

Index

- ABUSE OF ELDERLY**
Generally, **1:32**
Recognition of circumstances indicating, **1:36**
- ACCOUNTINGS**
Conservatorship. See index heading
CONSERVATORSHIP
- AD LITEM ATTORNEY**
Conservatorship, **10:15**
- AD LITEM GUARDIAN**
See index heading CONSERVATORSHIP
- ADEA**
See index heading AGE DISCRIMINATION
IN EMPLOYMENT ACT (ADEA)
- ADVANCE CARE PLANS**
Agreement, **21:4**
Assets and liabilities, **21:2**
Checklist, **20:1**
Forms, generally, **21:1 to 21:6**
Income and expenses, **21:3**
Information summary, **21:5**
Outline, **21:1**
- ADVERSARY COUNSEL**
Conservatorship, **10:14**
- AFFORDABLE CARE ACT**
Generally, **16:1**
- AGE**
Individual retirement accounts, age at
which participant must begin
taking, **1:12**
Trusts, free of trust distribution at
designated age, **21:80**
- AGE AND SERVICE ANNUITIES**
Railroad benefits, **12:9**
- AGE DISCRIMINATION IN
EMPLOYMENT ACT (ADEA)**
Generally, **3:1**
- AGE DISCRIMINATION IN
EMPLOYMENT ACT (ADEA)**
—Cont'd
Filing of complaint, **3:8**
Parties protected, **3:3**
Prohibitions and requirements, **3:4**
- ANNIVERSARY**
Trusts, free of trust distribution at
anniversaries, **21:82**
- ANNUITIES**
Medicaid, **15:4**
- APPEAL**
Medicaid, **15:11, 20:9**
Railroad retirement benefits, **12:15**
Veterans benefits, **13:10**
- APPOINTMENT**
Conservatorship. See index heading
CONSERVATORSHIP
Health care agent, forms, **21:18**
Marital will or trust. See index head-
ing MARITAL WILL OR TRUST
- APPORTIONMENT**
Marital will or trust, method of
apportionment, **21:52**
Residuary will or trust. See index
heading RESIDUARY WILL OR TRUST
- ASSISTED LIVING**
Generally, **9:5**
- ATTORNEY AD LITEM**
Conservatorship, **10:15**
- ATTORNEYS**
Conservatorship, ad litem attorney,
10:15
Estate planning. See index heading
ESTATE PLANNING
Ethical duties. See index heading
ETHICAL DUTIES
Powers of attorney. See index head-
ing POWERS OF ATTORNEY

ATTORNEYS—Cont'd

Trusts. See index heading TRUSTS

AUTO INSURANCE

Generally, **1:30**

BONDS

Conservatorship. See index heading
CONSERVATORSHIP

CARE FACILITIES

Financial planning and decision making, **5:8**

CARE MANAGEMENT

Generally, **1:34**

CAREGIVERS

Financial planning and decision making, **5:7**

CASE LAW

Florida ex rel. Bondi v. U.S. Dept. of Health and Human Services, **App A**

Interesting cases, summary, **App D to App J**

Pending cases, summary, **App B**

Summary, **App C**

CASUALTY INSURANCE

Generally, **1:28**

Forms, wills, **21:29**

Trusts, forms, **21:29**

CHECKLISTS

Generally, **20:1 to 20:21**

Advance care plan checklist, **20:1**

Conservatorship information, **20:22**

Discrimination against elderly checklist, **20:3**

Grandparent visitation checklist, **20:4**

Holistic practice checklist, **20:5**

Long-term care insurance program eligibility checklist, **20:6**

Medicaid. See index heading
MEDICAID

Medicare. See index heading
MEDICARE

Medigap plan comparison, **20:14**

Noninstitutional care checklist, **20:15**

Social security. See index heading
SOCIAL SECURITY AND RAILROAD

CHECKLISTS—Cont'd

RETIREMENT BENEFITS

Tennessee Department of Human Services supporting documentation checklist, **20:2**

