

TENNESSEE BAR ASSOCIATION

LEGAL HANDBOOK FOR TENNESSEE SENIORS PRESENTATION SCRIPT

INTRODUCTION

[SLIDE 1]

I want say “thank you” for taking the time today to learn more about the “Legal Handbook for Tennessee Seniors.” My name is Angelia Nystrom, and I am the current Co-Chair of the Public Education Committee for the Tennessee Bar Association. I’ve been practicing law for over 20 years, and my practice has been primarily in the areas of estate planning, probate and elder law.

Today, I am not here to give you a lot of substantive information about the law. Instead, I want to talk to you about the “Legal Handbook for Tennessee Seniors”—give you some information on the history of the book and its availability, and then give you an overview of the Sections contained in the Handbook. At the end of the presentation, I will talk to you about the resource guide and tell you how you can get more information.

BOOK HISTORY

[SLIDE 2]

Before we preview the Handbook, I would like to give you a bit of history.

In 2000, the TBA published its first handbook for Tennessee seniors. Although the book was extremely well received, our only real mode of distribution was the printed handbook. The internet was not widely used, and the number of people with personal computers was small—especially in the senior adult population that we were trying to reach.

As you can probably guess, because of the cost, we were limited as to the number of copies that could be printed. It was hard to do a wide-scale distribution because communication was not what it is today.

Thankfully, that has changed for the better.

When 2013-2014, Tennessee Bar Association President Cindy Wyrick was developing her platform for this year, her main focus was providing services to benefit Tennessee Senior Adults, who are often an underserved segment of our population. Specifically, Cindy wanted to publish an updated and even more comprehensive handbook for Tennessee Seniors than the one published in 2000.

The Public Education Committee was charged with spearheading this important project. I am proud to present the “Legal Handbook for Tennessee Seniors” to you today. It is our hope that this Handbook is both useful and informative. We hope that the topics addressed are beneficial to you and that this Handbook truly serves as a resource to you as you continue to plan your future.

AVAILABILITY OF HANDBOOK

[SLIDE 3]

The Handbook is available in three formats.

[SLIDE 4]

First, we have printed copies of the Handbook. They may have been made available to you at the start of this presentation. If they were not, however, you can obtain a copy by calling the Tennessee Bar Association at (615) 383-7421 in the Nashville area, or you can call toll-free at (800) 899-6993. Please ask for Public Education. Your call will be directed to someone who can assist you in obtaining a copy of the Handbook. Individual copies will be provided free of charge. If you are with an organization that needs multiple copies, however, there may be a small fee involved for shipping and handling.

[SLIDE 5]

Second, the Handbook is available on a thumbdrive that you can insert in your computer. The thumbdrive will contain a written script of the presentation that you are hearing today, as well as a copy of the PowerPoint that you are viewing.

[SLIDE 6]

Finally, a downloadable PDF of the Handbook can be obtained from the TBA website at www.tba.org. You should click on the Programs Tab. Under Programs, please click on the Public Education link. That will take you to the Public Education page, which contains the PDF of the Handbook, as well as other information that you may find helpful.

OVERVIEW OF HANDBOOK

[SLIDE 7]

I now want to provide you with an overview of the materials contained in the Handbook. Remember, this is not intended to be a substantive review of the law. I am not giving legal advice or endorsing any benefits or other program outlined in the book.

Rather, I want to familiarize you with the information contained in the Handbook so that you can make an informed decision as to what is best for you.

SECTION ONE

[SLIDE 8]

Section One of the Handbook deals with Financial Assistance, including ways to secure your future.

[SLIDE 9]

The topics covered include Social Security, Supplemental Security Income (or SSI), pensions, Veterans Benefits, and railroad retirement act benefits. It also includes information about the Supplemental Nutrition Assistance Program (or “SNAP”), which is Tennessee’s food stamp program. Finally, it contains information on tax relief for seniors, as well as information on reverse mortgages.

I am not going to go through each topic; however, I am going to point out some information that you may find particularly helpful.

[SLIDE 10]

The section on Social Security has a lot of general information about Social Security, including eligibility, calculating benefits, and information on who is entitled to benefits. It also tells you how to apply for Social Security and what to do if you disagree on a decision made on a claim for benefits.

It contains links to various publications that deal with these topics, as well as phone numbers to call to get additional information.

