

# SMART PLANNER

Useful Tips for a Better Tomorrow

March 2018

## CZEPIGA DALY POPE & PERRI Our New Name with New Leadership

*We've changed our name! Well, it's the same name, we've just enhanced it.*

Because of his contributions made to the firm and to the community, we are pleased to tell you that we have appointed Carmine Perri, the head of our litigation department, as principal. Our new name is Czepiga Daly Pope & Perri.

### About Carmine

Carmine joined the firm in 2012 to build and lead our litigation practice, which represents clients who need help fighting in court. He and his growing department represent clients in will contests, contested probate matters, nursing facility collection actions, conservatorships, and financial and elder abuse. All of these matters require an experienced trial attorney with a solid track record of arguing cases before all levels of court. Carmine fights for his clients in the Connecticut Supreme and Appellate courts, and throughout Connecticut at the trial and probate court levels.



Carmine's new role as principal and his exemplary litigation work throughout the state further strengthens our ability to offer you the protection and support of an in-house litigation department, something few other Connecticut estate planning and elder law firms can provide.

In addition to Carmine's tenacity and dedication, he is also a highly-respected and sought-after trial attorney – we are delighted to add his name to the door.

### Wait, there's more news!



Further beefing up our leadership, we are pleased to tell you that **Lara Schneider-Bomzer**, who leads the firm's public benefits department, has been promoted to Partner. Lara, an outstanding attorney, has been practicing law for 17 years helping clients untangle the confusion of estate planning, asset protection and Medicaid planning.

This was a busy year for us, indicating that there is increasing demand for all the services we provide. It's clear that Connecticut's aging population is cognizant of the importance of planning for their future and that individuals with special needs are not always aware of the services and supports available. And it's sad, but not surprising, that there seems to be more disputes and family disagreements. By strengthening our leadership, we are making sure we have the resources needed to help you and the community at large. ■

## GOOD TO KNOW



**CAPITAL GAINS –  
HOUSE STAGING COST  
= SAVINGS**

You know to attract the right buyers for your home, it must look exceptional. Many people spend between \$500 to several thousand to fully stage it so it looks just right. Good news! This cost is considered an "advertising fee" which can be subtracted from any gain on the sale of your home.

*Why do we close our  
eyes when we pray, cry,  
kiss or dream?  
Because the most beautiful  
things in life are not  
seen but felt by the heart.*



**CZEPIGA DALY POPE & PERRI**  
Estate Planning | Elder Law | Special Needs | Litigation | Probate

It's Time. Plan Today for Your Tomorrow.

# HIPAA, Living Wills, and Appointments of Health Care Representatives: **What's the Difference?**

## IT'S SO CONFUSING!

All 3 of these documents can easily be confused because they all have to do with your permission about your medical care and medical information.

Plus, both living wills and appointments of health care representatives are both known as "health care directives," which only adds to the confusion. But the three are very different.

Before we begin, it's important to know that none of these documents have anything to do with a power of attorney (POA). In the state of Connecticut, a POA is a document that gives another person control of your financial matters if you become incapacitated... it has nothing to do with your health care!

## HIPAA Authorization

A HIPAA Privacy Rule Authorization gives health care professionals and health insurance companies **your explicit permission to release protected health information about you** to designated parties.

Without this authorization, doctors and other health care providers cannot legally share your medical information in ways that violate the Privacy Rule of HIPAA. (Note that they do not need explicit authorization to share information about you with other medical professionals who are directly involved in your treatment.)

You may want to sign a HIPAA Authorization to give your health care providers the right to disclose your medical condition to a particular party. An example would be your adult child so he or she can discuss your health with a physician. Or an attorney if he or she needed your medical records in a personal injury case.

Before we talk about living wills and appointments of healthcare



representatives, it's important to understand that both documents fall under the category of health care directives in the state of Connecticut. Living wills and appointments of health care representatives are both types of health care directives... much in the same way a maple and an elm are types of trees.

## Living Will

This type of health care directive is an estate planning document that records your wishes about the care you'd like to receive if there

comes a time you become incapacitated. For your living will to go into effect, your doctor must certify that you either have a terminal illness or are in a persistent vegetative state and cannot make decisions for yourself.

A living will typically covers things like the use of breathing tubes, dialysis, painkillers, food and fluids, and more. You need to have a living will as part of your estate plan because you won't know in advance when it will be needed.

## Appointment of Health Care Representatives

This type of health care directive is an estate planning document that designates someone – typically a close family member – to be your health care representative. He or she would have the **power to make medical decisions for you if you weren't able to make them for yourself.**

You need to have an appointment of health care representative part of your estate plan. Like a living will, by the time it's needed, it's too late to draw one up.