Veterans benefits. See index heading
VETERANS BENEFITS

CIVIL SERVICE

Pensions. See index heading PENSION
AND RETIREMENT BENEFITS

CLERKS

Conservatorship, clerk duties and authority, **10:32**

COGNITIVE IMPAIRMENT

Ethical duties, cognitive impairment tests, **2:8**

Recognition of circumstances indicating, **1:36**

COMPENSATION

Conservatorship, compensation of fiduciary, **10:23**

Ethical duties, compensating lawyer for future work, **2:14**

Veterans benefits, dependency and indemnity compensation (DIC), **13:5**

CONFLICT NOTICE

Estate planning, **21:11**

CONFLICTS OF INTEREST

Estate planning, **19:5**

CONSERVATORSHIP

Generally, **1:37, 10:1 to 10:44**

Accountings

Generally, **10:19 to 10:22**

Contents, **10:20**

Penalties, **10:22**

Waiver, **10:21**

Ad litem attorney, **10:15**

Ad litem guardian

Generally, **10:9 to 10:13**

Appointment, **10:10**

Duties, **10:12**

General matters, **10:13**

Waiver, **10:11**

Adversary counsel, **10:14**

INDEX

CONSERVATORSHIP—Cont'd

Amount and surety, bonds, **10:6**

Appointment

Fiduciary appointment, **10:17**

Guardian ad litem, **10:10**

Rules peculiar to conservators,
courts with authority to
appoint, **10:36**

Who may be appointed, **10:38**

Attorney ad litem, **10:15**

Bonds

Generally, **10:5 to 10:7**

Amount and surety, **10:6**

Waiver, **10:7**

Clerk duties and authority, **10:32**

Compensation of fiduciary, **10:23**

Contents

Accountings, **10:20**

Order appointing conservator,
10:41

Petition, **10:39**

Costs, **10:24**

Court discretion, **10:34**

Distribution without fiduciary, **10:4**

Emergency conservator, appointment
of, **10:3**

Evaluation examination, **10:40**

Evidentiary standard, **10:31**

Expungement of record, **10:35**

General provisions, **10:2**

Gift program by fiduciary, **10:30**

Guardian ad litem. Ad litem guardian,
above

Guardian ad litem. Ad litem guaridan,
above

Hearing and notice, **10:16**

Information, checklist, **20:22**

Inventory, **10:18**

Investments, **10:25**

Limited conservatorship, **10:33**

Notice, **10:8, 10:16**

Parties

Who may be appointed, **10:38**

Who may bring petition, **10:37**

Penalties, accountings, **10:22**

Personal representative as fiduciary,
10:28

Petition, who may bring, **10:37**

CONSERVATORSHIP—Cont'd

Property management plan, **10:26**

Record expungement, **10:35**

Resignation of fiduciary or transfer of
relationship, **10:29**

Rules peculiar to conservators, courts
with authority to appoint, **10:36**

Service and notice, **10:8**

Standby fiduciary, **10:27**

Tax-reporting requirements, **10:44**

Termination of conservator, **10:42**

Transfer of relationship, **10:29**

Use of conservator proceedings to
establish competence, **10:43**

Waiver

Accountings, **10:21**

Bonds, **10:7**

Guardian ad litem, **10:11**

CONTENTS

Conservatorship. See index heading
CONSERVATORSHIP

CONTINGENT DISTRIBUTION

Residuary will or trust, **21:88**

CONTINGENT TRUST

Residuary gift, **21:32**

Sample fact situation, **19:21 to 19:23**

Wills, **19:21 to 19:23**

CONTINUING CARE

RETIREMENT COMMUNITY

Medicaid, general eligibility
guideline, **15:7**

COST OF LIVING ADJUSTMENT

Federal civil service retirement
system, **6:8**

COSTS

Conservatorship, **10:24**

COUNSEL

See index heading ATTORNEYS

COURT DISCRETION

Conservatorship, **10:34**

COURT-SUPERVISED PROCEEDINGS

Alternatives, **1:38**

CUSTODY

Grandparents rights, petition to seek custody, **4:6**

DEATH BENEFITS

Employment Retirement Income Security Act, **6:24**

DEATH PENSION

Veterans benefits, **13:7**

DEATH TAX

Generally, **1:7**

DEFERRED BENEFITS

Federal civil service retirement system, **6:3**

DEFICIT REDUCTION ACT OF 2005

Medicaid, **15:2**

DEFINITIONS

Medicare, **14:1**

Trusts, **21:90**

Veteran, **13:2**

DEPENDENCY AND INDEMNITY COMPENSATION (DIC)

Veterans benefits, **13:5**

DISABILITY INSURANCE

Generally, **1:26**

Estate planning investment asset sufficiency analyzer, lifetime disability, forms, **21:12**

Federal civil service retirement system, **6:4**

Federal employees' retirement system, **6:15**

Social security and railroad retirement benefits, **12:3, 12:8, 12:10**

DISCRIMINATION AGAINST THE ELDERLY

Generally, **3:1 to 3:12**

Additional considerations, **3:12**

Age Discrimination in Employment Act (ADEA). See index heading AGE DISCRIMINATION IN EMPLOYMENT ACT (ADEA)

Caveats, **3:9**

Checklist, **20:3**

DISCRIMINATION AGAINST THE ELDERLY—Cont'd

Human rights statutory provisions, **3:7**

Remedies, **3:10**

Statutory affirmative defenses, exemptions, and waivers of liability, **3:5**

Tennessee human rights statutory provisions, **3:7**

Tennessee statutory law, **3:2**

Tennessee-specific information, **3:11**

Waiver of liability, **3:5, 3:6**

DISEASE EDUCATION

Health care planning and decision making, **8:2**

DOCUMENTS

Drafting, **1:33**

DURABLE FINANCIAL POWER OF ATTORNEY

Generally, **1:39**

DURABLE HEALTH CARE POWER OF ATTORNEY

Generally, **1:40, 17:6**

EARLY RETIREMENT

Employment Retirement Income Security Act, **6:21**

EMPLOYEE ANNUITIES

See index heading SOCIAL SECURITY AND RAILROAD RETIREMENT BENEFITS

EMPLOYMENT

Age Discrimination in Employment Act (ADEA). See index heading AGE DISCRIMINATION IN EMPLOYMENT ACT (ADEA)

Employment Retirement Income Security Act. See index heading EMPLOYMENT RETIREMENT INCOME SECURITY ACT

EMPLOYMENT RETIREMENT INCOME SECURITY ACT (ERISA)

Generally, **6:17 to 6:24**

Death benefits, **6:24**

Early retirement, **6:21**

INDEX

EMPLOYMENT RETIREMENT INCOME SECURITY ACT (ERISA)—Cont'd

- Plans not covered by ERISA, **6:18**
- Qualified plans, **6:20**
- Required distributions, **6:23**
- Termination, **6:22**
- Types of ERISA plans, **6:19**

EMPLOYMENT TAX

- Generally, **1:5**

ERISA

- See index heading **EMPLOYMENT RETIREMENT INCOME SECURITY ACT (ERISA)**

ESTATE PLANNING

- Asset sufficiency, **19:7**
- Client profile, **21:9**
- Conference preparation memorandum, **21:8**
- Conflict notice, **21:11**
- Conflicts of interest, **19:5**
- Document flexibility, **19:9**
- Document layout, **19:8**
- Ethical considerations, **19:5**
- Forms, **21:7 to 21:13**
- Information gathering, **19:4**
- Introduction letter, **21:7**
- Investment asset sufficiency analyzer, post-death, **21:13**
- Lifetime disability insurance and benefits, investment asset sufficiency analyzer, **21:12**
- Malpractice concerns, **19:3**
- Questionnaire, **21:10**
- Tax analysis, advice, and planning, **19:6**
- Trusts. See index heading **TRUSTS**
- Wills. See index heading **WILLS**

ESTATE TAX

- Generally, **11:4**

ETHICAL DUTIES

- Generally, **1:3, 2:1 to 2:15**
- Client not yet impaired, dealing with, **2:12**
- Cognitive impairment tests, **2:8**
- Compensating lawyer for future work, **2:14**

