDICAID—Cont'd

Allowed or permitted—Cont'd

Rental income deductions are allowed, calculating and managing income for eligibility, **§ 25:136**

Spenddowns, preserving assets methods, **§§ 25:268 to 25:276**

Transfers

Calculating and managing income for eligibility, **§ 25:125**

Reduction of assets, **§§ 25:233 to 25:258**

Trusts allowed for spouse, disabled beneficiary or applicant, **§§ 25:216, 25:217**

Alternative living arrangements, initial planning consultation, **§ 25:96**

Amendment or change

Circumstances change, new assets, **§ 25:343**

Further adjustments to income after eligibility established, **§ 25:161 et seq.**

Income-only trust agreement, form, **§ 25:367**

Law and regulation changes, explain disadvantages of Medicaid, **§ 25:107**

Penalty start date, Deficit Reduction Act, **§ 25:7**

Qualified income trust, methods for reducing excess income, **§ 25:157**

Substance of changes, Deficit Reduction Act, **§ 25:4**

Amount

Assisted living facility waiver shortages, explain disadvantages of Medicaid, **§ 25:104**

Deed to child living in home two years, home preservation, **§ 25:308**

Excess, below

Further, below

Increase, below

Investment, preserving assets methods, **§ 25:286**

Level of care, eligibility criteria for ICP Medicaid and Diversion program, **§§ 25:118 to 25:120**

Limitations on number of Medicaid beds in nursing homes, explain disadvantages of Medicaid, **§ 25:102**

Minimum, below

Reduction, below

Annuities

Deficit Reduction Act, **§§ 25:10 to 25:12**

Immediate annuities

Deficit Reduction Act, **§ 25:11**

Noncountable investments, preserving assets methods, **§§ 25:280 to 25:287**

Purchase of annuities, uncompensated transfer penalty, **§§ 25:226, 25:227**

Answers, qualified domestic relations order, **§ 25:150**

Appeal and review

Further appeals, hearings, **§ 25:72**

Supervisory review of request for hearing, **§ 25:67**

Appeal to keep excess assets, preserving assets methods, **§§ 25:263 to 25:265**

Applicability

Assets subject to guardianship, determination and management of assets for eligibility, **§ 25:196**

MEDICAID—Cont'd

Applicability—Cont'd

Income subject to qualified income trust, methods for reducing excess income, **§ 25:158**

Valuation of property subject to good faith effort to sell, determination and management of assets for eligibility, **§ 25:176**

Applications and applicants

Avoidance by applicants of income producing investments, preserving assets methods, **§ 25:278**

Process for application, **§§ 25:47 to 25:62**

Qualified income trust created by Medicaid applicant or applicant's agent, methods for reducing excess income, **§ 25:153**

Request for application packet, form, **§ 25:345**

Review documents required for application, initial planning consultation, **§ 25:113**

Trust assets as available resources for Medicaid eligibility, **§§ 25:210, 25:211, 25:216, 25:217**

Appropriate placement and level of care assessment, eligibility criteria for ICP Medicaid and Diversion program, **§§ 25:118 to 25:120**

Approval

Act of election by attorney in fact requires court approval, avoidance of marital election share claims, **§ 25:328**

Assets received after Medicaid approval, assignment of income, **§§ 25:249 to 25:252**

Department of Children and Families, qualified income trust, **§ 25:154**

Assessment of appropriate placement and level of care, eligibility criteria for ICP Medicaid and Diversion program, **§§ 25:118 to 25:120**

Assets

After-acquired assets, above

Calculating and managing income for eligibility, **§§ 25:125, 25:126**

Determination and management of assets for eligibility, **§§ 25:166 to 25:208**

Methods for preserving assets, **§§ 25:259 to 25:333**

New assets, **§§ 25:334 to 25:343**

Retention

Appeal to keep excess assets, preserving assets methods, **§§ 25:263 to 25:265**

Transfers permitted

Calculating and managing income for eligibility, **§ 25:125**

Reduction of assets, **§§ 25:233 to 25:258**

Trust assets considered available resources, **§§ 25:209 to 25:217**

Uncompensated transfer penalty, **§§ 25:218 to 25:232**

Unmarketable assets or property, below

Assignment

Income, below

Life estate, preserving assets methods, **§ 25:293**

Rights, below

Assisted living facilities

Generally, **§ 23:73**

INDEX

MEDICAID—Cont'd

Assisted living facilities—Cont'd

Explain disadvantages of Medicaid, initial planning consultation, **§ 25:104**

Home and community based services, **§ 25:30**

Waivers, **§§ 23:73, 25:30, 25:104**

Attorneys

Fees, initial planning consultation, **§ 25:112**

Initial planning consultation, **§§ 25:91 to 25:116**

Retainer agreement form, **§ 25:358**

Role of attorney, misconceptions, **§§ 25:20, 25:21**

Automobiles

Purchase of car, spenddowns allowed, **§ 25:273**

Available or availability

All available income counted, calculating and managing income for eligibility, **§§ 25:125 to 25:139**

All other available benefits, applying for, **§ 25:62**

Comprehensive care available for private pay clients, initial planning consultation, **§ 25:94**

Other Medicaid benefits still available, exceeding income cap causes disqualification, **§ 25:123**

Show unavailability, new assets, **§ 25:342**

Trust assets considered available resources, **§§ 25:209 to 25:217**

Avoidance

Income producing investments, preserving assets methods, **§ 25:278**

Marital election share claims, planning scenarios, **§§ 25:325 to 25:328**

Probate avoidance by use of jointly owned property, life estate deed to convey title to heirs, **§§ 9:48, 9:55**

Balloon annuities, Deficit Reduction Act, **§ 25:12**

Bank accounts, determination and management of assets for eligibility, **§§ 25:181 to 25:184**

Beneficiaries

Immediate annuity as noncountable investment, preserving assets methods, **§ 25:283**

Trust assets as available resources for Medicaid eligibility, **§§ 25:211, 25:216, 25:217**

Benefit or benefits

All other available benefits, applying for, **§ 25:62**

Broader benefits in another state, explain disadvantages of Medicaid, **§ 25:105**

Community spouse transfers to third party after grant of benefits, permitted transfers to reduce assets, **§ 25:246**

Continuance of benefits, hearings, **§ 25:68**

Countable investments benefiting children or grandchildren, preserving assets methods, **§ 25:279**

Gifts to third party for benefit of spouse, permitted transfers to reduce assets, **§ 25:243**

Inappropriateness of Medicaid benefits for wealthy clients, initial planning consultation, **§§ 25:93 to 25:95**

In-kind benefits, calculating and managing income for eligibility, **§ 25:137**

MEDICAID—Cont'd

Benefit or benefits—Cont'd

Life insurance death benefits, calculating and managing income for eligibility, **§ 25:133**

Limitations on veterans' benefits, necessity for planning ICP Medicaid eligibility, **§ 25:84**

Only aged persons qualify for benefits, misconceptions, **§ 25:17**

Other benefits

All other available benefits, applying for, **§ 25:62**

Medicaid benefits still available, exceeding income cap causes disqualification, **§ 25:123**

Probate avoidance by use of jointly owned real property, delaying qualification for Medicaid benefits, **§ 9:48**

Public assistance programs, **§§ 25:23 to 25:36**

Social Security benefits, calculating and managing income for eligibility, **§ 25:131**

Blind child, permitted transfers to reduce assets, **§§ 25:237, 25:242**

Bonds, determination and management of assets for eligibility, **§ 25:197**

Brain and spinal cord injury, home and community based services, **§ 25:34**

Broader benefits in another state, explain disadvantages of Medicaid, **§ 25:105**

Brothers. Siblings, below

Building lot

Purchase building lot, spenddowns allowed, **§ 25:269**

Value, determination and management of assets for eligibility, **§ 25:192**

Burial contracts

Determination and management of assets for eligibility, **§ 25:200**

Prepay contracts, spenddowns allowed, **§ 25:275**

Buy. Purchase, below

Calculation or computation

Community spouse resource allowance, determination and management of assets for eligibility, **§§ 25:167 to 25:169**

Income for eligibility, **§§ 25:122 to 25:142**

Care, **§§ 25:1 to 25:390**

Caregivers

Adult child caregiver, homestead transfers, **§ 25:238**

Consider move closer to caregivers, initial planning consultation, **§ 25:97**

CARES team, assessment of appropriate placement and level of care, **§§ 25:119, 25:120**

Cars. Automobiles, above

Cash value of life insurance, determination and management of assets for eligibility, **§ 25:204**

Cash-in value lacking, immediate annuity as noncountable investment, **§ 25:284**

Caveat, spousal refusal to support, **§§ 25:316 to 25:324**

CCRC entrance fees, Deficit Reduction Act, **§ 25:15**

Change. Amendment or change, above

Checklist, summary of income and exclusions from income, **§ 25:344**

Children

Consider move closer to children, initial planning consultation, **§ 25:97**

INDEX

MEDICAID—Cont'd

Children—Cont'd

Countable investments benefiting children, preserving assets methods,
§ 25:279

Deed to child living in home two years, home preservation, **§ 25:308**

Department of Children and Families, below

Grandchildren, below

Permitted transfers to reduce assets, §§ **25:235, 25:237, 25:238, 25:242**

Temporary aid for needy families, benefits, **§ 25:24**

Choices

Elections, below

Hearings, optional conference, **§ 25:67**

Limitations on choice of health care providers, explain disadvantages of
Medicaid, **§ 25:101**

New assets, exercise other options, **§ 25:341**

Circumstances change, new assets, **§ 25:343**

Citizenship

Declaration of United States citizenship, form, **§ 25:352**

Evidence of citizenship, application process, §§ **25:51, 25:52**

Claims

Marital election share claims, §§ **25:90, 25:325 to 25:328**

Power of state to recover funds, §§ **25:74, 25:76**

Clients, §§ **25:1 to 25:390**

Combination

Transactions, home preservation, **§ 25:310**

Commencement of penalty period, uncompensated transfers, **§ 25:222**

Common new assets, **§ 25:335**

Community

Based services, Supplemental Security Income-related programs, §§ **25:28 to 25:34**

Programs, benefits under public assistance programs, **§ 25:36**

Spouse. Community spouse, below

Community spouse

Calculating and managing income for eligibility, §§ **25:140, 25:142**

Income allowance. Allowances, above

Permitted transfers to reduce assets, §§ **25:246, 25:250**

Refusal to support, preserving assets methods, §§ **25:323, 25:324**

Resource allowance. Allowances, above

Compensation

Fair compensation, permitted transfers to reduce assets, **§ 25:234**

Uncompensated transfer penalty, §§ **25:218 to 25:232**

Comprehensive care available for private pay clients, initial planning consultation, **§ 25:94**

Computation. Calculation or computation, above

Conditions for spousal refusal to support to be effective, preserving assets
methods, **§ 25:318**

Conduct of hearings, **§ 25:70**

MEDICAID—Cont'd

Confirm that spouse qualifies for qualified domestic relations order, methods for reducing excess income, **§ 25:147**

Consent

Informed consent form, **§ 25:349**

Written consents, guardianship, **§ 25:332**

Consequences for property owner, purchase of life estate deed, **§ 25:294**

Considerations

Family dynamics, initial planning consultation, **§ 25:111**

Moving closer to children or caregivers, initial planning consultation, **§ 25:97**

Trust assets considered available resources, **§§ 25:209 to 25:217**

Consultation, initial planning, **§§ 25:91 to 25:116**

Contact

Form for contact slip, **§ 25:346**

Qualified domestic relations order, methods for reducing excess income, **§ 25:148**

Continuance

Benefits, hearings, **§ 25:68**

Safeguarding Medicaid continuance, new assets, **§§ 25:336, 25:337**

Contracts or agreements

Burial contracts, above

Escrow agreement form, **§ 25:379**

Funeral contracts, spenddowns allowed, **§ 25:275**

Income-only trust agreement, forms, **§§ 25:366, 25:367**

Installment sales contracts, **§§ 25:194, 25:195**

Loan committal agreement forms, **§§ 25:372, 25:374**

Personal services contract, **§§ 25:297 to 25:300, 25:378**

Postnuptial agreement, guardianship, **§ 25:331**

Purchases, **§§ 25:297 to 25:300, 25:375**

Retainer agreement form, **§ 25:358**

Sales

Forms, **§§ 25:375, 25:377**

Home preservation, **§§ 25:305, 25:307**

Installment sales contracts, **§§ 25:194, 25:195**

Life estate interest, form, **§ 25:375**

Contrary law, spousal refusal to support, **§ 25:321**

Control, joint ownership of bank accounts, **§ 25:184**

Conversion

Home equity conversions, determination and management of assets for eligibility, **§ 25:202**

Using investments to convert assets to noncountable form, preserving assets methods, **§§ 25:278, 25:290, 25:300**

Conveyance

Home preservation, preserving assets methods, **§§ 25:305, 25:307**

Power of state to penalize fraud, **§ 25:78**

Probate avoidance by use of jointly owned property, life estate deed to convey title to heirs, **§§ 9:48, 9:55**

INDEX

MEDICAID—Cont'd

Costs and expenses

Excess shelter costs, community spouse income allowance, **§ 25:165**

Higher expenses, initial planning consultation, **§ 25:95**

Patient's responsibility for certain costs, further adjustments to income after
eligibility established, **§ 25:161**

Paying out-of-pocket, necessity for planning ICP Medicaid eligibility,
§§ 25:85 to 25:87

Counsel. Attorneys, above

Countable

Assets, determination and management of assets for eligibility, **§§ 25:173 to
25:208**

Income, calculating and managing income for eligibility, **§§ 25:125 to 25:139**

Investments, preserving assets methods, **§ 25:279**

Noncountable assets, preserving assets methods, **§§ 25:277, 25:278, 25:280 to
25:300**

Courts

Act of election by attorney in fact requires court approval, avoidance of mar-
ital election share claims, **§ 25:328**

Asset transfers for support or alimony, **§ 25:245**

Coverage

Insurance provides insufficient coverage, necessity for planning ICP Medicaid
eligibility, **§§ 25:82, 25:83**

Medicare coverage, **§§ 25:82, 25:83, 25:115**

Supplementing Medicaid coverage with private funds, necessity for planning
ICP Medicaid eligibility, **§ 25:88**

Creation

Trusts, below

Criminalization

Unconstitutional, power of state to penalize fraud, **§ 25:80**

Criteria

Eligibility criteria, **§§ 25:117 to 25:121**

Home and community based services, **§§ 25:29 to 25:34**

CSIA (community spouse income allowance). Allowances, above

CSRA (community spouse resource allowance). Allowances, above

Date. Time or date, above

DCAF. Department of Children and Families, below

Death

Burial contracts, above

Decedents' estates, below

Explain effect of receipt of Medicaid on estate of first spouse to die, initial
planning consultation, **§ 25:116**

Life insurance death benefits, calculating and managing income for eligibility,
§ 25:133

Life tenant, purchase of life estate deed, **§ 25:292**

Recipient

Power of state to recover funds, **§§ 25:74, 25:76**

Qualified income trust funds must be used to reimburse state, **§ 25:155**

MEDICAID—Cont'd

Debts, spenddowns allowed, **§ 25:274**

Decedents' estates

Explain effect of receipt of Medicaid on estate of first spouse to die, initial planning consultation, **§ 25:116**

Power of state to recover funds, **§ 25:74**

Probate avoidance by use of jointly owned property, life estate deed to convey title to heirs, **§§ 9:48, 9:55**

Decisions

Application process, **§ 25:48**

Hearings, **§ 25:71**

Declaration of United States citizenship or lawful alien status, form, **§ 25:352**

Decrease. Reduction, below

Deductions from income, calculating and managing income for eligibility, **§§ 25:127, 25:135, 25:136**

Deeds

Home preservation, preserving assets methods, **§§ 25:307 to 25:309**

Life estates, below

Deficit Reduction Act, **§§ 25:2 to 25:15**

Definitions

Intermediate care, **§ 25:386**

Skilled care, **§ 25:386**

Department of Children and Families

Physician's statement of medically needy status, Form 3008, **§ 25:385**

Qualified income trust, methods for reducing excess income, **§§ 25:154, 25:156**

Dependents

Temporary aid for needy families, benefits, **§ 25:24**

Designation

Affidavit for designated representative, forms, **§§ 25:351, 25:355**

Determinations

Application process, **§ 25:49**

Assessment of appropriate placement and level of care, eligibility criteria for ICP Medicaid and Diversion program, **§§ 25:119, 25:120**

Assets for eligibility, **§§ 25:166 to 25:208**

Ineligibility period, uncompensated transfer penalty, **§§ 25:221 to 25:224**

Developmental services, home and community based services, **§ 25:32**

Difficulties with long term care insurance, necessity for planning ICP Medicaid eligibility, **§ 25:83**

Disabled persons

Adults, home and community based services, **§ 25:33**

Children, permitted transfers to reduce assets, **§§ 25:237, 25:242**

Trust assets as available resources for Medicaid eligibility, **§§ 25:216, 25:217**

Disadvantages. Advantages and disadvantages, above

Disclosing financial records at initial interview, application process, **§§ 25:60, 25:61**

Discrimination against Medicaid customer, assisted living facility waiver shortages, **§ 25:104**

INDEX

MEDICAID—Cont'd

- Disposable assets, determination and management of assets for eligibility, **§ 25:175**
- Disqualification
 - Exceeding income cap causes disqualification, calculating and managing income for eligibility, **§§ 25:122 to 25:124**
 - Uncompensated transfers, **§§ 25:218 to 25:232**
- Divorce
 - Alimony, above
 - Preserving assets methods, **§§ 25:311 to 25:314**
- Doctors. Physicians, below
- Documentation
 - Application process, **§§ 25:51, 25:52, 25:54 to 25:59**
 - Purchase of services pursuant to personal service contract, preserving assets methods, **§ 25:300**
- Documents required for application, initial planning consultation, **§ 25:113**
- DRA (Deficit Reduction Act), **§§ 25:2 to 25:15**
- Duties. Responsibilities, below
- Effect
 - Assets over community spouse resource allowance, determination and management of assets for eligibility, **§ 25:170**
 - Divorce's effect on eligibility, preserving assets methods, **§§ 25:311 to 25:314**
 - Effort to sell real property, determination and management of assets for eligibility, **§ 25:187**
 - Explain effect of receipt of Medicaid, initial planning consultation, **§§ 25:115, 25:116**
 - Joint ownership of bank accounts, determination and management of assets for eligibility, **§§ 25:182, 25:183**
 - Omnibus Budget Reconciliation Act of 1993, trust assets as available resources for Medicaid eligibility, **§§ 25:215 to 25:217**
 - Temporary absences from home, determination and management of assets for eligibility, **§ 25:189**
 - Uncompensated transfers, **§§ 25:218 to 25:220**
- Effective
 - Date of gifting, Deficit Reduction Act, **§ 25:8**
 - Spousal refusal to support, preserving assets methods, **§ 25:318**
- Effort to sell
 - Determination and management of assets for eligibility, **§§ 25:176, 25:187**
- Elections
 - Elective share, below
 - Marital election share claims, **§§ 25:90, 25:325 to 25:328**
- Elective share
 - Estate planning, elective share of Medicaid spouse, **§§ 6:60 to 6:62**
 - Form, **§ 25:384**
- Eligibility or qualification
 - Calculating and managing income for eligibility, **§§ 25:122 to 25:142**
 - Criteria, **§§ 25:117 to 25:121**
 - Determination and management of assets for eligibility, **§§ 25:166 to 25:208**

MEDICAID—Cont'd

- Eligibility or qualification—Cont'd
 - Disqualification, above
 - Divorce's effect on eligibility, preserving assets methods, §§ **25:311 to 25:314**
 - Establishment of eligibility, §§ **25:161 et seq., 25:254**
 - Further adjustments to income after eligibility established, § **25:161 et seq.**
 - ICP Medicaid and Diversion program eligibility, §§ **25:117 to 25:121**
 - ICP Medicaid eligibility, §§ **25:81 to 25:90**
 - Necessity for planning ICP Medicaid eligibility, §§ **25:81 to 25:90**
 - Only aged persons qualify for benefits, misconceptions, § **25:17**
 - Public assistance eligibility information sheet, form, § **25:347**
 - Rebutting presumption that transfer was made to establish eligibility, permitted transfers to reduce assets, § **25:254**
 - Supplemental Security Income, aliens' eligibility, § **16:11**
 - Trusts as available resources, §§ **25:209 to 25:217**
 - Engagement ring replacement, spenddowns allowed, § **25:272**
 - Entitlement date, application process, § **25:49**
 - Entrance fees, Deficit Reduction Act, § **25:15**
 - Equity
 - Home equity conversions, determination and management of assets for eligibility, § **25:202**
 - Homestead equity rule, Deficit Reduction Act, § **25:14**
 - Third party equities, spousal refusal to support, § **25:320**
 - Value, determination and management of assets for eligibility, § **25:177**
 - Escrow agreement form, § **25:379**
 - Essential income producing property, appeal to keep excess assets, § **25:265**
 - Establishment of eligibility, §§ **25:161 et seq., 25:254**
 - Estate planning
 - Elective share of Medicaid spouse, §§ **6:60 to 6:62**
 - Estates
 - Decedents' estates, above
 - Life estates, below
 - Planning. Estate planning, above
 - Ethical planning in gifting and other transactions, § **25:232**
 - Evaluation of client's health, initial planning consultation, § **25:109**
 - Evidence
 - Citizenship, application process, §§ **25:51, 25:52**
 - Identity and age, application process, § **25:59**
 - Presumptions, below
 - Residency in Florida, application process, § **25:57**
 - Exceeding income cap causes disqualification, calculating and managing income for eligibility, §§ **25:122 to 25:124**
 - Excess
 - Assets, preserving assets methods, §§ **25:263 to 25:265**
 - Income, methods for reducing, §§ **25:143 to 25:160**
 - Shelter costs, community spouse income allowance, § **25:165**
 - Exclusions or exemptions
 - Calculating and managing income for eligibility, §§ **25:134, 25:137 to 25:139**

INDEX

MEDICAID—Cont'd

Exclusions or exemptions—Cont'd

Determination and management of assets for eligibility, §§ **25:188 to 25:192, 25:208**

Homestead exemption, determination and management of assets for eligibility, §§ **25:188 to 25:192**

Preserving assets methods, §§ **25:260 to 25:262, 25:264**

Summary of exclusions from income, checklist, § **25:344**

Unmarketable assets or property, § **25:262**

Exercise

Other options, new assets, § **25:341**

Spousal refusal to support, preserving assets methods, § **25:317**

Expenses. Costs and expenses, above

Explanations, initial planning consultation, §§ **25:98 to 25:107, 25:112, 25:114 to 25:116**

Fair compensation, permitted transfers to reduce assets, § **25:234**

Fair market value return, installment contract for sale of asset value, § **25:195**

Family

Children, above

Consideration of family dynamics, initial planning consultation, § **25:111**

Department of Children and Families, above

Siblings, below

Spouses, below

Temporary aid for needy families, benefits, § **25:24**

Fees

Attorney's fees, initial planning consultation, § **25:112**

CCRC entrance fees, Deficit Reduction Act, § **25:15**

File suit against pensioner, qualified domestic relations order, § **25:149**

Financial matters

Disclosing financial records at initial interview, application process, §§ **25:60, 25:61**

Medical release form, § **25:350**

Foreign or sister states

Broader benefits in another state, explain disadvantages of Medicaid, § **25:105**

Homes in other states, determination and management of assets for eligibility, § **25:191**

Forms, §§ **1:57, 25:345 to 25:385**

Found assets, new assets, §§ **25:334, 25:335**

Fraud, power of state to penalize, §§ **25:73 to 25:80**

Funds and funding

Applicant is beneficiary of Totten trust, trust assets as available resources for Medicaid eligibility, § **25:211**

Pensions and retirement, below

Power of state to recover funds, §§ **25:73 to 25:80**

Supplementing Medicaid coverage with private funds, necessity for planning ICP Medicaid eligibility, § **25:88**

Trusts, below

Funeral contracts, spenddowns allowed, § **25:275**

MEDICAID—Cont'd

Further

Adjustments to income after eligibility established, **§ 25:161 et seq.**

Appeals, hearings, **§ 25:72**

Future interests, determination and management of assets for eligibility, **§ 25:178**

Gifts

Deficit Reduction Act, **§§ 25:5 to 25:8**

Ethical planning in gifting and other transactions, **§ 25:232**

Home preservation, **§§ 25:303, 25:304**

Permitted transfers to reduce assets, **§§ 25:240, 25:241, 25:243, 25:253**

Uncompensated transfer penalty, **§§ 25:218 to 25:232**

Give or giving

Caregivers, above

Gifts, uncompensated transfer penalty, **§§ 25:218 to 25:232**

Goals of client, initial planning consultation, **§§ 25:92 to 25:96**

Good faith effort to sell, determination and management of assets for eligibility, **§ 25:176**

Government agency assistance, calculating and managing income for eligibility, **§ 25:138**

Grandchildren

Countable investments benefiting grandchildren, preserving assets methods, **§ 25:279**

Permitted transfers to reduce assets, **§ 25:242**

Grounds for divorce, preserving assets methods, **§ 25:312**

Guardianship

Administration, planning, **§§ 28:204 to 28:207**

Assets subject to guardianship, determination and management of assets for eligibility, **§ 25:196**

Planning scenarios, **§§ 25:329 to 25:333**

Guideline for evaluating annuities, **§ 25:390**

Handicap. Disabled persons, above

Hardship

Exclusion, appeal to keep excess assets, **§ 25:264**

Waivers, Deficit Reduction Act, **§ 25:9**

HCBS (home and community based services), Supplemental Security Income-related programs, **§§ 25:28 to 25:34**

Health

Care, generally, **§§ 25:1 to 25:390**

Evaluation of client's health, initial planning consultation, **§ 25:109**

Management and protection of personal health information policy, form, **§ 25:354**

Hearings

Generally, **§§ 25:63 to 25:72**

Notice, **§§ 25:69, 25:362**

Qualified domestic relations order, methods for reducing excess income, **§ 25:151**

INDEX

MEDICAID—Cont'd

Heirs

Preserving inheritance for heirs, necessity for planning ICP Medicaid eligibility, **§ 25:89**

Probate avoidance by use of jointly owned property, life estate deed to convey title to heirs, **§§ 9:48, 9:55**

Higher taxes and expenses, initial planning consultation, **§ 25:95**

Home or homes

Effect of temporary absences from home on homestead exclusion, determination and management of assets for eligibility, **§ 25:189**

Equity conversions, determination and management of assets for eligibility, **§ 25:202**

Homestead, below

Intent to return home statement, form, **§ 25:348**

Nursing homes, below

Other states, determination and management of assets for eligibility, **§ 25:191**

Preserving assets methods, **§§ 25:301 to 25:310**

Purchase home, spenddowns allowed, **§ 25:269**

Services, Supplemental Security Income-related programs, **§§ 25:28 to 25:34**

Homestead

Equity rule, Deficit Reduction Act, **§ 25:14**

Exemption, determination and management of assets for eligibility, **§§ 25:188 to 25:192**

Permitted transfers to reduce assets, **§§ 25:236 to 25:239**

Husband and wife. Spouses, below

ICP (institutionalized care program). Programs, below

Identify client's needs and goals, initial planning consultation, **§§ 25:92 to 25:96**

Identity evidence, application process, **§ 25:59**

Immediate

Annuities, above

Impoverishment

Necessity for planning ICP Medicaid eligibility, **§§ 25:86, 25:87**

Spousal Impoverishment Act, determination and management of assets for eligibility, **§§ 25:166 to 25:170**

Inadequacy. Insufficiency, below

Inappropriateness of Medicaid benefits for wealthy clients, initial planning consultation, **§§ 25:93 to 25:95**

Income

Assignment of income

Form, **§ 25:369**

Permitted transfers to reduce assets, **§§ 25:248 to 25:252**

Calculating and managing income for eligibility, **§§ 25:122 to 25:142**

Community spouse income allowance. Allowances, above

Deficit Reduction Act, **§ 25:13**

Further adjustments to income after eligibility established, **§ 25:161 et seq.**

Income-only trust forms, **§§ 25:366 to 25:368**

Methods for reducing excess income, **§§ 25:143 to 25:160**

Minimum monthly maintenance income allowance, **§§ 25:141, 25:163**

MEDICAID—Cont'd

Income—Cont'd

 New assets, §§ 25:338 to 25:343

 Producing or production

 Avoidance by applicants of income producing investments, preserving assets methods, § 25:278

 Determination and management of assets for eligibility, § 25:193

 Essential income producing property, appeal to keep excess assets, § 25:265 Investments, § 25:278

 Qualified income trust, below

 Summary of income and exclusions from income, checklist, § 25:344

 Supplemental Security Income, below

 Uncompensated transfer penalty, §§ 25:218 to 25:232

Increase

 Community spouse resource allowance, determination and management of assets for eligibility, §§ 25:168, 25:169

 Look-back period, Deficit Reduction Act, § 25:6

Individual retirement accounts, determination and management of assets for eligibility, § 25:199

Ineligibility. Disqualification, above

Information

 Intake memorandum regarding Medicaid planning information, form, § 25:356

 Management and protection of personal health information policy, form, § 25:354

 Public assistance eligibility information sheet, form, § 25:347

 Qualified domestic relations order, methods for reducing excess income, § 25:146

 Scope of elder law, planning information form, § 1:57

Informed consent form, § 25:349

Infrequent income, calculating and managing income for eligibility, § 25:128

Inheritance

 Calculating and managing income for eligibility, § 25:129

 Preserving inheritance for heirs, necessity for planning ICP Medicaid eligibility, § 25:89

 Refusal to accept inheritance, uncompensated transfer penalty, § 25:225

Initial

 Interview, application process, §§ 25:60, 25:61

 Planning consultation, §§ 25:91 to 25:116

In-kind benefits, calculating and managing income for eligibility, § 25:137

Installment sales contracts, §§ 25:194, 25:195

Institutionalized

 Care program. Programs, below

 Spouses, below

Instructions on funding income-only trust, form, § 25:368

Insufficiency

 Community spouse resource allowance may be inadequate, necessity for planning ICP Medicaid eligibility, § 25:87

INDEX

MEDICAID—Cont'd

Insufficiency—Cont'd

 Medicare and insurance provide insufficient coverage, necessity for planning
 ICP Medicaid eligibility, §§ 25:82, 25:83

Insurance

 Life insurance, below

Proceeds

 Determination and management of assets for eligibility, § 25:180

 Life insurance proceeds, calculating and managing income for eligibility,
 § 25:133

Provides insufficient coverage, necessity for planning ICP Medicaid eligibility,
 §§ 25:82, 25:83

Intake

 Memorandum, form, § 25:356

 Procedure, initial planning consultation, §§ 25:108 to 25:116

Intent to return home statement, form, § 25:348

Interests

 Future interests, determination and management of assets for eligibility,
 § 25:178

 Life estates, below

 Limited partnership interest, preserving assets methods, § 25:288

 Remainder interest table, § 25:388

Intermediate care, administrative definitions, § 25:386

Interspousal transfers, permitted transfers to reduce assets, §§ 25:244, 25:245

Interview, application process, §§ 25:54 to 25:61

Investments

 Income investments, § 25:278

 Preserving assets methods, §§ 25:278 to 25:286, 25:288 to 25:300

Irregular income, calculating and managing income for eligibility, § 25:128

Irrevocable trust

 Form, § 25:370

 Permitted transfers to reduce assets, §§ 25:255 to 25:258

Items of personal property, determination and management of assets for eligibility, §§ 25:206, 25:207

Jointly owned property

 Bank accounts, determination and management of assets for eligibility,
 §§ 25:182 to 25:184

 Calculating and managing income for eligibility, § 25:126

 Probate avoidance by use of jointly owned property, life estate deed to convey
 title to heirs, §§ 9:48, 9:55

Keeping. Retention, below

Keogh plans, determination and management of assets for eligibility, § 25:199

Lack

 Cash-in value, immediate annuity as noncountable investment, § 25:284

 Market value, new assets, § 25:342

Land. Real property, below

Lawful alien status, declaration form, § 25:352

Laws. Statutes, below

MEDICAID—Cont'd

- Lawyers. Attorneys, above
- Letters, forms, §§ 25:357, 25:364, 25:383
- Level of care assessment, eligibility criteria for ICP Medicaid and Diversion program, §§ 25:118 to 25:120
- Life estates
 - Deeds
 - Forms, §§ 25:376, 25:380
 - Probate avoidance by use of jointly owned property, life estate deed to convey title to heirs, §§ 9:48, 9:55
 - Spouse, form, § 25:380
 - Determination and management of assets for eligibility, § 25:179
 - Forms, §§ 25:375, 25:376, 25:380
 - Home preservation, § 25:304
 - Interests
 - Forms, §§ 25:375, 25:376
 - Permitted transfers to reduce assets, §§ 25:241, 25:247
 - Preserving assets methods, §§ 25:289 to 25:295, 25:304
 - Purchase of life estate, §§ 25:289 to 25:295
 - Purchase of life estate deed or interest, §§ 25:375, 25:376
 - Sales, life estate deed or interest, §§ 25:295, 25:375, 25:376
 - Table, § 25:388
 - Life expectancy tables, § 25:387
- Life insurance
 - Cash value, determination and management of assets for eligibility, § 25:204
 - Death benefits, calculating and managing income for eligibility, § 25:133
 - Preserving assets methods, term life insurance, § 25:296
 - Proceeds, calculating and managing income for eligibility, § 25:133
- Limitations or restrictions
 - Choice of health care providers, explain disadvantages of Medicaid, § 25:101
 - Exceeding income cap causes disqualification, calculating and managing income for eligibility, §§ 25:122 to 25:124
 - Medical services, explain disadvantages of Medicaid, § 25:100
 - Number of Medicaid beds in nursing homes, explain disadvantages of Medicaid, § 25:102
 - Penalty period, uncompensated transfers, § 25:223
 - Time limit for request for hearing, § 25:66
 - Veterans' benefits, necessity for planning ICP Medicaid eligibility, § 25:84
- Limited partnership interest, preserving assets methods, § 25:288
- Liquid assets, determination and management of assets for eligibility, § 25:174
- Loans
 - Committal agreement forms, §§ 25:372, 25:374
- Local authorities, administration of Medicaid, § 25:22
- Location
 - Consider move closer to children or caregivers, initial planning consultation, § 25:97
- Long term
 - Care insurance, necessity for planning ICP Medicaid eligibility, § 25:83