If you don't yet have either of these health care directives, we cannot stress strongly enough that you need them – everyone needs them! They are easy documents to draft, and they will protect you and will make life easier for those who care about you. ■

## 7 GREAT USES FOR COFFEE GROUNDS

For every cup of coffee, there's a matching pile of used grounds to go with it. Rather than tossing grounds in the trash, here are ideas to repurpose them:

### 1. Cover scratches in wood

Coffee grounds work well for repairing darker-stained woods. Mix the used grounds with a few drops of water to create a thick paste. Rub the paste into the scratches, and let sit for 10 minutes before wiping away the excess.

### 2. Exfoliate your skin

For exfoliating rough elbows, knees and feet, combine equal parts coffee grounds

and coconut oil and rub onto rough skin in a circular motion. Rinse away grounds and pat dry.

### 3. Enrich your compost pile

The nitrogen in coffee grounds feeds the micro-organisms that digest plant debris and turns it into compost. As they decompose, coffee grounds have been shown to suppress common fungal rots and reduce the growth of E. coli and Staphylococcus.

### 4. Deodorize

Leaving a bowlful of used grounds in the fridge overnight will rid it of icky odors.

### 5. Scour your household items

Eliminate stubborn, stuck-on grime by scrubbing with a couple spoonfuls of coffee grounds. The gentle abrasion provides extra scouring power to clean the dirtiest of dishes and pans.

### 6. Clean smelly hands

Rub your hands with a scoopful of spent grounds to eliminate odors from fish, garlic and other strong-smelling foods.

### 7. Tame fireplace ashes

Sprinkling damp coffee grounds onto fireplace embers can help you sweep up ash without kicking up dust.

# THE SUNDOWNING MYSTERY: 5 HELPFUL TIPS

It was a mystery. Every evening around 5 o'clock, my mom would change. She'd become resistant, paranoid and sometimes belligerent. She would even hallucinate – claiming to have watched me from the window as I marched, playing drums in a parade!

A few hours later, and certainly the next day, she would be back to her happy, easy-going self.

She was sundowning. A term I had never heard until an aide at the assisted living facility filled me in – and gave me some ideas for how to handle it.

Sundowners syndrome, also called sundown syndrome or sundowning, refers to a group of symptoms seen in mid- and late-stage dementia and Alzheimer's disease. It's relatively common, affecting up to 1 in 5 people with Alzheimer's.

## How do you recognize sundowners syndrome?

People with this syndrome typically display certain emotional states, namely:

- Confusion
- Agitation
- Restlessness
- Disorientation
- Suspicion

They may display certain behaviors, including yelling, pacing or wandering around the house, and like my mom – seeing or hearing things that aren't there. People trying to help someone who is sundowning may find them obstinate and unwilling to take direction.

The common factor is that these emotional states and behaviors emerge in late afternoon or evening, hence the syndrome's name. The disturbed or unfamiliar behavior can last several hours.

## Sundowners syndrome can't be cured, but it can be treated

Researchers and medical professionals



are still learning a lot about sundowners syndrome. Episodes may be brought on by decreasing light or by disruption to the body's rhythms. Currently, there is no cure for sundowners syndrome, but it can be treated by keeping track of what triggers episodes and avoiding those triggers as much as possible.

If you're taking care of someone with sundowners syndrome, you can try the following tips:

- 1 **Plenty of light.** If decreasing light brings on episodes, then keeping light levels high may prevent them. Light therapy with special full-spectrum lights (the same kind used to treat Seasonal Affective Disorder) is being researched as a potential treatment for sundowning and appears to benefit people with Alzheimer's. Also, reduce shadows in the home, which can bring on fear and confusion.
- 2 **Healthy sleep cycles.** Alzheimer's and poor sleep is a chicken-and-the-egg situation. It's not clear which one causes the other, but it is clear that the two are linked. Improving the quality of sleep and keeping on a sleep schedule are recommended for people displaying symptoms of sundowning.
- 3 **Steady routines.** Sticking to the same schedule every day and making changes slowly can help give people with dementia a sense of security. This includes waking and sleeping at the same time every

day, eating at the same time and place every day, and taking medicine at the same time every day.

4 **A calming, comforting environment.** Too much activity in the home in late afternoon or evening may bring on an episode, so ask household members to keep the noise down at that time. It's also best to involve people with sundowners syndrome in activities that aren't too mentally taxing, yet stave off boredom. Perhaps watching a movie or playing a board game is too much, but taking a gentle walk or looking through old photo albums is just right.