ETHICAL DUTIES—Cont'd

- Evaluating the client, **2:5**
- Group meeting, dealing with impaired client, **2:13**
- Impaired client, dealing with
 - Generally, **2:6 to 2:13**
 - Client not yet impaired, **2:12**
 - Cognitive impairment tests, **2:8**
 - Group meeting, **2:13**
 - Lawyer's duty, **2:10**
 - Status of impairment of client, **2:11**
 - Testing, **2:7**
 - Undue influence tests, **2:9**
- Lawyer's duty, dealing with impaired client, **2:10**
- Pertinent rules, **2:3**
- Primary rules, **2:2**
- Refusing the engagement, **2:15**
- Status of impairment of client, **2:11**
- Testing impaired client, **2:7**
- Undue influence tests, dealing with impaired client, **2:9**
- Waivers, **2:4**

EVALUATION EXAMINATION

- Conservatorship, **10:40**

EVIDENCE

- Conservatorship, evidentiary standard, **10:31**

EXCISE TAX

- Pension and retirement benefits, **6:26**

EXPUNGEMENT OF RECORD

- Conservatorship, **10:35**

FAMILY TRUST

- Residuary will or trust. See index heading **RESIDUARY WILL OR TRUST**

FEDERAL CIVIL SERVICE RETIREMENT SYSTEM

- See index heading **PENSION AND RETIREMENT BENEFITS**

FEDERAL CONSTITUTIONAL ISSUES

- Grandparents rights, **4:2**

FEDERAL EMPLOYEES

See index heading PENSION AND RETIREMENT BENEFITS

FINAL DISTRIBUTION

Marital will or trust. See index heading MARITAL WILL OR TRUST

FINANCIAL PLANNING AND DECISION MAKING

Generally, **1:21, 5:1 to 5:10**
 Care facilities, **5:8**
 Caregivers, **5:7**
 Funerals, **5:9**
 Health insurance, **5:3**
 Income analysis, **5:2**
 Managing finances, **5:10**
 Medicare, **5:4**
 Medigap, **5:5**
 Prescription drug plans, **5:6**

FINANCIAL POWER OF ATTORNEY

See index heading POWERS OF ATTORNEY

FORMER SPOUSE

Federal civil service retirement system, eligibility, **6:6**

FORMS

Generally, **21:1 to 21:98**
 Advance care plan. See index heading ADVANCE CARE PLAN
 Advance care plans, checklist, **20:1**
 Appointment of health care agent, **21:18**
 Conflict and confidentiality waiver, **21:15**
 Estate planning, **21:7 to 21:13**
 Irrevocable trusts, **21:45, 21:46, 21:48**
 Living wills. See index heading LIVING WILLS
 Marital will or trust, **21:50 to 21:66**
 Powers of attorney. See index heading POWERS OF ATTORNEY
 Residuary will or trust. See index heading RESIDUARY WILL OR TRUST
 Tennessee financial power of attorney, **21:14**
 Trusts. See index heading TRUSTS

FORMS—Cont'd

Wills. See index heading WILLS

FRAUDULENT CONVEYANCE

Medicaid, **15:13**

FUNERAL TRAVEL GIFT

Trusts, forms, **21:26**

FUNERALS

Financial planning and decision making, **5:9**

GENERAL ELIGIBILITY GUIDELINE

Medicaid. See index heading MEDICAID

GENERATION-SKIPPING TRANSFER TAX

Marital will or trust, **21:63**
 Residuary will or trust, GST avoidance, **21:87**

GIFT TAX

Generally, **1:6, 11:3**
 U.S. gift tax, **11:3**

GIFTOVER

Marital will or trust, final distribution, **21:65**

GIFTS

Conservatorship, gift program by fiduciary, **10:30**
 Residuary will or trust, **21:32, 21:33**
 Taxes. See index heading GIFT TAX
 Trusts. See index heading TRUSTS

GRANDPARENTS RIGHTS

Generally, **4:1 to 4:6**
 Checklists, grandparents visitation, **20:4**
 Federal constitutional issues, **4:2**
 Petition to seek custody, **4:6**
 State constitutional issues, **4:3**
 State statutory law, **4:4**
 Termination of visitation rights, **4:5**
 Visitation
 Termination of rights, **4:5**
 Visitation checklists, **20:4**

INDEX

GROUP MEETINGS

Ethical duties, dealing with impaired client, **2:13**

GST

See index heading GENERATION-SKIPPING TRANSFER TAX

GUARDIAN AD LITEM

Conservatorship. See index heading CONSERVATORSHIP

HANDICAP TRUST WILLS

Generally, **19:34 to 19:39**
Medicaid rules as applied to known handicapped beneficiary, **19:35**
Sample fact situation, **19:37 to 19:39**
Trusts. See index heading TRUSTS

HARDSHIP

Medicaid, **15:3**

HEALTH CARE AGENT

Appointment, forms, **21:18**

HEALTH CARE DECISIONS ACT

Powers of attorney, **17:7**

HEALTH CARE PLANNING AND DECISION MAKING

Generally, **8:1 to 8:7**
Caregiving
Generally, **8:5 to 8:7**
Scope of caregiving, **8:6**
Who are caregivers, **8:7**
Disease education, **8:2**
Durable power of attorney for health care, **1:40, 16:6**
Health care resources and facilities, **8:4**
Health decisions, **8:3**
Powers of attorney. See index heading POWERS OF ATTORNEY

HEALTH INSURANCE

Affordable Care Act, **16:1**
Employer provided medical insurance, **1:23**
Federal employees' health insurance, **6:16**
Financial planning and decision making, **5:3**

HEALTH INSURANCE—Cont'd

Long-term care. See index heading LONG-TERM CARE INSURANCE

HEARINGS

Conservatorship, **10:16**
Medicaid, **15:11**

HOLISTIC PRACTICE

Generally, **1:35**
Checklists, **20:5**

HOLOGRAPHIC DOCUMENTS

Trusts. See index heading TRUSTS

HOLOGRAPHIC WILLS

Generally, **19:13**

HOMEOWNERS INSURANCE

Generally, **1:29**

HOMESTEAD EQUITY RULE

Medicaid, general eligibility guideline, **15:6**

HOUSING

Generally, **9:1 to 9:7**
Assisted living, **9:5**
Care facilities, **1:20**
Family member, moving in with, **9:3**
Remaining at home, **9:2**
Retirement communities, **9:4**
Skilled care, **9:6**