INDEX

MEDICAID—Cont'd

Long term—Cont'd

 Diversion program and the transition to managed care, home and community based services, **§ 25:30**

Look-back period

 Increase to period, Deficit Reduction Act, **§ 25:6**

 Three-year period, initial planning consultation, **§ 25:113**

 Uncompensated transfer penalty, **§§ 25:219, 25:220**

Lost wedding or engagement ring replacement, spenddowns allowed, **§ 25:272**

Lots. Building lot, above

Maintenance

 Minimum monthly maintenance income allowance, **§§ 25:141, 25:163**

 Separate maintenance, petition and order forms, **§§ 25:359, 25:363**

Making gifts, uncompensated transfer penalty, **§§ 25:218 to 25:232**

Management

 Assets for eligibility, **§§ 25:166 to 25:208**

 Income for eligibility, **§§ 25:122 to 25:142**

 Managed care, **§§ 25:30, 25:44 to 25:46, 25:103**

 Personal health information policy, form, **§ 25:354**

Mandated recovery of funds procedures, **§§ 25:73 to 25:75**

Marital election share claims, **§§ 25:90, 25:325 to 25:328**

Market value

 Fair market value return, installment contract for sale of asset value, **§ 25:195**

 Show no market value, new assets, **§ 25:342**

Medicaid qualifying trust, trust assets as available resources for Medicaid eligibility, **§ 25:214**

Medical

 Care, generally, **§§ 25:1 to 25:390**

 Financial medical release form, **§ 25:350**

 Physician's statement of medically needy status, DCF Form 3008, **§ 25:385**

 Purchase medical equipment and devices, spenddowns allowed, **§ 25:276**

 Services limitations, explain disadvantages of Medicaid, **§ 25:100**

Medicare coverage, **§§ 25:82, 25:83, 25:115**

Methods

 Preserving assets, **§§ 25:259 to 25:333**

 Reducing excess income, **§§ 25:143 to 25:160**

Minimum

 Balance preferred, qualified income trust, **§ 25:159**

 Monthly maintenance income allowance, **§§ 25:141, 25:163**

Misconceptions, **§§ 25:16 to 25:21**

MMMIA (minimum monthly maintenance income allowance), **§§ 25:141, 25:163**

Modification. Amendment or change, above

Mortgages

 Reverse mortgages, determination and management of assets for eligibility, **§ 25:202**

Motor vehicles. Automobiles, above

Moving closer to children or caregivers, initial planning consultation, **§ 25:97**

MEDICAID—Cont'd

MQT (Medicaid qualifying trust), trust assets as available resources for Medicaid eligibility, **§ 25:214**

Necessity for planning ICP Medicaid eligibility, **§§ 25:81 to 25:90**

Need or needs

Identify client's needs, initial planning consultation, **§§ 25:92 to 25:96**

Personal needs allowance, further adjustments to income after eligibility established, **§ 25:162**

Physician's statement of medically needy status, DCF Form 3008, **§ 25:385**

Protective steps, home preservation, **§§ 25:302 to 25:310**

New assets, **§§ 25:334 to 25:343**

No cash-in value, immediate annuity as noncountable investment, **§ 25:284**

No market value, new assets, **§ 25:342**

Noncountable assets, preserving assets methods, **§§ 25:277, 25:278, 25:280 to 25:300**

Noninstitutionalized spouse, determination and management of assets for eligibility, **§§ 25:166 to 25:170**

Notes

Promissory notes, below

Self-canceling note form, **§ 25:371**

Notice

Hearings, **§§ 25:69, 25:362**

Spousal refusal to support, form, **§ 25:381**

Number or quantity. Amount, above

Nursing homes

Assessment of appropriate placement and level of care, eligibility criteria for ICP Medicaid and Diversion program, **§§ 25:119, 25:120**

Limitations on number of Medicaid beds in nursing homes, explain disadvantages of Medicaid, **§ 25:102**

OBRA '93 (Omnibus Budget Reconciliation Act of 1993), trust assets as available resources for Medicaid eligibility, **§§ 25:215 to 25:217**

Obtaining qualified domestic relations order, methods for reducing excess income, **§§ 25:145 to 25:151**

Omnibus Budget Reconciliation Act of 1993, trust assets as available resources for Medicaid eligibility, **§§ 25:215 to 25:217**

Only aged persons qualify for benefits, misconceptions, **§ 25:17**

Opportunities for pro bono publico services, misconceptions about role of attorney, **§ 25:21**

Options. Choices, above

Orders

Court ordered asset transfers for support or alimony, permitted transfers to reduce assets, **§ 25:245**

Letter enclosing order, form, **§ 25:364**

Qualified domestic relations order, below

Separate maintenance, form, **§ 25:363**

Other benefits. Benefit or benefits, above

Other states. Foreign or sister states, above

INDEX

MEDICAID—Cont'd

- Out-of-pocket payment, necessity for planning ICP Medicaid eligibility, **§§ 25:85 to 25:87**
- Own child, permitted transfers to reduce assets, **§ 25:235**
- Owners and ownership
 - Consequences for property owner, purchase of life estate deed, **§ 25:294**
 - Jointly owned property, above
- Patient's responsibility for certain costs, further adjustments to income after eligibility established, **§ 25:161**
- Payment or payments
 - Adding deductions back into certain payments, calculating and managing income for eligibility, **§ 25:127**
 - Comprehensive care available for private pay clients, initial planning consultation, **§ 25:94**
 - Cost of paying out-of-pocket, necessity for planning ICP Medicaid eligibility, **§§ 25:85 to 25:87**
 - Debts, spenddowns allowed, **§ 25:274**
 - Explain assignment of right to third party payment for medical care, initial planning consultation, **§ 25:114**
 - Prepay funeral and burial contracts, spenddowns allowed, **§ 25:275**
 - Qualified income trust, methods for reducing excess income, **§ 25:160**
 - State's right to proceed to bring support proceedings if spousal refusal community spouse wants to pay extras, preserving assets methods, **§ 25:324**
 - Vendor payments, calculating and managing income for eligibility, **§ 25:134**
 - Veterans Administration payments, calculating and managing income for eligibility, **§ 25:132**
- Payout term, purchase of annuities, **§ 25:227**
- Penalties
 - Change to penalty start date, Deficit Reduction Act, **§ 25:7**
 - Deficit Reduction Act, gifting, **§ 25:8**
 - Power of state to penalize fraud, **§§ 25:73 to 25:80**
 - Uncompensated transfer penalty, **§§ 25:218 to 25:232**
- Pensions and retirement
 - Determination and management of assets for eligibility, **§§ 25:198, 25:199**
 - Funds and funding
 - Determination and management of assets for eligibility, **§§ 25:198, 25:199**
 - Letter to pension fund, form, **§ 25:357**
 - Sale-leaseback, funds for retirement raised by using, **§ 13:50**
 - Spouse's right to pension funds under qualified domestic relations order, methods for reducing excess income, **§§ 25:144 to 25:151**
 - Letter to pension fund, form, **§ 25:357**
 - Spouse's right to pension funds under qualified domestic relations order, methods for reducing excess income, **§§ 25:144 to 25:151**
- Periods
 - Ineligibility period, uncompensated transfer penalty, **§§ 25:221 to 25:224**
 - Look-back period, above
- Permanent exclusion of unmarketable assets, preserving assets methods, **§ 25:262**

MEDICAID—Cont'd

- Permission. Consent, above
- Permitted. Allowed or permitted, above
- Personal belongings purchase, spenddowns allowed, **§ 25:271**
- Personal health information policy, management and protection form, **§ 25:354**
- Personal needs allowance, further adjustments to income after eligibility established, **§ 25:162**
- Personal property, determination and management of assets for eligibility, **§§ 25:205 to 25:207**
- Personal services contract, **§§ 25:297 to 25:300, 25:378**
- Petition for separate maintenance and domestic relations order, form, **§ 25:359**
- Physicians
 - Assessment of appropriate placement and level of care, eligibility criteria for ICP Medicaid and Diversion program, **§ 25:119**
 - Statement of medically needy status, DCF Form 3008, **§ 25:385**
- Place. Location, above
- Placement assessment, eligibility criteria for ICP Medicaid and Diversion program, **§§ 25:118 to 25:120**
- Plans and planning
 - Estate planning, above
 - Gifts not made for Medicaid planning, permitted transfers to reduce assets, **§ 25:253**
 - Guardianship administration, Medicaid planning, **§§ 28:204 to 28:207**
 - Initial planning consultation, **§§ 25:91 to 25:116**
 - Intake memorandum regarding Medicaid planning information, form, **§ 25:356**
 - Keogh plans, determination and management of assets for eligibility, **§ 25:199**
 - Reasons for Medicaid planning, **§§ 25:81 to 25:90**
 - Scope of elder law, planning information form, **§ 1:57**
- PNA (personal needs allowance), further adjustments to income after eligibility established, **§ 25:162**
- Policy
 - Management and protection of personal health information policy, form, **§ 25:354**
 - Public policy, Deficit Reduction Act, **§ 25:3**
- Pooled trusts
 - Assets as available resources for Medicaid eligibility, **§ 25:217**
 - Permitted transfers to reduce assets, **§ 25:242**
- Postnuptial agreement, guardianship, **§ 25:331**
- Power of state to recover funds and to penalize fraud, **§§ 25:73 to 25:80**
- Powers of attorney
 - Form, **§ 25:365**
 - Planning scenarios, **§§ 25:327, 25:328**
- Prepay funeral and burial contracts, spenddowns allowed, **§ 25:275**
- Preservation
 - Inheritance for heirs, necessity for planning ICP Medicaid eligibility, **§ 25:89**
 - Methods for preserving assets, **§§ 25:259 to 25:333**

INDEX

MEDICAID—Cont'd

Presumptions

Joint ownership of bank accounts, determination and management of assets for eligibility, **§ 25:184**

Permitted transfers to reduce assets, **§ 25:254**

Rebutting presumptions, **§§ 25:184, 25:254**

Price

Life estate deed purchase, preserving assets methods, **§ 25:290**

Services pursuant to personal service contract, preserving assets methods, **§ 25:298**

Private funds, supplementing Medicaid coverage with, **§ 25:88**

Private pay clients, comprehensive care available for, **§ 25:94**

Pro bono publico services, misconceptions about role of attorney, **§ 25:21**

Probate avoidance by use of jointly owned property, life estate deed to convey title to heirs, **§§ 9:48, 9:55**

Procedure

Intake procedure, initial planning consultation, **§§ 25:108 to 25:116**

Mandated recovery of funds procedures, **§§ 25:73 to 25:75**

Obtaining qualified domestic relations order, methods for reducing excess income, **§§ 25:145 to 25:151**

Purchase of life estate deed, preserving assets methods, **§ 25:291**

Proceedings. Actions and proceedings, above

Proceeds

Insurance, above

Sales, determination and management of assets for eligibility, **§§ 25:180, 25:190**

Process, application, **§§ 25:47 to 25:62**

Producing or production. Income, above

Program of All-Inclusive Care for the Elderly (PACE), **§ 25:35**

Programs

Institutionalized care program

Eligibility for Medicaid, **§§ 25:81 to 25:90**

Eligibility for Medicaid and Diversion program, **§§ 25:117 to 25:121**

Supplemental Security Income-related programs, benefits under public assistance programs, **§ 25:27**

Public assistance programs, **§§ 25:22 to 25:36**

Waiver program, assisted living facilities, **§ 23:73**

Project AIDS care, home and community based services, **§ 25:31**

Promissory notes

Determination and management of assets for eligibility, **§ 25:201**

Renewable promissory note form, **§ 25:373**

Prompt action, new assets, **§ 25:337**

Proof. Evidence, above

Property

Assets, above

Jointly owned property, above

Real property, below

Unmarketable assets or property, below

MEDICAID—Cont'd

Protection

 Need for protective steps, home preservation, §§ **25:302 to 25:310**

 Personal health information policy, form, § **25:354**

Providers

 Fraud, power of state to penalize, § **25:79**

 Limitations on choice of health care providers, explain disadvantages of Medicaid, § **25:101**

 Purchase of services pursuant to personal service contract, provider of service is taxed, § **25:299**

Public assistance

 Eligibility information sheet, form, § **25:347**

 Programs, §§ **25:22 to 25:36**

Public policy, Deficit Reduction Act, § **25:3**

Purchase

 Annuities, uncompensated transfer penalty, §§ **25:226, 25:227**

 Car, spenddowns allowed, § **25:273**

 Contracts, §§ **25:297 to 25:300, 25:375**

 Home or building lot, spenddowns allowed, § **25:269**

 Life estate, §§ **25:289 to 25:295**

 Life estate deed or interest, §§ **25:375, 25:376**

 Medical equipment and devices, spenddowns allowed, § **25:276**

 Personal belongings, spenddowns allowed, § **25:271**

 Services pursuant to personal service contract, preserving assets methods, §§ **25:297 to 25:300**

Purpose

 Hearings, §§ **25:63 to 25:72**

 Medicaid, § **25:1**

QDRO. Qualified domestic relations order, below

QIT. Qualified income trust, below

Qualification. Eligibility or qualification, above

Qualified

 Domestic relations order. Qualified domestic relations order, below

 Income trust. Qualified income trust, below

Qualified domestic relations order

 Methods for reducing excess income, §§ **25:143 to 25:151**

 Petition and order forms, §§ **25:359, 25:363**

Qualified income trust

 Creation, §§ **25:153, 25:339**

 Guardianship, Medicaid planning, § **28:205**

 Methods for reducing excess income, §§ **25:143, 25:152 to 25:160**

 New assets, § **25:339**

Quality of care, explain disadvantages of Medicaid, § **25:106**

Quantity or number. Amount, above

RAP (refugee assistance program), benefits, § **25:25**

Real property

 Deeds, above

 Determination and management of assets for eligibility, §§ **25:185 to 25:192**

INDEX

MEDICAID—Cont'd

- Reasons for Medicaid planning, **§§ 25:81 to 25:90**
- Rebutting presumptions, **§§ 25:184, 25:254**
- Receipt
 - Assets, assignment of income, **§§ 25:249 to 25:252**
 - Death of recipient. Death, above
 - Explain effect of receipt of Medicaid, initial planning consultation, **§§ 25:115, 25:116**
- Recovery of funds, power of state, **§§ 25:73 to 25:80**
- Rectifying transfers by returning gifts, uncompensated transfer penalty, **§ 25:224**
- Red tape, explain disadvantages of Medicaid, **§ 25:99**
- Reduction
 - Deficit Reduction Act, **§§ 25:2 to 25:15**
 - Methods for reducing excess income, **§§ 25:143 to 25:160**
 - Permitted transfers to reduce assets, **§§ 25:233 to 25:258**
- Refugee assistance program, benefits, **§ 25:25**
- Refurnishing, spenddowns allowed, **§ 25:271**
- Refusal
 - Accept inheritance, uncompensated transfer penalty, **§ 25:225**
 - Spousal refusal to support, **§§ 25:315 to 25:324, 25:381**
- Regulations changes, explain disadvantages of Medicaid, **§ 25:107**
- Reimburse state on death of Medicaid recipient, qualified income trust funds must be used to, **§ 25:155**
- Remainder interest table, **§ 25:388**
- Remodeling, spenddowns allowed, **§ 25:270**
- Renewable promissory note form, **§ 25:373**
- Rental
 - Income deductions are allowed, calculating and managing income for eligibility, **§ 25:136**
 - Property, purchase of life estate deed, **§ 25:295**
- Repairs, spenddowns allowed, **§ 25:270**
- Replacement of lost wedding or engagement ring, spenddowns allowed, **§ 25:272**
- Requests
 - Application packet, form, **§ 25:345**
 - Assistance, **§§ 25:47, 25:345**
 - Hearings, **§§ 25:64 to 25:67**
- Reservation of life use in gift, home preservation, **§ 25:304**
- Residency in Florida, application process, **§§ 25:56 to 25:58**
- Resources
 - Community spouse resource allowance. Allowances, above
 - Trust assets considered available resources, **§§ 25:209 to 25:217**
- Response form, **§ 25:361**
- Responsibilities
 - Patient's responsibility for certain costs, further adjustments to income after eligibility established, **§ 25:161**
 - Your rights and responsibilities, form, **§ 25:353**
- Restrictions. Limitations or restrictions, above

MEDICAID—Cont'd

Retainer agreement form, **§ 25:358**

Retention

Assets, above

Income above income cap, calculating and managing income for eligibility, **§ 25:124**

Life estate, permitted transfers to reduce assets, **§ 25:247**

Retirement. Pensions and retirement, above

Retroactivity, Deficit Reduction Act, **§ 25:8**

Return

Fair market value return, installment contract for sale of asset value, **§ 25:195**

Intent to return home statement, form, **§ 25:348**

Rectifying transfers by returning gifts, uncompensated transfer penalty, **§ 25:224**

Reverse mortgages, determination and management of assets for eligibility, **§ 25:202**

Review

Alternative living arrangements, initial planning consultation, **§ 25:96**

Appeal and review, above

Documents required for application, initial planning consultation, **§ 25:113**

RFA (request for assistance), **§§ 25:47, 25:345**

Rights

Assignment of right

Support, form, **§ 25:382**

Third party payment for medical care, initial planning consultation, **§ 25:114**

Explain assignment of right to third party payment for medical care, initial planning consultation, **§ 25:114**

Hearings, **§ 25:64**

Spouse's right to pension funds under qualified domestic relations order, methods for reducing excess income, **§§ 25:144 to 25:151**

State

Proceed to bring support proceedings, spousal refusal to support, **§§ 25:319 to 25:324**

Recover funds from third parties, **§ 25:75**

Your rights and responsibilities, form, **§ 25:353**

Role of attorney, misconceptions, **§§ 25:20, 25:21**

Rules

Deficit Reduction Act, **§§ 25:13, 25:14**

Safeguarding Medicaid continuance, new assets, **§§ 25:336, 25:337**

Sales

Contracts or agreements, above

Determination and management of assets for eligibility, **§§ 25:176, 25:180, 25:187, 25:190, 25:194, 25:195**

Effort to sell, above

Home preservation, **§§ 25:305, 25:306**

Life estate deed or interest, **§§ 25:295, 25:375, 25:376**

INDEX

MEDICAID—Cont'd

Sales—Cont'd

Proceeds of sales, determination and management of assets for eligibility, §§ **25:180, 25:190**

Purchase, above

Retirement funds raised by using sale-leaseback, § **13:50**

Temporary exclusion of assets being sold, preserving assets methods, § **25:261**

Same-sex marriage, effect on Medicaid eligibility, § **25:121**

Sanctions. Penalties, above

Scenarios

Worst case scenarios, spousal refusal to support, § **25:322**

SCIN (self-canceling note), form, § **25:371**

Scope of elder law, planning information form, § **1:57**

Self-canceling note, form, § **25:371**

Separate maintenance, petition and order forms, §§ **25:359, 25:363**

Services

Home and community based services, Supplemental Security Income-related programs, §§ **25:28 to 25:34**

Limitations on medical services, explain disadvantages of Medicaid, § **25:100**

Opportunities for pro bono publico services, misconceptions about role of attorney, § **25:21**

Personal services contract, §§ **25:297 to 25:300, 25:378**

Shelter costs, community spouse income allowance, § **25:165**

Show unavailability or no market value, new assets, § **25:342**

Siblings

Deed to sibling, home preservation, § **25:309**

Homestead, permitted transfers to reduce assets, § **25:239**

Signatory capabilities, initial planning consultation, § **25:110**

Single premium immediate annuities, Deficit Reduction Act, § **25:11**

Sister states. Foreign or sister states, above

Sisters. Siblings, above

Skilled care, administrative definitions, § **25:386**

SNT. Special needs trust, below

Social Security

Benefits, calculating and managing income for eligibility, § **25:131**

Number, application process, § **25:55**

Special needs trust

Creation, § **25:340**

Form, § **25:384**

Guardianship, Medicaid planning, § **28:207**

New assets, § **25:340**

Spenddowns, preserving assets methods, §§ **25:266 to 25:276**

SPIAs (single premium immediate annuities), Deficit Reduction Act, § **25:11**

Spinal cord and brain injury, home and community based services, § **25:34**

Spouses

Community spouse, above

Deed of life estate to spouse, form, § **25:380**

Determination and management of assets for eligibility, §§ **25:166 to 25:171**

MEDICAID—Cont'd

Spouses—Cont'd

 Divorce, above

 Estate planning, elective share of Medicaid spouse, **§§ 6:60 to 6:62**

 Explain effect of receipt of Medicaid on estate of first spouse to die, initial planning consultation, **§ 25:116**

 Institutionalized spouse

 Assets allowed, determination and management of assets for eligibility, **§ 25:171**

 Assignment of income, permitted transfers to reduce assets, **§§ 25:251, 25:252**

 Permitted transfers to reduce assets, **§§ 25:243 to 25:246, 25:250 to 25:252**

 Qualified domestic relations order, above

 Refusal to support, **§§ 25:315 to 25:324, 25:381**

 Spousal Impoverishment Act, determination and management of assets for eligibility, **§§ 25:166 to 25:170**

 Trust assets as available resources for Medicaid eligibility, **§§ 25:216, 25:217**

State

 Aged persons come to Florida to take advantage of Medicaid, misconceptions, **§ 25:18**

 Department of Children and Families, above

 Foreign or sister states, above

 Guardianship, planning scenarios, **§ 25:330**

 Power of state to recover funds and to penalize fraud, **§§ 25:73 to 25:80**

 Public assistance programs, **§§ 25:22 to 25:36**

 Qualified income trust, methods for reducing excess income, **§§ 25:154 to 25:156**

 Residency in Florida, application process, **§§ 25:56 to 25:58**

 Rights, above

Statements

 Intent to return home statement, form, **§ 25:348**

 Physician's statement of medically needy status, DCF Form 3008, **§ 25:385**

 Unusual item of personal property, determination and management of assets for eligibility, **§ 25:207**

Status

 Aliens, **§§ 25:53, 25:352**

 Physician's statement of medically needy status, DCF Form 3008, **§ 25:385**

Statutes

 Administrative definitions of intermediate care and skilled care, **§ 25:386**

 Changes, explain disadvantages of Medicaid, **§ 25:107**

 Deficit Reduction Act, **§§ 25:2 to 25:15**

 Omnibus Budget Reconciliation Act of 1993, trust assets as available resources for Medicaid eligibility, **§§ 25:215 to 25:217**

 Spousal Impoverishment Act, determination and management of assets for eligibility, **§§ 25:166 to 25:170**

 Stocks, determination and management of assets for eligibility, **§ 25:197**

 Substance of changes, Deficit Reduction Act, **§ 25:4**

 Sufficiency. Insufficiency, above

INDEX

MEDICAID—Cont'd

- Summary of income and exclusions from income, checklist, **§ 25:344**
- Summons form, **§ 25:360**
- Supervisory review of request for hearing, **§ 25:67**
- Supplemental Security Income
 - Aliens' eligibility, **§ 16:11**
 - Programs, benefits, **§§ 25:26 to 25:34**
- Supplementing Medicaid coverage with private funds, necessity for planning
 - ICP Medicaid eligibility, **§ 25:88**
- Support
 - Alimony, above
 - Assignment of right of support, form, **§ 25:382**
 - Calculating and managing income for eligibility, **§ 25:130**
 - Court ordered asset transfers, interspousal transfers, **§ 25:245**
 - Maintenance, above
 - Notice of spousal refusal to support, form, **§ 25:381**
 - Spousal refusal to support, **§§ 25:315 to 25:324, 25:381**
- Tables
 - Life estate and remainder interest table, **§ 25:388**
 - Life expectancy tables, **§ 25:387**
- Taking advantage of Medicaid, misconceptions, **§§ 25:18, 25:19**
- Tanf (temporary aid for needy families), benefits, **§ 25:24**
- Taxes
 - Higher taxes, initial planning consultation, **§ 25:95**
 - Immediate annuity as noncountable investment, preserving assets methods, **§ 25:285**
 - Provider of service is taxed, purchase of services pursuant to personal service contract, **§ 25:299**
- Temporary aid for needy families, benefits, **§ 25:24**
- Temporary matters
 - Absences
 - Effect of temporary absences from home on homestead exclusion, determination and management of assets for eligibility, **§ 25:189**
 - Residency in Florida, application process, **§ 25:58**
 - Exclusion of assets being sold, preserving assets methods, **§ 25:261**
- Term
 - Long term, above
 - Payout term, purchase of annuities, **§ 25:227**
- Term life insurance, preserving assets methods, **§ 25:296**
- Testamentary trusts, assets as available resources for Medicaid eligibility, **§ 25:212**
- Third parties
 - Equities of third party, spousal refusal to support, **§ 25:320**
 - Explain assignment of right to third party payment for medical care, initial planning consultation, **§ 25:114**
 - Gift to third party, home preservation, **§ 25:303**
 - Permitted transfers to reduce assets, **§§ 25:243, 25:246**
 - Power of state to recover funds, **§§ 25:75, 25:76**

MEDICAID—Cont'd

Third parties—Cont'd

Sale to third party, home preservation, **§ 25:306**

Trust assets as available resources for Medicaid eligibility, **§ 25:213**

Three-year look-back period, initial planning consultation, **§ 25:113**

Time or date

Application process, **§§ 25:48, 25:49**

Future interests, determination and management of assets for eligibility, **§ 25:178**

Gifting, Deficit Reduction Act, **§§ 25:6 to 25:8**

Immediate, above

Periods, above

Prompt action, new assets, **§ 25:337**

Request for hearing, **§ 25:66**

Temporary matters, above

Valuation of assets, determination and management of assets for eligibility, **§ 25:172**

Totten trust, assets as available resources for Medicaid eligibility, **§ 25:211**

Traditional single premium immediate annuities, Deficit Reduction Act, **§ 25:11**

Transfer penalty determination process, **§ 25:389**

Transfers

Allowed or permitted, above

Pursuant to divorce decree transfer of assets, preserving assets methods, **§ 25:313**

Uncompensated transfer penalty, **§§ 25:218 to 25:232**

Trusts

Available resources, trust assets as, **§§ 25:209 to 25:217**

Creation of trust

Qualified income trust, **§ 25:153**

Special needs trust, **§ 25:340**

Funding trusts

Instructions on funding income-only trust, form, **§ 25:368**

Qualified income trust, methods for reducing excess income, **§§ 25:155, 25:159**

Income-only trust, forms, **§§ 25:366 to 25:368**

Irrevocable trust, form, **§ 25:370**

Look-back period for uncompensated transfers to trusts, **§ 25:220**

Permitted transfers to reduce assets, **§§ 25:242, 25:255 to 25:258**

Pooled trusts, above

Qualified income trust, above

Special needs trust, above

Unavailability, new assets, **§ 25:342**

Uncompensated transfer penalty, **§§ 25:218 to 25:232**

Unconstitutional criminalization, power of state to penalize fraud, **§ 25:80**

Unlimited income, community spouse, **§ 25:140**

Unmarketable assets or property

Exclusions or exemptions, **§ 25:262**

Gifts, permitted transfers to reduce assets, **§ 25:240**

INDEX

MEDICAID—Cont'd

- Unmarketable assets or property—Cont'd
 - Permanent exclusion, preserving assets methods, **§ 25:262**
 - Real property, determination and management of assets for eligibility, **§ 25:187**
- Unusual value or items of personal property, determination and management of assets for eligibility, **§§ 25:206, 25:207**
- Use
 - Gift reserving life use, home preservation, **§ 25:304**
 - Investments used to convert assets to noncountable form, preserving assets methods, **§§ 25:278, 25:290, 25:300**
 - Qualified income trust funds must be used to reimburse state on death of Medicaid recipient, **§ 25:155**
 - Retirement funds raised by using sale-leaseback, **§ 13:50**
- Value and valuation
 - Determination and management of assets for eligibility, **§§ 25:172, 25:176, 25:177, 25:186, 25:192, 25:194, 25:195, 25:199, 25:204, 25:206**
 - Market value, above
 - No cash-in value, immediate annuity as noncountable investment, **§ 25:284**
- Vehicles
 - Automobiles, above
 - Determination and management of assets for eligibility, **§ 25:203**
- Vendor payments, calculating and managing income for eligibility, **§ 25:134**
- Veterans
 - Calculating and managing income for eligibility, Veterans Administration payments, **§ 25:132**
 - Limitations on veterans' benefits, necessity for planning ICP Medicaid eligibility, **§ 25:84**
- Waivers
 - Assisted living facilities, **§§ 23:73, 25:30, 25:104**
 - Hardship waivers, Deficit Reduction Act, **§ 25:9**
 - Public assistance programs, **§§ 25:41 to 25:43**
- Wealthy persons
 - Inappropriateness of Medicaid benefits for wealthy clients, initial planning consultation, **§§ 25:93 to 25:95**
 - Misconceptions, wealthy people take advantage of Medicaid, **§ 25:19**
 - Wedding ring replacement, spenddowns allowed, **§ 25:272**
 - Wife and husband. Spouses, above
- Wills
 - Form, **§ 25:384**
 - Testamentary trusts, assets as available resources for Medicaid eligibility, **§ 25:212**
- Withdrawals, joint bank accounts, **§ 25:183**
- Worst case scenarios, spousal refusal to support, **§ 25:322**
- Written consents, guardianship, **§ 25:332**
- Your rights and responsibilities, form, **§ 25:353**

MEDICAL CARE

- Health Care, this index

MEDICAL EXAMINATION

Anatomical gifts, donors, **§ 27:64**
Guardianship, restoration to capacity, **§ 28:213**

MEDICAL EXPENSES

Taxes and Taxation, this index

MEDICAL MATTERS

Advancements, dynamic nature of elder law, **§ 1:30**
Apparatus, Medicare Part B voluntary coverage, **§ 18:32**
Care. Health Care, this index
Examination. Medical Examination, this index
Examiners, harvesting of eyes and corneas for anatomical gifts, **§ 27:80**
Expenses. Medical Expenses, this index
Income tax deductions, **§ 18:126**
Information, ethical duties, **§ 3:12**
Medicaid, this index
Nursing Homes, this index
Reports, SSI and SSDI applications for benefits, **§ 16:63**

MEDICARE

Generally, **§§ 18:1 to 19:126**
Additional Part B benefits, **§ 18:47**
Advantages and disadvantages
Part C, Medicare advantage, **§§ 18:70 to 18:75**
Part D prescription drug plan, **§ 18:85**
Affordable Care Act provisions
Generally, **§§ 18:76 to 18:81**
Accountable care organizations, **§ 18:80**
Electronic Health Records, **§ 18:81**
Five Star bonus plan, **§ 18:79**
Physician quality reporting system, **§ 18:78**
Quality of care, **§ 18:76**
Age, eligibility, **§ 18:3**
Aid or assistance
Costs of at-home assistance, Medigap Plan D, **§ 18:100**
Hearing aids, Part B voluntary coverage, **§ 18:55**
All hospital gap expenses, Medigap Plan A, **§ 18:93**
Ambulance services, Part B voluntary coverage, **§ 18:31**
Amount
Benefits for skilled nursing facility, Part A hospital insurance benefits, **§ 18:17**
Extra coverage, standardized Medigap plans, **§ 18:107**
Only approved amounts are paid, cost cutting features, **§§ 18:63, 18:64**
Assignments limits fees, cost cutting features, **§ 18:64**
Assistance. Aid or assistance, above
Automobile accidents, Part B voluntary coverage, **§ 18:60**
Beneficiaries, eligibility, **§ 18:6**
Benefits
Generally, **§§ 18:7 to 18:89**

INDEX

MEDICARE—Cont'd

Benefits—Cont'd

Long term care insurance, **§ 24:31**

Part A hospital insurance benefits, below

Biologicals, Part B voluntary coverage, **§ 18:33**

Blood, Medigap Plan A, **§ 18:94**

Bone mass measurement, Part B voluntary coverage, **§ 18:45**

Cancer screening, Part B voluntary coverage, **§§ 18:42, 18:43**

Checkups, Part B voluntary coverage, **§ 18:52**

Claims

Part B voluntary coverage, **§§ 18:39, 18:69**

Processing of claims, **§§ 18:67 to 18:69**

Rural claims services, Part B voluntary coverage, **§ 18:39**

Coinsurance

Cost cutting features, **§ 18:66**

Medigap Plan A, **§§ 18:90, 18:91**

Part B coinsurance, Medigap Plan A, **§ 18:91**

Colorectal cancer screening, Part B voluntary coverage, **§ 18:43**

Coordinated care plans, Part C Medicare advantage, **§ 18:72**

Cosmetic surgery, Part B voluntary coverage, **§ 18:57**

Costs and expenses

All hospital gap expenses, Medigap Plan A, **§ 18:93**

At-home assistance, Medigap Plan D, **§ 18:100**

Cutting cost features, **§§ 18:62 to 18:66**

Outpatient hospital costs, Part B voluntary coverage, **§ 18:29**

Part D prescription drug plan, **§ 18:85**

Patient's expenses

Home health care, Part A hospital insurance benefits, **§ 18:22**

Hospice services, Part A hospital insurance benefits, **§ 18:25**

Inpatient hospital care, Part A hospital insurance benefits, **§ 18:12**

Part B voluntary coverage, **§§ 18:48 to 18:61**

Skilled nursing facility, Part A hospital insurance benefits, **§ 18:18**

Coverage

Diagnostic related groups limit coverage, cost cutting features, **§ 18:65**

Employer health plans, coverage under Medicare, **§§ 18:118 to 18:121**

Extra coverage, standardized Medigap plans, **§ 18:107**

Inpatient hospital care services, Part A hospital insurance benefits, **§ 18:11**