5 **Doctors may prescribe medication to address symptoms of sundowning, including anti-anxiety medications to quell agitation or melatonin to promote sleep.**

Sundowning is very real – it's not your imagination! So next time your loved one uncharacteristically exhibits some of the behaviors listed above, think of this odd but cute expression called sundowning. Try some of these tips and rest assured it will fade off as the evening passes. ■

*By Carol Frances*



## Do I need to work for 3 of the 5 years before retirement to be eligible to collect Social Security?

If you were born in 1929 or later you need to have 40 credits (10 years) of work in which you paid Social Security tax (FICA) to be eligible. As long as you have those credits, it doesn't matter when you earned them. Not so for Social Security disability benefits – the rules are different.



- 3/13 ..... [Tips for to Dealing with Dementia](#) – Wethersfield Senior Center
- 3/20 ..... [What You Should Know About Estate Planning](#) – Morris Senior Center
- 3/27 ..... [Planning for Long-Term Care](#) – Guilford Senior Center
- 4/5 ..... [What You Should Know About Estate Planning](#) – Arden Courts, Avon
- 4/10 ..... [Planning for Long-Term Care](#) – New Milford Senior Center
- 4/18 ..... [What You Should Know About Estate Planning](#) – Village at Brookfield Commons
- 4/19 ..... [Planning for Long-Term Care](#) – Henry Carter Hull Library, Clinton

To see our Adult Education schedule, visit [www.ctseniorlaw.com](http://www.ctseniorlaw.com) and go to SEMINARS



## CZEPIGA DALY POPE & PERRI

Estate Planning | Elder Law | Special Needs | Litigation | Probate

BERLIN ♦ MADISON ♦ NEW MILFORD ♦ SIMSBURY ♦ SOUTH WINDSOR

(860) 236-7673 | [www.ctseniorlaw.com](http://www.ctseniorlaw.com) | Email: [info@ctseniorlaw.com](mailto:info@ctseniorlaw.com)

Copyright © 2018 CzepigaDalyPope&Perri, LLC

Information contained in this newsletter should not be construed as legal advice, and readers should not act upon any legal information contained in this publication without professional counsel.

## Czepiga Daly Pope & Perri Scores Another Win for Medicaid Clients

Last month the Connecticut Supreme Court handed down a favorable decision in a case argued by Attorney Carmine Perri of Czepiga Daly Pope & Perri.

### Why this matters

For married couples who intend to apply for Medicaid for one of the spouses, it is now possible to protect as much of the ill spouse's income as is necessary for the healthy spouse to remain safely in the community, even if it exceeds the Medicaid cap.

### What was the situation up until now?

Due to another case brought by Czepiga Daly Pope & Perri in 2010 and decided by the Federal Court of Appeals in 2012, it became possible, in married couple situations, for substantial assets to be protected and made available to the healthy spouse by purchasing an irrevocable annuity that paid income to the healthy spouse for a fixed period of time. But the state took the position that there were severe limitations on the amount of the ill spouse's *income* that could be protected for the healthy spouse.

### General Medicaid rules for married couples

For married couples, there are 3 basic protections for the healthy spouse:

- 1 The principal residence is an exempt asset and protected for the healthy spouse.
- 2 Of all of the combined assets of the married couple, the healthy spouse is allowed to keep approximately \$123,000. Assets above that are at risk but can, in certain situations, be protected by use of the annuity strategy pioneered by Czepiga Daly Pope & Perri or, if modest in amount, spent down for the benefit of the healthy spouse.
- 3 The healthy spouse is allowed to keep all of his or her own income, regardless of amount, but if the healthy spouse's income is modest, the state will allow the healthy spouse to get as much of the ill spouse's income as is necessary to bring the healthy spouse's income up to a certain amount, but not to more than \$3,000/month in total combined income.

### An example of what this all means

For a married couple with significant assets, the main goal is to protect those significant assets that are at risk over the \$123,000 maximum that the state allows. The 2012 Federal Court case and annuity strategy pioneered by Czepiga Daly Pope & Perri largely solved this problem.

But what of the couple with modest assets where one of the spouses has significant fixed income and goes to a nursing home? Say, for example, the husband has pension and social security income of \$5,000/month combined, the wife has social security of \$1,200/month, and their combined assets, exclusive of the personal residence, are \$200,000.

The couple's standard of living is reliant upon husband's fixed income, so the goal is to protect the ill spouse's income. Prior to Czepiga Daly Pope and Perri's favorable Connecticut Supreme Court decision last month, the state would, at most, allow the wife to keep \$1,800 of the husband's income to give her the maximum monthly income amount the state would allow of \$3,000. The wife's income plummets from \$6,200/month to the \$3,000/month cap and she may very well not be able to afford to stay in her home any longer.