IMPAIRED CLIENTS

Ethical duties. See index heading ETHICAL DUTIES

INCOME

Advance care plans, **21:3**
Employment Retirement Income Security Act. See index heading EMPLOYMENT RETIREMENT INCOME SECURITY ACT (ERISA)
Financial planning and decision making, **5:2**
Individual income tax, **1:4**
Marital will or trust. See index heading MARITAL WILL OR TRUST
Medicaid. See index heading MEDICAID
Residuary will or trust. See index heading RESIDUARY WILL OR TRUST

INCOME—Cont'd

Supplemental Security Income (SSI),
12:4

Taxes. See index heading **INCOME TAX**

INCOME FIRST RULE

Medicaid, general eligibility
guideline, **15:5**

INCOME TAX

Generally, **1:4, 11:2**

Individual income tax, **1:4**

Pension and retirement benefits, **6:25**

**INDIVIDUAL RETIREMENT
ACCOUNTS**

Generally, **1:10, 6:29 to 6:32**

Age at which participant must begin
taking, **1:12**

Amount of contribution, **6:30**

Calculating minimum required distri-
bution, **1:13**

Designated beneficiary, who can be,
1:15

Effect on how quickly benefits must
be paid, **1:16**

Rollover options, **1:14**

Roth IRA, **1:11, 6:32**

**INDIVIDUAL RETIREMENT
ANNUITY**

Generally, **6:32**

INSURANCE

Generally, **1:22**

Auto insurance, **1:30**

Casualty insurance, **1:28**

Casualty insurance. See index head-
ing **CASUALTY INSURANCE**

Disability insurance, **1:26**

Disability insurance. See index head-
ing **DISABILITY INSURANCE**

Employer-provided medical insur-
ance, **1:23**

Federal employees' health insurance,
6:16

Financial planning and decision mak-
ing, health insurance, **5:3**

Health insurance. See index heading
HEALTH INSURANCE

Homeowners insurance, **1:29**

INSURANCE—Cont'd

Life insurance. See index heading

LIFE INSURANCE

Lifetime disability insurance and
benefits, investment asset suffi-
ciency analyzer, **21:12**

Long-term care insurance. See index
heading **LONG-TERM CARE INSUR-
ANCE**

INTERESTING ITEMS

Summary by author, **App D to App J**

INVENTORY

Conservatorship, **10:18**

INVESTMENTS

Conservatorship, **10:25**

IRAS

See index heading **INDIVIDUAL RETIRE-
MENT ACCOUNTS**

IRREVOCABLE TRUSTS

Beneficiaries' powers to demand
principal, **21:46**

Forms, **21:45, 21:46, 21:48**

Irrevocability and compliance
amendments, **21:45**

Life insurance, **18:4, 18:5**

Special need, 42 U.S.C.A.
1396p(d)(4)(A), **21:48**

JOINT ACCOUNTS

Generally, **1:42**

JOINT REVOCABLE TRUSTS

Trusts assets, forms, **21:44**

LEGISLATION

Pending legislation, summary, **App B**

Summary, generally, **App D to App J**

LIENS

Medicaid, subrogation, and recovery
of benefits, **15:12**

LIFE ESTATES

Forms

Occupy and benefit, **21:28**

Occupy only, **21:27**

Occupy and benefit, **21:28**

Occupy only, **21:27**

INDEX

LIFE INSURANCE

- Generally, **1:27**
- Irrevocable life insurance trusts,
18:4, 18:5
- Marital will or trust, **21:49**

LIFETIME TRUSTS

- Generally, **18:1 to 18:6**
- Irrevocable life insurance trusts
Generally, **18:4**
Structure and uses, **18:5**
- Revocable trusts, **18:2, 18:3**
- Special needs trusts, **18:6**

LIMITATIONS

- Medicaid, limits of veterans' benefits,
15:15

LIMITATIONS OR RESTRICTIONS

- Elder law as a term, **1:1**

LIMITED CONSERVATORSHIP

- Generally, **10:33**

LIVING WILLS

- Forms, **21:19, 21:20**
- Notary only, **21:19**
- Powers of attorney, **17:5**
- Witnesses only, **21:20**

LONG-TERM CARE INSURANCE

- Generally, **1:31, 7:1 to 7:16**
- Checklist, program eligibility
checklist, **20:6**
- Company selling policy, how to
evaluate, **7:6**
- Evaluating policy, **7:7**
- How much to buy, **7:4**
- Incontestability, **7:15**
- Life insurance contract with long-
term care component policy
summary, **7:13**
- Medicaid, **15:20**
- Need, determination of, **7:2**
- Tennessee statutory rules
Generally, **7:8 to 7:16**
Delivery of policy, **7:12**
Incontestability, **7:15**

LONG-TERM CARE INSURANCE —Cont'd

- Tennessee statutory rules—Cont'd
Life insurance contract with long-
term care component policy
summary, **7:13**
- Limitations of policy, **7:9**
- Outline of coverage, **7:11**
- Payment of long-term care through
life insurance policy, **7:14**
- Policy requirements or limitations,
7:9
- Policyholder return rights, **7:10**
- Producer training, **7:16**
- Requirements of policy, **7:9**
- When to buy, **7:5**
- Who should consider buying long-
term care insurance, **7:3**

LUMP-SUM BENEFIT PAYMENTS

- Federal civil service retirement
system, **6:9**

MALPRACTICE

- Estate planning, **19:3**

MARITAL WILL OR TRUST

- Amount and distribution, forms,
21:50
- Appointment. Power of appointment,
below
- Apportionment, method of, **21:52**
- Construction of provision, forms,
21:53
- Division of marital portion, forms,
21:51
- Final distribution
Giftover, **21:65**
Outright to designated beneficia-
ries, **21:66**
Power of appointment, **21:64**
- Forms, **21:50 to 21:66**
- Generation-skipping transfer tax,
21:63
- Giftover, final distribution, **21:65**
- GST, **21:63**
- Income
Power of appointment, **21:54**
QTip or QDot, **21:55**
Qualified plan, **21:56**