Medicaid, **§§ 25:82, 25:83, 25:115**

Part B voluntary coverage, below

Some Plan C coverage, Medigap Plan D, **§ 18:99**

Voluntary purchase of coverage, eligibility, **§ 18:5**

Cutting cost features, **§§ 18:62 to 18:66**

Deductibles

Cost cutting features, **§ 18:66**

Patient's deductible, Part B voluntary coverage, **§§ 18:48 to 18:61**

Definition of skilled, **§ 18:16**

Dentists, Part B voluntary coverage, **§ 18:54**

MEDICARE—Cont'd

- Diabetes monitoring, Part B voluntary coverage, **§ 18:44**
- Diagnostic related groups limit coverage, cost cutting features, **§ 18:65**
- Dialysis, Part B voluntary coverage, **§ 18:40**
- Disability
 - Eligibility, **§ 18:4**
 - Social Security Disability Insurance, **§ 16:58**
- Disadvantages. Advantages and disadvantages, above
- Diseases
 - Cancer screening, Part B voluntary coverage, **§§ 18:42, 18:43**
 - Diabetes monitoring, Part B voluntary coverage, **§ 18:44**
- Dressings, Part B voluntary coverage, **§ 18:37**
- DRGs (diagnostic related groups) limit coverage, cost cutting features, **§ 18:65**
- Drugs and medicines
 - Inpatient hospital care, Part A hospital insurance benefits, **§ 18:12**
 - Part B voluntary coverage, **§§ 18:33, 18:58**
 - Part D prescription drug plan, **§§ 18:82 to 18:86**
 - Self-administered drugs, Part B voluntary coverage, **§ 18:58**
- Durable medical apparatus, Part B voluntary coverage, **§ 18:32**
- Eligibility
 - Generally, **§§ 18:3 to 19:5**
 - Part B voluntary coverage, **§ 18:27**
 - Part C Medicare advantage, **§ 18:74**
 - Part D prescription drug plan, **§ 18:83**
- Employment matters
 - Coverage under Medicare, employer health plans, **§§ 18:118 to 18:121**
 - Part B voluntary coverage, **§§ 18:59, 18:61**
 - Workers' compensation, Part B voluntary coverage, **§ 18:59**
- Enrollment in plans, Part C Medicare advantage, **§ 18:74**
- Expenses. Costs and expenses, above
- Extra coverage, standardized Medigap plans, **§ 18:107**
- Eyeglasses, Part B voluntary coverage, **§ 18:53**
- Features of cost cutting, **§§ 18:62 to 18:66**
- Fees
 - Assignments limits fees, cost cutting features, **§ 18:64**
 - Private fee-for-service plan, Part C Medicare advantage, **§ 18:73**
- Free services, Part B voluntary coverage, **§ 18:49**
- Gaps. Medigap (Medicare supplement insurance), below
- Grievance procedures, Part C Medicare advantage, **§ 18:75**
- Health Maintenance Organizations, this index
- Hearing aids, Part B voluntary coverage, **§ 18:55**
- Home
 - Costs of at-home assistance, Medigap Plan D, **§ 18:100**
 - Health care, Part A hospital insurance benefits, **§§ 18:19 to 18:22**
- Hospice services, Part A hospital insurance benefits, **§§ 18:23 to 18:25**
- Hospitals
 - All hospital gap expenses, Medigap Plan A, **§ 18:93**

INDEX

MEDICARE—Cont'd

Hospitals—Cont'd

Outpatient hospital costs, Part B voluntary coverage, **§ 18:29**

Part A hospital insurance benefits, below

Immunizations, Part B voluntary coverage, **§ 18:56**

Inoculations, Part B voluntary coverage, **§ 18:41**

Inpatient hospital care, Part A hospital insurance benefits, **§§ 18:10 to 18:14**

Kidneys. Renal matters, below

Laboratory tests, Part B voluntary coverage, **§ 18:30**

Limitations

Assignments limits fees, cost cutting features, **§ 18:64**

Diagnostic related groups limit coverage, cost cutting features, **§ 18:65**

Long term care insurance, benefits, **§ 24:31**

Mammograms, Part B voluntary coverage, **§ 18:36**

Measurement of bone mass, Part B voluntary coverage, **§ 18:45**

Medicaid, coverage, **§§ 25:82, 25:83, 25:115**

Medicare + Choice program, **§§ 18:70 to 18:75**

Medicines. Drugs and medicines, above

Medigap (Medicare supplement insurance)

Generally, **§§ 18:82 to 19:109**

Mental health

Psychiatric hospital care, Part A hospital insurance benefits, **§ 18:14**

Services, Medigap Plan A, **§ 18:95**

Monitoring of diabetes, Part B voluntary coverage, **§ 18:44**

Only approved amounts are paid, cost cutting features, **§§ 18:63, 18:64**

Organizations

Health Maintenance Organizations, this index

Outpatient hospital costs, Part B voluntary coverage, **§ 18:29**

Pap smears, Part B voluntary coverage, **§ 18:36**

Part A hospital insurance benefits

Generally, **§§ 18:10 to 18:25, 18:68**

Employer health plans, coverage under Medicare, **§ 18:119**

Processing of claims, **§ 18:68**

Part B voluntary coverage

Generally, **§§ 18:26 to 19:46, 18:69**

Employer health plans, coverage under Medicare, **§ 18:120**

Medigap Plan A, Part B coinsurance and mental health services, **§ 18:95**

Processing of claims, **§ 18:69**

Part C Medicare advantage, **§§ 18:70 to 18:75**

Part D prescription drug plan, **§§ 18:82 to 18:86**

Patient Protection and Affordable Care Act, this index

Patient's

Deductible, Part B voluntary coverage, **§§ 18:48 to 18:61**

Expenses. Costs and expenses, above

Payments

Only approved amounts are paid, cost cutting features, **§§ 18:63, 18:64**

Part A hospital insurance benefits payments, employer health plans, **§ 18:119**

MEDICARE—Cont'd

Payments—Cont'd

Part B voluntary coverage payments, employer health plans, **§ 18:120**

Premium payments, Medigap select, **§ 18:109**

State payments for qualified Medicare beneficiaries and special low income Medicare beneficiaries, eligibility, **§ 18:6**

Periods of Part A hospital insurance benefits, **§ 18:9**

Physicians, Part B voluntary coverage, **§ 18:34**

Plans

A-J, standardized Medigap plans, **§§ 18:89 to 18:106**

Employee or employer health plans, **§§ 18:61, 18:118 to 18:121**

Part C Medicare advantage, **§§ 18:71 to 18:75**

Part D prescription drug plan, **§§ 18:82 to 18:86**

Standardized Medigap plans, **§§ 18:89 to 18:107**

Premiums

Cost cutting features, **§ 18:66**

Payments, Medigap select, **§ 18:109**

Prescription drug plan, Part D, **§§ 18:82 to 18:86**

Private fee-for-service plan, Part C Medicare advantage, **§ 18:73**

Procedure

Grievance procedures, Part C Medicare advantage, **§ 18:75**

Processing of claims, **§§ 18:68, 18:69**

Processing of claims, **§§ 18:67 to 18:69**

Prostate cancer screening, Part B voluntary coverage, **§ 18:42**

Prosthetic devices, Part B voluntary coverage, **§ 18:38**

Provided

Services provided by relatives, Part B voluntary coverage, **§ 18:50**

Psychiatric hospital care, Part A hospital insurance benefits, **§ 18:14**

Purchase of coverage voluntarily, eligibility, **§ 18:5**

QMBs (qualified Medicare beneficiaries), state payments, **§ 18:6**

Relatives providing services, Part B voluntary coverage, **§ 18:50**

Renal matters

Dialysis, Part B voluntary coverage, **§ 18:40**

Reserve-day coinsurance, Medigap Plan A, **§ 18:90**

Rural claims services, Part B voluntary coverage, **§ 18:39**

Screening for cancer, Part B voluntary coverage, **§§ 18:42, 18:43**

Self-administered drugs, Part B voluntary coverage, **§ 18:58**

Services

Abroad, Part B voluntary coverage, **§ 18:48**

Ambulance services, Part B voluntary coverage, **§ 18:31**

Covered services for inpatient hospital care, Part A hospital insurance benefits, **§ 18:11**

Free services, Part B voluntary coverage, **§ 18:49**

Health services required by war, Part B voluntary coverage, **§ 18:51**

Hospice services, Part A hospital insurance benefits, **§§ 18:23 to 18:25**

Mental health services, Medigap Plan A, **§ 18:95**

Private fee-for-service plan, Part C Medicare advantage, **§ 18:73**

Provided by relatives, Part B voluntary coverage, **§ 18:50**

INDEX

MEDICARE—Cont'd

Services—Cont'd

Rural claims services, Part B voluntary coverage, **§ 18:39**

Skilled nursing facility, Part A hospital insurance benefits, **§§ 18:15 to 18:18**

SLMBs (special low income Medicare beneficiaries), state payments, **§ 18:6**

SNF (skilled nursing facility), Part A hospital insurance benefits, **§§ 18:15 to 19:18**

Social Security Disability Insurance, **§ 16:58**

Some Plan C coverage, Medigap Plan D, **§ 18:99**

Special low income Medicare beneficiaries, state payments, **§ 18:6**

Splints, Part B voluntary coverage, **§ 18:37**

Standardized Medigap plans, **§§ 18:87 to 18:107**

State payments for qualified Medicare beneficiaries and special low income Medicare beneficiaries, eligibility, **§ 18:6**

Subsidies, Part D prescription drug plan, **§ 18:86**

Supplement insurance. Medigap (Medicare supplement insurance), above

Tax deductions, Medigap insurance, **§ 18:88**

Therapy, Part B voluntary coverage, **§ 18:35**

Types of plans, Part C Medicare advantage, **§§ 18:71 to 18:75**

Voluntary matters

Part B voluntary coverage, above

Purchase of coverage, eligibility, **§ 18:5**

War, Part B voluntary coverage, **§ 18:51**

Workers' compensation, Part B voluntary coverage, **§ 18:59**

X-rays, Part B voluntary coverage, **§§ 18:30, 18:36**

MEDICARE + CHOICE PROGRAM

Generally, **§§ 18:70 to 18:75**

MEDICINES AND MEDICATION

Drugs, Medicines and Medication, this index

MEDIGAP

Medicare, this index

MEMBERS

Board of Veterans' Appeals, veterans' benefits, **§ 15:99**

Family, this index

Group health insurance plans, **§ 18:122**

Guardianship, this index

MEMORANDA

Intake Memoranda, this index

Long term care insurance, form for memorandum for client, **§ 24:41**

Probate, this index

MENTAL HEALTH

Estate planning, mentally ill spouse, **§ 6:54**

Guardianship, mentally incapacitated persons, **§§ 28:40 to 28:42**

Medicare, this index

Referrals from attorney to mental health professionals, **§ 1:23**

METHODS

Medicaid, this index
Probate avoidance, §§ 8:1 to 8:5

MILITARY MATTERS

Powers of attorney, veterans' benefits, protective legislation, § 15:64
Service
Social Security benefits eligibility, § 14:11
Veterans, this index
Veterans, this index
War, this index

MINIMUM

Medicaid, this index

MINORS

Children or Minors, this index

MISCONCEPTIONS

Medicaid, §§ 25:16 to 25:21
Probate avoidance, reasons for and methods of misconceptions of clients, §§ 8:1 to 8:4

MISCONDUCT

Veterans' benefits, disability or death not due to willful misconduct, § 15:9

MISSING

Lost or Missing, this index

MMMIA (MINIMUM MONTHLY MAINTENANCE INCOME ALLOWANCE)

Medicaid, §§ 25:141, 25:163

MODIFICATION OR CHANGE

Amendment, Modification or Change, this index

MONEY

Cash or Money, this index

MONITORS AND MONITORING

Living trust advantages, care monitors can direct administration by trustee, § 10:43
Medicare Part B voluntary coverage, diabetes monitoring, § 18:44
Probate proceedings advantages, monitoring of personal representative, § 8:6

MONTGOMERY GI BILL

Veterans' Benefits, this index

MONTHLY MATTERS

Medicaid, minimum monthly maintenance income allowance, §§ 25:141, 25:163
Retirement funds raised by using reverse mortgages, monthly advances, §§ 13:18, 13:19, 13:31
Social Security benefits computation, average monthly earnings determination, § 14:20

INDEX

MOOD SWINGS OF CLIENT

Terminally ill client representation, **§ 4:4**

MORTGAGES

Existing mortgages, retirement funds raised by using reverse mortgages, **§ 13:26**

Guardianship administration, **§ 28:194**

Medicaid, this index

Powers of attorney, homestead, **§§ 26:37, 26:38**

Reverse mortgages

Medicaid, determination and management of assets for eligibility, **§ 25:202**

Retirement funds raised by using real property, **§§ 13:8 to 13:39**

MORTICIANS

Incapacity planning, **§ 21:29**

MOTION TO RECONSIDER

Veterans' benefits, appealing BVA decision, **§ 15:108**

MOTIVES

Guardian, ethics, **§ 28:21**

MOTOR HOME

Living trusts, pour-over will, **§ 10:177**

MOTOR VEHICLES

Ambulance services, Medicare Part B voluntary coverage, **§ 18:31**

Living Trusts, this index

Medicaid, this index

Medicare Part B voluntary coverage, accidents, **§ 18:60**

Veterans' benefits, disability benefits, **§ 15:20**

MOVEMENTS OF BODY

Abuse identification, **§ 5:19**

MOVING CLOSER TO CHILDREN OR CAREGIVERS

Medicaid, initial planning consultation, **§ 25:97**

MQT (MEDICAID QUALIFYING TRUST)

Trust assets as available resources for Medicaid eligibility, **§ 25:214**

MULTI-DIMENSIONAL APPROACH

Scope of elder law, **§§ 1:20 to 1:27**

MULTIPLE MATTERS

Attorneys in fact, **§§ 26:22 to 26:24**

Benefits, Social Security benefits limits, **§ 14:26**

Guardians, selection and qualifications, **§ 28:95**

Living Trusts, this index

Probate, this index

NAME, NAMED OR NAMING

Guardian named as personal representative, discharge of, **§ 28:237**

Individual retirement accounts, tax implications of naming spouse as beneficiary, **§ 14:120**

NAME, NAMED OR NAMING—Cont'd

Living trusts, assets to be placed in trust's name, **§§ 10:98 to 10:100**

NATURAL GUARDIANS

Generally, **§ 28:36**

NATURE

Dynamic nature of elder law, scope of elder law, **§§ 1:28 to 1:32**

Guardianship, this index

Intangible personal property taxes, **§ 17:3**

Living trusts, **§§ 10:5 to 10:38**

Probate, this index

NECESSARY GUARDIANSHIP

Generally, **§§ 28:13 to 28:15, 28:42 to 28:45**

NECESSITY FOR PLANNING

Medicaid eligibility, **§§ 25:81 to 25:90**

NEED OR NEEDS

Disabled heir planning, **§§ 11:2 to 11:6, 11:16 to 11:22, 11:25 to 11:30, 11:32**

Estate Planning, this index

Guardianship, this index

Incapacity planning, **§§ 21:8, 21:15 to 21:22**

Lifetime, this index

Medicaid, this index

Special Needs Trust, this index

Tax avoidance, need of donor for income, **§ 12:89**

NEGATIVE

Long term care insurance, **§ 24:40**

NEGLECT

Gay elders neglected, long term care facilities' regulation, **§ 23:5**

Prevention, **§§ 5:1 to 5:61**

NEGLIGENCE

Nursing homes, civil enforcement, **§ 23:20**

NEW ASSETS

Medicaid, **§§ 25:334 to 25:343**

NEW EVIDENCE

Veterans' benefits, appellate procedure, **§§ 15:87, 15:106**

NEW GUARDIAN OR GUARDIANSHIP

Guardianship, this index

NEW ISSUES

Veterans' benefits, appellate procedure, **§ 15:105**

NEW WAITS

Long term care insurance, waiting period, **§ 24:25**

INDEX

NEWLY DISCOVERED EVIDENCE

Veterans' benefits, appellate procedure, **§ 15:87**

NEWS RELEASES, STORIES AND LETTERS

Marketing, **§§ 1:46 to 1:48, 1:60 to 1:62**

NINETY-DAY RULE

Veterans' benefits, appellate procedure, **§§ 15:94 to 15:98**

NO CASH-IN VALUE

Medicaid, immediate annuity as noncountable investment, **§ 25:284**

NO CLOSURE

Living trust disadvantages, **§ 10:62**

NO GIFT FROM CLIENT

Conflicts of interest, ethical duties, **§ 3:5**

NO MARKET VALUE

Medicaid, new assets, **§ 25:342**

NO PENALTY FOR EARLY WITHDRAWAL OF CERTIFICATE

ACCOUNTS

Guardianship administration, **§ 28:178**

NO PROBATE

Types of probate proceedings, **§§ 8:26 to 8:30**

NO RETIREMENT PAY

Veterans' benefits, disability benefits, **§ 15:16**

NO WAITING PERIOD FOR COVERAGE

Employer health plans, **§ 18:114**

NOD (NOTICE OF DISAGREEMENT)

Veterans' benefits, timing of appeal, **§§ 15:78, 15:79**

NON-CANCELLATION

Long term care insurance, **§ 24:23**

NONCOUNTABLE ASSETS

Medicaid, preserving assets methods, **§§ 25:277, 25:278, 25:280 to 25:300**

NON-ELDER LAW GUARDIANSHIPS

Generally, **§ 28:35**

NONFINANCIAL SOCIAL SERVICE ASSISTANCE

Disabled heir planning, **§ 11:8**

NONINSTITUTIONALIZED SPOUSE

Medicaid, determination and management of assets for eligibility, **§§ 25:166 to 25:170**

NONJUDICIAL MODIFICATION

Living trusts, **§ 10:20**

NON-LINEAR BENEFICIARIES

Generation skipping transfer tax, **§ 12:40**

NON-MARRIAGE ARRANGEMENTS

Estate planning, marriage contracts, **§ 6:29**

NONPROBATE ASSETS

Wills, surviving spouse's elective share applicable to nonprobate assets, **§ 7:19**

NONPROFIT ORGANIZATION WORKERS

Social Security benefits eligibility, **§ 14:10**

NONRESIDENTS

Personal representatives for decedents' estates, **§ 7:36**

Probate proceedings, ancillary proceedings for nonresidents with assets in Florida, **§§ 8:77 to 8:80**

NONSERVICE-RELATED CAUSE OF DEATH

Veterans' benefits, survivor benefits, **§ 15:30**

NORMAL RETIREMENT AGE

Employee Retirement Income Security Act qualified plans, **§ 14:87**

NOTARIZATION OF AFFIDAVIT

Powers of attorney

Special notary, **§ 26:53**

Special notary, powers of attorney, **§ 26:53**

Will validity, **§ 7:11**

NOTES

Medicaid, this index

NOTICE

Advance health care directives, court enforcement, **§ 27:19**

Creditors, this index

Guardianship, this index

Living Trusts, this index

Long Term Care Ombudsman Council, **§ 23:10**

Medicaid, this index

Nursing home resident rights, notification of room change, **§ 23:24**

Powers of attorney, immunity of third party acting in good faith without notice, **§ 26:18**

Probate, this index

Service of notice

Guardianship, **§§ 28:115, 28:118, 28:224**

Veterans' Benefits, this index

NOVELTY

Guardian and attorney fees, **§ 28:250**

NOWHERE TO RUN

Abuse identification difficulties, **§ 5:12**

INDEX

NUMBER OR QUANTITY

Amount, this index

NUMBERS

Living trusts, notification to account holders to use EIN, **§ 10:154**

Medicaid application process, Social Security number, **§ 25:55**

NURSES AND NURSING

Assisted living facilities, extended congregate care services, **§ 23:62**

Homes. Nursing Homes, this index

Medicare Part A hospital insurance benefits, skilled nursing facility, **§§ 18:15 to 18:18**

Remain at home choice, nurses' aides, **§§ 22:5 to 22:7**

NURSING HOMES

Abuse prohibited, resident rights, **§ 23:29**

Access

Inspection reports of facility, resident rights, **§ 23:25**

Management, residents' access to health related services, **§ 23:47**

Others' access to resident, resident rights, **§ 23:31**

Activities, resident rights, **§ 23:34**

Administrator, management, **§ 23:44**

Attorney's fees, civil enforcement, **§§ 23:19, 23:20**

Beds

Limitations on number of Medicaid beds in nursing homes, **§ 25:102**

Reservations in event of hospitalization, resident rights, **§ 23:41**

Care

Health care services, resident rights, **§ 23:37**

Records, management, **§ 23:53**

Certified personnel required, management, **§ 23:52**

Choice

Civil enforcement, **§ 23:14**

Physician, resident rights, **§ 23:38**

Civil enforcement, **§§ 23:13 to 23:20**

Civil liberties, resident rights, **§ 23:26**

Communication, resident rights, **§ 23:30**

Comparisons, inspection, **§ 23:56**

Competition among hospitals, nursing homes and assisted living facilities, **§ 23:72**

Considerations of trial judge on punitive damages, medical malpractice, **§ 23:18**

Contracts with residents, management, **§ 23:54**

Definition of negligence, **§ 23:20**

Dignity, resident rights, **§ 23:28**

Discharge, resident rights, **§ 23:42**

Doctors. Physicians, below

Emergency

Medication kit, management, **§ 23:46**

Physician for emergency services, management, **§ 23:45**

Enforcement, civil, **§§ 23:13 to 23:20**

NURSING HOMES—Cont'd

Fees

Attorney's fees, civil enforcement, §§ **23:19, 23:20**

Living trust advantages, § **10:51**

Financial affairs, resident rights, § **23:35**

Food service, management, § **23:49**

Grievances, resident rights, § **23:32**

Groups, resident rights, § **23:33**

Health

Management, residents' access to health related services, § **23:47**

Rights of residents, health care services, § **23:37**

Hours for visiting, resident rights, § **23:30**

Incapacity planning, supervision of client in nursing home, § **21:21**

Information concerning resident's medical condition, resident rights, § **23:39**

Inspection, §§ **23:25, 23:56**

Insurance for long term care, §§ **24:6, 24:26**

Kit for emergency medication, management, § **23:46**

Licensing, §§ **23:12 to 23:56**

Limitations on punitive damages, medical malpractice, § **23:17**

Living trust advantages, fees, § **10:51**

Management, §§ **23:43 to 23:54**

Medicaid, this index

Medical

Information concerning resident's medical condition, resident rights, § **23:39**

Malpractice, §§ **23:16 to 23:18**

Negligence, civil enforcement, § **23:20**

Notification of room change, resident rights, § **23:24**

Operation, §§ **23:12 to 23:56**

Personnel records, management, §§ **23:51, 23:52**

Physicians

Choice of physician, resident rights, § **23:38**

Regular and emergency services, management, § **23:45**

Possessions, resident rights, § **23:36**

Powers of attorney, applying for admission, § **26:47**

Privacy, resident rights, § **23:27**

Prohibition

Abuse prohibited, resident rights, § **23:29**

Facility acting as trustee, §§ **23:55, 23:56**

Punitive damages, medical malpractice, §§ **23:17, 23:18**

Records, management, §§ **23:50 to 23:53**

Refusal of treatment, resident rights, § **23:40**

Regular services physician, management, § **23:45**

Regulation, §§ **23:1 to 23:56, 23:72**

Regulations, resident rights, § **23:23**

Religious liberties, resident rights, § **23:26**

Remedy, statutory, § **23:15**

INDEX

NURSING HOMES—Cont'd

Residents

- Access to health related services, management, § **23:47**
- Contracts with residents, management, § **23:54**
- Rights, §§ **23:22 to 23:42**
- Rights of residents, §§ **23:22 to 23:42**
- Room change notification, resident rights, § **23:24**
- Rules, resident rights, § **23:23**
- Safe premises, management, § **23:48**
- Sanitary premises, management, § **23:48**
- Services
 - Access by residents to health related services, management, § **23:47**
 - Food service, management, § **23:49**
 - Health care services, resident rights, § **23:37**
 - Physician for regular and emergency services, management, § **23:45**
 - Resident rights, generally, § **23:34**
- Statutory remedy, § **23:15**
- Supplemental Security Income, in-kind support and maintenance, § **16:27**
- Third persons' access to resident, resident rights, § **23:31**
- Transfer, resident rights, § **23:42**
- Treatment
 - Records, management, § **23:53**
 - Refusal of treatment, resident rights, § **23:40**
- Trustee, prohibition against facility acting as, §§ **23:55, 23:56**
- Veterans' Benefits, this index
- Visiting hours, resident rights, § **23:30**
- Woes of nursing homes, § **23:3**

OATH

- Guardian, procedure, § **28:111**
- Witness, will form, § **7:52**

OBJECTIONS

- Guardian resignation and appointment of successor, § **28:225**
- Probate proceedings, formal administration, §§ **8:43, 8:44**

OBRA '93 (OMNIBUS BUDGET RECONCILIATION ACT OF 1993)

- Medicaid, trust assets as available resources for eligibility, §§ **25:215 to 25:217**

OFFENSES

- Crimes and Criminal Matters, this index

OFFICE OF FINANCIAL REGULATION

- Abuse and neglect statutes, §§ **5:53 to 5:55**

OFFICE PRACTICE TIPS

- Scope of elder law, §§ **1:33 to 1:43**

OFFICES

- Veterans' benefits, appellate procedure, §§ **15:69, 15:80, 15:92**

OLDER AMERICANS ACT

Generally, §§ 20:1 to 20:5

OMBUDSMAN

Long Term Care Ombudsman Council, §§ 23:6 to 23:11

OMISSIONS

Intangible personal property taxes, § 17:17

OMNIBUS BUDGET RECONCILIATION ACT OF 1993

Medicaid, trust assets as available resources for eligibility, §§ 25:215 to 25:217

ONE-THIRD REDUCTION OF BENEFITS

Supplemental Security Income, in-kind support and maintenance, §§ 16:24 to 16:27

OPERATION OR OPERATIONS

Assisted living facilities, standards, § 23:58

Nursing homes, §§ 23:12 to 23:56

Powers of attorney, managing business operations, § 26:42

OPINION

Estate planning, checklist for letter to doctor asking for competency opinion, § 6:87

OPPORTUNITIES FOR PRO BONO PUBLICO SERVICES

Medicaid, misconceptions about role of attorney, § 25:21

OPTION

Choice or Option, this index

ORDERS

Contribution, §§ 6:48 to 6:50, 7:32

Do not resuscitate orders, §§ 27:24, 27:54 to 27:59, 27:92

Guardianship, this index

Medicaid, this index

Personal representatives for decedents' estates, § 7:32

Probate, this index

Qualified Domestic Relations Order, this index

Veterans' benefits, appealable orders, § 15:101

Wills, appointment of commissioner form, § 7:51

ORGAN DONATION

Anatomical Gifts, this index

ORGANIZATIONS

Health Maintenance Organizations, this index

Medicare, this index

Peer Review Organization, this index

Role of community organizations, planning for lifetime needs of elderly client, § 1:17

Social Security benefits eligibility, nonprofit organization workers, § 14:10

INDEX

ORGANIZING CARE MANAGEMENT

Powers of attorney, **§ 26:46**

ORIGINAL WILL

Probate, this index

OSS (OPTIONAL STATE SUPPLEMENTATION)

Public assistance programs, **§§ 25:37 to 25:39**

OTHER BENEFITS

Medicaid, this index

OTHER EMPLOYMENT PRECLUSION

Guardian and attorney fees, **§ 28:251**

OTHER HEIRS

Intestate estate shares, **§ 7:16**

OTHER INTERESTS

Estate planning, elective share, **§ 6:41**

OTHER SERVICE OF NOTICE

Guardianship, procedure, **§ 28:115**

OTHER STATES

Foreign and Sister States, this index

OTHER WORK AVAILABILITY

Social Security Disability Insurance, disability eligibility, **§ 16:49**

OTHERS IN NEED

Estate planning, elective share right dangers, **§ 6:58**

OUT-OF-POCKET PAYMENT

Medicaid, necessity for planning, **§§ 25:85 to 25:87**

OUTPATIENT

Hospital costs, Medicare Part B voluntary coverage, **§ 18:29**

Treatment, veterans' health care benefits, **§§ 15:50 to 15:60**

OUTRIGHT

Bequest, disabled heir planning, **§ 11:14**

OUTWARD SIGNS OF ABUSE

Identification, **§§ 5:14 to 5:25**

OVERALL GOAL

Guardian selection, **§ 28:75**

OVERSIGHT

Living trust agreement, proper execution, **§ 10:93**

Probate proceedings, mechanisms to monitor personal representative, **§ 8:6**

OWN CHILD

Medicaid, permitted transfers to reduce assets, **§ 25:235**

OWNERS AND OWNERSHIP

- Jointly Owned Property, this index
- Living trusts, marshaling solely owned assets, **§ 10:133**
- Medicaid, this index
- Tax avoidance, relinquishment of all incidents of ownership by settlor of life insurance trust, **§ 12:129**

PACKET

- Medicaid application packet, request form, **§ 25:345**

PALIMONY CONTRACT

- Estate planning, checklist, **§ 6:86**

PALLIATIVE CARE

- Living wills, **§§ 27:38 to 27:41**

PANEL

- Living Trusts, this index

PAP SMEARS

- Medicare Part B voluntary coverage, **§ 18:36**

PAPER CHILDREN

- Referrals from attorney, multi-dimensional approach, **§ 1:24**

PAPER MARRIAGES

- Estate planning, elective share right dangers, **§ 6:53**

PAPERS

- Personal representatives for decedents' estates, approving papers, **§ 7:29**

PARENTS

- Children or Minors, this index
- Railroad retirement pension benefits post mortem, **§ 14:52**
- Social Security benefits eligibility, **§ 14:18**
- Supplemental Security Income, deemed income, **§ 16:29**
- Veterans' benefits, survivor benefits, **§ 15:33**

PART A

- Medicare, this index

PART B

- Medicare, this index

PART C

- Medicare, **§§ 18:70 to 18:75**

PART D

- Medicare, prescription drug plan, **§§ 18:82 to 18:86**

PARTIAL APPEAL

- Veterans' benefits, basis of appeal, **§ 15:75**

PARTIES

- Living trusts, **§§ 10:9 to 10:12**

INDEX

PARTIES—Cont'd

Standing, this index

PARTNERSHIP

Medicaid, limited partnership interest, **§ 25:288**

PARTNERSHIP POLICIES

Long term care insurance, **§§ 24:8, 24:9**

PARTS OF BODY NOT GIFTED

Custody of, **§ 27:78**

PATIENTS

Advance health care directives, **§§ 27:1 to 27:27**

Assisted living facilities, caring for patients with Alzheimer's disease, **§ 23:67**

Condition of patient

Advance health care directives, **§§ 27:3 to 27:10**

Living wills, **§§ 27:30, 27:33**

Costs or expenses

Medicaid, further adjustments to income after eligibility established, **§ 25:161**

Medicare, this index

Deductible, Medicare Part B voluntary coverage, **§§ 18:48 to 18:61**

Living wills, **§§ 27:30, 27:33, 27:42**

Medicare, this index

Outpatient, this index

PAYMENT OR PAYMENTS

Creditors, this index

Employer health plans, coverage under Medicare and group plan, **§§ 18:118 to 18:121**

Estate planning, elective share, **§ 6:36**

Guardianship, this index

Living Trusts, this index

Medicaid, this index

Medicare, this index

Payout, this index

Powers of attorney, restrict payments of legal obligations of others, **§ 26:40**

Prepayment, this index

Probate, this index

Social Security benefits, **§ 14:33**

Taxes and Taxation, this index

Veterans' Benefits, this index

PAYOUT

Tax avoidance, qualified personal residence trusts, **§ 12:195**

PAYORS PROTECTION

Estate planning, elective share, **§ 6:42**

PAYOUT

Rates. Taxes and Taxation, this index

Term, Medicaid, **§ 25:227**

PENALTIES OR SANCTIONS

- Abuse, neglect and exploitation reporting statutes, **§§ 5:43 to 5:47, 5:50**
- Advance health care directives, health care facility's interference with patient's rights, **§ 27:15**
- Crimes and Criminal Matters, this index
- Guardianship, no penalty for early withdrawal of certificate accounts, **§ 28:178**
- Intangible personal property taxes, **§§ 17:14, 17:16, 17:17**
- Long Term Care Ombudsman Council, interference, **§ 23:11**
- Medicaid, this index

PENSIONS AND RETIREMENT

- Accounts
 - Individual Retirement Accounts, this index
 - Probate avoidance by use of jointly owned property, **§ 9:27**
- Continuance of coverage after retirement, employer health plans, **§ 18:117**
- Early retirement
 - Employee Retirement Income Security Act qualified plans, **§ 14:88**
 - Social Security benefits limits, **§ 14:27**
- Federal civil service retirement programs, **§§ 14:54 to 14:75**
- Funding retirement, **§§ 13:1 to 13:52**
- Individual Retirement Accounts, this index
- Medicaid, this index
- Private pensions, **§§ 14:37 to 14:128**
- Probate avoidance by use of jointly owned property, retirement accounts, **§ 9:27**
- Railroad retirement pensions, **§§ 14:37 to 14:53**
- Residential settings, continuing care retirement communities, **§ 22:16**
- Social Security, **§§ 14:1 to 14:36**
- Taxes and Taxation, this index
- Veterans' Benefits, this index