As a result of the Connecticut Supreme Court decision, for married couples who intend to apply for Medicaid benefits, it is now possible for the healthy spouse to keep as much income as is needed to remain safely in the community, even if it means keeping more than the State's \$3,000/month cap or even keeping the entire \$6,200/month of income.

To take advantage of this income protection strategy for the healthy spouse, timing is of utmost importance and it is necessary to establish a conservatorship (even a voluntary one) over the ill spouse ahead of time. Embarking in this strategy is something that should only be done with the assistance of a qualified attorney.

Would you like an in-service on this income protection strategy – or any other estate planning, elder law or disability planning topic? For groups of 10 or more, we will come to your office or provide in-service training via GoToMeeting.

Call us today. And for more information on Czepiga Daly Pope & Perri's practice areas, please visit us at:

[www.ctseniorlaw.com](http://www.ctseniorlaw.com). ■

# Estate Tax Changes: What They Mean For You

By Paul T. Czepiga

As you have likely heard, the federal estate tax exemption is now at \$11.2 million per person. This means that a person may give away during their life or have when they die, or some combination of the two, \$11.2 million without paying any estate or gift tax. For a married couple the amount doubles to \$22.4 million.

And as a result of legislation Connecticut passed in October, the Connecticut estate tax exemption is set to increase to:

- \$2.6 million in 2018
- \$3.6 million in 2019
- \$6.1 million in 2020

But let's get some basic facts out there about the federal estate tax before it was changed.

According to IRS statistics showing estate tax returns filed in 2016, when the estate tax exemption was \$5.43 million per person, only 5,219 taxable estate tax returns were filed where a tax was due, compared with 7,192 non-taxable returns.

Of these returns, 2,402 were for estates between \$5 million and \$10 million and 1,293 were for returns between \$10 million and \$20 million. Only 300 were for returns over \$50 million. The number of returns will only go down as the exemption is increased to \$11.2 million.

All of this netted revenues for our federal government \$18.3 billion (compared to \$17.1 billion in 2015). The 300 returns that were for estates over \$50 million generated \$7.6 billion in estate tax.

For 2017, it is projected that only .2% of all estates will file a federal estate tax return. With the exemption being \$11.2 million for 2018, this number will be reduced even further.

So can you pull the covers over your head and go back to sleep and say none of this affects you?

**Here is an overlooked fact:** The federal estate tax exemption in 2026 and beyond, according to the law that was just passed, will revert to where it is was in 2017.

You get only a temporary reprieve. So, no, you can't pull the covers over your head and go back to sleep.

And you still need to factor in that Connecticut's estate tax exemption, although intended to be equal to the federal exemption in 2020 as a result of legislation Connecticut passed this past October, might not actually become so now that the federal exemption is going to be, temporarily at least, so large. ■

## Special Needs Attorney Colleen Masse Joins Our Team



We are pleased to welcome special needs planning attorney Colleen Masse to our team as a valuable and experienced addition to our Special Needs and Disability Planning Department.

Before joining us, Colleen worked at PLAN of Connecticut, the non-profit organization that helps families provide for children and adults

with disabilities through the use of special needs trusts.

Colleen has a tremendous amount of experience helping individuals with disabilities. She was an advocacy trainer for teachers, parents, and caregivers of students with special needs; she sat on the board of the lobbying and advocacy group SpEdConnecticut; and she also worked with the Connecticut State Department of Education where she represented students in the care of the Connecticut Department of Children and Families (DCF).

Give Colleen a call when you have a client who could benefit from a special needs trust. ■

## UPCOMING EVENTS

- 3/13 – **CT Bar Foundation:** Taking Care of Children Who Can't Take Care of Themselves – Sharon Pope (The Hartford Club)
- 3/16 – **Agency on Aging of South Central CT:** Pooled Trusts – Colleen Masse (New Haven)
- 3/20 – **CBA:** Nursing Home Agreements
- 3/22 – **CBA:** Essentials of Elder Law – Carmine Perri (Grassy Hill Country Club, Orange)
- 4/19 – **Disability Rights CT Conference:** ABLE Accounts and Special Needs Trust – Sharon Pope (Mohegan Sun)
- 4/25 – **Financial Planners Association Conference:** Making Life Easier for Medicaid Applicants & Their Spouses – Brendan Daly (Aqua Turf, Plantsville)



**CZEPIGA DALY POPE & PERRI**

Estate Planning | Elder Law | Special Needs | Litigation | Probate

BERLIN ♦ MADISON ♦ NEW MILFORD ♦ SIMSBURY ♦ SOUTH WINDSOR

(860) 236-7673

[www.ctseniorlaw.com](http://www.ctseniorlaw.com)

Email: [info@ctseniorlaw.com](mailto:info@ctseniorlaw.com)