MARITAL WILL OR TRUST**—Cont'd**

- Life insurance, contingent marital deduction trust, **21:49**
- Method of apportionment, **21:52**
- Power of appointment
 - Final distribution, **21:64**
 - Income, **21:54**
 - Principal, **21:57**
 - Spouse, **21:60**
- Principal
 - Power of appointment, **21:57**
 - QDot, **21:59**
 - QTip, **21:58**
- Qtip or Qdot
 - Income, forms, **21:55**
 - Principal, forms, **21:58, 21:59**
 - Taxes, forms, **21:62**
- Remainder trust wills
 - Generally, **19:29 to 19:33**
 - Sample fact situation, **19:31 to 19:33**
 - Tax considerations, **19:30**
- Spouse's power of appointment, **21:60**
- Taxes
 - GST share, **21:63**
 - Not QDot, **21:61**
 - QDot, **21:62**

MEDICAID

- Generally, **1:18, 15:1 to 15:21**
- Affordable Care Act, **16:1**
- Annuities, **15:4**
- Appeals, **15:11, 20:9**
- Application process, **15:10**
- Checklists
 - Generally, **20:7**
 - Appeals, **20:9**
 - Eligibility, **20:8**
 - Property transfer, **20:10**
- Continuing care retirement community, general eligibility guideline, **15:7**
- Deficit Reduction Act of 2005, **15:2**
- Description, **15:1**
- Fraudulent conveyance, **15:13**

MEDICAID—Cont'd

- General eligibility guideline
 - Continuing care retirement community, **15:7**
 - Homestead equity rule, **15:6**
 - Income first rule, **15:5**
- Hardship, **15:3**
- Hearing and appeals, **15:11**
- Homestead equity rule, general eligibility guideline, **15:6**
- Income
 - Generally, **15:17**
 - General eligibility guideline, income first rule, **15:5**
 - Waiver program, eligibility for, **15:16**
- Information system, **15:14**
- Liens, subrogation, and recovery of benefits, **15:12**
- Limits of veterans' benefits, **15:15**
- Long-term care insurance, **15:20**
- Misconceptions, **15:8**
- Planning strategies, **15:21**
- Practice points, **15:19**
- Property transfer, checklists, **20:10**
- Resources, **15:18**
- State plans for medical assistance, **15:9**
- Subrogation, and recovery of benefits, liens, **15:12**
- Veterans' benefits, limits of, **15:15**
- Waiver, income eligibility for waiver program, **15:16**

MEDICARE

- Generally, **1:18, 1:24, 14:1 to 14:13**
- Benefits eligibility, **14:2**
- Checklists
 - Benefits checklist, **20:11**
 - Chart, **20:12**
 - Eligibility checklist, **20:13**
- Definition of Medicare, **14:1**
- Financial planning and decision making, **5:4**
- Inpatient hospital care, Medicare Part A, **14:5**
- Medicare Advantage restructuring, Affordable Care Act, **16:1**

INDEX

MEDICARE—Cont'd

- Medicare Part A
 - Generally, **14:3**
 - Benefits period, **14:4**
 - Inpatient hospital care, **14:5**
 - Patient expenses care, **14:6**
- Medicare Part B
 - Generally, **14:7, 14:8**
 - Eligibility, **14:8**
- Medicare Part C
 - Generally, **14:9 to 14:11**
 - Enrollment, **14:11**
 - Types of plans, **14:10**
- Medicare Part D, **14:12**
- Medigap, **14:13**
- Patient expenses care, Medicare Part A, **14:6**

MEDIGAP

- Generally, **1:25**
- Checklists, Medigap plan comparison, **20:14**
- Financial planning and decision making, **5:5**

MOVING IN WITH FAMILY MEMBER

- Generally, **9:3**

MULTIPLE BENEFICIARIES

- Residuary will or trust, **21:68, 21:70, 21:77**

NONINSTITUTIONAL CARE

- Checklist, **20:15**

NONTRUST WILLS

- See index heading **TRUSTS**
- See index heading **WILLS**

NOTARY

- Power of attorney, **21:16**

NOTICE

- Estate planning, conflict notice, **21:11**

NOTICE OR KNOWLEDGE

- Checklists, important notice concerning determination of eligibility, **20:2**
- Conservatorship, **10:8, 10:16**

NOTICE OR KNOWLEDGE

—Cont'd

- Elder law, practitioner's area of knowledge, **1:2**

NUNCUPATIVE WILLS

- Trusts, **19:14**

ORAL WILLS

- Trusts, **19:14**

PARTIES

- Conservatorship. See index heading **CONSERVATORSHIP**

PATIENT PROTECTION AND AFFORDABLE CARE ACT

- Generally, **16:1**

PENALTIES

- Conservatorship, accountings, **10:22**

PENSION AND RETIREMENT

BENEFITS

- Generally, **1:8 to 1:16, 6:1 to 6:43, 6:1 to 6:43**
- Civil service. Federal civil service retirement system, below
- Cost of living adjustments, federal civil service retirement system, **6:8**
- Deferred benefits, federal civil service retirement system, **6:3**
- Defined benefit, **1:8**
- Defined contribution, **1:9**
- Disability benefits
 - Federal civil service retirement system, **6:4**
 - Federal employees' retirement system, **6:15**
- Employment Retirement Income Security Act. See index heading **EMPLOYMENT RETIREMENT INCOME SECURITY ACT (ERISA)**
- Excise tax, **6:26**
- Federal civil service retirement system
 - Generally, **6:1 to 6:10**
 - Benefit amounts, **6:7**
 - Benefit reductions, **6:10**
 - Cost of living adjustments, **6:8**
 - Deferred benefits, **6:3**