PERFORMANCE

- Americans with Disabilities Act, limited performance of major life activities, **§ 19:4**

PERIODS

- Medicaid, this index
- Medicare Part A hospital insurance benefits, **§ 18:9**
- Tax avoidance, income, **§ 12:154**
- Veterans' Benefits, this index
- Waiting Period, this index

PERMANENT EXCLUSION OF UNMARKETABLE ASSETS

- Medicaid, preserving assets methods, **§ 25:262**

PERMANENTLY DISABLED PERSONS

- Real property tax exemption, **§§ 17:33, 17:34**

PERMISSION

- Consent, this index

INDEX

PERMITTED OR ALLOWED

Allowed or Permitted, this index

PERPETUITIES, RULE AGAINST

Living trusts, administration, **§ 10:163**

PERSIAN GULF WAR

Veterans' Benefits, this index

PERSISTENT VEGETATIVE STATE

Advance health care directives, **§ 27:6**

PERSON

Guardian of the, **§ 28:46**

PERSONAL BELONGINGS PURCHASE

Medicaid, spenddowns allowed, **§ 25:271**

PERSONAL HEALTH INFORMATION POLICY

Medicaid, management and protection form, **§ 25:354**

PERSONAL HEARINGS

Veterans' benefits, appellate procedure, **§§ 15:91 to 15:93**

PERSONAL LIABILITY

Guardian, limitations, **§ 28:209**

PERSONAL NEEDS ALLOWANCE

Medicaid, further adjustments to income after eligibility established, **§ 25:162**

PERSONAL PROPERTY

Intangible taxes, **§§ 17:2 to 17:18**

Living Trusts, this index

Medicaid, determination and management of assets for eligibility, **§§ 25:205 to 25:207**

PERSONAL REPRESENTATIVES

Acknowledgment

Fla Stat. 733.617(8)(a), **§ 7:55**

Acknowledgment, pursuant to Florida Statutes, section Fla Stat. 733.617(8)(a),
§ 7:55

Appointment

Probate proceedings, order form, **§ 8:95**

Testate and intestate estates, **§§ 7:39 to 7:41**

Attorneys as personal representatives, **§§ 7:37, 7:44, 7:54**

Bonds

Generally, **§ 7:28**

Probate proceedings, **§ 8:63**

Decedents' estates, generally, **§§ 7:24 to 7:45**

Duties

Generally, **§§ 7:24 to 7:33**

Estate planning, elective share, **§ 6:49**

Estate planning and elective share, duties, **§ 6:49**

PERSONAL REPRESENTATIVES—Cont'd

Guardianship, this index
Intangible personal property tax rate, **§ 17:8**
Probate, this index
Wills, **§§ 7:24 to 7:45**

PERSONAL RESIDENCE TRUSTS

Tax avoidance, **§§ 12:183 to 12:197**

PERSONAL SECURITY

Incapacity planning, **§§ 21:3 to 21:22**

PERSONAL SERVICES

Contract, Medicaid, **§§ 25:297 to 25:300, 25:378**
Gift tax exclusion, **§ 12:24**

PERSONAL SUPPORT MECHANISMS

Abuse and neglect prevention, **§ 5:40**

PERSONNEL

Employment, Jobs or Work, this index

PETITIONERS

Guardianship incapacity hearing, petitioner's attorney's presentation, **§ 28:138**
Probate, this index

PETITIONS

Advance health care directives, court enforcement, **§ 27:18**
Disabled heir planning forms, creation of special needs trust, **§§ 11:28 to 11:30**
Guardianship, this index
Medicaid, separate maintenance and domestic relations order, **§ 25:359**
Petitioners, this index
Probate, this index
Will, form for petition to appoint commissioner, **§ 7:49**

PHARMACY SERVICES

Veterans' benefits, outpatient treatment health care benefits, **§ 15:93**

PHASES

SSI and SSDI, appealing denial or suspension of benefits, **§§ 16:68 to 16:72**

PHRASES AND WORDS

Definitions, this index

PHYSICAL ABUSE

Prevention, **§ 5:2**

PHYSICAL ENVIRONMENT

Assisted living facilities, extended congregate care services, **§ 23:60**

PHYSICALLY INCAPACITATED PERSONS

Guardianship, **§§ 28:40 to 28:42**

PHYSICIANS

Anatomical gifts, attending physician, **§ 27:70**

INDEX

PHYSICIANS—Cont'd

- Estate planning, checklists for letters, §§ 6:87, 6:88
- Gerontologists, this index
- Guardianship, certificate of licensed physician, §§ 28:120, 28:275
- Medicaid, this index
- Medicare Part B voluntary coverage, § 18:34
- Nursing Homes, this index
- Patient Protection and Affordable Care Act, this index
- Residential setting choice, access to physicians' services, § 22:2
- Springing power of attorney, form for affidavit to invoke use of, § 26:55

PIA (PRIMARY INSURANCE AMOUNT) DETERMINATION

- Social Security benefits computation, § 14:21

PLACE

- Location, this index

PLACEMENT

- Advance health care directives, guardian's decision, § 27:23
- Living trusts, assets to be placed in trust's name, §§ 10:98 to 10:100
- Medicaid eligibility criteria, assessment, §§ 25:118 to 25:120

PLANS AND PLANNING

- Defined benefit plans. Benefit or Benefits, this index
- Defined contribution plans. Contributions, this index
- Disability or Handicap, this index
- Employee Retirement Income Security Act, §§ 14:76 to 14:96
- Estate Planning, this index
- Federal civil service retirement programs, §§ 14:57 to 14:75
- Federal Employee Retirement System Plan, §§ 14:69 to 14:75
- Financial planning, scope of elder law, § 1:11
- Funeral plans, terminally ill client representation, § 4:8
- Guardianship, this index
- Health, this index
- Incapacity, this index
- Lifetime needs of elderly client, scope of elder law, §§ 1:15 to 1:17
- Medicaid, this index
- Medicare, this index
- Private employment retirement and pension plans, §§ 14:76 to 14:97
- Retirement funding, preplanning, § 13:52
- Supplemental Security Income, work expenses incurred by blind person under SSA plan to achieve self-support (PASS), § 16:18
- Taxes and Taxation, this index

PLEADINGS

- Guardianship, this index

PLENARY GUARDIANSHIPS

- Guardianship, this index

PNA (PERSONAL NEEDS ALLOWANCE)

Medicaid, further adjustments to income after eligibility established, **§ 25:162**

POINT OF APPOINTMENT OF GUARDIAN HEARING

Generally, **§ 28:153**

POLICIES OF INSURANCE

Long term care insurance, **§§ 24:7, 24:20 to 24:39**

POLICY

Living trust advantages, advisory panel can dictate investment policy, **§ 10:44**

Medicaid, this index

POOLED TRUSTS

Disabled heir planning, **§ 11:23**

Medicaid, this index

POOLING FUNDS

Disabled heir planning, **§ 11:3**

PORTABILITY

Living wills, HIPAA, **§ 27:37**

Real property taxes, portability of “Save our Homes” protection in “Super Homestead,” **§ 17:38**

POSSESSION GIVEN UP

Estate planning, elective share avoidance, **§ 6:70**

POSSESSIONS

Nursing home resident rights, **§ 23:36**

POSSIBLE HEIRS IDENTIFICATION

Estate planning, client interview and unified planning, **§§ 6:16, 6:17**

POST MORTEM

Access to funds, probate avoidance by use of jointly owned property, **§ 9:11**

Living trust administration, **§§ 10:130 to 10:171**

Needs, estate planning, **§ 6:10**

Railroad retirement pension benefits, **§§ 14:49 to 14:53**

Transfers, applicability of transfer taxes, **§ 12:3**

POSTING

Guardianship, deposit of unclaimed funds, **§ 28:240**

POSTNUPTIAL AGREEMENTS

Estate Planning, this index

Medicaid, guardianship, **§ 25:331**

POST-RETIREMENT CONTINUANCE OF COVERAGE

Employer health plans, **§ 18:117**

POUR-OVER WILL

Living trusts, **§§ 10:175 to 10:180, 10:193**

Sample, **§ 10:193**

INDEX

POWER AND AUTHORITY

Authority or Power, this index

POWER OF APPOINTMENT

Estate planning, elective share avoidance, **§ 6:71**

Taxes and Taxation, this index

POWERS OF ATTORNEY

Generally, **§§ 26:1 to 26:56**

Abuse and neglect prevention, **§ 5:38**

Acceptance, time limits and statutory protocol for, **§ 26:20**

Admission to nursing home or assisted living facility application, extraordinary powers, **§ 26:47**

Affidavits

Physician's affidavit to invoke use of springing power of attorney, form, **§ 26:55**

Standing, reliance by third parties, **§ 26:17**

Statutory form of affidavit of attorney in fact, **§ 26:52**

Viability, **§ 26:9**

Applications, extraordinary powers, **§§ 26:43, 26:44, 26:47**

Assignment of rights of support, **§ 26:50**

Assisted living facility, applying for admission, **§ 26:47**

Attorney's fees, **§ 26:26**

Authorized powers, generally, **§§ 26:27 to 26:36**

Banking transactions, authorized powers, **§ 26:32**

Benefits

Applying for insurance benefits, extraordinary powers, **§ 26:44**

Veterans' benefits, protective legislation, **§ 15:64**

Care

Health care decisions, **§§ 26:14, 26:48**

Organizing care management, extraordinary powers, **§ 26:46**

Combined living will, health care surrogate and power of attorney form, **§ 27:91**

Contracts. Agreements, above

Convey homestead, **§§ 26:37, 26:38**

Death

Attorney in fact, multiple attorneys in fact, **§ 26:24**

Principal, termination, **§ 26:12**

Decisions, health care, **§§ 26:14, 26:48**

Dissent, multiple attorneys in fact, **§ 26:23**

Durable power of attorney

Generally, **§§ 26:5 to 26:25**

Form, **§§ 10:194, 27:96, 27:97**

Living trusts, form, **§ 10:194**

Requisites, accountings and disclosures, **§ 26:31**

Special notary, **§ 26:53**

Effect

Death of principal, termination, **§ 26:12**

Incompetency proceedings, termination, **§§ 26:13, 26:14**

POWERS OF ATTORNEY—Cont'd

Eligibility

Attorney in fact, **§ 26:10**

Principals, **§ 26:3**

Escrow agreement to hold power of attorney, form, **§ 26:54**

Estate planning authority, **§§ 26:34 to 26:36**

Evidence of incapacity, springing powers of attorney, **§ 26:8**

Exercise

Fiduciary powers, extraordinary powers, **§ 26:45**

Powers of attorney, **§§ 26:1 to 26:26**

Exploitation, protection against, **§ 26:35**

Extraordinary powers, **§§ 26:41 to 26:49**

Fees, **§ 26:26**

Fiduciary duties and powers, **§ 26:45**

Forms, **§§ 26:4, 26:51 to 26:56, 27:91**

Special notary, **§ 26:53**

Gifting powers, **§ 26:36**

Guardianship alternatives, **§ 28:26**

Handling tax matters, extraordinary powers, **§ 26:41**

Health care decisions, **§§ 26:14, 26:48**

Homestead conveyance or mortgage, **§§ 26:37, 26:38**

Immunity of third party acting in good faith without notice, **§ 26:18**

Incapacity

Attorney in fact, multiple attorneys in fact, **§ 26:24**

Evidence of incapacity, springing powers of attorney, **§ 26:8**

Planning tools, **§ 21:34**

Incompetency proceedings, termination, **§§ 26:13, 26:14**

Insurance, applying for insurance benefits, extraordinary powers, **§ 26:44**

Investment transactions, authorized powers, **§ 26:33**

Legal obligations of others, restrict payments of, **§ 26:40**

Liability of third parties for refusal to honor, **§ 26:19**

Living trusts, **§§ 10:181 to 10:186, 10:194**

Management

Business operations, extraordinary powers, **§ 26:42**

Organizing care management, extraordinary powers, **§ 26:46**

Marital election share rights, extraordinary powers, **§ 26:49**

Medicaid, this index

Military matters, veterans' benefits, protective legislation, **§ 15:64**

Modifiable standards, authorized powers, **§§ 26:28, 26:30**

Mortgage homestead, **§§ 26:37, 26:38**

Multiple attorneys in fact, **§§ 26:22 to 26:24**

Non-modifiable standards, authorized powers, **§§ 26:28, 26:29**

Notary, special, **§ 26:53**

Notice, immunity of third party acting in good faith without notice, **§ 26:18**

Nursing home, applying for admission, **§ 26:47**

Organizing care management, extraordinary powers, **§ 26:46**

Physician's affidavit to invoke use of springing power of attorney, form, **§ 26:55**

INDEX

POWERS OF ATTORNEY—Cont'd

Principals, §§ 26:3, 26:12

Property interests subject to power, § 26:21

Public assistance application, extraordinary powers, § 26:43

Purpose, § 26:1

Real property records, § 26:38

Recordation of power of attorney with land records, convey and mortgage homestead, § 26:38

Refusal to honor, liability of third parties for, § 26:19

Reliance by third parties, §§ 26:16 to 26:20

Requisites for durable power of attorney, § 26:4

Resignation, §§ 26:24, 26:25

Revocation, §§ 26:15, 26:56

Rights

Assignment of rights of support, § 26:50

Marital election share rights, extraordinary powers, § 26:49

Safe deposit boxes, § 10:185

Scope, §§ 26:1 to 26:26

Serving as attorney in fact, § 26:10

Special notary, § 26:53

Specific powers, generally, §§ 26:27 to 26:50

Springing powers of attorney, §§ 26:7, 26:8, 26:55

Standing, affidavit of, § 26:17

Statutes

Form of affidavit of attorney in fact, § 26:52

Veterans' benefits, protective legislation, § 15:64

Suggested prohibitions, §§ 26:39 to 26:41

“Super powers,” §§ 26:34 to 26:36

Support, assignment of rights of, § 26:50

Tax matters, extraordinary powers, § 26:41

Termination, §§ 26:11 to 26:15, 26:56

Third parties

Reliance by third parties, §§ 26:16 to 26:20

Restrict payments of legal obligations of others, § 26:40

Time limits and statutory protocol for acceptance, § 26:20

Trusts, living trusts, §§ 10:181 to 10:186, 10:194

Types, §§ 26:2 to 26:4

Use of springing power of attorney, form for physician's affidavit to invoke, § 26:55

Veterans' benefits, protective legislation, § 15:64

Viability, affidavit of, § 26:9

PRACTICAL PROBLEMS

Abuse, neglect and exploitation reporting statutes, § 5:51

PRACTICE OF PREVENTIVE LAW

Incapacity planning, § 21:2

PRACTICE TIPS

Office practice tips, scope of elder law, **§§ 1:33 to 1:43**

PRACTITIONERS

Advance health care directives of Christian Science practitioners, form, **§ 27:95**

PRECLUSION OF OTHER EMPLOYMENT

Guardian and attorney fees, **§ 28:251**

PRE-DEATH

Estate planning, avoidance of elective share by giving gifts more than one year prior to death, **§ 6:73**

PREEEXISTING

Condition, long term care insurance, **§§ 24:13, 24:27**

Injury exacerbation, eligibility for veterans' benefits, **§ 15:7**

Patient Protection and Affordable Care Act, this index

PREFERENCES AND PRIORITIES

Local guardian, **§ 28:88**

Medicaid, minimum balance preferred for qualified income trust, **§ 25:159**

Personal representatives for testate and intestate estates, **§§ 7:39 to 7:41**

Veterans' Benefits, this index

PRELIMINARY MATTERS

Probate, this index

PREMISES

Nursing home management, safe and sanitary premises, **§ 23:48**

PREMIUMS

Employer health plans, lower premium costs, **§ 18:115**

Long term care insurance, waiver, **§ 24:36**

Medicaid, single premium immediate annuities, **§ 25:11**

Medicare, this index

PRENEED GUARDIAN

Guardianship, this index

PRENUPTIAL AGREEMENTS

Estate Planning, this index

PREPARATION

Living trust agreement amendments, role of attorney, **§ 10:123**

Tax avoidance, costs of preparing charitable remainder trust agreement, **§ 12:158**

PREPAYMENT

Medicaid spenddowns, prepay funeral and burial contracts, **§ 25:275**

PREPLANNING

Retirement funding, jobs and sidelines, **§ 13:52**

PRE-PURCHASE CONSIDERATIONS

Long term care insurance, **§§ 24:10, 24:11**

INDEX

PRESCRIPTION DRUG PLAN

Medicare Part D, §§ 18:82 to 18:86

PRESENT MATTERS

Status, assisted suicide, § 27:88

Title, probate avoidance by use of jointly owned real property, §§ 9:42 to 9:52

PRESENTATION OR PRESENTMENT

Guardianship incapacity hearing, presentation by attorney, §§ 28:138, 28:139

Probate proceedings, notice to creditors, presentment to court, § 8:51

SSI and SSDI applications for benefits, presentment of information, §§ 16:60 to 16:66

PRESERVATION

Disabled heir planning, governmental assistance benefits, §§ 11:7, 11:8

Estate planning, eligibility for government assistance, § 6:9

Medicaid, this index

Probate, this index

PRESUMPTIONS

Medicaid, this index

PRETERMITTED SPOUSES AND CHILDREN

Wills, heirs, § 7:22

PREVENTION OF ABUSE AND NEGLECT

Generally, §§ 5:1 to 5:61

Injunctive relief, § 5:59

Ex parte injunction, § 5:61

Exploitation of a vulnerable adult, § 5:60

Substitute service

Respondent unascertainable, § 5:62

PREVENTIVE LAW PRACTICE

Inc incapacity planning, § 21:2

PREY

Surviving spouse as prey, estate planning, § 6:56

PRICE

Medicaid, this index

Taxable transfers and trust assets valuation, market price of real property, § 12:66

PRIMARY INSURANCE AMOUNT DETERMINATION

Social Security benefits computation, § 14:21

PRINCIPAL

Allocation, lifetime administration of living trusts, §§ 10:126, 10:127

Taxes and Taxation, this index

PRINCIPALS

Health care surrogate's authority when principal's wishes are unknown, § 27:52

Powers of attorney, §§ 26:3, 26:12

PRIOR OR FORMER MATTERS

Federal civil service retirement programs, former spouses' eligibility, **§ 14:62**
Generation skipping transfer tax, transfers of property which was subject to prior
tax within same generation which does not have effect of avoiding tax,
§ 12:48
Institutionalization, long term care insurance, **§ 24:29**

PRIORITIES

Preferences and Priorities, this index

PRISONERS OF WAR

Veterans' benefits, eligibility, **§ 15:8**

PRITs

Tax avoidance, **§§ 12:163 to 12:197**

PRIVACY

Confidentiality of information, ethical duties, **§ 3:12**
Living trust advantages, **§ 10:52**
Nursing home resident rights, **§ 23:27**

PRIVATE FEE-FOR-SERVICE PLAN

Medicare Part C, **§ 18:73**

PRIVATE FUNDS

Medicaid coverage supplemented with, **§ 25:88**

PRIVATE HEALTH CARE INSURANCE

Generally, **§§ 18:82 to 18:126**

PRIVATE PAY CLIENTS

Medicaid, comprehensive care available for, **§ 25:94**

PRIVATE PENSIONS

Generally, **§§ 14:37 to 14:128**

PRO

Peer Review Organization, this index

PRO BONO PUBLICO

Fee structuring, office practice tips, **§ 1:42**
Medicaid, misconceptions about role of attorney, **§ 25:21**

PROBATE

Access

Creditor claims, joint bank accounts with right of survivorship, **§ 9:13**

Funds

Joint bank accounts with right of survivorship, jointly owned property used
to avoid probate, **§§ 9:10, 9:11**

Totten trust, jointly owned property used to avoid probate, **§ 9:5**

Uniform Gifts to Minors Act, jointly owned property used to avoid probate,
§ 9:19

Accounting

Final accounting, **§§ 8:61, 8:104**

INDEX

PROBATE—Cont'd

Accounting—Cont'd

 Formal administration, **§ 8:61**

Accounts

 Bank accounts

 Asset administration, formal administration, **§ 8:54**

 Jointly owned property used to avoid probate, **§§ 9:3 to 9:21**

Personal representatives, below

Retirement accounts, jointly owned property used to avoid probate, **§ 9:27**

Transfer on death accounts, jointly owned securities used to avoid probate, **§ 9:26**

Actions and proceedings

 Generally, **§§ 8:1 to 8:108**

 Avoidance of probate or probate proceedings, below

 Guardianship, disposition of unclaimed funds held by guardian, **§ 28:238**

 Homestead, below

 Living Trusts, this index

 Personal representatives for decedents' estates, engaging attorney to handle probate proceeding, **§ 7:25**

Administration

 Disposition without administration, types of probate proceedings, **§ 8:27**

 Formal administration, below

 Letters of administration, form, **§ 8:96**

 Notice to creditors, **§§ 8:47 to 8:51, 8:98**

 Summary administration, below

Admitting will to probate, order form, **§ 8:95**

Advantages and disadvantages

 Joint bank accounts with right of survivorship, jointly owned property used to avoid probate, **§§ 9:12 to 9:15**

 Joint tenancies, jointly owned real property used to avoid probate, **§§ 9:34 to 9:37**

 Life estate deed to convey title to heirs, jointly owned real property used to avoid probate, **§§ 9:43 to 9:52, 9:54 to 9:62**

 Probate proceedings, **§§ 8:6 to 8:11**

 Securities, jointly owned property used to avoid probate, **§§ 9:23 to 9:25**

 Tenancy by the entirety, jointly owned real property used to avoid probate, **§ 9:39**

 Totten trust, jointly owned property used to avoid probate, **§§ 9:6 to 9:8**

 Uniform Gifts to Minors Act, jointly owned property used to avoid probate, **§§ 9:18 to 9:21**

Affidavit of no Florida estate tax due, form, **§ 8:92**

Age, Uniform Gifts to Minors Act and jointly owned property used to avoid probate, **§ 9:19**

Alimony, jointly owned property used to avoid probate, **§ 9:14**

Amount

 Diminished homestead exemption, jointly owned real property used to avoid probate, **§ 9:36**

Multiple matters, below

PROBATE—Cont'd

Amount—Cont'd

Size of estate effect, below

Ancillary proceedings for nonresidents with assets in Florida, types of probate proceedings, **§§ 8:77 to 8:80**

Applicability, assets, **§§ 8:12 to 8:20, 9:2**

Appointment of personal representative, order form, **§ 8:95**

Assets

Ancillary proceedings for nonresidents with assets in Florida, types of probate proceedings, **§§ 8:77 to 8:80**

Applicability, **§§ 8:12 to 8:20, 9:2**

Caps, no probate, **§ 8:27**

Court order authorizing asset distributions, **§§ 8:30, 8:36**

Delayed distribution of assets, disadvantages of probate proceedings, **§ 8:11**

Determining if there are probatable assets, initiating probate proceedings, **§ 8:22**

Distribution of assets

Delayed distribution of assets, disadvantages of probate proceedings, **§ 8:11**

Final distribution of assets to heirs and beneficiaries, formal administration, **§ 8:60**

No probate, types of probate proceedings, **§ 8:30**

Summary administration, types of probate proceedings, **§ 8:36**

Effect of nature of estate's assets, types of probate proceedings, **§ 8:25**

Formal administration, **§§ 8:52 to 8:60**

Held as common property, when probate required, **§ 8:15**

Jointly owned property used to avoid probate, **§§ 9:1 to 9:63**

Subject to probate, **§§ 8:12 to 8:20**

Assurance that estate is distributed in timely fashion, advantages of probate proceedings, **§ 8:8**

Attorneys

As personal representatives, formal administration, **§ 8:66**

Certification of death form, **§ 8:108**

Clients, below

Fees. Attorney's fees, below

Heirs initial contact with attorney, initiating probate proceedings, **§ 8:21**

Personal representative engaging attorney to handle probate proceeding, **§ 7:25**

Summary administration, **§ 8:38**

Attorney's fees

Formal administration, **§ 8:67**

Summary administration, **§ 8:38**

Authorizing orders

Asset distributions, **§§ 8:30, 8:36**

Sale of real property, form, **§ 8:102**

Avoidance of probate or probate proceedings

Estate planning, **§§ 6:20, 6:84**

Jointly owned property used to avoid probate, **§§ 9:1 to 9:63**

Living Trusts, this index

INDEX

PROBATE—Cont'd

- Avoidance of probate or probate proceedings—Cont'd
 - Reasons for and methods of probate avoidance, **§§ 8:1 to 8:5**
- Bank accounts. Accounts, above
- Bargain and sale deed, jointly owned property used to avoid probate, **§ 9:30**
- Beneficiaries
 - Final distribution of assets to beneficiaries, formal administration, **§ 8:60**
 - Totten trust, jointly owned property used to avoid probate, **§§ 9:7, 9:8**
- Bills payment, formal administration, **§ 8:58**
- Bond of personal representative, formal administration, **§ 8:63**
- Capital gains taxes
 - Joint tenancies, jointly owned real property used to avoid probate, **§ 9:35**
 - Life estate deed to convey title to heirs, jointly owned real property used to avoid probate, **§§ 9:46, 9:61**
- Securities, jointly owned property used to avoid probate, **§ 9:24**
- Caps on assets, no probate, **§ 8:27**
- Certification of death by attorney, form, **§ 8:108**
- Choses in action, when probate required, **§ 8:14**
- Claims
 - Creditors, below
 - Quitclaim deed, jointly owned property used to avoid probate, **§ 9:29**
- Clients
 - Concerns and common misconceptions, reasons for and methods of probate avoidance, **§§ 8:1 to 8:4**
 - Memoranda to client explaining nature of administration, forms, **§§ 8:86, 8:87**
- Commencement or initiation
 - Formal administration, **§ 8:40**
 - Living trusts, procedure if probate proceedings have commenced, **§ 10:144**
 - Probate proceedings, generally, **§§ 8:21 to 8:24**
- Commissions of personal representative, formal administration, **§§ 8:64 to 8:66**
- Common misconceptions of clients, reasons for and methods of probate avoidance, **§§ 8:1 to 8:4**
- Common property
 - Jointly owned property used to avoid probate, **§ 9:1**
 - Methods of probate avoidance, **§ 8:5**
 - When probate required, **§ 8:15**
- Complications upon death of custodian or minor, Uniform Gifts to Minors Act, jointly owned property used to avoid probate, **§§ 9:20, 9:21**
- Concerns of clients, reasons for and methods of probate avoidance, **§§ 8:1 to 8:4**
- Condominium requirements, life estate deed to convey title to heirs, jointly owned real property used to avoid probate, **§§ 9:50, 9:60**
- Contents of petition. Petitions, below
- Control, life estate deed to convey title to heirs, jointly owned real property used to avoid probate, **§§ 9:52, 9:56**
- Conveyance of title to heirs, life estate deeds, jointly owned real property used to avoid probate, **§§ 9:42 to 9:62**
- Copy of will used in place of lost original, forms, **§§ 8:90, 8:91**

PROBATE—Cont'd

Costs

Disadvantages of probate proceedings, **§ 8:10**

Reasons for and methods of probate avoidance, **§ 8:4**

Counsel. Attorneys, above

Courts

Disabled heir planning form, petition for creation of special needs trust in probate court, **§ 11:30**

Orders, below

Preliminary and final accounting to court, formal administration, **§ 8:61**

Presentment to court, notice to creditors, **§ 8:51**

Creditors

Accessible to creditor claims, joint bank accounts with right of survivorship, **§ 9:13**

Claims

Accessible to creditor claims, joint bank accounts with right of survivorship, **§ 9:13**

Payment of creditor claims, notice of formal administration, **§ 8:49**

Protection from creditor claims, life estate deed to convey title to heirs, **§ 9:58**

Release of claim by creditor, form, **§ 8:99**

Evidence of payment of creditors, summary administration, **§ 8:33**

Forms, below

Liens, life estate deed to convey title to heirs, **§ 9:49**

Notice to creditors

Form, **§ 8:97**

Formal administration, **§ 8:48**

Summary administration, **§ 8:37**

Payment

Notice of formal administration, **§ 8:49**

Summary administration, **§ 8:33**

Protection from creditor claims, life estate deed to convey title to heirs, **§ 9:58**

Specific creditors entitled to notice of formal administration, **§ 8:48**

Custodian's death, Uniform Gifts to Minors Act, jointly owned property used to avoid probate, **§ 9:20**

Date. Time or date, below

Death

Attorney certification of death form, **§ 8:108**

Beneficiary of Totten trust, jointly owned property used to avoid probate, **§ 9:8**

Custodian or minor, Uniform Gifts to Minors Act, jointly owned property used to avoid probate, **§§ 9:20, 9:21**

Post mortem access to funds, joint bank accounts with right of survivorship, jointly owned property used to avoid probate, **§ 9:11**

Transfer on death accounts, securities, jointly owned property used to avoid probate, **§ 9:26**

Deeds, jointly owned real property used to avoid probate, **§§ 9:28 to 9:31, 9:41 to 9:62**

INDEX

PROBATE—Cont'd

Delay

- Distribution of assets, disadvantages of probate proceedings, **§ 8:11**
- Qualification for Medicaid benefits, life estate deed to convey title to heirs, **§ 9:48**

- Desires of decedent publicly stated, advantages of probate proceedings, **§ 8:7**
- Determining if there are probatable assets, initiating probate proceedings, **§ 8:22**
- Diminished homestead exemption, jointly owned real property used to avoid probate, **§ 9:36**

- Disabled heir planning form, petition for creation of special needs trust in probate court, **§ 11:30**

Disadvantages. Advantages and disadvantages, above

Discharge. Personal representatives, below

Distribution

Assets, above

Assurance that estate is distributed in timely fashion, advantages of probate proceedings, **§ 8:8**

During life access to funds, joint bank accounts with right of survivorship, jointly owned property used to avoid probate, **§ 9:10**

Duties

Alimony, joint bank accounts with right of survivorship, **§ 9:14**

Beneficiary of Totten trust, jointly owned property used to avoid probate, **§ 9:7**

Effect

Intestacy, **§§ 8:19, 8:20**

Living trust post mortem administration, effect of probate on paying creditors, **§ 10:139**

Making will, reasons for and methods of probate avoidance, **§ 8:2**

Nature of estate's assets, types of probate proceedings, **§ 8:25**

Size of estate effect, below

Election. Marital election, below

Electronic filing, **§ 8:83**

Eligibility or qualification

Foreign personal representatives, ancillary proceedings for nonresidents with assets in Florida, **§ 8:79**

Medicaid, life estate deed to convey title to heirs, **§§ 9:48, 9:55**

Summary administration, **§§ 8:32, 8:33**

Elimination of trust ownership problems, life estate deed to convey title to heirs, jointly owned real property used to avoid probate, **§ 9:62**

E-mail service, **§ 8:84**

Entirety, tenancy by the, jointly owned real property used to avoid probate, **§§ 9:38, 9:39**

Entitlement to notice of formal administration, creditors, **§ 8:48**

Estate Planning, this index

Estate tax, form for affidavit of no Florida estate tax due, **§ 8:92**

Evidence

Homestead proceedings, **§§ 8:72, 8:75**

Intestate estate, **§ 8:20**

PROBATE—Cont'd

Evidence—Cont'd

Obtaining proof of payment in summary administration, disadvantages of probate proceedings, **§ 8:9**

Payment of creditors, summary administration, **§ 8:33**

Testate estate, purpose of probate proceedings, **§ 8:18**

Exemption for homestead. Homestead, below

Expenses. Costs, above

Explanation of nature of administration, memoranda to client forms, **§§ 8:86, 8:87**

Fees

Attorney's fees, above

Formal administration, **§§ 8:64 to 8:67**

Personal representatives, below

Summary administration, **§ 8:38**

Final accounting, **§§ 8:61, 8:104**

Final distribution of assets to heirs and beneficiaries, formal administration, **§ 8:60**

Foreign personal representatives, ancillary proceedings for nonresidents with assets in Florida, **§ 8:79**

Formal administration

Forms, below

Petitions, **§§ 8:41 to 8:43, 8:93, 8:94**

Types of probate proceedings, **§§ 8:39 to 8:67**

Forms

Admitting will to probate order, **§ 8:95**

Affidavit of no Florida estate tax due, **§ 8:92**

Appointment of personal representative order, **§ 8:95**

Attorney certification of death, **§ 8:108**

Authorizing sale of real property order, **§ 8:102**

Certification of death by attorney, **§ 8:108**

Creditors

Notice to creditors, **§ 8:97**

Release of claim by creditor, **§ 8:99**

Disabled heir planning, petition for creation of special needs trust in probate court, **§ 11:30**

