Updating Your Plan
By: Kelsey Ott

Many people execute a will or power of attorney (POA), put it in the family filing cabinet, and assume that their estate planning is complete. Unfortunately, an estate plan only captures your intent at the time of creation. Therefore, an estate plan should be reviewed periodically to ensure that the documents remain effective and continue to reflect the creator’s intentions.

Wills should typically be updated after major life events like marriage and divorce, or the birth or passing of a loved one. Although the will you have from thirty years ago is still valid, it may not operate according to your current intentions. For example, perhaps you now have minor children—a will allows you to nominate a guardian, and it can stipulate the age that your children can take control of their inheritance. Conversely, maybe your children are adults and you wish for them to serve as your executors. You may have no children, and want to change your beneficiary from a charity to your new niece or nephew. The best way to update a will is to go to an attorney with your current will and explain your intentions. The attorney can either draft an entirely new will, or, for smaller changes, amend the will with a “codicil.”

Durable powers of attorney should be updated, if possible, every few years. Banks and financial institutions become wary of older POAs, as it is impossible to tell if a POA is still valid simply by looking at it.

Advance medical directives (AMDs) – which include a health care power of attorney, HIPAA release, and living will – should also be reviewed periodically to ensure that they properly address your current wishes and beliefs.

Maximizing Your VA Pension: Receiving Aid & Attendance or Housebound Benefits
By: Christopher Browne

Many veterans are familiar with Disability Compensation and Pension, but are less familiar with the additional Pension benefits they may be eligible to receive if they are housebound or require the aid and attendance (A&A) of another person.

Qualifying veterans may receive Pension or Disability Compensation from the VA, but not both. In general, Disability Compensation is preferable to Pension because its benefits are tax-free and there are no income restrictions. However, Disability Compensation is only available to veterans who suffer from disabilities that are the result of a disease or injury incurred or aggravated during military service. For veterans who suffer from disabilities unrelated to their military service, it is important to take full advantage of the benefits that A&A or Housebound status can provide.

To receive A&A or Housebound benefits, a veteran must first qualify for basic Pension, which is available to wartime veterans who have limited income and who are least 65 years old or, if under 65, are permanently and totally disabled. Because these benefits are paid in addition to basic Pension, veterans who otherwise would not be eligible because their income is too high may become eligible at the increased rates. However, veterans may not receive both A&A and Housebound benefits.

Once basic Pension requirements are met, a veteran may receive A&A payments if he or she is blind, bedridden, in a nursing home, or in need of regular attendance by another person to assist with activities of daily living. To qualify as Housebound, the veteran must be substantially confined to his or her house (or clinical area, if institutionalized) or immediate premises due to a permanent disability.

Adequate documentation of the veteran’s disability is essential to receive A&A or Housebound benefits. The best course of action is to send a report from your doctor documenting your condition with an emphasis on how it has affected your mobility and activities of daily life. The ELC student attorneys have the expertise to guide you through this process.