**PENSION AND RETIREMENT
BENEFITS—Cont'd**

- Federal civil service retirement system—Cont'd
 - Disability benefits, **6:4**
 - Former spouse's eligibility, **6:6**
 - Immediate retirement benefits, **6:2**
 - Lump-sum benefit payments, **6:9**
 - Surviving spouse benefits, **6:5**
- Federal employees' health insurance, **6:16**
- Federal employees' retirement system
 - Generally, **6:11 to 6:15**
 - Benefits, **6:13**
 - Contributions and deductions, **6:12**
 - Disability benefits, **6:15**
 - Surviving spouse benefits, **6:14**
- Former spouse's eligibility, federal civil service retirement system, **6:6**
- Immediate retirement benefits, federal civil service retirement system, **6:2**
- Income tax issues, **6:25**
- Income. See index heading EMPLOYMENT RETIREMENT INCOME SECURITY ACT
- Individual retirement accounts. See index heading INDIVIDUAL RETIREMENT ACCOUNTS (IRAs)
- Individual retirement annuity, **6:32**
- IRAs. See index heading INDIVIDUAL RETIREMENT ACCOUNTS
- Lump-sum benefit payments, federal civil service retirement system, **6:9**
- Private employment retirement and pension plans
 - Generally, **6:17 to 6:37**
 - ERISA. See index heading EMPLOYMENT RETIREMENT INCOME SECURITY ACT
- Prohibited transactions, **6:34**
- Qualified domestic relations orders, **6:28**
- Railroad retirement benefits. See index heading SOCIAL SECURITY AND RAILROAD RETIREMENT BENEFITS
- Required distributions, **6:35**

**PENSION AND RETIREMENT
BENEFITS—Cont'd**

- Rollovers, **6:27**
- Roth IRA, **1:11, 6:32**
- SECURE Act, **6:36, 6:37**
- Simplified employee pension, **6:33**
- Social security. See index heading SOCIAL SECURITY AND RAILROAD RETIREMENT BENEFITS
- Spouse
 - Former spouse's eligibility, federal civil service retirement system, **6:6**
 - Surviving spouse benefits, below
 - Surviving spouse benefits
 - Federal civil service retirement system, **6:5**
 - Federal employees' retirement system, **6:14**

PERSONAL REPRESENTATIVES

- Conservatorship, **10:28**

POWER OF APPOINTMENT

- Marital will or trust. See index heading MARITAL WILL OR TRUST

POWERS OF ATTORNEY

- Generally, **17:1 to 17:8**
- Accounts, **1:42**
- Durable financial power of attorney, **1:39**
- Durable power of attorney for health care, **1:40, 16:6**
- Financial power of attorney
 - Generally, **17:2 to 17:4**
 - Forms, **21:14**
- Financial power of attorney, durable financial power of attorney, **1:39**
- Forms
 - Financial power of attorney, **21:14**
 - Notary only, **21:16**
 - Witnesses only, **21:17**
- Health Care Decisions Act, **17:7**
- Living will, **17:5**
- Notary only, forms, **21:16**
- Tennessee health care power of attorney, forms, **21:16, 21:17**
- Witnesses only, forms, **21:17**

INDEX

PRESCRIPTION DRUG PLANS

Financial planning and decision making, **5:6**

PRINCIPAL

Marital will or trust. See index heading **MARITAL WILL OR TRUST**

Residuary will or trust. See index heading **RESIDUARY WILL OR TRUST**

PRIVATE EMPLOYMENT

See index heading **PENSION AND RETIREMENT BENEFITS**

PROPERTY MANAGEMENT PLAN

Conservatorship, **10:26**

PROPERTY TRANSFER

Medicaid, checklists, **20:10**

QTIP OR QDOT

See index heading **MARITAL WILL OR TRUST**

QUALIFIED DOMESTIC

RELATIONS ORDERS

Pension and retirement benefits, **6:28**

QUALIFIED DOMESTIC TRUST (QDOT)

See index heading **MARITAL WILL OR TRUST**

QUALIFIED TERMINABLE INTEREST PROPERTY (QTIP)