Discharge of personal representative, petition and order, **§§ 8:105, 8:106**

Estate planning, two ways to avoid probate proceedings form, **§ 6:84**

Explanation of nature of administration, memoranda to client, **§§ 8:86, 8:87**

Fees of personal representative petition, **§ 8:107**

Final accounting of personal representative, **§ 8:104**

Formal administration

Memorandum to client explaining nature of formal administration, **§ 8:87**

Notice of petition for formal administration, **§ 8:94**

Petition for formal administration, **§ 8:93**

Retainer agreement on formal administration probate proceedings, **§ 8:88**

Homestead proceedings, petition and order, **§ 8:89**

Information sheet, **§ 8:85**

INDEX

PROBATE—Cont'd

Forms—Cont'd

- Inventory of estate, **§ 8:100**
- Letters of administration, **§ 8:96**
- Lost original will, **§§ 8:90, 8:91**
- Memoranda to client explaining nature of administration, **§§ 8:86, 8:87**
- Notice
 - Creditors, **§ 8:97**
 - Creditors, notice to, **§ 8:98**
 - Hearing on petition to use copy in place of lost original will for probate, **§ 8:91**
- Petition for formal administration, **§ 8:94**
- Orders
 - Admitting will to probate and appointing personal representative, **§ 8:95**
 - Authorizing sale of real property, **§ 8:102**
 - Discharging personal representative, **§ 8:106**
 - Homestead proceedings, **§ 8:89**
- Personal representatives
 - Appointment order, **§ 8:95**
 - Discharge petition and order, **§§ 8:105, 8:106**
 - Fees petition, **§ 8:107**
 - Final accounting, **§ 8:104**
 - Preliminary account, **§ 8:103**
- Petitions
 - Disabled heir planning, creation of special needs trust in probate court, **§ 11:30**
 - Discharge of personal representative, **§ 8:105**
 - Fees for personal representative, **§ 8:107**
 - Formal administration, **§§ 8:93, 8:94**
 - Homestead proceedings, **§ 8:89**
 - Sell real property, **§ 8:101**
 - Use copy in place of lost original will for probate, **§§ 8:90, 8:91**
- Preliminary account of personal representative(s), **§ 8:103**
- Real property sale, petition and order, **§§ 8:101, 8:102**
- Release of claim by creditor, **§ 8:99**
- Retainer agreement on formal administration probate proceedings, **§ 8:88**
- Sale of real property, petition and order, **§§ 8:101, 8:102**
- Summary administration, memorandum to client explaining nature of, **§ 8:86**
- Use
 - Copy of will in place of lost original, **§§ 8:90, 8:91**
 - Petition and order for use in homestead proceedings, **§ 8:89**
- Wills
 - Order admitting will to probate, **§ 8:95**
 - Use of copy in place of lost original, **§§ 8:90, 8:91**
- Four types of assets subject to joint ownership, jointly owned property used to avoid probate, **§ 9:2**
- Funds. Access, above

PROBATE—Cont'd

Grantor loses control, life estate deed to convey title to heirs, jointly owned real property used to avoid probate, **§ 9:52**

Guardianship, disposition of unclaimed funds held by guardian, **§ 28:238**

Hearing on petition to use copy in place of lost original will for probate, notice form, **§ 8:91**

Heirs

Disabled heir planning form, petition for creation of special needs trust in probate court, **§ 11:30**

Final distribution of assets to heirs, formal administration, **§ 8:60**

Initial contact with attorney, initiating probate proceedings, **§ 8:21**

Life estate deed to convey title to heirs, jointly owned real property used to avoid probate, **§§ 9:42 to 9:62**

Held property

Assets, **§§ 8:15, 9:1**

Tenants in common, when probate required, **§ 8:13**

Homestead

Exemption

Joint tenancies, jointly owned real property used to avoid probate, **§ 9:36**

Life estate deed to convey title to heirs, jointly owned real property used to avoid probate, **§§ 9:45, 9:57**

Proceedings

Generally, **§§ 8:68 to 8:76**

Orders, **§§ 8:73, 8:76, 8:89**

Petition form, **§ 8:89**

Husband and wife. Spouses, below

In-common tenancies

Jointly owned real property used to avoid probate, **§ 9:40**

When probate required, **§ 8:13**

Information sheet form, **§ 8:85**

Initial matters

Heirs initial contact with attorney, initiating probate proceedings, **§ 8:21**

Orders, formal administration, **§ 8:45**

Initiation. Commencement or initiation, above

Insurance

Life insurance, below

Title insurance, life estate deed to convey title to heirs, **§ 9:59**

Intake memorandum, initiating probate proceedings, **§ 8:23**

Intestacy, effect of, **§§ 8:19, 8:20**

Inventory

Form, **§ 8:100**

Formal administration, **§ 8:52**

Joint tenancies, jointly owned real property used to avoid probate, **§§ 9:33 to 9:37**

Jointly owned property used to avoid probate, **§§ 9:1 to 9:63**

Land. Real property, below

Laws. Statutes, below

Lawyers. Attorneys, above

INDEX

PROBATE—Cont'd

Letters of administration, form, **§ 8:96**

Liens of creditors, life estate deed to convey title to heirs, jointly owned real property used to avoid probate, **§ 9:49**

Life estate deeds, jointly owned real property used to avoid probate, **§§ 9:41 to 9:62**

Life insurance

Jointly owned property used to avoid probate, **§ 9:27**

Proceeds, when probate required, **§ 8:16**

Living Trusts, this index

Loss

Grantor loses control, life estate deed to convey title to heirs, **§ 9:52**

Homestead exemption, joint tenancies, **§ 9:36**

Lost original will, forms, **§§ 8:90, 8:91**

Making will, reasons for and methods of probate avoidance, **§ 8:2**

Marital

Election. Marital election, below

Separate marital homesteads, homestead proceedings, **§ 8:70**

Marital election

Jointly owned property used to avoid probate, **§ 9:63**

Types of probate proceedings, **§ 8:81**

Medicaid, life estate deed to convey title to heirs, jointly owned real property used to avoid probate, **§§ 9:48, 9:55**

Memoranda

Forms for memoranda to client explaining nature of administration, **§§ 8:86, 8:87**

Intake memorandum, initiating probate proceedings, **§ 8:23**

Methods of probate avoidance, **§§ 8:1 to 8:5**

Misconceptions of clients, reasons for and methods of probate avoidance, **§§ 8:1 to 8:4**

Multiple matters

Living trust advantages, avoiding multiple probate proceedings concerning out of state realty, **§ 10:49**

Personal representatives, fees and commissions in formal administration, **§ 8:65**

Signatures required, jointly owned real property used to avoid probate, **§§ 9:25, 9:37, 9:51**

Nature

Effect of nature of estate's assets, types of probate proceedings, **§ 8:25**

Memorandum to client explaining nature of administration, forms, **§§ 8:86, 8:87**

No probate, types of probate proceedings, **§§ 8:26 to 8:30**

Nonresidents with assets in Florida, ancillary proceedings for, **§§ 8:77 to 8:80**

Notice

Administration, above

Creditors, above

Forms, above

Objections, formal administration, **§§ 8:43, 8:44**

PROBATE—Cont'd

- Obtaining proof of payment in summary administration, disadvantages of probate proceedings, **§ 8:9**
- Orders
 - Asset distributions, **§§ 8:30, 8:36**
 - Authorizing orders, above
 - Forms, above
 - Homestead proceedings, **§§ 8:73, 8:76, 8:89**
 - Initial orders, formal administration, **§ 8:45**
 - No probate, types of probate proceedings, **§ 8:30**
 - Summary administration, **§ 8:36**
 - Original will. Wills, below
- Oversight mechanisms to monitor personal representative, advantages of probate proceedings, **§ 8:6**
- Payment
 - Bills, formal administration, **§ 8:58**
 - Creditors, above
 - Summary administration, **§§ 8:9, 8:33**
- Personal representatives
 - Accounts
 - Formal administration, **§ 8:57**
 - Preliminary account form, **§ 8:103**
 - Ancillary proceedings for nonresidents with assets in Florida, **§§ 8:78, 8:79**
 - Bond, formal administration, **§ 8:63**
 - Commissions, formal administration, **§§ 8:64 to 8:66**
 - Discharge of personal representative
 - Formal administration, **§ 8:62**
 - Petition and order forms, **§§ 8:105, 8:106**
 - Engaging attorney to handle probate proceeding, **§ 7:25**
 - Fees
 - Form, **§ 8:107**
 - Formal administration, **§§ 8:64 to 8:66**
 - Forms, above
 - Oversight mechanisms to monitor personal representative, advantages of probate proceedings, **§ 8:6**
- Petitioners
 - Summary administration, **§ 8:35**
- Petitions
 - Contents of petition
 - Formal administration, **§ 8:41**
 - No probate, **§ 8:29**
 - Formal administration, **§§ 8:41 to 8:43, 8:93, 8:94**
 - Forms, above
 - No probate, **§§ 8:28, 8:29**
 - Petitioners, above
 - Summary administration, **§ 8:34**
- Post mortem access to funds, joint bank accounts with right of survivorship, jointly owned property used to avoid probate, **§ 9:11**

INDEX

PROBATE—Cont'd

Preliminary matters

Account of personal representative(s), form, **§ 8:103**

Accounting to court, formal administration, **§ 8:61**

Presentment to court, notice to creditors, **§ 8:51**

Preservation

Eligibility for Medicaid, life estate deed to convey title to heirs, **§ 9:55**

Homestead exemption, life estate deed to convey title to heirs, **§§ 9:45, 9:57**

Procedure

Ancillary proceedings for nonresidents with assets in Florida, **§ 8:80**

Formal administration, **§§ 8:46 to 8:61**

Homestead proceedings, **§§ 8:71 to 8:76**

Living trust post mortem administration, procedure if probate proceedings have commenced, **§ 10:144**

Proceedings. Actions and proceedings, above

Proceeds of life insurance, when probate required, **§ 8:16**

Proof. Evidence, above

Property

Assets, above

Common property, above

Held property, above

Inventory, above

Jointly owned property used to avoid probate, **§§ 9:1 to 9:63**

Real property, below

Protection from creditor claims, life estate deed to convey title to heirs, jointly owned real property used to avoid probate, **§ 9:58**

Public statement of decedent's desires, advantages of probate proceedings, **§ 8:7**

Purpose

Homestead proceedings, **§§ 8:69, 8:70**

Probate, **§§ 8:12 to 8:20**

Qualification. Eligibility or qualification, above

Quitclaim deed, jointly owned property used to avoid probate, **§ 9:29**

Real property

Jointly owned property used to avoid probate, **§§ 9:28 to 9:62**

Living trust advantages, avoiding multiple probate proceedings concerning out of state realty, **§ 10:49**

Sale

Asset administration, formal administration, **§ 8:56**

Bargain and sale deed, jointly owned property used to avoid probate, **§ 9:30**

Petition and order forms, **§§ 8:101, 8:102**

Transfer of real property, formal administration, **§ 8:56**

Reasons for probate avoidance, **§§ 8:1 to 8:5**

Release of claim by creditor, form, **§ 8:99**

Required matters

Attorney, summary administration, **§ 8:38**

Multiple signatures, jointly owned property used to avoid probate, **§§ 9:25, 9:37, 9:51**

Probate, **§§ 8:12 to 8:20**

PROBATE—Cont'd

Retainer agreement on formal administration probate proceedings, form, **§ 8:88**

Retention of control by life estate owner, jointly owned real property used to avoid probate, **§ 9:56**

Retirement accounts, jointly owned property used to avoid probate, **§ 9:27**

Rights

Alimony, jointly owned property used to avoid probate, **§ 9:14**

Survivorship, jointly owned property used to avoid probate, **§§ 9:9 to 9:15, 9:34 to 9:37**

Sales. Real property, above

Satisfaction of estate plan, life estate deed to convey title to heirs, jointly owned real property used to avoid probate, **§ 9:44**

Securities

Asset administration, formal administration, **§ 8:55**

Jointly owned property used to avoid probate, **§§ 9:22 to 9:26**

Separate marital homesteads, homestead proceedings, **§ 8:70**

Separate proceeding, homestead proceedings, **§§ 8:71 to 8:76**

Service

Electronic filing, **§ 8:83**

E-mail service, **§ 8:84**

Notice of formal administration, **§ 8:50**

Petition, formal administration, **§§ 8:42, 8:43**

Signatures, jointly owned property used to avoid probate, **§§ 9:25, 9:37, 9:51**

Size of estate effect

Reasons for and methods of probate avoidance, **§ 8:3**

Types of probate proceedings, **§ 8:25**

Specific creditors entitled to notice of formal administration, **§ 8:48**

Spouses

Surviving spouse marital election, jointly owned property used to avoid probate, **§ 9:63**

Tenancy by the entirety, jointly owned real property used to avoid probate, **§§ 9:38, 9:39**

State

Affidavit of no Florida estate tax due form, **§ 8:92**

Ancillary proceedings for nonresidents with assets in Florida, **§§ 8:77 to 8:80**

Statutes

Uniform Gifts to Minors Act, jointly owned property used to avoid probate, **§§ 9:17 to 9:21**

Warranty deed, jointly owned property used to avoid probate, **§ 9:31**

Summary administration

Memorandum to client explaining nature of administration, form, **§ 8:86**

Obtaining proof of payment, disadvantages of probate proceedings, **§ 8:9**

Payment, **§§ 8:9, 8:33**

Types of probate proceedings, **§§ 8:31 to 8:38**

Survivors and survivorship

Marital election by surviving spouse, jointly owned property used to avoid probate, **§ 9:63**

INDEX

PROBATE—Cont'd

Survivors and survivorship—Cont'd

Right of survivorship, jointly owned real property used to avoid probate,
§§ 9:9 to 9:15, 9:34 to 9:37

Taxes

Affidavit of no Florida estate tax due, form, **§ 8:92**

Asset administration, formal administration, **§ 8:59**

Capital gains taxes, above

Tenancies

By the entirety, jointly owned real property used to avoid probate, **§§ 9:16, 9:38, 9:39**

In-common tenancies, above

Joint tenancies, jointly owned real property used to avoid probate, **§§ 9:33 to 9:37**

Testate estate. Wills, below

Thwarted estate plan, joint bank accounts with right of survivorship, jointly owned property used to avoid probate, **§ 9:15**

Time or date

Assurance that estate is distributed in timely fashion, advantages of probate proceedings, **§ 8:8**

Delay, above

Probate proceedings, reasons for and methods of probate avoidance, **§ 8:4**

Totten trusts, bank accounts, jointly owned property used to avoid probate, **§§ 9:4 to 9:8**

Transactions require multiple signatures, jointly owned property used to avoid probate, **§§ 9:25, 9:37, 9:51**

Transfer

Real property, formal administration, **§ 8:56**

Securities jointly owned to avoid probate, transfer on death accounts, **§ 9:26**

Trusts

Disabled heir planning form, petition for creation of special needs trust in probate court, **§ 11:30**

Elimination of trust ownership problems, life estate deed to convey title to heirs, **§ 9:62**

Living Trusts, this index

Totten trusts, jointly owned property used to avoid probate, **§§ 9:4 to 9:8**

Types

Assets subject to joint ownership, jointly owned property used to avoid probate, **§ 9:2**

Deeds to real property, jointly owned property used to avoid probate, **§§ 9:28 to 9:31**

Probate proceedings, **§§ 8:25 to 8:82**

Warranties, deeds to real property, **§§ 9:28 to 9:31**

Undue influence objection, formal administration, **§ 8:44**

Uniform Gifts to Minors Act, bank accounts, jointly owned property used to avoid probate, **§§ 9:17 to 9:21**

Use

Forms, above

Jointly owned property used to avoid probate, **§§ 9:1 to 9:63**

PROBATE—Cont'd

Warranties, deeds to real property, jointly owned property used to avoid probate, **§§ 9:28 to 9:31**
Wife and husband. Spouses, above
Wills
Effect of making will, reasons for and methods of probate avoidance, **§ 8:2**
Forms, above
Original will
Initiating probate proceedings, **§ 8:24**
Use of copy in place of lost original, forms, **§§ 8:90, 8:91**
Proofs, purpose of probate proceedings, **§ 8:18**
Reformation and modification of wills, **§ 8:82**

PROCEDURE

Do not resuscitate orders, EMS procedures, **§ 27:59**
Guardianship, this index
Medicaid, this index
Medicare, this index
Probate, this index
Veterans' benefits, appellate procedure, **§§ 15:67 to 15:115**

PROCEEDINGS

Actions and Proceedings, this index

PROCEEDS

Insurance, this index
Medicaid, this index
Retirement funds raised by using reverse mortgages, reinvesting proceeds, **§ 13:33**
Supplemental Security Income, loan proceeds, **§ 16:22**

PROCESS

Medicaid, application process, **§§ 25:47 to 25:62**
Social Security Disability Insurance, this index
Supplemental Security Income, this index

PROCESSING OF CLAIMS

Medicare, **§§ 18:67 to 18:69**

PRODUCING OR PRODUCTION

Medicaid, this index

PROFESSIONALISM

Living trusts, trust company use advantages, **§ 10:82**

PROFESSIONALS

Conflicts of interest, **§ 3:8**
Conflicts of interest, attorney as agent, **§ 3:8**
Diminished capacity, clients under, **§ 3:9**
Disability, clients under, **§ 3:9**
Guardianship, this index
Incapacity planning, **§§ 21:23 to 21:31**

INDEX

PROFESSIONALS—Cont'd

Referrals, scope of elder law, §§ 1:12, 1:20 to 1:27, 1:53, 1:54, 1:56

Rules of professional conduct, ethical duties, §§ 3:1 to 3:9

PROFITS FROM PROPERTY

Guardianship administration, §§ 28:184, 28:185

PROGRAM OF ALL-INCLUSIVE CARE FOR THE ELDERLY (PACE)

Medicaid and Medicare, § 25:35

PROGRAMS

Federal civil service retirement programs, §§ 14:54 to 14:75

Identifying specialized federal programs, planning for lifetime needs of elderly client, § 1:16

Medicaid, this index

Medicare + Choice program, §§ 18:70 to 18:75

Older Americans Act, § 20:5

Public assistance programs for elder care, §§ 25:22 to 25:46

Supplemental Security Income, §§ 16:1 to 16:41

Taxes and Taxation, this index

Veterans' Benefits, this index

PROHIBITION OR BAR

Anatomical gifts, persons other than decedent as donors, § 27:63

Assisted suicide, §§ 27:82 to 27:84

Individual retirement accounts, prohibited transactions, § 14:113

Living trusts, barred claims of creditors, §§ 10:141, 10:148

Nursing Homes, this index

PROJECT AIDS CARE

Medicaid, home and community based services, § 25:31

PROMISSORY NOTES

Medicaid, this index

PROMPT ACTION

Medicaid, new assets, § 25:337

PROOF

Evidence, this index

PROPER EXECUTION

Living trust agreement, initial administration, § 10:93

PROPERTY

Assets, this index

Common Property, this index

Estate Planning, this index

Guardianship, this index

Held property

Guardianship, this index

Living trusts, separate assets and accounts held as common property, § 10:114

Probate, this index

PROPERTY—Cont'd

Held property—Cont'd

Taxable transfers and trust assets valuation, farmland and real property,
§ 12:67

Jointly Owned Property, this index

Living Trusts, this index

Medicaid, this index

Personal Property, this index

Powers of attorney, interests subject to power, **§ 26:21**

Probate, this index

Real Property, this index

Taxes and Taxation, this index

PROPOSING NEW GUARDIAN

Appointment of guardian hearing, **§§ 28:151 to 28:157**

PROSPECTIVE MATTERS

Future Matters, this index

PROSPECTS OF LEGISLATION

Assisted suicide, **§ 27:89**

PROSTATE CANCER SCREENING

Medicare Part B voluntary coverage, **§ 18:42**

PROSTHETIC DEVICES

Medicare Part B voluntary coverage, **§ 18:38**

Veterans' benefits, outpatient treatment health care benefits, **§ 15:58**

PROTECTION

Americans with Disabilities Act, **§§ 19:1 to 19:12**

Disabled heir planning, protecting ill spouse, **§§ 11:5, 11:6**

Employee Retirement Income Security Act, defined benefit plan investment protection, **§ 14:81**

Estate planning, payors and third parties, **§ 6:42**

Incapacity planning, financial protection, **§ 21:16**

Living Trusts, this index

Medicaid, this index

Probate avoidance by use of jointly owned property, creditor claims, **§ 9:58**

Real property taxes, portability of "Save our Homes" protection in "Super Homestead," **§ 17:38**

Relatives, abuse identification difficulties, **§ 5:9**

Terminally ill client representation, protector role of attorney, **§§ 4:17 to 4:19**

Veterans' Benefits, this index

PROVIDE OR PROVIDING

Advance health care directives, duty of health care facility to provide patient with information, **§ 27:14**

Medicare, this index

Personal representatives for decedents' estates, providing information for reports and accountings, **§ 7:30**

Planning, providing for disabled heirs, **§§ 11:1 to 11:3, 11:15**

INDEX

PROVIDE OR PROVIDING—Cont'd

Providers, this index

PROVIDERS

Health Care, this index

Incapacity planning, providers of support, **§ 21:12**

Medicaid, this index

PROXY OR PROXIES

Health care surrogate, **§ 27:53**

PRTs (PERSONAL RESIDENCE TRUSTS)

Tax avoidance, **§§ 12:183 to 12:197**

PRUDENCE

Employee Retirement Income Security Act, defined contribution plan employee
prudence, **§ 14:83**

Investments, this index

PSYCHIATRIC HOSPITAL CARE

Medicare Part A hospital insurance benefits, **§ 18:14**

PSYCHOLOGICAL MATTERS

Incapacity planning, **§§ 21:23, 21:27**

Terminally ill client representation, **§ 4:3**

PUBLIC ACCOMMODATIONS

Americans with Disabilities Act, access, **§ 19:11**

PUBLIC ASSISTANCE

Medicaid, this index

Powers of attorney, applications, **§ 26:43**

Programs for elder care, **§§ 25:22 to 25:46**

PUBLIC GUARDIAN

Selection and qualifications, **§§ 28:84 to 28:86**

PUBLIC POLICY

Medicaid, Deficit Reduction Act, **§ 25:3**

PUBLIC STATEMENT OF DECEDENT'S DESIRES

Probate proceedings, advantages, **§ 8:7**

PUBLICATION

Guardianship, deposit of unclaimed funds, **§ 28:240**

Health care surrogate, **§ 27:48**

Living wills, **§§ 27:31 to 27:37**

PUBLICITY

Tax avoidance, charitable remainder trusts, **§ 12:142**

PUBLICLY TRADED SECURITIES

Taxable transfers and trust assets, formulas for valuation, **§ 12:70**

PUNITIVE DAMAGES

Nursing homes, medical malpractice, §§ 23:17, 23:18

PURCHASE OR PURCHASER

Guardianship administration, purchasing real property, § 28:196

Long term care insurance, considerations prior to purchase, §§ 24:10, 24:11

Medicaid, this index

Medicare eligibility, purchase of coverage voluntarily, § 18:5

Retirement funds raised by using sale-leaseback, benefits to buyer, § 13:44

PURPOSE

Anatomical gifts, embalming body gifted for scientific purposes, § 27:77

Guardianship, § 28:1

Living Trusts, this index

Medicaid, this index

Older Americans Act, § 20:1

Powers of attorney, § 26:1

Probate, this index

Retirement funds raised by using reverse mortgages, § 13:9

Taxes and Taxation, this index

Wills, § 7:1

QCs (QUARTERS OF COVERAGE)

Social Security benefits eligibility, §§ 14:8, 14:9

QDRO

Qualified Domestic Relations Order, this index

QIT (QUALIFIED INCOME TRUST)

Medicaid, this index

QMBs (QUALIFIED MEDICARE BENEFICIARIES)

State payments, § 18:6

QPRITs

Tax avoidance, §§ 12:163 to 12:197

QPRTs (QUALIFIED PERSONAL RESIDENCE TRUSTS)

Tax avoidance, §§ 12:191 to 12:197

Q-TIP (QUALIFIED TERMINABLE INTEREST PROPERTY) TRUSTS

Taxes and Taxation, this index

QUALIFICATION OR ELIGIBILITY

Eligibility or Qualification, this index

QUALIFIED DOMESTIC RELATIONS ORDER

Employee Retirement Income Security Act, § 14:96

Medicaid, this index

QUALIFIED MATTERS

Aliens, eligibility for Supplemental Security Income, § 16:9

Domestic relations order. Qualified Domestic Relations Order, this index

Employees, simplified employee pension, § 14:108

INDEX

QUALIFIED MATTERS—Cont'd

- Foreign personal representatives, probate proceedings, **§ 8:79**
- Income trust. Medicaid, this index
- Medicaid, this index
- Medicare beneficiaries, state payments, **§ 18:6**
- Plans, Employee Retirement Income Security Act, **§§ 14:85 to 14:92**
- Taxes and Taxation, this index
- Terminable interest property trusts. Taxes and Taxation, this index

QUALIFYING TRUSTS

- Medicaid qualifying trust, assets as available resources for eligibility, **§ 25:214**
- Special Needs Trust, this index

QUALITIES

- Living trusts, desirable qualities in trustee, **§§ 10:72, 10:74**

QUALITY

- Care, Medicaid disadvantages, **§ 25:106**
- Insurer, long term care insurance, **§§ 24:17, 24:18**

QUANTITY OR NUMBER

- Amount, this index

QUARTERS OF COVERAGE

- Social Security benefits eligibility, **§§ 14:8, 14:9**

QUESTIONNAIRES

- Estate planning, mailing intake questionnaires to client, **§ 6:14**

QUESTIONS

- Living trusts, employment and compensation questions, **§ 10:171**
- SSI and SSDI, expedited court review for constitutional questions, **§ 16:72**

QUITCLAIM DEED

- Probate avoidance by use of jointly owned property, **§ 9:29**

RADIATION

- Veterans' health care benefits, ionizing radiation, **§ 15:55**

RAILROAD RETIREMENT PENSIONS

- Generally, **§§ 14:37 to 14:53**

RAISING RETIREMENT FUNDS

- Real property use, **§§ 13:8 to 13:52**

RAP (REFUGEE ASSISTANCE PROGRAM)

- Medicaid, benefits, **§ 25:25**

RATES

- Reduction of Social Security benefits, **§ 14:29**

- Retirement funds raised by using reverse mortgages, total annual loan cost rate, **§ 13:23**

- SSI and SSDI, hourly rate for attorney's fees, **§ 16:77**

- Taxes and Taxation, this index

RATES—Cont'd

Veterans' Benefits, this index

RATINGS

Long term care insurance, §§ 24:18, 24:19

RATIO

Generation skipping transfer tax computation, inclusion ratio, § 12:82

READJUSTMENT COUNSELING

Veterans' benefits, outpatient treatment health care benefits, § 15:60

REAL ESTATE RULE

Fincen's residential, § 9:63

REAL PROPERTY

Deeds, this index

Guardianship administration, §§ 28:184, 28:196

Living Trusts, this index

Medicaid, this index

Powers of attorney, records, § 26:38

Probate, this index

Retirement funding, §§ 13:8 to 13:52

Scope of elder law, § 1:6

Taxes and Taxation, this index

REASONABLE MATTERS

Accommodations, Americans with Disabilities Act, § 19:9

Guardian and attorney fees, § 28:247

REASONS

Guardianship, this index

Living trust use, §§ 10:39 to 10:64

Medicaid planning, §§ 25:81 to 25:90

Probate avoidance, §§ 8:1 to 8:5

Restrictions, Federal Housing for Older Persons Act, § 22:23

REBUTTING PRESUMPTIONS

Medicaid, §§ 25:184, 25:254

RECEIPT OF SUCCESSOR GUARDIAN

Resignation of guardian and appointment of successor, § 28:228

RECEIPT OR RECEIVING

Medicaid, this index

Recipients, this index

RECEIVERS

Intangible personal property tax rate, § 17:8

RECENT CASE LAW

Assisted suicide, §§ 27:85 to 27:89

INDEX

RECIPIENTS

Estate planning, liability of direct recipients for elective share, **§ 6:37**

Medicaid, this index

RECLUSION

Abuse identification, **§ 5:25**

RECOGNIZING ABUSE

Generally, **§§ 5:6 to 5:25**

RECOMMENDATIONS

Information needed, recommend estate plan, **§§ 6:12 to 6:14, 6:85**

Long term care insurance, features of policy, **§§ 24:20 to 24:38**

RECONCILING CONFLICTS

Abuse and neglect remedies, **§ 5:29**

RECONSIDERATION

SSI and SSDI, appealing denial or suspension of benefits, **§ 16:68**

Veterans' benefits, appealing BVA decision, **§ 15:108**

RECORDATION

Power of attorney recorded with land records, convey and mortgage homestead, **§ 26:38**

Preneed guardian declaration, **§ 28:61**

RECORDS

Guardianship, this index

Living trusts, lifetime administration, **§ 10:128**

Medicaid, disclosing financial records at initial interview, **§§ 25:60, 25:61**

Nursing home management, **§§ 23:50 to 23:53**

Powers of attorney, land records, **§ 26:38**

RECOVERY OF FUNDS

Medicaid, power of state, **§§ 25:73 to 25:80**

RECTIFYING TRANSFERS BY RETURNING GIFTS

Medicaid, uncompensated transfer penalty, **§ 25:224**

RED TAPE

Medicaid, disadvantages, **§ 25:99**

REDRESS

Seeking redress, abuse and neglect remedies, **§§ 5:26 to 5:34**

REDUCTION OR DECREASE

Benefit or Benefits, this index

Deductions, this index

Estate planning, reducing taxable estate, **§ 6:22**

Medicaid, this index

Probate avoidance by use of jointly owned property, diminished homestead exemption, **§ 9:36**

Supplemental Security Income benefits, in-kind support and maintenance, **§§ 16:24 to 16:27**

REDUCTION OR DECREASE—Cont'd

Taxes and Taxation, this index

Veterans' Benefits, this index

REFERRALS TO PROFESSIONALS

Limiting liability and creating office procedures for referrals, §§ 2:6 to 2:9

Scope of elder law, §§ 1:12, 1:20 to 1:27, 1:53, 1:54, 1:56

REFUGEE ASSISTANCE PROGRAM

Medicaid, benefits, § 25:25

REFURNISHING

Medicaid, spenddowns allowed, § 25:271

REFUSAL

Abuse identification, refusal to discuss matters, § 5:24

Anatomical gifts, donees, § 27:67

Medicaid, this index

Powers of attorney, refusal to honor, § 26:19

Terminally ill client representation, refusal to take legal action, § 4:11

Treatment, this index

REGIONAL OFFICE

Veterans' benefits, appellate procedure, § 15:80

REGRESSIVE TAX

Social Security funding, § 14:3

REGULAR EXPENSES OF WARD

Guardianship administration, § 28:180

REGULAR SERVICES PHYSICIAN

Nursing home management, § 23:45

REGULATION

Long term care facilities, §§ 23:1 to 23:75

REGULATIONS

Medicaid, disadvantages, § 25:107

Nursing home resident rights, § 23:23

REIMBURSEMENT

Medicaid, reimburse state on death of recipient, § 25:155

SSI and SSDI, appealing denial or suspension of benefits, § 16:75

Veterans' benefits, burial benefits, § 15:39

REINVESTING PROCEEDS

Retirement funds raised by using reverse mortgages, § 13:33

RELATIONSHIPS

Guardianship, this index

RELATIVES

Medicare Part B voluntary coverage, services provided by relatives, § 18:50

Protection of relatives, abuse identification difficulties, § 5:9

INDEX

RELATIVES—Cont'd

Residential setting choice, **§ 22:15**

RELEASE

Medicaid, financial medical release form, **§ 25:350**

Probate proceedings, form for release of claim by creditor, **§ 8:99**

RELEASES

News releases, marketing, **§§ 1:46, 1:60, 1:61**

RELIANCE BY THIRD PARTIES

Powers of attorney, **§§ 26:16 to 26:20**

RELIEF PROGRAM

Federal matters, **§§ 20:13, 20:14**

RELIGION

Advance health care directives, forms, **§§ 27:94, 27:95, 27:97**

Nursing home resident rights, religious liberties, **§ 23:26**

RELINQUISHMENT OF ALL INCIDENTS OF OWNERSHIP

Tax avoidance, life insurance trusts, **§ 12:129**

RELUCTANCE OF CLIENT TO FUND

Living trust disadvantages, **§ 10:60**

REMAIN AT HOME

Choosing residential setting, **§§ 22:3 to 22:12**

REMAINDER

Retirement funds raised by using reverse mortgages, line of credit, **§ 13:29**

Table of remainder interest, Medicaid, **§ 25:388**

Trusts. Taxes and Taxation, this index

REMAND

Veterans' benefits, appellate procedure, **§§ 15:102, 15:104 to 15:106**

REMEDIES

Abuse and neglect, **§§ 5:26 to 5:40**

Nursing homes, **§§ 23:15, 23:17, 23:18**

REMODELING

Medicaid, spenddowns allowed, **§ 25:270**

REMOVAL

Guardianship, this index

RENAL MATTERS

Medicare, this index

RENEWABLE PROMISSORY NOTE FORM

Medicaid, **§ 25:373**

RENTAL

Medicaid, this index

REOPENING OF CASE

Veterans' benefits, appealing BVA decision, **§ 15:109**

REPAIRS

Guardianship administration, repairs to buildings, **§ 28:193**
Medicaid, spenddowns allowed, **§ 25:270**

REPEAL OF FLORIDA INTANGIBLE TAX

Generally, **§ 17:2**

REPLACEMENT

Lost wedding or engagement ring, Medicaid spenddowns, **§ 25:272**
Residence, tax avoidance, **§ 12:190**

REPORTS AND REPORTING

Abuse, neglect and exploitation, statutes, **§§ 5:41 to 5:51**
Client report and analysis, **§ 1:69**
Guardianship, this index
Living Trusts, this index
Nursing home resident rights, access to facility's inspection reports, **§ 23:25**
Personal representatives for decedents' estates, providing information for reports,
§ 7:30
SSI and SSDI, application for benefits, **§§ 16:63, 16:64**

REPRESENTATION

Fee agreements, **§§ 1:69 to 1:72**
Guardianship, this index
Living trusts, **§ 10:18**
Rules of professional conduct, ethical duties, **§§ 3:2, 3:5**
Terminally ill client, **§§ 4:1 to 4:22**