See index heading **MARITAL WILL OR TRUST**

RAILROAD RETIREMENT BENEFITS

See index heading **SOCIAL SECURITY AND RAILROAD RETIREMENT BENEFITS**

RECORDS

Conservatorship, record expungement, **10:35**

REGULATIONS

Summary, **App D to App J**

REMAINDER TRUST WILLS

Trusts. See index heading **TRUSTS**

REMAINING AT HOME

Housing, **9:2**

RESIDUARY GIFT

Trusts. See index heading **TRUSTS**

RESIDUARY WILL OR TRUST

Apportionment

Family trust, apportionment, below

Single beneficiary trust, **21:86**

Contingent distribution, **21:88**

Contingent trust, residuary gift, **21:32**

Family trust, apportionment

Spouse death, **21:83**

Spouse death and young child reaches age, **21:84**

Forms, see lines throughout this topic

GST avoidance, **21:87**

Income

Discretionary distribution

Multiple benefits, **21:72**

Single benefits, **21:71**

Mandatory distribution

Multiple beneficiaries, **21:70**

Single beneficiary, **21:69**

Match beneficiary income, **21:74**

Qualified plan, **21:73**

Multiple beneficiaries, **21:68, 21:70, 21:77**

Nontrust, amount and distribution, **21:30**

Principal

Discretion with standard, **21:78**

Emergency, **21:79**

Full discretion

Multiple beneficiaries, **21:77**

Single beneficiary, **21:76**

Remainder trust, residuary gift, **21:33**

Separate share single beneficiary trust introduction, **21:85**

Single beneficiary, **21:67, 21:69, 21:76, 21:85, 21:86**

Trust objective, **21:75**

RESIGNATION

Conservatorship, resignation of fiduciary or transfer of relationship, **10:29**

RETIREMENT BENEFITS

See index heading **PENSION AND RETIREMENT BENEFITS**

RETIREMENT COMMUNITIES

Housing, **9:4**

REVOCABLE TRUSTS

Generally, **1:41**

Distribution during trustor's life, forms, **21:43**

Forms

Distribution during trustor's life, **21:43**

Revocability, **21:41**

Joint revocable trusts, trusts assets, forms, **21:44**

Lifetime trusts, **18:2, 18:3**

Revocability, forms, **21:41**

ROLLOVERS

Individual retirement accounts, **1:14**

Pension and retirement benefits, **6:27**

ROTH IRA

Generally, **1:11, 6:31**

SECURE ACT

Pension and retirement benefits, **6:36, 6:37**

SECURE ACT 2.0

Generally, **6:38 to 6:43**

Catch-up contributions, **6:43**

Distribution age, minimum, **6:39**

Enrollment, forced, **6:40**

Part-time employees, **6:42**

Student loan payment, use of, **6:41**

SENTIMENTAL PROPERTY GIFT

Trusts, **21:24**

SERVICE OF PROCESS

Conservatorship, **10:8**

SICKNESS BENEFITS

Railroad benefits, **12:6**

SIMPLIFIED EMPLOYEE

PENSION

Generally, **6:33**

SINGLE BENEFICIARY

Residuary will or trust, **21:67, 21:69, 21:76, 21:85, 21:86**

SKILLED CARE

Housing, **9:6**

SOCIAL SECURITY AND RAILROAD RETIREMENT BENEFITS

Generally, **1:17, 12:1 to 12:15**

Age and service annuities, **12:9**

Appeal right, **12:15**

Checklists

Generally, **20:18**

Chart, **20:17**

Client documents checklist, **20:16**

Client documents checklist, **20:16**

Disability annuity, **12:8**

Disability benefits, **12:3**

Employee and spouse annuities.

Railroad benefits, below

Railroad benefits

Generally, **12:5 to 12:15**

Application, **12:14**

Disability annuity, **12:8**

Employee and spouse annuities

Age and service annuities, **12:9**

Disability annuities, **12:10**

Supplemental annuities, **12:11**

Retirement and survivor benefits, **12:7**

Right of appeal, **12:15**

Survivor annuities, **12:13**

Survivor benefits, **12:12**

Unemployment and sickness benefits, **12:6**

Retirement and survivor benefits, railroad benefits, **12:7**

Spouse. Railroad benefits, above

Supplemental annuities, railroad benefits, **12:11**

Supplemental Security Income (SSI), **12:4**

Survivor annuities, railroad benefits, **12:13**

Survivor benefits, railroad benefits, **12:12**

Unemployment and sickness benefits, railroad benefits, **12:6**

Widow or widower, **12:2**

SOCIAL SERVICES

Generally, **1:19**

INDEX

SPECIAL NEED TRUST

Generally, **18:6, 21:48**

Forms, **21:35**

SPOUSE

Annuities. See index heading SOCIAL SECURITY AND RAILROAD RETIREMENT BENEFITS

Marital will or trust, spouse's power of appointment, **21:60**

Pensions. See index heading PENSION AND RETIREMENT BENEFITS

STANDBY FIDUCIARY

Conservatorship, **10:27**

STATE CONSTITUTIONAL ISSUES

Grandparents rights, **4:3**

SUBROGATION

Medicaid, **15:12**

SUMMARY

Author, **App K to App O**

Author, 2024, **App N**

Author, 2025, **App O**

SUMMARY OF CASES

See index heading CASE LAW

SUPPLEMENTAL ANNUITIES

Railroad benefits, **12:11**

SUPPLEMENTAL SECURITY INCOME (SSI)

Generally, **12:4**

SURVIVING SPOUSE

Pensions. See index heading PENSION AND RETIREMENT BENEFITS

SURVIVOR ANNUITIES

Railroad benefits, **12:13**

SURVIVOR BENEFITS

Railroad benefits, **12:12**

TAXES

Generally, **11:1 to 11:4**

Conservatorship, tax-reporting requirements, **10:44**

Death tax, **1:7**

Employment tax, **1:5**

Estate tax, **11:4**

TAXES—Cont'd

Gift tax. See index heading GIFT TAX

Income tax. See index heading INCOME TAX

Individual income tax, **1:4**

Marital will or trust. See index heading MARITAL WILL OR TRUST

Trusts. See index heading TRUSTS

U.S. estate tax, **11:4**

Wills. See index heading WILLS

TENNESSEE DEPARTMENT OF HUMAN SERVICES

Supporting documentation checklist, **20:2**

TERMINATION

Conservator, termination of, **10:42**

Employment Retirement Income Security Act, **6:22**

Grandparents' visitation rights, **4:5**

TESTAMENTARY TRUSTS

See index heading TRUSTS

TESTS AND TESTING

Ethical duties, testing impaired client, **2:7**

TRANSFERS

Conservatorship, transfer of relationship, **10:29**

TRUSTS

Generally, **19:1 et seq.**

Administration of trusts, method of, **19:10**

Anniversaries, free of trust distribution at, **21:82**

Annual distributions, free of trust distribution, **21:81**

Attorneys

objectives of attorneys in estate planning, **19:1**

responsibilities in estate planning, **19:2**

Contingent trust wills, **19:20 to 19:23**

Definitions, forms, **21:90**

Designated age, free of trust distribution, **21:80**

Estate distribution intent forms, **21:98**

TRUSTS—Cont'd

- Examples of problems, **19:11**
- Fiduciaries, provisions relative to, **21:36**
- Forms
 - Definitions, **21:90**
 - Estate distribution intent, **21:98**
 - Free of trust distribution
 - Anniversaries, at, **21:82**
 - Annual distributions, **21:81**
 - Designated age, **21:80**
 - Portability, direction to elect, **21:97**
 - Provisions relative to fiduciaries, **21:89**
 - Residuary gift
 - Contingent trust, **21:32**
 - Remainder trust, **21:33**
 - Tax law status, **21:98**
 - Trust assets, **21:42**
 - Vesting and continuation of trust interests, **21:47**
- Gifts. Residuary gifts, below
- Handicap trust wills. See index heading HANDICAP TRUST WILLS
- Information gathering, **19:4**
- Irrevocable trusts, life insurance, **18:4**
- Irrevocable trusts. See index heading IRREVOCABLE TRUSTS
- Judicial review, petition for, **21:95**
- Life estates. See index heading LIFE ESTATES
- Lifetime trusts. See index heading LIFETIME TRUSTS
- Marital will or trust. See index heading MARITAL WILL OR TRUST
- Miscellaneous provisions, **21:93**
- Nontrust wills. See index heading WILLS
- Portability, direction to elect forms, **21:97**
- Remainder trust wills
 - Generally, **19:24 to 19:28**
 - marital wills. See index heading MARITAL WILL OR TRUST
 - Residuary gift, **21:33**
 - Sample fact situation, **19:26 to 19:28**