REPRESENTATIVES

Medicaid, form for affidavit for designated representative, **§§ 25:351, 25:355**
Personal Representatives, this index
Veterans' benefits, appellate procedure, **§ 15:97**

REPRISALS

Fear of reprisals, abuse identification difficulties, **§ 5:10**

REPUTATION

Guardian and attorney fees, **§ 28:257**

REQUESTS

Guardianship administration, requesting authorization to act, **§ 28:190**
Medicaid, this index
Veterans' benefits, hearing request, **§§ 15:83, 15:95**

RESERVATION OR RESERVATIONS

Medicaid, reservation of life use in gift, **§ 25:304**
Nursing home resident rights, bed reservations in event of hospitalization,
§ 23:41

INDEX

RESERVES

Medigap Plan A, reserve-day coinsurance, **§ 18:90**

Veterans' Benefits, this index

RESIDENCE

Domicile, this index

Guardianship administration, change of ward's residence, **§ 28:202**

Taxes and Taxation, this index

RESIDENCY

Assisted living facilities, criteria, **§ 23:66**

Medicaid, application process, **§§ 25:56 to 25:58**

Retirement funds raised by using reverse mortgages, short residency expected, **§ 13:27**

RESIDENTIAL SETTING

Choosing, **§§ 22:1 to 22:27**

RESIDENTS

Assisted living facilities, **§§ 23:65, 23:68, 23:69**

Guardian, **§ 28:39**

Nonresidents, this index

Nursing Homes, this index

Personal representatives for decedents' estates, **§ 7:35**

RESIDUARY TRUST

Decanting special needs trusts, **§ 11:24**

Disabled heir planning, form for revocable special needs trust providing for lifetime of settlor with residuary trust for disabled heir, **§ 11:25**

RESIGNATION

Attorney in fact, **§§ 26:24, 26:25**

Guardian, **§§ 28:219 to 28:229**

Trustee, living trust administration, **§ 10:172**

RESOLUTION

Guardian appointment hearing, **§ 28:154**

Living trusts, creditor claims, **§§ 10:146, 10:165**

RESOURCES

Guardianship alternatives, community resources, **§ 28:32**

Medicaid, this index

Supplemental Security Income, qualification despite excess resources, **§ 16:38**

RESPITE SERVICES

Incapacity planning, **§ 21:20**

RESPONSE

Long Term Care Ombudsman Council, complaints, **§ 23:9**

Medicaid form, **§ 25:361**

RESPONSIBILITIES

Duties and Responsibilities, this index

RESTORATION TO CAPACITY

Guardianship termination, §§ 28:211 to 28:217

RESTRICTIONS

Limitations or Restrictions, this index

RESULTS

Guardian and attorney fees, § 28:254

Probate avoidance by use of jointly owned property, death of beneficiary of Totten trust may have unintended results, § 9:8

RESUSCITATION

Do not resuscitate orders, §§ 27:24, 27:54 to 27:59, 27:92

RETAINER AGREEMENT

Forms, §§ 8:88, 25:358

RETENTION

Guardianship, this index

Medicaid, this index

Probate avoidance by use of jointly owned property, control retained by life estate owner, § 9:56

Reservation or Reservations, this index

RETIREMENT

Pensions and Retirement, this index

RETROACTIVITY

Medicaid, Deficit Reduction Act, § 25:8

RETURN

Living trust agreement, form for letter to trustee, § 10:203

Long term care insurance, right to return, § 24:30

Medicaid, this index

RETURNS

Taxes and Taxation, this index

REVERSE MORTGAGES

Mortgages, this index

REVIEW OR REVIEWING

Appeal and Review, this index

Medicaid, this index

REVOCABLE TRUSTS

Basics, § 10:1

Estate planning, elective share avoidance, § 6:67

Governing law, § 10:4

Living trusts, §§ 10:3, 10:13, 10:28

Special needs trust, disabled heir planning form, § 11:25

REVOCATION

Anatomical gift declaration, § 27:72

INDEX

REVOCATION—Cont'd

Estate planning, elective share avoidance, §§ **6:67 to 6:69**
Living Trusts, this index
Powers of attorney, §§ **26:15, 26:56**
Trusts. Revocable Trusts, this index
Wills, §§ **7:14, 7:53**

RFA (REQUEST FOR ASSISTANCE)

Medicaid, §§ **25:47, 25:345**

RIGHTS

Advance Health Care Directives, this index
Assisted living facilities, resident's bill of rights, § **23:69**
Estate planning, elective share, §§ **6:30 to 6:78**
Gift taxes, beneficiary of crummey trust used to qualify for exclusion, § **12:122**
Guardianship, this index
Individual retirement accounts, marital election rights, § **14:128**
Long term care insurance, right to return, § **24:30**
Medicaid, this index
Nursing home residents, §§ **23:22 to 23:42**
Parents, this index
Powers of Attorney, this index
Probate, this index

RINGS

Medicaid spenddowns allowed, replacement of lost wedding or engagement ring,
§ **25:272**

RISING DEBT

Retirement funds raised by using reverse mortgages, § **13:14**

ROLE

Attorneys, this index
Community organizations and charitable agencies, planning for lifetime needs of
elderly client, § **1:17**
Guardianship, this index

ROLLOVERS

IRA, Employee Retirement Income Security Act, § **14:95**

ROOM CHANGE NOTIFICATION

Nursing home resident rights, § **23:24**

RULES

Living Trusts, this index
Medicaid, this index
Nursing home resident rights, § **23:23**
Professional conduct, ethical duties, §§ **3:1 to 3:9**
Prudent investor rule. Investments, this index
Retirement funds raised by using reverse mortgages, rules of thumb, §§ **13:24 to
13:34**

RULES—Cont'd

- Social Security Disability Insurance, five-month statutory waiting period for disability eligibility, **§ 16:47**
- Supplemental Security Income, one-third reduction of benefits, **§§ 16:24 to 16:27**
- Veterans' benefits, ninety-day rule and appellate procedure, **§§ 15:94 to 15:98**

RULES OF PROFESSIONAL CONDUCT

- Abuse and neglect remedies, **§ 5:27**

RURAL CLAIMS SERVICES

- Medicare Part B voluntary coverage, **§ 18:39**

SAFE DEPOSIT BOXES

- Guardianship, inventory, **§ 28:170**
- Living trusts, **§ 10:185**
- Powers of attorney, **§ 10:185**

SAFEGUARDS AND SAFEGUARDING

- Medicaid continuance, new assets, **§§ 25:336, 25:337**

SAFETY

- Living trusts, securities funding and initial administration, **§ 10:106**
- Nursing home management, safe premises, **§ 23:48**

SALE-LEASEBACK

- Retirement funds raised by using, **§§ 13:41 to 13:50**

SALES

- Guardianship administration, **§ 28:194**
- Medicaid, this index
- Probate, this index
- Purchase or Purchaser, this index
- Retirement funds raised by using real property, **§§ 13:30, 13:41 to 13:51**
- Reverse mortgages, retirement funds raised by using, **§ 13:30**
- Taxes and Taxation, this index

SAME-SEX MARRIAGES

- Medicaid eligibility, **§ 25:121**
- Supplemental security income, **§ 16:41**

SANCTIONS

- Penalties or Sanctions, this index

SANITARY PREMISES

- Nursing home management, **§ 23:48**

SATISFACTION

- Elective share, estate planning, **§§ 6:38 to 6:40**
- Estate plan, probate avoidance by use of jointly owned property, **§ 9:44**

SAVE OUR HOMES

- Real property taxes, portability of "Save our Homes" protection in "Super Homestead," **§ 17:38**

INDEX

SAVINGS

Health Savings Accounts, this index

SCAMS

Mail fraud scams, abuse and neglect remedies, **§ 5:33**

SCENARIOS

Medicaid, this index

SCHEDULES

Fixed-fee billing schedule, office practice tips, **§ 1:38**

Tax computation, unified tax rate schedule, **§ 12:72**

SCHOOL ATTENDANCE BY BLIND AND DISABLED CHILDREN

Supplemental Security Income, exclusions from earned income, **§ 16:16**

SCIENTIFIC PURPOSES

Anatomical gifts, embalming body gifted for scientific purposes, **§ 27:77**

SCIN (SELF-CANCELING NOTE)

Medicaid, form, **§ 25:371**

SCOPE

Americans with Disabilities Act, **§§ 19:1, 19:2**

Elder law, **§§ 1:1 to 1:72**

Older Americans Act, **§ 20:5**

Powers of attorney, **§§ 26:1 to 26:26**

Representation, rules of professional conduct and ethical duties, **§ 3:2**

Voluntary guardianship, authority, **§ 28:54**

SCREENING

Americans with Disabilities Act, screening employees for disability, **§ 19:8**

Medicare Part B voluntary coverage, cancer screening, **§§ 18:42, 18:43**

SEARCH FOR SETTLOR'S CREDITORS

Living trusts, post mortem administration, **§ 10:140**

SECOND MARRIAGES

Estate planning, marriage contracts, **§ 6:25**

SECOND-TO-DIE INSURANCE

Tax avoidance, funding life insurance trusts, **§ 12:128**

SECURITIES

Abuse and neglect statutes, Office of Financial Regulation, **§ 5:54**

Living trusts, funding and initial administration, **§§ 10:101 to 10:111**

Probate, this index

Stock and Stockholders, this index

Taxable transfers and trust assets, formulas for valuation, **§§ 12:69 to 12:71**

SECURITY

Employee Retirement Income Security Act, **§§ 14:76 to 14:96**

Incapacity planning for financial and personal security, **§§ 21:3 to 21:22**

Social Security, this index

SEEKING REDRESS OR PREVENTION

Abuse and neglect remedies, §§ 5:26 to 5:40

SELECT

Medigap select, §§ 18:108, 18:109

SELECTION

Guardianship, this index

Living Trusts, this index

Personal representatives for decedents' estates, §§ 7:42, 7:43

SELF, DANGER TO

Guardianship, § 28:14

SELF-ADMINISTERED DRUGS

Medicare Part B voluntary coverage, § 18:58

SELF-CANCELING NOTE

Medicaid, form, § 25:371

SELF-DEPRECIATION

Abuse identification, § 5:21

SELF-PROVING AFFIDAVIT

Will validity, § 7:10

SELF-SETTLED TRUSTS

Living trusts, § 10:27

SENIOR COMMUNITIES

Residential setting choice, §§ 22:16, 22:19 to 22:24

SEP (SIMPLIFIED EMPLOYEE PENSION)

Individual retirement accounts, §§ 14:107 to 14:112

SEPARATE ASSETS AND ACCOUNTS HELD AS COMMON PROPERTY

Living trusts, initial administration, § 10:114

SEPARATE MAINTENANCE

Medicaid, petition and order forms, §§ 25:359, 25:363

SEPARATE MARITAL HOMESTEADS

Probate proceedings, homestead proceedings, § 8:70

SEPARATE PROCEEDING

Probate proceedings, homestead proceedings, §§ 8:71 to 8:76

SEPARATE REVOCATION DOCUMENT

Will form, § 7:53

SERVICE

Notice, this index

Probate, this index

SERVICES

Assisted living facilities, extended congregate care services, §§ 23:59 to 23:66

INDEX

SERVICES—Cont'd

- Attorney in fact, **§ 26:10**
- Auxiliary services, **§§ 1:67, 3:7**
- Do not resuscitate orders, EMS procedures, **§ 27:59**
- Federal civil service retirement programs, **§§ 14:54 to 14:75**
- Government services, scope of elder law, **§ 1:5**
- Guardianship, this index
- Health Maintenance Organizations, this index
- Hospice, this index
- Incapacity planning, respite services, **§ 21:20**
- Long term care insurance, rating services, **§ 24:19**
- Medicaid, this index
- Medicare, this index
- Military Matters, this index
- Nursing Homes, this index
- Personal representatives for decedents' estates, **§§ 7:34 to 7:45**
- Personal Services, this index
- Residential setting choice, **§§ 22:2, 22:26, 22:27**
- Veterans' benefits, outpatient treatment health care benefits, **§§ 15:53, 15:59**

SETTING UP TRUSTS

- Tax avoidance, reducing value of estate assets, **§§ 12:127, 12:128, 12:151 to 12:157**

SETTLEMENT OR SETTLEMENTS

- Guardianship administration, claims, **§ 28:198**
- Living trusts, self-settled trusts, **§ 10:27**
- Personal representatives for decedents' estates, approving settlements, **§ 7:29**
- Retirement funds raised by using real property, viatical settlements, **§ 13:40**

SETTLOR

- Disabled heir planning, form for revocable special needs trust providing for lifetime of settlor with residuary trust for disabled heir, **§ 11:25**
- Living Trusts, this index
- Tax avoidance, life insurance trust, **§ 12:129**

SHARE OR SHARES

- Elective Share, this index
- Intestate estate, **§§ 7:15 to 7:17**
- Marital Election, this index
- Stock and Stockholders, this index

SHARING

- Probate avoidance by use of jointly owned property, beneficiary of Totten trust has not obligation to share, **§ 9:7**

SHEET

- Information sheet forms, **§§ 8:85, 25:347**

SHELTER

- Medicaid, community spouse income allowance, **§ 25:165**

SHELTER—Cont'd

Supplemental Security Income, in-kind support and maintenance, §§ **16:24 to 16:27**

Taxes and Taxation, this index

SHORT MARRIAGES

Estate planning, elective share right dangers, § **6:57**

SHORT RESIDENCY EXPECTED

Retirement funds raised by using reverse mortgages, § **13:27**

SHORTAGES

Medicaid, assisted living facility waiver shortages, § **25:104**

SIBLINGS

Medicaid, this index

SICKNESS

Illness or Sickness, this index

SIDELINES

Retirement funding, § **13:52**

SIGNATURES

Do not resuscitate orders, § **27:57**

Living trusts, trustee, §§ **10:110, 10:203**

Medicaid, signatory capabilities, § **25:110**

Probate avoidance by use of jointly owned property, §§ **9:25, 9:37, 9:51**

Sworn statement of witnesses as to identity of signatures, § **7:50**

Will validity, § **7:4**

SIGNS OF ABUSE

Identification, §§ **5:6 to 5:25**

SILENCE

Abuse identification, § **5:17**

SIMPLE WILL

Form, § **7:46**

SIMPLIFIED EMPLOYEE PENSION

Individual retirement accounts, §§ **14:107 to 14:112**

SINGLE PREMIUM IMMEDIATE ANNUITIES

Medicaid, Deficit Reduction Act, § **25:11**

SINGLE RESIDENCE AS ONLY ASSET

Tax avoidance, personal residence trusts, § **12:188**

SISTER STATES

Foreign and Sister States, this index

SISTERS AND BROTHERS

Medicaid, this index

INDEX

SIZE OF ESTATE

Estate planning, client interview and unified planning, §§ **6:21, 6:22**

Probate, this index

SKILLED CARE

Medicaid, administrative definitions, § **25:386**

SKILLED NURSING FACILITY

Medicare Part A hospital insurance benefits, §§ **18:15 to 18:18**

SLMBs (SPECIAL LOW INCOME MEDICARE BENEFICIARIES)

State payments, § **18:6**

SMALL ESTATES

Taxes and Taxation, this index

SNF (SKILLED NURSING FACILITY)

Medicare Part A hospital insurance benefits, §§ **18:15 to 18:18**

SNT

Special Needs Trust, this index

SOC (STATEMENT OF THE CASE)

Veterans' benefits, appellate procedure, §§ **15:81, 15:85, 15:103**

SOCIAL INTERACTION

Incapacity planning, § **21:22**

SOCIAL SECURITY

Generally, §§ **14:1 to 14:36**

Benefits

Generally, §§ **14:1 to 14:36**

Medicaid, calculating and managing income for eligibility, § **25:131**

Social Security Disability Insurance, this index

Supplemental Security Income, this index

Disability Insurance. Social Security Disability Insurance, this index

Medicaid, this index

Supplemental Security Income, this index

SOCIAL SECURITY DISABILITY INSURANCE

Generally, §§ **16:42 to 16:78**

Administrative review, denial or suspension of benefits, §§ **16:68 to 16:70**

Age

Eligibility, § **16:44**

Evidence of age, application for benefits, § **16:61**

Termination of benefits, § **16:54**

Amount

Benefits, § **16:57**

Appeal and review

Attorney's fee decision, denial or suspension of benefits, § **16:78**

Denial or suspension of benefits, §§ **16:67 to 16:78**

Termination of benefits, § **16:56**

Application for benefits, §§ **16:59 to 16:66**

SOCIAL SECURITY DISABILITY INSURANCE—Cont'd

- Arduous 35-year labor, eligibility, **§ 16:51**
- Attorney's fees, appealing denial or suspension of benefits, **§§ 16:74 to 16:78**
- Availability of other work, disability eligibility, **§ 16:49**
- Blindness, eligibility, **§ 16:52**
- Citizenship status information, application for benefits, **§ 16:65**
- Constitutional questions, appealing denial or suspension of benefits, **§ 16:72**
- Contingency contract for attorney's fees, appealing denial or suspension of benefits, **§ 16:76**
- Court review, denial or suspension of benefits, **§§ 16:71, 16:72**
- Co-workers' reports, application for benefits, **§ 16:64**
- Date. Time or date, below
- Death, termination of benefits, **§ 16:54**
- Decisions on attorney's fees, appealing denial or suspension of benefits, **§ 16:78**
- Denial of benefits appeal, **§§ 16:67 to 16:78**
- Detailed reports and findings, application for benefits, **§§ 16:63, 16:64**
- Eligibility, **§§ 16:43 to 16:52**
- End of disability, termination of benefits, **§ 16:55**
- Evidence
 - Age, application for benefits, **§ 16:61**
 - Exclusions, appealing denial or suspension of benefits, **§ 16:73**
 - Expedited court review for constitutional questions, denial or suspension of benefits, **§ 16:72**
 - Expense reimbursements, appealing denial or suspension of benefits, **§ 16:75**
 - Financial information, application for benefits, **§ 16:66**
 - Five-month statutory waiting period, disability eligibility, **§ 16:47**
 - Hearings, appealing denial or suspension of benefits, **§ 16:69**
 - Hourly rate for attorney's fees, appealing denial or suspension of benefits, **§ 16:77**
- Impairment
 - Information, application for benefits, **§§ 16:62 to 16:64**
 - Listing of impairments and proof, disability eligibility, **§ 16:50**
- Information presented, application for benefits, **§§ 16:60 to 16:66**
- Insured status under Social Security Act, eligibility, **§ 16:45**
- Judicial review, appealing denial or suspension of benefits, **§§ 16:71, 16:72**
- Lab findings, application for benefits, **§ 16:64**
- Medical reports, application for benefits, **§ 16:63**
- Medicare, **§ 16:58**
- Other work availability, disability eligibility, **§ 16:49**
- Phases, appealing denial or suspension of benefits, **§§ 16:68 to 16:72**
- Presentment of information, application for benefits, **§§ 16:60 to 16:66**
- Process
 - Appealing denial or suspension of benefits, **§§ 16:67 to 16:78**
 - Application for benefits, **§§ 16:59 to 16:66**
- Proof. Evidence, above
- Reconsideration, appealing denial or suspension of benefits, **§ 16:68**
- Reimbursement of expenses, appealing denial or suspension of benefits, **§ 16:75**
- Reports, application for benefits, **§§ 16:63, 16:64**

INDEX

SOCIAL SECURITY DISABILITY INSURANCE—Cont'd

- Review. Appeal and review, above
- Status
 - Citizenship status information, application for benefits, **§ 16:65**
 - Insured status under Social Security Act, eligibility, **§ 16:45**
- Suspension of benefits appeal, **§§ 16:67 to 16:78**
- Termination of benefits, **§§ 16:53 to 16:56**
- Time or date
 - Arduous 35-year labor, eligibility, **§ 16:51**
 - Expedited court review for constitutional questions, denial or suspension of benefits, **§ 16:72**
 - Five-month statutory waiting period, disability eligibility, **§ 16:47**
 - Hourly rate for attorney's fees, appealing denial or suspension of benefits, **§ 16:77**

SOCIAL SERVICES

- Disabled heir planning, nonfinancial social service assistance, **§ 11:8**

SOCIAL WORKERS

- Incapacity planning, **§ 21:28**
- Referrals from attorney, multi-dimensional approach, **§ 1:21**

SOCIO-ECONOMIC STUDIES

- Dynamic nature of elder law, **§ 1:31**

SOLELY OWNED ASSETS

- Living trusts, post mortem administration, **§ 10:133**

SOME PLAN C COVERAGE

- Medigap Plan D, **§ 18:99**

SOPHISTICATION OF CLIENT

- Estate planning, tailoring estate plan, **§§ 6:2, 6:4**

SOURCES FROM WHICH ELECTIVE SHARE IS PAYABLE

- Estate planning, **§ 6:36**

SPECIAL DISABILITY COMPENSATION ELIGIBILITY

- Veterans' benefits, **§ 15:15**

SPECIAL HEIRS

- Estate planning, tailoring estate plan, **§ 6:7**

SPECIAL LOW INCOME MEDICARE BENEFICIARIES

- State payments, **§ 18:6**

SPECIAL NEEDS TRUST

- Disabled heir planning, **§§ 11:6, 11:16 to 11:22, 11:25 to 11:30, 11:32, 11:33**

- Estate planning, qualifying special needs trust and elective share, **§ 6:77**

- Guardianship, this index

- Incapacity planning, government benefits, **§ 21:8**

- Living trusts, form for contract with trust protector for administration, **§ 10:206**

- Medicaid, this index

SPECIAL NEEDS TRUST—Cont'd

Qualifying special needs trust
Disabled heir planning, **§ 11:6**
Estate planning, elective share, **§ 6:77**
Sample third party irrevocable special needs trust funding instructions, **§ 10:206**
Supplemental Security Income, **§§ 16:35, 16:36, 16:40**

SPECIAL PROVISIONS

Living wills, **§ 27:36**

SPECIALITY LICENSES

Assisted living facilities, residential setting choice, **§ 22:14**

SPECIALIZED FEDERAL PROGRAMS

Identifying specialized federal programs, planning for lifetime needs of elderly client, **§ 1:16**

SPECIALLY ADAPTED HOMES

Veterans' benefits, disability benefits, **§ 15:19**

SPECIFIC MATTERS

Creditors, this index
Donee, anatomical gift declaration, **§ 27:70**
Features of policy, long term care insurance, **§§ 24:20 to 24:39**
Planning tools, incapacity planning, **§§ 21:32 to 21:39**
Powers, attorneys in fact, **§§ 26:27 to 26:50**

SPECIFICATION

Heirs, wills, **§ 7:20**
Insurance for specified disease, **§ 18:111**

SPENDDOWNS

Medicaid, preserving assets methods, **§§ 25:266 to 25:276**

SPENDTHRIFT TRUSTS

Living trusts, **§ 10:26**

SPIAs (SINGLE PREMIUM IMMEDIATE ANNUITIES)

Medicaid, Deficit Reduction Act, **§ 25:11**

SPINAL CORD AND BRAIN INJURY

Medicaid, home and community based services, **§ 25:34**

SPLINTS

Medicare Part B voluntary coverage, **§ 18:37**

SPONSOR'S INCOME

Supplemental Security Income, aliens' eligibility, **§ 16:10**

SPOUSES

Disabled heir planning, protecting ill spouse, **§§ 11:5, 11:6**
Divorce, this index
Federal civil service retirement programs, **§§ 14:61, 14:62**
Guardianship administration, payments, **§§ 28:183, 28:186, 28:208**

INDEX

SPOUSES—Cont'd

- Individual retirement accounts, **§ 14:120**
- Marriage, this index
- Medicaid, this index
- Pretermitted spouses, will heirs, **§ 7:22**
- Probate, this index
- Railroad retirement pensions, **§§ 14:40, 14:47, 14:50**
- Social Security benefits eligibility, **§§ 14:12 to 14:16**
- Supplemental Security Income, deemed income, **§ 16:29**
- Surviving Spouse, this index
- Taxes and Taxation, this index

SPRINGING POWERS OF ATTORNEY

- Generally, **§§ 26:7, 26:8, 26:55**

SSDI

- Social Security Disability Insurance, this index

SSI

- Supplemental Security Income, this index

SSOC (SUPPLEMENTAL STATEMENT OF THE CASE)

- Veterans' benefits, appellate procedure, **§§ 15:85, 15:103**

STAFF OR STAFFING

- Employment, Jobs or Work, this index

STAGE OR STAGES

- End-Stage, this index
- Living trust administration, **§ 10:91**

STAND-ALONE PRENEED GUARDIAN DESIGNATION

- Form, **§ 28:273**

STANDARD PROVISIONS

- Living trusts, pour-over will, **§ 10:179**

STANDARDIZED MEDIGAP PLANS

- Generally, **§§ 18:87 to 18:107**

STANDARDS

- Assisted living facilities, operation, **§ 23:58**
- Community standards for fees, office practice tips, **§ 1:41**
- Living trusts, trustee's investments, **§§ 10:124, 10:125**

STANDBY GUARDIANSHIP

- Generally, **§ 28:58**

STANDING

- Attorney's role, long term care facilities' regulation, **§ 23:75**
- Powers of attorney, affidavit of standing, **§ 26:17**

START DATE

- Medicaid, change to penalty start date, **§ 25:7**

STATE

Americans with Disabilities Act, effect on state governments, **§ 19:2**
Assisted suicide, state cases, **§ 27:87**
Foreign and Sister States, this index
Intestate estate share, **§ 7:17**
Medicaid, this index
Medicare eligibility, payments for qualified Medicare beneficiaries and special low income Medicare beneficiaries, **§ 18:6**
Older Americans Act, state agency administration, **§ 20:4**
Probate, this index
Public assistance programs for elder care, **§§ 25:22 to 25:46**
Taxes and Taxation, this index
Treasurer, deposit of unclaimed funds by guardian, **§ 28:241**

STATEMENTS

Health care surrogate, certain authority must be expressly stated, **§ 27:51**
Living trusts, account statements from banks and brokers to settlor, **§ 10:119**
Medicaid, this index
Probate proceedings, public statement of decedent's desires, **§ 8:7**
Veterans' benefits, statement of the case, **§§ 15:81, 15:85, 15:103**

STATUS

Assisted suicide, present status, **§ 27:88**
Guardian disqualification, **§ 28:82**
Living trust disadvantages, tax status of irrevocable trust, **§ 10:61**
Medicaid, this index
Social Security Disability Insurance, this index

STATUTES

Abuse and neglect prevention, **§§ 5:41 to 5:58**
Americans with Disabilities Act, **§§ 19:1 to 19:15**
Assisted suicide, prospects of legislation, **§ 27:89**
Baker Act, advance health care directives, **§§ 27:26, 27:27**
Employee Retirement Income Security Act, **§§ 14:76 to 14:96**
Exploitation of an elderly person, vulnerable adult or disabled adult, **§ 5:58**
Federal Housing for Older Persons Act, senior communities, **§§ 22:20 to 22:23**
Florida statute 825.1035, exploitation of an elderly person, vulnerable adult or disabled adult, **§ 5:58**
Guardianship, this index
Living trusts, **§§ 10:16, 10:17**
Living wills, HIPAA, **§ 27:37**
Medicaid, this index
Nursing homes, remedy, **§ 23:15**
Older Americans Act, **§§ 20:1 to 20:5**
Personal representatives for testate and intestate estates, **§§ 7:39 to 7:41**
Powers of Attorney, this index
Probate, this index
Taxes and Taxation, this index
Veterans' Benefits, this index

INDEX

STOCK AND STOCKHOLDERS

Medicaid, determination and management of assets for eligibility, **§ 25:197**
Taxable transfers and trust assets, formulas for valuation, **§§ 12:69 to 12:71**

STOP TREATMENT

Living wills, publication contents, **§ 27:34**

STORIES

News stories, marketing, **§§ 1:47, 1:62**

STRATEGY

Retirement funding, common investment strategy, **§ 13:2**

STRUCTURE OF SPECIAL NEEDS TRUST

Disabled heir planning, **§ 11:20**

STRUCTURING OF FEE

Office practice tips, **§§ 1:37 to 1:42**

STUDIES

Socio-economic studies, dynamic nature of elder law, **§ 1:31**

SUBMISSION OF EVIDENCE

Veterans' benefits, appellate procedure, **§ 15:96**

SUBSIDIES

Medicare Part D prescription drug plan, **§ 18:86**

SUBSTANTIVE APPEAL

Veterans' benefits, **§§ 15:82 to 15:84**

SUBSTITUTE SERVICE

Prevention of abuse and neglect

Respondent unascertainable, **§ 5:62**

SUCCESSORS

Guardians, **§§ 28:219 to 28:229**

Trustees, living trusts, **§§ 10:66 to 10:69**

SUGGESTED OR SUGGESTING

Investment counsel, estate planning, **§ 6:80**

Prohibitions, powers of attorney, **§§ 26:39 to 26:41**

SUGGESTION OF CAPACITY

Guardianship, restoration to capacity, **§ 28:212**

SUICIDE

Assisted suicide

Generally, **§§ 27:82 to 27:89**

Evolution of elder law, dynamic nature of elder law, **§ 1:29**

Terminally ill client representation, **§ 4:6**

Terminally ill client representation, **§§ 4:6, 4:19**

SUITS

Actions and Proceedings, this index

SUMMARY ADMINISTRATION

Probate, this index

SUMMARY OF INCOME AND EXCLUSIONS FROM INCOME

Medicaid checklist, **§ 25:344**

SUMMONS FORM

Medicaid, **§ 25:360**

SUPER HOMESTEAD

Real property taxes, portability of “Save our Homes” protection in “Super Homestead,” **§ 17:38**

SUPERVISION

Guardian’s acts supervised by attorney, ethics, **§ 28:22**

Incapacity planning, supervision of client in nursing home, **§ 21:21**

SUPERVISORY REVIEW OF REQUEST FOR HEARING

Medicaid, **§ 25:67**

SUPPLEMENTAL MATTERS

Needs trusts, disabled heir planning form, **§ 11:27**

Railroad supplemental pension, **§ 14:46**

Security Income. Supplemental Security Income, this index

Statement of the case, veterans’ benefits, **§§ 15:85, 15:103**

SUPPLEMENTAL SECURITY INCOME

Generally, **§§ 16:1 to 16:41, 16:59 to 16:78**

Absences from United States, aliens’ eligibility, **§ 16:12**

Accounts

Attorney’s fees held in trust account, appealing denial or suspension of benefits, **§ 16:75**

Cash accounts, resources, **§ 16:33**

Addicts, eligibility, **§ 16:7**

Administration of program, **§ 16:2**

Administrative review, denial or suspension of benefits, **§§ 16:68 to 16:70**

Age

Eligibility, **§ 16:4**

Evidence of age, application for benefits, **§ 16:61**

Aliens, eligibility, **§§ 16:8 to 16:12**

Allowable resources, **§§ 16:30 to 16:34**

Amount

Benefits, generally, **§ 16:37**

One-third reduction of benefits, in-kind support and maintenance, **§§ 16:24 to 16:27**

Reduction of benefits, in-kind support and maintenance, **§§ 16:24 to 16:27**

Appeal and review

Attorney’s fee decision, denial or suspension of benefits, **§ 16:78**

Denial or suspension of benefits, **§§ 16:67 to 16:78**

Application for benefits, **§§ 16:59 to 16:66**

Attorney’s fees, appealing denial or suspension of benefits, **§§ 16:74 to 16:78**

INDEX

SUPPLEMENTAL SECURITY INCOME—Cont'd

Blindness

Children attending school, exclusions from earned income, **§ 16:16**

Eligibility, **§ 16:5**

Work expenses incurred by blind person under SSA plan to achieve self-support (PASS), **§ 16:18**

Cash accounts, resources, **§ 16:33**

Children, exclusions from earned income, **§ 16:16**

Citizenship status information, application for benefits, **§ 16:65**

Constitutional questions, expedited court review of denial or suspension of benefits, **§ 16:72**

Contingency contract for attorney's fees, appealing denial or suspension of benefits, **§ 16:76**

Convalescent home, in-kind payments shelter, **§ 16:27**

Conversion of income, resources, **§ 16:32**

Costs. Expenses, below

Court review, denial or suspension of benefits, **§§ 16:71, 16:72**

Co-workers' reports, application for benefits, **§ 16:64**

Date. Time or date, below

Decisions on attorney's fees, appealing denial or suspension of benefits, **§ 16:78**

Deemed income, **§§ 16:28, 16:29**

Denial of benefits, appeal, **§§ 16:67 to 16:82**

Legal fees clarification

Ambiguity in claim, **§ 16:82**

New POMS provision, **§ 16:79**

SSA must authorize, **§ 16:80**

SSA need not authorize, **§ 16:81**

Detailed reports and findings, application for benefits, **§§ 16:63, 16:64**

Disability

Children attending school, exclusions from earned income, **§ 16:16**

Eligibility, **§§ 16:6, 16:7**

Work expenses incurred in connection with disability, exclusions from earned income, **§ 16:17**

Earned income, **§§ 16:14 to 16:18, 16:21, 16:22**

Effect of spouse's or parent's income, deemed income, **§ 16:29**

Eligibility or qualification

Generally, **§§ 16:3 to 16:12**

Despite excess resources, **§ 16:38**

Transfer of resources prior to eligibility, **§ 16:39**

Entering convalescent or nursing home reduces benefits, in-kind payments shelter, **§ 16:27**

Evidence

Age, application for benefits, **§ 16:61**

Excess resources, qualification despite, **§ 16:38**

Exclusions

Appealing denial or suspension of benefits, **§ 16:73**

Earned income, **§§ 16:15 to 16:18, 16:21, 16:22**

One-third reduction rule, in-kind payments shelter, **§ 16:26**

SUPPLEMENTAL SECURITY INCOME—Cont'd

Exclusions—Cont'd

Resources, special needs trust, **§ 16:36**

Unearned income, **§§ 16:20 to 16:22**

Expedited court review for constitutional questions, denial or suspension of benefits, **§ 16:72**

Expenses

Reimbursements, appealing denial or suspension of benefits, **§ 16:75**

Work expenses incurred, exclusions from earned income, **§§ 16:17, 16:18**

Financial information, application for benefits, **§ 16:66**

General exclusions from earned and unearned income, **§§ 16:21, 16:22**

Hearings, appealing denial or suspension of benefits, **§ 16:69**

Hourly rate for attorney's fees, appealing denial or suspension of benefits, **§ 16:77**

Impairment information, application for benefits, **§§ 16:62 to 16:64**

Incurred work expenses, exclusions from earned income, **§§ 16:17, 16:18**

Information presented, application for benefits, **§§ 16:60 to 16:66**

In-kind support and maintenance, **§§ 16:23 to 16:27**

Judicial review, denial or suspension of benefits, **§§ 16:71, 16:72**

Lab findings, application for benefits, **§ 16:64**

Litigation awards, resources, **§ 16:34**

Live-in benefits trigger one-third reduction rule, in-kind payments shelter, **§ 16:25**

Loan proceeds, general exclusions from earned and unearned income, **§ 16:22**

Medicaid, this index

Medical reports, application for benefits, **§ 16:63**

Nursing home, in-kind payments shelter, **§ 16:27**

One-third reduction of benefits, in-kind support and maintenance, **§§ 16:24 to 16:27**

Parent's income, deemed income, **§ 16:29**

Phases, appealing denial or suspension of benefits, **§§ 16:68 to 16:72**

Presentment of information, application for benefits, **§§ 16:60 to 16:66**

Proceeds of loan, general exclusions from earned and unearned income, **§ 16:22**

Process

Appealing denial or suspension of benefits, **§§ 16:67 to 16:78**

Application for benefits, **§§ 16:59 to 16:66**

Programs, **§§ 16:1 to 16:41**

Proof. Evidence, above

Qualification. Eligibility or qualification, above

Qualified aliens, eligibility, **§ 16:9**

Reconsideration, appealing denial or suspension of benefits, **§ 16:68**

Reduction of benefits, in-kind support and maintenance, **§§ 16:24 to 16:27**

Reimbursement of expenses, appealing denial or suspension of benefits, **§ 16:75**

Reports, application for benefits, **§§ 16:63, 16:64**

Resources

Generally, **§§ 16:30 to 16:34**

Special needs trust, **§ 16:36**

Transfer of resources prior to eligibility, **§ 16:39**

INDEX

SUPPLEMENTAL SECURITY INCOME—Cont'd

- Review. Appeal and review, above
- Same-sex marriages, **§ 16:41**
- School attendance by blind and disabled children, exclusions from earned income, **§ 16:16**
- Shelter, in-kind support and maintenance, **§§ 16:24 to 16:27**
- Special needs trust, **§§ 16:35, 16:36, 16:40**
- Sponsor's income, aliens' eligibility, **§ 16:10**
- Spouse's income, deemed income, **§ 16:29**
- Suspension of benefits appeal, **§§ 16:67 to 16:78**
- Time or date
 - Expedited court review for constitutional questions, denial or suspension of benefits, **§ 16:72**
 - Hourly rate for attorney's fees, appealing denial or suspension of benefits, **§ 16:77**
 - Transfer of resources prior to eligibility, **§ 16:39**
- Transfer of resources prior to eligibility, **§ 16:39**
- Trusts
 - Attorney's fees held in trust account, appealing denial or suspension of benefits, **§ 16:75**
 - Special needs trust, **§§ 16:35, 16:36, 16:40**
- Unearned income, **§§ 16:19 to 16:22**
- Work expenses incurred, exclusions from earned income, **§§ 16:17, 16:18**

SUPPLEMENTATION

- Medicaid coverage supplemented with private funds, necessity for planning, **§ 25:88**
- Medicare, this index
- Optional state supplementation, public assistance programs, **§§ 25:37 to 25:39**

SUPPORT

- Alimony, this index
- Incapacity planning, **§§ 21:11, 21:12**
- Mechanisms
 - Abuse and neglect prevention, **§ 5:40**
 - Disabled heir planning, **§ 11:10**
- Medicaid, this index
- Payments, gift taxes, **§ 12:36**
- Powers of attorney, assignment of rights of support, **§ 26:50**
- Ward's dependents, guardianship administration, **§ 28:182**

SUPREME COURT OF UNITED STATES

- Veterans' benefits, chain of appeal, **§ 15:73**

SURGERY

- Medicare Part B voluntary coverage, cosmetic surgery, **§ 18:57**

SURRENDER OF PROPERTY

- Guardianship termination, **§ 28:232**

SURROGATES

Health Care Surrogates, this index

SURVIVING SPOUSE

Estate planning, elective share, **§§ 6:30 to 6:78**
Federal civil service retirement programs, **§§ 14:61, 14:73**
Federal Employee Retirement System Plan benefits, **§ 14:73**
Intestate estate share, **§ 7:15**
Probate avoidance by use of jointly owned property, **§ 9:63**
Railroad retirement pension benefits post mortem, **§ 14:50**
Social Security benefits eligibility, **§§ 14:15, 14:16**
Taxes and Taxation, this index
Veterans' benefits, survivor benefits, **§ 15:31**
Wills, elective share, **§§ 7:18, 7:19**

SURVIVORS AND SURVIVORSHIP

Federal civil service retirement programs, **§§ 14:61, 14:65, 14:73**
Probate, this index
Railroad retirement pension benefits, **§ 14:41**
Spouses. Surviving Spouse, this index
Veterans' benefits, survivor benefits, **§§ 15:28 to 15:39**

SUSPENSION OF BENEFITS APPEAL

SSI and SSDI, **§§ 16:67 to 16:78**

SYSTEMS

Federal Employee Retirement System Plan, **§§ 14:69 to 14:75**
Living trusts, good accounting and reporting systems as advantages for trust
company use, **§ 10:80**
Real property tax system, **§§ 17:19 to 17:37**
Social Security, **§§ 14:1 to 14:36**

TABLES

Estate tax credit, **§ 12:199**
Medicaid, this index

TAILORING ESTATE PLAN

Generally, **§§ 6:1, 6:2, 6:4 to 6:9**

TAKING ADVANTAGE OF MEDICAID

Misconceptions, **§§ 25:18, 25:19**

TALC (TOTAL ANNUAL LOAN COST) RATE

Retirement funds raised by using reverse mortgages, **§ 13:23**

TANF (TEMPORARY AID FOR NEEDY FAMILIES)

Medicaid, benefits, **§ 25:24**

TAXES AND TAXATION

A-B trusts. Credit shelter trusts, below
Accrued income on transferred asset, formulas for valuation of taxable transfers
and trust assets, **§ 12:65**

INDEX

TAXES AND TAXATION—Cont'd

- Actuarial valuation, formulas for valuation of taxable transfers and trust assets, **§ 12:64**
- Additional matters
 - Homestead exemption for persons 65 and older, real property taxes, **§ 17:36**
 - Reduction in assessed value for widows, widowers, blind persons and disabled persons, homestead exemption and real property taxes, **§ 17:32**
- Advantages and disadvantages
 - Charitable remainder trusts, reducing value of estate assets to avoid tax, **§§ 12:137 to 12:146**
 - Life insurance trusts, reducing value of estate assets to avoid tax, **§§ 12:132 to 12:135**
 - Personal residence trusts, avoidance of tax, **§ 12:184**
 - Q-TIP trusts, reducing value of estate assets to avoid tax, **§§ 12:110, 12:111**
- All incidents of ownership relinquished by settlor, life insurance trusts, **§ 12:129**
- All to spouse, A-B trusts, **§ 12:94**
- Amnesty programs, intangible personal property taxes, **§ 17:18**
- Amount
 - Additional matters, above
 - Applicable exclusion amount, unified gift tax credit, **§ 12:73**
 - Reduction or decrease, below
 - Size of estate, below
 - Trust principal, formulas for valuation of taxable transfers and trust assets, **§ 12:62**
- Annual
 - Return, intangible personal property taxes, **§§ 17:4 to 17:9**
- Annual matters
 - Exclusion, gift taxes, **§§ 12:29 to 12:32**
 - Exemptions for gifts, reducing size of estate to avoid tax, **§ 12:85**
 - Tax year, real property taxes, **§ 17:21**
- Annuities
 - Charitable remainder annuity trusts, **§§ 12:149, 12:204**
 - Formulas for valuation of taxable transfers and trust assets, **§ 12:64**
 - Retirement funding, **§ 13:6**
- Application for exemption, real property taxes, **§ 17:26**
- Application or applicability
 - Estate taxes, **§ 12:7**
 - Exclusion amount, unified gift tax credit, **§ 12:73**
 - Family member, GRITs, GRATs, GRUTs, PRITs and QPRITs, **§ 12:167**
 - Intangible personal property taxes, **§ 17:10**
 - Transfer taxes, **§ 12:3**
- Appointment power. Power of appointment, below
- Appreciation, GRITs, GRATs and GRUTs, **§§ 12:175, 12:181**
- Assets
 - Intangible personal property taxes, **§ 17:11**
 - Personal residence trusts, avoidance of tax, **§§ 12:188, 12:192, 12:193**
 - Qualified personal residence trusts, avoidance of tax, **§§ 12:192, 12:193**
 - Reducing value of estate assets, avoidance of tax, **§§ 12:92 to 12:162**

TAXES AND TAXATION—Cont'd

Assets—Cont'd

 Valuation of trust assets, §§ **12:55 to 12:71**

Avoidance of tax

 Estate tax, §§ **12:83 to 12:197, 12:200 to 12:205**

 Generation skipping transfer tax, § **12:48**

Beneficial title, homestead exemption and real property taxes, §§ **17:28, 17:29**

Beneficiaries

 Charitable remainder trusts, reducing value of estate assets to avoid tax,
 § **12:155**

 Crummey trusts, reducing value of estate assets to avoid tax, §§ **12:121,
 12:122, 12:124**

 Generation skipping transfer tax, § **12:40**

 Individual retirement accounts, §§ **14:120 to 14:125**

Benefit or benefits

 Deferral of tax benefits, Q-TIP and A-B trusts compared, § **12:108**

 Life insurance trust form for benefit of spouse and children, § **12:203**

 Veterans' Benefits, this index

Blind persons, homestead exemption and real property taxes, § **17:32**

Capital Gains Taxes, this index

Capitalization of earnings, formulas for valuation of taxable transfers and trust
 assets, § **12:68**

Ceding control, charitable remainder trusts, § **12:145**

Certificates

 Disability, real property tax exemption, §§ **17:34, 17:42**

 Domicile, homestead exemption and real property taxes, § **17:31**

Charitable deduction

 Charitable remainder trusts, reducing value of estate assets to avoid tax,
 § **12:160**

 Estate taxes, § **12:18**

 Gift taxes, § **12:33**

Charitable remainder trusts

 Annuity trusts, §§ **12:149, 12:204**

 Individual retirement accounts, beneficiaries, § **14:125**

 Reducing value of estate assets to avoid tax, §§ **12:136 to 12:162**

 Unitrusts, §§ **12:150, 12:205**

Children

 Individual retirement account beneficiaries, § **14:121**

 Life insurance trust form for benefit of, § **12:203**

Closely held

 Farmland and real property held in connection with closely held business,
 formulas for valuation of taxable transfers and trust assets, § **12:67**

 Securities, formulas for valuation of taxable transfers and trust assets, § **12:71**

Combined Q-TIP and A-B trust, reducing value of estate assets to avoid tax,
 § **12:115**

Comparisons

 Personal residence trust and qualified personal residence trust, avoidance of
 tax, § **12:197**

INDEX

TAXES AND TAXATION—Cont'd

Comparisons—Cont'd

 Q-TIP and A-B trusts, reducing value of estate assets to avoid tax, **§§ 12:103 to 12:108**

 Computation of tax, **§§ 12:72 to 12:82**

 Considerations

 GRITs, GRATs and GRUTs if grantor dies within trust term, avoidance of tax, **§§ 12:176 to 12:178**

 Instituting gift program, reducing size of estate to avoid tax, **§§ 12:86 to 12:91**

 State tax considerations, **§§ 12:1 to 12:205**

 Conversion of qualified personal residence trusts, avoidance of tax, **§ 12:196**

 Costs and expenses

 Educational expenses, below

 Estate taxes, deductions from gross estate, **§ 12:16**

 Generation skipping transfer tax, exceptions to tax, **§ 12:47**

 Gift taxes, unlimited gifts, **§§ 12:34 to 12:36**

 Medical expenses, below

 Preparation of charitable remainder trust agreement, reducing value of estate assets to avoid tax, **§ 12:158**

 CRATs (charitable remainder annuity trusts), **§§ 12:149, 12:204**

 Credit shelter trusts

 Individual retirement account beneficiaries, **§ 14:123**

 Reducing value of estate assets to avoid tax, **§§ 12:93 to 12:101, 12:103 to 12:108, 12:115**

 Creditors, reducing size of estate to avoid tax, **§ 12:90**

 Credits

 Estate Taxes, this index

 Shelter trusts. Credit shelter trusts, below

 Unified gift tax credit, computation of tax, **§ 12:73**

 Criminal penalties, intangible personal property taxes, **§ 17:14**

 Criteria for setting up valid charitable remainder trust, reducing value of estate assets to avoid tax, **§§ 12:151 to 12:157**

 CRTs. Charitable remainder trusts, above

 Crummey trusts

 Documentation of crummey powers, life insurance trusts, **§ 12:133**

 Form, **§ 12:202**

 Reducing value of estate assets to avoid tax, **§§ 12:116 to 12:124**

 CRUTs (charitable remainder unitrusts), **§§ 12:150, 12:205**

 Custodians, intangible personal property tax rate, **§ 17:8**

 Date. Time or date, below

 Death

 Grantor of GRITs, GRATs and GRUTs, tax avoidance, **§§ 12:176 to 12:178**

 Post mortem transfers, applicability of transfer taxes, **§ 12:3**

 Tax. Estate Taxes, this index

 Decrease. Reduction or decrease, below

 Deductions

 Charitable deduction, above

 Estate taxes, **§§ 12:15 to 12:20**

TAXES AND TAXATION—Cont'd

Deductions—Cont'd

Gift taxes, **§ 12:33**

Marital deduction, below

Medical income tax deductions, **§ 18:126**

Medigap insurance, **§ 18:88**

Unlimited deductions

Estate taxes, **§§ 12:18 to 12:20**

Gift taxes, **§ 12:33**

Deferral

Payment of real property taxes, entitlement to homestead exemption, **§ 17:23**

Tax benefits, Q-TIP and A-B trusts compared, **§ 12:108**

Definitions

Applicable family member, **§ 12:167**

Generation skipping transfer tax, **§§ 12:38 to 12:41**

Grantor's family members, **§ 12:168**

Gross estate, estate taxes, **§§ 12:10 to 12:20**

Interest in trust, **§ 12:169**

Non-linear beneficiaries, **§ 12:40**

Personal residence, **§ 12:185**

Qualified interest, **§ 12:170**

Skip person, **§§ 12:39, 12:40**

Transferor, **§ 12:41**

Delinquency

Intangible personal property taxes, penalty, **§ 17:16**

Real property tax payment, **§ 17:24**

Disabled persons, real property tax exemption, **§§ 17:32 to 17:35, 17:42**

Disadvantages. Advantages and disadvantages, above

Disputes, real property taxes, **§ 17:37**

Distribution or distributions

Charitable remainder trusts, reducing value of estate assets to avoid tax,
§ 12:157

Generation skipping transfer tax, **§§ 12:43, 12:52**

Income, qualified personal residence trusts, **§ 12:194**

Principal

Q-TIP and A-B trusts compared, reducing value of estate assets to avoid tax,
§ 12:107

Qualified personal residence trusts, avoidance of tax, **§ 12:194**

Provision for distribution of trust, form, **§ 12:200**

Diversification, charitable remainder trusts, **§ 12:141**

Documentation of crummey powers, life insurance trusts, **§ 12:133**

Domicile

Certificate of domicile, homestead exemption and real property taxes, **§ 17:31**

Evidence of Florida domicile, income and estate taxation in other states,
§ 17:41

Donors and donees, gift program for reducing size of estate to avoid tax,
§§ 12:88 to 12:90

INDEX

TAXES AND TAXATION—Cont'd

- Earnings capitalization, formulas for valuation of taxable transfers and trust assets, **§ 12:68**
- Educational expenses
 - Generation skipping transfer tax, **§ 12:47**
 - Gift taxes, **§§ 12:34 to 12:36**
- Effect
 - Disclaimer, gift taxes, **§ 12:25**
 - Generation skipping transfer tax, individual retirement accounts, **§ 14:127**
 - Sale or transfer of residence, personal residence trusts, **§ 12:189**
- Election, Q-TIP trusts, **§§ 12:109, 12:112, 12:113**
- Eligibility or qualification
 - Marital deduction, Q-TIP and A-B trusts compared, **§ 12:104**
 - Use of crummey trust to qualify for gift tax exclusion, reducing value of estate assets to avoid tax, **§§ 12:118 to 12:123**
- Employee Retirement Income Security Act, **§§ 14:93, 14:94**
- Enforcement, intangible personal property taxes, **§§ 17:13 to 17:17**
- Estate Planning, this index
- Estate Taxes, this index
- Evidence
 - Florida domicile, income and estate taxation in other states, **§ 17:41**
 - Residence, homestead exemption and real property taxes, **§§ 17:30, 17:31**
- Exclusions
 - Annual tax return, intangible personal property taxes, **§ 17:5**
 - Estate taxes, gross estate, **§§ 12:12 to 12:14**
 - Exemptions, below
 - Generation skipping transfer tax exceptions, **§§ 12:46 to 12:48**
 - Gift Taxes, this index
 - Intangible personal property taxes, **§ 17:11**
- Exemptions
 - Annual and lifetime exemptions for gifts, reducing size of estate to avoid tax, **§ 12:85**
 - Exclusions, above
 - Generation skipping transfer tax, **§ 12:49**
 - Homestead exemption, real property taxes, **§§ 17:23, 17:27 to 17:32, 17:36**
 - State taxes, **§§ 17:1 to 17:42**
 - Expected decreases in charitable giving, charitable remainder trusts, **§ 12:147**
 - Expenses. Costs and expenses, above
 - Fair market value, valuation of taxable transfers and trust assets, **§§ 12:55 to 12:60**
 - Family members, GRITs, GRATs, GRUTs, PRITs and QPRITs, **§§ 12:167, 12:168**
 - Farmland, formulas for valuation of taxable transfers and trust assets, **§ 12:67**
 - Federally taxable estate, generally, **§§ 12:1 to 12:205**
 - Fiduciaries, intangible personal property tax rate, **§ 17:8**
 - Forms
 - Generally, **§§ 12:200 to 12:205**
 - Certificate of disability, real property tax exemption, **§ 17:42**

TAXES AND TAXATION—Cont'd

Formulas, valuation of taxable transfers and trust assets, **§§ 12:61 to 12:71**

Four types of transfer taxes, **§§ 12:2 to 12:4**

Freezing estate, GRITs, GRATs, GRUTs, PRITs and QPRITs, **§ 12:164**

Funds and funding

Life insurance trusts, reducing value of estate assets to avoid tax, **§ 12:128**

Retirement funding, **§§ 13:6, 13:48, 13:49**

Social Security, **§§ 14:2 to 14:4**

Generation Skipping Transfer Tax, this index

Getting insurance for life insurance trusts, reducing value of estate assets to avoid tax, **§ 12:135**

Gift Taxes, this index

Grantor, GRITs, GRATs, GRUTs, PRITs and QPRITs, **§§ 12:168, 12:176 to 12:178**

GRATs, avoidance of tax, **§§ 12:163 to 12:197**

Gratuitous transfer required, transfer taxes, **§ 12:4**

GRITs, avoidance of tax, **§§ 12:163 to 12:197**

GRUTs, avoidance of tax, **§§ 12:163 to 12:197**

Guardians, intangible personal property tax rate, **§ 17:8**

Heirs lose donated assets, charitable remainder trusts, **§ 12:146**

Held

Closely held, above

Farmland and real property, formulas for valuation of taxable transfers and trust assets, **§ 12:67**

High income, GRITs, GRATs and GRUTs, **§ 12:182**

Homestead, real property taxes, **§§ 17:23, 17:27 to 17:32, 17:36, 17:38**

Husband and wife. Spouses, below

Improvements, formulas for valuation of taxable transfers and trust assets, **§ 12:63**

Incapacity planning, tax advisors, **§ 21:31**

Inclusion or inclusions

Estate taxes, gross estate, **§ 12:11**

Generation skipping transfer tax computation, inclusion ratio, **§ 12:82**

Income

A-B trusts, reducing value of estate assets to avoid tax, **§§ 12:96, 12:106**

Accrued income on transferred asset, formulas for valuation of taxable transfers and trust assets, **§ 12:65**

Charitable remainder trusts, reducing value of estate assets to avoid tax, **§§ 12:154, 12:155**

Distributions, qualified personal residence trusts, **§ 12:194**

Employee Retirement Income Security Act, **§§ 14:93, 14:94**

High income, GRITs, GRATs and GRUTs, **§ 12:182**

Need of donor for income, considerations when instituting gift program for reducing size of estate to avoid tax, **§ 12:89**

Q-TIP and A-B trusts compared, reducing value of estate assets to avoid tax, **§ 12:106**

Taxes. Income Taxes, this index

INDEX

TAXES AND TAXATION—Cont'd

Independent trustee

Crummey trust used to qualify for gift tax exclusion, reducing value of estate assets to avoid tax, **§ 12:120**

Life insurance trusts, reducing value of estate assets to avoid tax, **§ 12:130**

Individual retirement accounts, **§§ 14:111, 14:119 to 14:125, 14:127**

Individuals, intangible personal property tax rate, **§ 17:9**

Inheritance taxes, **§ 12:6**

Instituting gift program, reducing size of estate to avoid tax, **§§ 12:86 to 12:91**

Intangible taxes

Exemptions, **§§ 17:1 to 17:18**

Living trusts, post mortem administration, **§§ 10:151 to 10:153**

Inter vivos transfers

Applicability of transfer taxes, **§ 12:3**

Estate taxes, fair market value as of date of transfer, **§ 12:60**

Interest on untimely filings, intangible personal property taxes, **§ 17:15**

Interests

Future interests, gift taxes, **§ 12:31**

GRITs, GRATs, GRUTs, PRITs and QPRITs, avoidance of tax, **§§ 12:163 to 12:197**

Terminable interest, below

IRA, charitable remainder trust used to shelter, **§ 12:162**

Irrevocable trusts, **§ 10:14**

Charitable remainder trusts, reducing value of estate assets to avoid tax, **§ 12:152**

Crummey trust used to qualify for gift tax exclusion, reducing value of estate assets to avoid tax, **§ 12:119**

Liability for tax

Estate taxes, **§ 12:7**

Generation skipping transfer tax, **§§ 12:51 to 12:54**

Gift taxes, **§ 12:22**

Q-TIP trusts, reducing value of estate assets to avoid tax, **§ 12:113**

Liens against property, real property tax payment, **§ 17:24**

Life expectancy of donor, considerations when instituting gift program for reducing size of estate to avoid tax, **§ 12:88**

Life insurance

Charitable remainder trusts, reducing value of estate assets to avoid tax, **§ 12:143**

Trusts, **§§ 12:125 to 12:135, 12:203**

Lifetime

Annual exclusion, gift taxes, **§ 12:30**

Exemptions for gifts, reducing size of estate to avoid tax, **§ 12:85**

Inter vivos transfers, above

Limitations

Exclusion to unreimbursed tuition and medical expenses, gift taxes, **§ 12:35**

Power of appointment, Q-TIP and A-B trusts compared, **§ 12:105**

Principal distributions, Q-TIP and A-B trusts compared, **§ 12:107**

Unlimited matters, below

TAXES AND TAXATION—Cont'd

- Living Trusts, this index
- Long term care insurance, **§ 24:12**
- Loss or losses
 - Charitable remainder trusts, loss of donated assets by heirs, **§ 12:146**
 - Estate taxes, deductions from gross estate, **§ 12:17**
- Marital deduction
 - Estate taxes, gross estate, **§§ 12:19, 12:20**
 - Gift taxes, **§ 12:33**
 - Q-TIP and A-B trusts compared, reducing value of estate assets to avoid tax, **§ 12:104**
- Market, valuation of taxable transfers and trust assets, **§§ 12:55 to 12:60, 12:66**
- Medicaid, this index
- Medical expenses
 - Generation skipping transfer tax, exceptions to tax, **§ 12:47**
 - Gift taxes, unlimited gifts, **§§ 12:34 to 12:36**
- Medigap insurance, deductions, **§ 18:88**
- Nature of intangible personal property taxes, **§ 17:3**
- Need of donor for income, considerations when instituting gift program for reducing size of estate to avoid tax, **§ 12:89**
- Omissions, intangible personal property taxes, **§ 17:17**
- Payment or payments
 - Annual tax return, intangible personal property taxes, **§ 17:6**
 - Estate Taxes, this index
 - Gift taxes, payments made to fulfill legal obligation, **§ 12:36**
 - Payoff, qualified personal residence trusts, **§ 12:195**
 - Payout rates, below
 - Penalty for untimely filings and omissions, intangible personal property taxes, **§ 17:17**
 - Real property taxes, **§§ 17:22 to 17:24**
 - Payoff, qualified personal residence trusts, **§ 12:195**
- Payout rates
 - Charitable remainder trusts, reducing value of estate assets to avoid tax, **§ 12:153**
 - GRITs, GRATs and GRUTs, avoidance of tax, **§ 12:180**
- Penalties, intangible personal property taxes, **§§ 17:14, 17:16, 17:17**
- Pensions and retirement
 - Charitable remainder trust used to shelter IRA, reducing value of estate assets to avoid tax, **§ 12:162**
 - Employee Retirement Income Security Act, **§§ 14:93, 14:94**
 - Funding for retirement, **§§ 13:6, 13:48, 13:49**
 - Individual retirement accounts, **§§ 14:111, 14:119 to 14:125, 14:127**
 - Railroad retirement pension benefits, **§ 14:42**
 - Social Security, **§§ 14:2 to 14:4, 14:34**
- Period for income, charitable remainder trusts, **§ 12:154**
- Personal property, intangible taxes, **§§ 17:2 to 17:18**
- Personal representatives, intangible personal property tax rate, **§ 17:8**
- Personal residence trusts, avoidance of tax, **§§ 12:183 to 12:197**

INDEX

TAXES AND TAXATION—Cont'd

- Planning
 - Charitable remainder trusts, reducing value of estate assets to avoid tax, **§ 12:161**
 - Estate Planning, this index
 - Estate Taxes, this index
 - Incapacity planning, tax advisors, **§ 21:31**
 - Living trust advantages, estate tax and income tax planning, **§§ 10:54, 10:55**
 - Post mortem transfers, applicability of transfer taxes, **§ 12:3**
 - Power of appointment
 - A-B trusts, reducing value of estate assets to avoid tax, **§§ 12:98, 12:100, 12:105**
 - Q-TIP and A-B trusts compared, reducing value of estate assets to avoid tax, **§ 12:105**
 - Powers of attorney, **§ 26:41**
 - Principal
 - A-B trusts, reducing value of estate assets to avoid tax, **§§ 12:97, 12:107**
 - Amount of trust principal, formulas for valuation of taxable transfers and trust assets, **§ 12:62**
 - Distribution or distributions, above
 - Q-TIP and A-B trusts compared, reducing value of estate assets to avoid tax, **§ 12:107**
 - Qualified personal residence trusts, avoidance of tax, **§ 12:194**
 - PRITs, avoidance of tax, **§§ 12:163 to 12:197**
 - Probate, this index
 - Programs
 - Amnesty programs, intangible personal property taxes, **§ 17:18**
 - Avoidance of tax by reducing size of estate, gift program, **§§ 12:86 to 12:91**
 - Proof. Evidence, above
 - Property
 - Assets, above
 - Intangible taxes, above
 - Real property, below
 - Provisions for trusts, forms, **§§ 12:200, 12:201**
 - PRTs (personal residence trusts), avoidance of tax, **§§ 12:183 to 12:197**
 - Publicity, charitable remainder trusts, **§ 12:142**
 - Publicly traded securities, formulas for valuation of taxable transfers and trust assets, **§ 12:70**
 - Purpose
 - Crummey trusts, reducing value of estate assets to avoid tax, **§ 12:117**
 - Generation skipping transfer tax, **§ 12:37**
 - GRITs, GRATs, GRUTs, PRITs and QPRITs, avoidance of tax, **§ 12:164**
 - Life insurance trusts, reducing value of estate assets to avoid tax, **§ 12:126**
 - Transfer taxes, **§ 12:1**
 - QPRITs, avoidance of tax, **§§ 12:163 to 12:197**
 - QPRTs (qualified personal residence trusts), avoidance of tax, **§§ 12:191 to 12:197**
 - Q-TIP trusts. Qualified terminable interest property trusts, below

TAXES AND TAXATION—Cont'd

- Qualification. Eligibility or qualification, above
- Qualified
 - Interest, GRITs, GRATs, GRUTs, PRITs and QPRITs, **§ 12:170**
 - Personal residence trusts, avoidance of tax, **§§ 12:191 to 12:197**
 - Terminable interest property trusts. Qualified terminable interest property trusts, below
- Qualified terminable interest property trusts
 - Avoidance of tax, **§§ 12:102 to 12:115, 12:201**
 - Individual retirement account beneficiaries, **§ 14:122**
- Railroad retirement pension benefits, **§ 14:42**
- Rates
 - Payout rates, above
 - Tax rates
 - Annual tax return, intangible personal property taxes, **§§ 17:7 to 17:9**
 - Computation of tax, **§§ 12:72, 12:75**
 - Generation skipping transfer tax, **§ 12:50**
- Real property
 - Formulas for valuation of taxable transfers and trust assets, **§§ 12:66, 12:67**
 - Taxes
 - Exemptions, **§§ 17:19 to 17:38**
 - Reductions, state veterans' benefits, **§ 15:62**
 - Retirement funds raised by using sale-leaseback, **§ 13:49**
 - Receivers, intangible personal property tax rate, **§ 17:8**
 - Reduction or decrease
 - Additional reduction in assessed value for widows, widowers, blind persons and disabled persons, homestead exemption and real property taxes, **§ 17:32**
 - Deductions, above
 - Expected decreases in charitable giving, charitable remainder trusts, **§ 12:147**
 - Real property tax reductions, state veterans' benefits, **§ 15:62**
 - Size of estate, avoidance of tax, **§§ 12:83 to 12:91**
 - Value of estate assets, avoidance of tax, **§§ 12:92 to 12:162**
 - Relinquishment of all incidents of ownership by settlor, life insurance trusts, **§ 12:129**
 - Remainder trusts. Charitable remainder trusts, above
 - Repeal of Florida intangible tax, **§ 17:2**
 - Replacement residence, personal residence trusts, **§ 12:190**
 - Residence
 - Avoidance of tax, personal residence trusts, **§§ 12:183 to 12:197**
 - Evidence of residence, homestead exemption and real property taxes, **§§ 17:30, 17:31**
 - Restrictions. Limitations, above
 - Retirement. Pensions and retirement, above
 - Returns
 - Annual tax return, intangible personal property taxes, **§§ 17:4 to 17:9**
 - Living trusts, post mortem administration, **§ 10:160**

INDEX

TAXES AND TAXATION—Cont'd

- Sales
 - Residence, personal residence trusts, **§ 12:189**
 - Retirement funds raised by using sale-leaseback, **§§ 13:48, 13:49**
- Scope of elder law, **§ 1:10**
- Second-to-die insurance, funding life insurance trusts with, **§ 12:128**
- Securities, formulas for valuation of taxable transfers and trust assets, **§§ 12:69 to 12:71**
- Setting up trusts, reducing value of estate assets to avoid tax, **§§ 12:127, 12:128, 12:151 to 12:157**
- Settlor of life insurance trust, reducing value of estate assets to avoid tax, **§ 12:129**
- Shelter
 - Charitable remainder trust used to shelter IRA, reducing value of estate assets to avoid tax, **§ 12:162**
 - Credit shelter trusts, above
- Simplified employee pension, **§ 14:111**
- Single residence as only asset, personal residence trusts, **§ 12:188**
- Size of estate
 - Reduction to avoid tax, **§§ 12:83 to 12:91**
 - Small estates, below
- Small estates
 - A-B trusts, reducing value of estate assets to avoid tax, **§ 12:95**
 - Considerations when instituting gift program, reducing size of estate to avoid tax, **§ 12:87**
- Social Security, **§§ 14:2 to 14:4, 14:34**
- Spouses
 - A-B trusts, reducing value of estate assets to avoid tax, **§§ 12:94, 12:105, 12:106**
 - Comparison of Q-TIP and A-B trusts, reducing value of estate assets to avoid tax, **§§ 12:105, 12:106**
 - Individual retirement account beneficiary, **§ 14:120**
 - Life insurance trust form for benefit of spouse and children, **§ 12:203**
 - Q-TIP trusts, reducing value of estate assets to avoid tax, **§§ 12:105, 12:106, 12:113**
 - Surviving spouse, below
- State taxes
 - Considerations, generally, **§§ 12:1 to 12:205**
 - Estate Taxes, this index
 - Exemptions, **§§ 17:1 to 17:42**
 - Income taxes, **§ 17:39**
- Statutes, generally, **§§ 12:1 to 12:205**
- Stock, formulas for valuation of taxable transfers and trust assets, **§§ 12:69 to 12:71**
- Surviving spouse
 - Additional reduction in assessed value, homestead exemption and real property taxes, **§ 17:32**
 - Liability for tax, Q-TIP trusts, **§ 12:113**