TRUSTS—Cont'd

- Remainder trust wills—Cont'd
 - Tax considerations, **19:25**
- Residuary gifts
 - Contingent trust, forms, **21:32**
 - Remainder trust, forms, **21:33**
- Residuary will or trust. See index heading RESIDUARY WILL OR TRUST
- Retirement plan beneficiary designation, **21:94**
- Revocable trusts. See index heading REVOCABLE TRUSTS
- Simultaneous death, **21:92**
- Tax law status forms, **21:98**

UNDUE INFLUENCE

- Ethical duties, dealing with impaired client, **2:9**
- Recognition of circumstances indicating, **1:36**

UNEMPLOYMENT AND SICKNESS BENEFITS

- Railroad benefits, **12:6**

VETERANS BENEFITS

- Generally, **13:1 to 13:10**
- Accrued benefits, **13:6**
- Appeal, **13:10**
- Checklists
 - Benefits eligibility, **20:20**
 - Eligibility checklist, **20:19**
 - Information checklist, **20:21**
- Death pension, **13:7**
- Dependency and indemnity compensation (DIC), **13:5**
- History of veterans affairs, **13:1**
- Medicaid, limits of veterans' benefits, **15:15**
- Net worth criteria, **13:9**
- Nonservice-connected benefits, **13:8**
- Service-connected disabilities, **13:4**
- VBA benefits, eligibility for, **13:3**
- Veteran, defined, **13:2**

VISITATION

- See index heading GRANDPARENTS RIGHTS

WAIVER

- Confidentiality waiver, forms, **21:15**

INDEX

WAIVER—Cont'd

- Conservatorship. See index heading
CONSERVATORSHIP
- Discrimination against the elderly,
waiver of liability, **3:5, 3:6**
- Ethical duties, **2:4**
- Medicaid, income eligibility for
waiver program, **15:16**

WIDOW OR WIDOWER

- Social security and railroad retire-
ment benefits, **12:2**

WILLS

- Generally, **19:1 et seq.**
- Asset sufficiency, **19:7**
- Casualty insurance, forms, **21:29**
- Conflicts of interest and ethical
consideration, **19:5**
- Contingent trust wills, **19:20 to 19:23**
- Continuation of beneficiary's interest,
forms, **21:34**
- Estate distribution intent forms,
21:98
- Examples of problems, **19:11**
- Forms
 - Casualty insurance, **21:29**
 - Continuation of beneficiary's inter-
est, **21:34**
 - Estate distribution intent, **21:98**
 - Funeral travel gift, **21:26**
 - General tangible personal property,
21:22
 - Holographic codicil, **21:25**
 - Nontrust, acknowledgment of
effect, **21:31**
 - Payment of debts, expenses, and
taxes, **21:37**
 - Portability, direction to elect,
21:97
 - Provisions relative to fiduciaries,
21:36
 - Residuary, nontrust, amount and
distribution, **21:30**
 - Sentimental property gift, **21:24**
 - Shell, **21:21**
 - Special need trust, **21:35**
 - Specific gift of items or cash,
21:23
 - Tax law status, **21:98**

WILLS—Cont'd

- Funeral travel gift, forms, **21:26**
- General tangible personal property,
forms, **21:22**
- Gifts
 - Funeral travel gift, forms, **21:26**
 - Sentimental property gift, forms,
21:24
 - Specific gift of items or cash,
forms, **21:23**
- Handicap trust wills. See index head-
ing HANDICAP TRUST WILLS
- Holographic codicil, forms, **21:25**
- Holographic wills, **19:13**
- Judicial review, petition for, **21:95**
- Life estates. See index heading LIFE
ESTATES
- Malpractice concerns, **19:3**
- Marital will or trust. See index head-
ing MARITAL WILL OR TRUST
- Nontrust wills
 - Generally, **19:16 to 19:19**
 - Acknowledgment of effect, **21:31**
 - Residuary will or trust, **21:30**
 - Sample fact situation, **19:17 to
19:19**
- Nuncupative (oral) wills, **19:14**
- Oral wills, **19:14**
- Payment of debts, expenses, and
taxes, **21:37**
- Portability, direction to elect forms,
21:97
- Provisions relative to fiduciaries,
21:36
- Remainder trust wills. See index
heading TRUSTS
- Requirements for valid wills, **19:12
to 19:15**
- Residuary will or trust. See index
heading RESIDUARY WILL OR TRUST
- Sentimental property gift, **21:24**
- Simultaneous death, **21:92**
- Special need trust, **21:35**
- Specific gift of items or cash, **21:23**
- Standard wills, **19:15**
- Tax considerations
 - Analysis, advice and planning,
19:6

WILLS—Cont'd

- Tax considerations—Cont'd
 - Marital remainder trust wills,
19:30
 - Payment of debts, expenses, and
taxes, **21:37**
 - Remainder trust wills, **19:25**
- Tax law status forms, **21:98**
- Trusts. See index heading TRUSTS
- Valid wills, requirements
 - Generally, **19:12 et seq.**

WILLS—Cont'd

- Valid wills, requirements—Cont'd
 - Holographic wills, **19:13**
 - Nuncupative (oral) wills, **19:14**
 - Standard wills, **19:15**
- Vesting and continuation of trust
interests, forms, **21:47**

WITNESSES

- Living wills, **21:20**
- Power of attorney, **21:17**