TAXES AND TAXATION—Cont'd

- Tax returns. Returns, above
- Tax treatment. Treatment, below
- Terminable interest
 - A-B trusts, reducing value of estate assets to avoid tax, **§§ 12:99, 12:100**
 - Marital deduction from gross estate, estate taxes, **§ 12:20**
 - Qualified terminable interest property trusts, above
- Termination
 - Generation skipping transfer tax, **§§ 12:44, 12:53**
 - Interest. Terminable interest, above
- Testamentary trusts, Q-TIP trusts, **§ 12:114**
- Time or date
 - Annual matters, above
 - Deferral, above
 - Fair market value as of date of transfer, valuation of taxable transfers and trust assets, **§§ 12:56 to 12:60**
 - Gift Taxes, this index
 - Income period, charitable remainder trusts, **§ 12:154**
 - Lifetime, above
 - Untimely filings, intangible personal property taxes, **§§ 17:15, 17:17**
- Transfer or transfers
 - Inter vivos transfers, above
 - Residence, personal residence trusts, **§ 12:189**
 - Taxes, generally, **§§ 12:1 to 12:205**
- Treatment
 - Simplified employee pension, **§ 14:111**
- Trustees
 - Charitable remainder trusts, reducing value of estate assets to avoid tax, **§ 12:156**
 - Independent trustee, above
- Trusts
 - Avoidance of tax, **§§ 12:92 to 12:197, 12:200 to 12:205**
 - Beneficial title, homestead exemption and real property taxes, **§ 17:29**
 - Charitable remainder trusts, above
 - Credit shelter trusts, above
 - Crummey trusts, above
 - Estate Taxes, this index
 - Forms, **§§ 12:200 to 12:205**
 - Generation skipping transfer tax, trust is liable for taxable terminations, **§ 12:53**
 - Irrevocable trusts, above
 - Living Trusts, this index
 - Qualified terminable interest property trusts, above
 - Reducing value of estate assets to avoid tax, **§§ 12:92 to 12:197**
 - Trustees, above
 - Types of trusts
 - A-B trusts, reducing value of estate assets to avoid tax, **§ 12:101**

INDEX

TAXES AND TAXATION—Cont'd

Trusts—Cont'd

Types of trusts—Cont'd

Charitable remainder trusts, reducing value of estate assets to avoid tax,
§§ 12:148 to 12:150

Personal residence trusts, avoidance of tax, **§ 12:186**

Q-TIP trusts, reducing value of estate assets to avoid tax, **§ 12:114**

Valuation of trust assets, **§§ 12:55 to 12:71**

Trustworthiness of donees, considerations when instituting gift program for
reducing size of estate to avoid tax, **§ 12:90**

Types

Transfer taxes, **§§ 12:2 to 12:4**

Trusts, above

Ultimate distribution, charitable remainder trusts, **§ 12:157**

Unified tax, computation of tax, **§§ 12:72, 12:73**

Unitrusts, charitable remainder, **§§ 12:150, 12:205**

Unlimited matters

Deductions, above

Gift Taxes, this index

Untimely filings, intangible personal property taxes, **§§ 17:15, 17:17**

Use

Charitable remainder trust used to shelter IRA, reducing value of estate assets
to avoid tax, **§ 12:162**

Crummey trust used to qualify for gift tax exclusion, reducing value of estate
assets to avoid tax, **§§ 12:118 to 12:123**

GRITs, GRATs and GRUTs, avoidance of tax, **§§ 12:179 to 12:182**

Proceeds of life insurance trust used to pay estate tax, reducing value of estate
assets to avoid tax, **§ 12:131**

Valid charitable remainder trusts, reducing value of estate assets to avoid tax,
§§ 12:151 to 12:157

Value and valuation

Additional reduction in assessed value for widows, widowers, blind persons
and disabled persons, homestead exemption and real property taxes,
§ 17:32

GRUTs, avoidance of tax, **§ 12:174**

Intangible personal property taxes, **§ 17:12**

Reducing value of estate assets, avoidance of tax, **§§ 12:92 to 12:162**

Taxable transfers and trust assets, **§§ 12:55 to 12:71**

Veterans

Benefits. Veterans' Benefits, this index

Disabled veterans exemption, real property taxes, **§ 17:35**

Wife and husband. Spouses, above

Withdrawals, life insurance trusts, **§ 12:134**

Yearly matters. Annual matters, above

TDD

Americans with Disabilities Act, availability of telecommunications devices for
deaf persons, **§ 19:12**

TEAMS

Medicaid, CARES team, **§§ 25:119, 25:120**

TELECOMMUNICATIONS

Americans with Disabilities Act, availability of telecommunications devices for deaf persons, **§ 19:12**

TEMPORARY AID FOR NEEDY FAMILIES

Medicaid, benefits, **§ 25:24**

TEMPORARY MATTERS

Guardianship, this index

Medicaid, this index

TENANCIES

Probate, this index

TENURE MONTHLY ADVANCES

Retirement funds raised by using reverse mortgages, **§ 13:18**

TERM

Long Term, this index

Medicaid, this index

Nursing home coverage, veterans' benefits, **§ 15:48**

Retirement funds raised by using real property, **§§ 13:19, 13:34, 13:47**

TERMINABLE INTEREST

Taxes and Taxation, this index

TERMINAL

Condition

Advance health care directives, **§§ 27:3 to 27:10**

Living wills, certification, **§ 27:30**

Representation of terminally ill client, **§§ 4:1 to 4:22**

TERMINATION

Employee Retirement Income Security Act qualified plans, **§ 14:89**

Guardianship, **§§ 28:210 to 28:243**

Marriage. Divorce, this index

Powers of attorney, **§§ 26:11 to 26:15, 26:56**

Social Security Disability Insurance, benefits, **§§ 16:53 to 16:56**

Taxes and Taxation, this index

TESTAMENTARY MATTERS

Wills, this index

TESTIMONY

Witnesses, this index

TESTS AND TESTING

Anatomical gifts, harvesting, **§ 27:75**

Medicare Part B voluntary coverage, laboratory tests, **§ 18:30**

INDEX

THERAPY

Medicare Part B voluntary coverage, **§ 18:35**

THIRD PERSONS OR PARTIES

Anatomical gifts, donors, **§§ 27:62, 27:63**

Confidentiality of information, ethical duty owed to third persons, **§ 3:13**

Disabled heir planning, bequest to another with instructions to provide for needy heir, **§ 11:15**

Estate Planning, this index

Guardianship administration, use of assets held jointly with another person, **§ 28:183**

Help by others, abuse and neglect prevention, **§ 5:36**

Medicaid, this index

Nursing home resident rights, access to resident by others, **§ 23:31**

Powers of Attorney, this index

THREE-YEAR LOOK-BACK PERIOD

Medicaid, initial planning consultation, **§ 25:13**

THWARTED ESTATE PLAN

Probate avoidance by use of jointly owned property, joint bank accounts with right of survivorship, **§ 9:15**

TIE-IN POLICIES

Long term care insurance, **§ 24:7**

TIERS OF BENEFITS

Railroad retirement pensions, **§ 14:44**

TIME OR DATE

Advance Matters, this index

Anatomical gifts, harvesting and time of death, **§ 27:74**

Annual Matters, this index

Billing, office practice tips, **§ 1:39**

Daily Matters, this index

Deferral or Deferred, this index

Delay, this index

Early Matters, this index

Effective Date, this index

Employee Retirement Income Security Act qualified plans, distribution, **§§ 14:86 to 14:91**

Estate Planning, this index

Expedited Matters, this index

Federal civil service retirement programs, date of employment, **§§ 14:55, 14:56**

Future Matters, this index

Guardianship, this index

Immediate Matters, this index

Letter eliciting lecture dates, scope of elder law, **§ 1:59**

Lifetime, this index

Living Trusts, this index

Medicaid, this index

TIME OR DATE—Cont'd

Monthly Matters, this index
Periods, this index
Probate, this index
Retirement funds raised by using reverse mortgages, when due, **§ 13:11**
Social Security Disability Insurance, this index
Supplemental Security Income, this index
Taxes and Taxation, this index
Temporary Matters, this index
Term, this index
Veterans' Benefits, this index

TITLE

Probate avoidance by use of jointly owned real property, life estate deed to
convey title to heirs, **§§ 9:42 to 9:62**
Real property taxes and homestead exemption, beneficial title, **§§ 17:28, 17:29**

TITLE INSURANCE

Probate avoidance by use of jointly owned real property, life estate deed to
convey title to heirs, **§ 9:59**

TOOLS

Incapacity planning tools, **§§ 21:32 to 21:39**
Lifetime needs of elderly client, tools of the trade, **§ 1:19**

TORT LAW

Scope of elder law, **§ 1:7**

TOTAL OR COMPLETE

Living trusts, total accounting to beneficiaries, **§ 10:159**
Real property tax exemption, totally disabled persons, **§§ 17:33, 17:34**
Retirement funds raised by using reverse mortgages, total annual loan cost rate,
§ 13:23
Social Security benefits, complete loss, **§ 14:31**
Veterans' benefits, total appeal, **§ 15:75**

TOTTEN TRUSTS

Medicaid eligibility, assets as available resources, **§ 25:211**
Probate avoidance by use of jointly owned property, bank accounts, **§§ 9:4 to 9:8**

TRADITIONAL MATTERS

Individual retirement accounts, **§ 14:104**
Single premium immediate annuities, Medicaid, **§ 25:11**

TRADITIONS OF FAMILY

Estate planning, tailoring estate plan, **§§ 6:5 to 6:8**

TRAINING

Assisted living facilities, staff, **§ 23:63**
Veterans' Benefits, this index

TRANSACTIONS

Individual retirement accounts, prohibited transactions, **§ 14:113**

INDEX

TRANSACTIONS—Cont'd

- Living trusts, securities funding and initial administration, **§ 10:102**
- Medicaid, combination transactions for home preservation, **§ 25:310**
- Probate avoidance by use of jointly owned property, multiple signatures, **§§ 9:25, 9:37, 9:51**

TRANSFER OR TRANSFERS

- Estate planning, transfers not triggered by death, **§ 6:74**
- Living trusts, transfer agents, **§ 10:103**
- Medicaid, this index
- Nursing home resident rights, **§ 23:42**
- Probate, this index
- Supplemental Security Income, transfer of resources prior to eligibility, **§ 16:39**
- Taxes and Taxation, this index

TRANSPORTATION

- Americans with Disabilities Act, access, **§ 19:10**

TRAVEL BY BENEFICIARY

- Veterans' benefits, outpatient treatment health care benefits, **§ 15:56**

TREASURER OF STATE

- Guardianship, deposit of unclaimed funds, **§ 28:241**

TREATMENT

- Advance health care directives, right to refuse, **§§ 27:1 to 27:27**
- Living wills, treatment to be stopped or withheld, **§ 27:34**
- Nursing Homes, this index
- Refusal of treatment
 - Advance health care directives, **§§ 27:1 to 27:27**
 - Living wills, **§ 27:34**
 - Nursing home resident rights, **§ 23:40**
- Tax treatment. Taxes and Taxation, this index
- Veterans' benefits, outpatient treatment health care benefits, **§§ 15:50 to 15:100**

TRIAL

- Disabled heir planning form, petition for creation of special needs trust in trial court, **§ 11:29**
- Nursing homes, considerations of trial judge on punitive damages for medical malpractice, **§ 23:18**

TRUST ACCOUNT

- Attorney's fees, SSI and SSDI, **§ 16:75**

TRUST COMPANIES

- Corporate trustees for living trusts, **§§ 10:76 to 10:88**

TRUST POSITION OF PERSON

- Abuse, neglect and exploitation reporting statutes, **§ 5:49**

TRUSTEES

- Corporate trustees
- Living trusts, **§§ 10:76 to 10:88**

TRUSTEES—Cont'd

Corporate trustees—Cont'd

Personal representatives for decedents' estates, **§ 7:38**

Individual retirement accounts, **§ 14:105**

Living Trusts, this index

Medicaid applicant, trust assets as available resources for Medicaid eligibility, **§ 25:210**

Nursing homes, prohibition against facility acting as trustee, **§§ 23:55, 23:56**

Personal representatives for decedents' estates, corporate trustees, **§ 7:38**

Special needs trust, disabled heir planning, **§ 11:18**

Supplemental needs trust, disabled heir planning, **§ 11:27**

Taxes and Taxation, this index

Trusts, this index

TRUSTS

Abuse and neglect prevention, **§ 5:37**

Contracts or Agreements, this index

Creation, this index

Estate planning, elective share, **§§ 6:66, 6:67, 6:76, 6:77**

Guardianship, this index

Incapacity planning tools, **§ 21:33**

Irrevocable Trusts, this index

Living Trusts, this index

Medicaid, this index

Pooled Trusts, this index

Probate, this index

Qualifying Trusts, this index

Revocable Trusts, this index

Settlor, this index

Special Needs Trust, this index

Supplemental needs trusts, disabled heir planning form, **§ 11:27**

Supplemental Security Income, this index

Testamentary trusts. Wills, this index

Totten Trusts, this index

Trustees, this index

TRUSTWORTHINESS OF DONEES

Tax avoidance, considerations when instituting gift program for reducing size of estate, **§ 12:90**

TUITION

Gift taxes, unlimited gifts for educational expense, **§§ 12:34 to 12:36**

TWITCHING

Abuse identification, **§ 5:18**

ULTIMATE DISTRIBUTION

Tax avoidance, charitable remainder trusts, **§ 12:157**

UNANTICIPATED EXPENSES OF WARD

Guardianship administration, **§ 28:181**

INDEX

UNAUTHORIZED ACTS

Fees for attorney representing guardian on, **§ 28:270**

UNAVAILABILITY

Medicaid, new assets, **§ 25:342**

UNCLAIMED FUNDS

Guardianship termination, **§§ 28:238 to 28:243**

UNCOMPENSATED TRANSFER PENALTY

Medicaid, **§§ 25:218 to 25:232**

UNCONTESTED MATTERS

Guardianship, this index

UNDER-COVERAGE

Long term care insurance, **§ 24:16**

UNDUE INFLUENCE OBJECTION

Probate proceedings, formal administration, **§ 8:44**

UNEARNED INCOME

Supplemental Security Income, **§§ 16:19 to 16:22**

UNIFIED PLANNING

Estate planning, **§§ 6:10 to 6:22**

UNIFIED TAX

Computation of tax, **§§ 12:72, 12:73**

UNIFORM GIFTS TO MINORS ACT

Probate avoidance by use of jointly owned property, bank accounts, **§§ 9:17 to 9:21**

UNINTENDED RESULTS

Probate avoidance by use of jointly owned property, death of beneficiary of Totten trust may have unintended results, **§ 9:8**

UNITRUSTS

Tax avoidance, charitable remainder unitrusts, **§§ 12:150, 12:205**

UNKNOWN WISHES OF PRINCIPAL

Health care surrogate's authority, **§ 27:52**

UNLIMITED MATTERS

Medicaid, community spouse income, **§ 25:140**

Taxes and Taxation, this index

UNMARKETABLE ASSETS OR PROPERTY

Medicaid, this index

UNREIMBURSED TUITION AND MEDICAL EXPENSES

Gift tax exclusion, **§ 12:35**

UNRELIABLE TRUSTEES

Living trust disadvantages, **§ 10:58**

UNTIMELY FILINGS

Intangible personal property taxes, §§ **17:15, 17:17**

UNUSUAL VALUE OR ITEMS OF PERSONAL PROPERTY

Medicaid, determination and management of assets for eligibility, §§ **25:206, 25:207**

USE

Estate Planning, this index

Guardianship, this index

Individual retirement accounts, gifts using retirement funds, § **14:126**

Living Trusts, this index

Long term care insurance, use in planning for incapacity, §§ **24:1 to 24:19**

Medicaid, this index

Probate, this index

Retirement funds, use of real property to raise, §§ **13:8 to 13:51**

Springing power of attorney, form for physician's affidavit to invoke, § **26:55**

Taxes and Taxation, this index

USUAL OR CUSTOMARY MATTERS

Guardianship, this index

VA

Veterans Administration, this index

VALIDITY OR INVALIDITY

Tax avoidance, charitable remainder trusts, §§ **12:151 to 12:157**

Wills, §§ **7:3 to 7:12**

VALUE AND VALUATION

Estate planning, valuation of property used to satisfy elective share, §§ **6:38 to 6:40**

Fair Market Value, this index

Guardian and attorney fees, value of ward's property, § **28:253**

Market Value, this index

Medicaid, this index

Taxes and Taxation, this index

VEHICLES

Motor Vehicles, this index

VENDOR PAYMENTS

Medicaid, calculating and managing income for eligibility, § **25:134**

VENUE

Guardianship, § **28:3**

Living trusts, post mortem administration, §§ **10:170, 10:171**

VERIFICATION

Condition, long term care insurance, § **24:28**

Inventory, guardianship administration, §§ **28:165, 28:166**

INDEX

VESTING

Employee Retirement Income Security Act qualified plans, **§ 14:87**

VETERANS

Administration. Veterans Administration, this index
Benefits. Veterans' Benefits, this index
Guardianship, this index
Medicaid, this index
Taxes and Taxation, this index

VETERANS ADMINISTRATION

Medicaid eligibility, VA payments, **§ 25:132**
Veterans' Benefits, this index

VETERANS' BENEFITS

Generally, **§§ 15:1 to 15:179**
Active duty
 Eligibility, **§§ 15:4, 15:5**
 Adapted homes, disability benefits, **§ 15:19**
 Additional payment, disability benefits, **§ 15:14**
 Administrative appeals, **§§ 15:67 to 15:115**
 Agent Orange, outpatient treatment health care benefits, **§ 15:55**
 Aid or assistance
 Blind aids, outpatient treatment health care benefits, **§ 15:59**
 Survivor benefits, **§ 15:35**
 Allowance, burial allowance, **§ 15:39**
 Amount
 Net worth, Income for Veterans Affairs Purposes (IVAP), **§ 15:24**
 Reduction, below
 Appellate procedure, **§§ 15:67 to 15:115**
 Appellate procedure, existing legacy claim or appeal, **§ 15:115**
 Assistance. Aid or assistance, above
 Attendance, survivor benefits, **§ 15:35**
 Automobiles, disability benefits, **§ 15:20**
 Avoidance of remand, appellate procedure, **§§ 15:104 to 15:106**
 Basis of appeal, **§§ 15:74 to 15:76**
 Beneficiary travel, outpatient treatment health care benefits, **§ 15:56**
 Blind aids and services, outpatient treatment health care benefits, **§ 15:59**
 Board of Veterans' Appeals, **§§ 15:70, 15:93, 15:99 to 15:111**
 Burial benefits, **§§ 15:37 to 15:39**
 BVA (Board of Veterans' Appeals), **§§ 15:70, 15:93, 15:99 to 15:111**
 Care, health or medical, **§§ 15:40 to 15:61, 15:76**
 Cause
 Death, below
 Injury or disability, eligibility, **§§ 15:7, 15:9**
 Chain of appeal, **§§ 15:68 to 15:73**
 Change of representative, appellate procedure, **§ 15:97**
 Children, survivor benefits, **§ 15:34**
 Classification of discharge, eligibility, **§ 15:6**

VETERANS' BENEFITS—Cont'd

- Clothing, disability benefits, **§ 15:21**
- Compensation, disability benefits, **§§ 15:13, 15:15**
- Completion of docket call, appellate procedure, **§ 15:89**
- Costs and expenses
 - Burial allowance, **§ 15:39**
- Counseling
 - Outpatient treatment, health care benefits, **§§ 15:60, 15:97**
 - Programs
 - Outpatient treatment, health care benefits, **§ 15:57**
- Court of Veterans' Appeals, chain of appeal, **§ 15:71**
- Courts, chain of appeal, **§§ 15:71 to 15:73**
- Coverage for nursing home, health care benefits, **§§ 15:45 to 15:48**
- Date. Time or date, below
- Death
 - Burial benefits, **§§ 15:37 to 15:39**
 - Cause of death
 - Eligibility, **§§ 15:7, 15:9**
 - Survivor benefits, **§§ 15:29, 15:30**
 - Eligibility, **§§ 15:7, 15:9**
 - Survivor benefits, **§§ 15:28 to 15:39**
- Decisions, appellate procedure, **§§ 15:76, 15:100 to 15:103, 15:107 to 15:111**
- Decrease. Reduction, below
- Dental treatment, outpatient treatment health care benefits, **§ 15:54**
- Department of Veterans Affairs. Veterans Administration, below
- Dependents, disability benefits, **§ 15:17**
- Designation of representative, appellate procedure, **§ 15:97**
- Disability
 - Generally, **§§ 15:7 to 15:21**
 - Service-related disability, **§§ 15:7 to 15:10, 15:29**
 - Survivor benefits, service-related disability death, **§ 15:29**
- Disagreement notice, timing of appeal, **§§ 15:78, 15:79**
- Discharge
 - Classification, eligibility, **§ 15:6**
- Discretionary health care benefits, **§ 15:42**
- Docket call, appellate procedure, **§§ 15:88 to 15:90**
- Domiciliary
 - Health care benefits, **§ 15:49**
 - Pension reduction while in domiciliary, **§ 15:26**
- Education
 - Available education and training, above
- Eligibility
 - Generally, **§§ 15:3 to 15:10**
 - Active duty, **§§ 15:4, 15:5**
 - Burial benefits, **§ 15:38**
 - Medicaid eligibility, limitations on veterans' benefits, **§ 25:84**
 - Nursing home coverage, health care benefits, **§ 15:46**

INDEX

VETERANS' BENEFITS—Cont'd

Eligibility—Cont'd

Outpatient treatment, health care benefits, **§ 15:51**

Pension, **§ 15:23**

Special disability compensation eligibility, **§ 15:15**

Evidence, appellate procedure, **§§ 15:87, 15:96, 15:106**

Exacerbation of preexisting injury due to service-related causes, eligibility, **§ 15:7**

Expedited docket call, appellate procedure, **§ 15:90**

Expenses. Costs and expenses, above

Extensions, appellate procedure, **§§ 15:86, 15:98**

Federal benefits, generally, **§§ 15:1 to 15:119**

Federal Circuit Court of Appeals, chain of appeal, **§ 15:72**

Female outpatient treatment, health care benefits, **§ 15:52**

Filing

Extensions, appellate procedure, **§ 15:98**

Notice of disagreement, timing of appeal, **§ 15:79**

GI Bill

Montgomery GI Bill, below

Guardianship, protective legislation, **§ 15:66**

Handicap. Disability, above

Health or medical care, **§§ 15:40 to 15:61, 15:76**

Hearings, appellate procedure, **§§ 15:83, 15:91 to 15:93, 15:95**

Homes

Nursing home, below

Specially adapted homes, disability benefits, **§ 15:19**

Inclusions in appeal, **§ 15:84**

Income, health care benefits, **§§ 15:44, 15:47**

Information

Generally, **§ 15:2**

Injury exacerbation, eligibility, **§ 15:7**

Ionizing radiation, outpatient treatment health care benefits, **§ 15:55**

Jobs. Employment, jobs or work, above

Laws. Statutes, below

Lawsuits, protective legislation, **§ 15:65**

Legacy appellate procedure, **§ 15:67**

Local office, appellate procedure, **§§ 15:69, 15:92**

Mandatory health care benefits, **§ 15:41**

Maximum annual rates, pension, **§ 15:25**

Medicaid eligibility, limitations on veterans' benefits, **§ 25:84**

Medical or health care, **§§ 15:40 to 15:61, 15:76**

Members of Board of Veterans' Appeals, appellate procedure, **§ 15:99**

Motion to reconsider, appealing BVA decision, **§ 15:108**

Net worth, Income for Veterans Affairs Purposes (IVAP), **§ 15:24**

New evidence, appellate procedure, **§§ 15:87, 15:106**

New issues, appellate procedure, **§ 15:105**

Ninety-day rule, appellate procedure, **§§ 15:94 to 15:98**

No retirement pay, disability benefits, **§ 15:16**

VETERANS' BENEFITS—Cont'd

NOD (notice of disagreement), timing of appeal, **§§ 15:78, 15:79**

Nonservice-related cause of death, survivor benefits, **§ 15:30**

Notice

Appeal of BVA decision, **§ 15:111**

Disagreement, timing of appeal, **§§ 15:78, 15:79**

Nursing home

Coverage, health care benefits, **§§ 15:45 to 15:48**

Pension reduction while in nursing home, **§ 15:26**

Offices, appellate procedure, **§§ 15:69, 15:80, 15:92**

Orders appealable, decision of BVA, **§ 15:101**

Outpatient treatment, health care benefits, **§§ 15:50 to 15:60**

Parents, survivor benefits, **§ 15:33**

Partial appeal, basis of appeal, **§ 15:75**

Payment or payments

Additional payment, disability benefits, **§ 15:14**

Net worth, Income for Veterans Affairs Purposes (IVAP), **§ 15:24**

Survivor benefits, payment rates, **§ 15:32**

Pensions and retirement

Generally, **§§ 15:22 to 15:28**

No retirement pay, disability benefits, **§ 15:16**

Survivor benefits, **§ 15:36**

Periods

Eligibility, above

Nursing home coverage, health care benefits, **§ 15:48**

Persian Gulf War

Outpatient treatment health care benefits, Persian Gulf Syndrome, **§ 15:55**

Personal hearings, appellate procedure, **§§ 15:91 to 15:93**

Pharmacy services, outpatient treatment health care benefits, **§ 15:53**

Powers of attorney, protective legislation, **§ 15:64**

Preexisting injury exacerbation, eligibility, **§ 15:7**

Preferences and priorities

Health care benefits, **§§ 15:43, 15:44**

Prisoners of war, eligibility, **§ 15:8**

Procedure, appellate, **§§ 15:67 to 15:115**

Programs

Counseling, above

Protected programs, pension, **§ 15:27**

Prosthetic devices, outpatient treatment health care benefits, **§ 15:58**

Protection

Legislation, **§§ 15:63 to 15:66**

Pension, protected programs, **§ 15:27**

Rates

Compensation rates, disability benefits, **§ 15:13**

Eligibility, ratable disability, **§ 15:10**

Maximum annual rates, pension, **§ 15:25**

Payment rates, survivor benefits, **§ 15:32**

INDEX

VETERANS' BENEFITS—Cont'd

- Readjustment counseling, outpatient treatment health care benefits, **§ 15:60**
- Real property tax reductions, state benefits, **§ 15:62**
- Reconsideration motion, appealing BVA decision, **§ 15:108**
- Reduction
 - Pension reduction while in nursing home or domiciliary, **§ 15:26**
 - Real property tax reductions, state benefits, **§ 15:62**
- Regional office, appellate procedure, **§ 15:80**
- Remand, appellate procedure, **§§ 15:102, 15:104 to 15:106**
- Reopening of case, appealing BVA decision, **§ 15:109**
- Reopening of case, Court of Appeals for Veterans Claims, **§ 15:113**
- Reopening of case, missed deadline, **§ 15:114**
- Representatives, appellate procedure, **§ 15:97**
- Request for hearing, appellate procedure, **§§ 15:83, 15:95**
- Retirement. Pensions and retirement, above
- Services, outpatient treatment health care benefits, **§§ 15:53, 15:59**
- SOC (statement of the case), appellate procedure, **§§ 15:81, 15:85, 15:103**
- Special disability compensation eligibility, **§ 15:15**
- Specially adapted homes, disability benefits, **§ 15:19**
- Spouse, survivor benefits, **§ 15:31**
- SSOC (supplemental statement of the case), appellate procedure, **§§ 15:85, 15:103**
- Staff attorneys, appellate procedure, **§ 15:99**
- Statement of the case, appellate procedure, **§§ 15:81, 15:85, 15:103**
- Statutes
 - Protective legislation, **§§ 15:63 to 15:66**
 - Submission of evidence, appellate procedure, **§ 15:96**
 - Substantive appeal, **§§ 15:82 to 15:84**
 - Supplemental statement of the case, appellate procedure, **§§ 15:85, 15:103**
 - Supreme Court of United States, chain of appeal, **§ 15:73**
 - Survivor benefits, **§§ 15:28 to 15:39**
- Taxes
 - Disability benefits, **§ 15:12**
 - Real property tax reductions, state benefits, **§ 15:62**
- Term of nursing home coverage, health care benefits, **§ 15:48**
- Time or date
 - Appellate procedure, **§§ 15:77 to 15:79, 15:86, 15:89, 15:90, 15:94 to 15:98, 15:110**
 - Maximum annual rates, pension, **§ 15:25**
 - Periods, above
- Total appeal, basis of appeal, **§ 15:75**
- Training
 - Available education and training, above
- Travel by beneficiary, outpatient treatment health care benefits, **§ 15:56**
- Types of benefits, **§§ 15:1 to 15:111**
- VA. Veterans Administration, below
- Veteran Directed Care Program (VDC), **§ 15:61**

VETERANS' BENEFITS—Cont'd

Veterans Administration

 Board of Veterans' Appeals, §§ **15:70, 15:93, 15:99 to 15:111**

 Offices, appellate procedure, §§ **15:69, 15:80, 15:92**

 Vicious habits, disability or death not due to, § **15:9**

 Vietnam Era

 Agent Orange, outpatient treatment health care benefits, § **15:55**

 War

 Persian Gulf War, above

 Prisoners of war, eligibility, § **15:8**

 Service during wartime, eligibility, § **15:5**

 Vietnam Era, above

 Willful misconduct, disability or death not due to, § **15:9**

 Work. Employment, jobs or work, above

VIABILITY

Powers of attorney, affidavit, § **26:9**

VIATICAL SETTLEMENTS

 Retirement funds raised by using real property, § **13:40**

VICIOUS HABITS

 Veterans' benefits, disability or death not due to, § **15:9**

VIETNAM ERA

 Veterans' Benefits, this index

VIRTUAL ADOPTED CHILDREN OR ADOPTION OF CHILDREN

 Generally, §§ **6:17, 7:23**

VISION

 Eyes and Vision, this index

VISITATION

 Nursing home resident rights, visiting hours, § **23:30**

VOCATIONAL MATTERS

 Veterans' Benefits, this index

VOIDABLE TRUSTEE ACTS

 Living trusts, § **10:35**

VOLUNTARY OR INVOLUNTARY MATTERS

 Guardianship, initial pleadings checklist, § **28:272**

 Guardianship, this index

 Involuntary Matters, this index

 Medicare, this index

 Transfers, gift taxes, § **12:28**

 Voluntary Matters, this index

WAITING PERIOD

 Employer health plans, no waiting period for coverage, § **18:114**

 Long term care insurance, §§ **24:24, 24:25**

INDEX

WAIVER

Guardian resignation and appointment of successor, **§ 28:226**
Long term care insurance, premium, **§ 24:36**
Medicaid, this index

WAR

Medicare Part B voluntary coverage, **§ 18:51**
Veterans' Benefits, this index

WARD

Guardianship, this index

WARRANTIES

Probate avoidance by use of jointly owned property, deeds to real property,
§§ 9:28 to 9:31

WEALTHY PERSONS

Medicaid, this index

WEB PAGE

Marketing, **§ 1:51**

WEDDING RING REPLACEMENT

Medicaid, spenddowns allowed, **§ 25:272**

WEIGHING ALTERNATIVES TO GUARDIANSHIP

Generally, **§ 28:23**

WIDOWS AND WIDOWERS

Surviving Spouse, this index

WIFE AND HUSBAND

Spouses, this index

WILLFUL MISCONDUCT

Veterans' benefits, disability or death not due to, **§ 15:9**

WILLS

Generally, **§§ 7:1 to 7:55**
Bequests, disabled heir planning, **§§ 11:14, 11:15**
Living Trusts, this index
Living Wills, this index
Making wills, **§§ 7:3 to 7:12, 8:2**
Medicaid, this index
Probate, this index
Testamentary trusts
Form, **§ 7:47**
Living trusts distinguished, **§ 10:8**
Medicaid eligibility, assets as available resources, **§ 25:212**
Tax avoidance, Q-TIP trusts, **§ 12:114**

WISHES OF PRINCIPAL

Health care surrogate's authority when principal's wishes are unknown, **§ 27:52**

WITHDRAWAL OR WITHDRAWALS

Estate planning, exercise of right to elective share, **§ 6:47**
Guardianship, this index
Medicaid, joint bank accounts, **§ 25:183**
Tax avoidance, life insurance trusts, **§ 12:134**

WITHHOLD TREATMENT

Living wills, publication contents, **§ 27:34**

WITNESSES

Guardianship, live testimony of examining committee, **§ 28:131**
Living wills, **§ 27:29**
Wills, §§ 7:5 to 7:9, 7:50, 7:52

WOES

Nursing homes, **§ 23:3**

WOMEN

Veterans' health care benefits, female outpatient treatment, **§ 15:52**

WORDS AND PHRASES

Definitions, this index

WORK AND WORKERS

Employment, Jobs or Work, this index
Social Workers, this index

WORST CASE SCENARIOS

Medicaid, spousal refusal to support, **§ 25:322**

WOUNDS

Festerling wounds, abuse identification, **§ 5:16**

WRITTEN

Consent, this index
Report of examining committee, guardianship, §§ 28:128, 28:129

WRONGFUL FIDUCIARIES OR CAREGIVERS

Guardianship, **§ 28:16**

X-RAYS

Medicare Part B voluntary coverage, §§ 18:30, 18:36

YEARLY MATTERS

Annual Matters, this index

YEARS

Tax year, real property taxes, **§ 17:21**

YOUR RIGHTS AND RESPONSIBILITIES

Medicaid, form, **§ 25:353**