[SLIDE 11]

The section on SSI discusses eligibility requirements, how to apply and what to do if you are turned down for SSI. Again, the section contains links to various publications that deal with these topics, as well as phone numbers to call for additional information.

[SLIDE 12]

The section on pensions outlines the types of pensions and your rights under those pension plans. It also provides information on what to do if your pension application is denied.

[SLIDE 13]

Veterans Benefits are also discussed in Section One. The section contains information on how to apply for benefits, and what to do if you are turned down. Also, the materials contain the website for the Tennessee VA Regional Office, as well as the addresses and phone numbers for the Tennessee VA field offices.

[SLIDE 14]

Information about SNAP, or the Tennessee food stamp program, is also contained in Section One. The section gives an overview of the SNAP program, how eligibility is determined, how to apply, and what to do if you feel you are wrongly denied benefits. Again, the section contains links to the State website for SNAP, as well as the phone number for the Tennessee Department of Human Services.

[SLIDE 15]

Section One also contains information on tax relief for senior adults. It discusses federal tax credits for the elderly and disabled, itemization of medical and dental expenses, medical savings accounts, sale of a principal residence, long term capital gains, current estate and gift tax exemptions for both federal taxes and for Tennessee, and deductions for charitable contributions. The section also outlines real property tax relief for senior adults on property used as a primary residence.

[SLIDE 16]

Finally, Section One discusses “reverse mortgages.” We hear lots of advertisements for reverse mortgages from private lenders. The section contains a number to dial to get free information about those reverse mortgages. The focus of the section, however, is the reverse mortgage program offered by the US Department of Housing and Urban Development Federal Housing Administration, which is called a Home Equity Conversion

Mortgage (or HCEM). The section provides detailed information on how to qualify, options for receiving loan proceeds, and costs involved.

SECTION TWO

[SLIDE 17]

Section Two of the Handbook covers Health Care.

[SLIDE 18]

Specific topics include Medicare, Medicaid and TennCare, the Affordable Care Act, Medi-Gap and other supplemental insurance, long-term care insurance, and Alzheimer's care and support.

[SLIDE 19]

The section on Medicare contains an overview of the Medicare system, including Parts A, B, C and D. It also has a section on the resource guide, "Medicare and You," which is mailed annually to all Medicare beneficiaries, but which is also downloadable at www.medicare.gov. It also contains an additional information guide specific to Tennessee senior adults, including the Tennessee State Health Insurance Assistance Program (or "SHIP").

[SLIDE 20]

The Medicaid section provides an overview of Medicaid, including eligibility requirements and benefits. Importantly, it also has information on Medicaid payment for certain types of long-term care. In addition to discussing types of services that may be covered, the section contains links to various websites where you can obtain additional information.

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Section Two also discusses TennCare, which is Tennessee's Medicaid program. Specifically, it discusses the difference between TennCare and Medicaid, coverage and eligibility, and how to apply.

[SLIDE 22]

The Affordable Care Act is also discussed in Section Two. Specifically, it provides an overview of the ACA, as well as its impact on seniors.

[SLIDE 23]

In addition to containing information on Medi-Gap and Supplemental Insurance for seniors, Section Two contains detailed information on long-term care insurance. In addition to providing a good overview of long-term care insurance, this section outlines the ten features that you should consider when purchasing a long-term care insurance policy.

[SLIDE 24]

Finally, Section Two discusses health care considerations when dealing with Alzheimer's Disease and other types of dementia. Specifically, it outlines services available for persons suffering with Alzheimer's and dementia, as well as providing information about services available to caregivers.

SECTION THREE

[SLIDE 25]

Section Three of the Handbook contains information about long-term care and housing for senior adults who can no longer live in their own homes or who can no longer live in their own homes without assistance.

[SLIDE 26]

When we think of long-term care, we often think of nursing home care. Nursing home care is discussed in great detail in Section Three. Information provided includes definitions of the different personnel at a nursing home facility, how to select a nursing home, and how to pay for nursing home care. Perhaps, most importantly, the section includes information on residents' rights and the long-term care ombudsman program.

Nursing home care is not the only type of long term care available for Tennessee senior adults.

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Section Three also includes information on assisted living facilities, adult day care, and in-home care. It also has information about continuing care retirement communities, which allow senior adults to "age in place" without ever having to move for health reasons.

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Finally, Section Three contains valuable information about housing assistance, including landlord-tenant issues and where to find help, rental assistance (Section 8 housing), utility assistance and property tax relief.

SECTION FOUR

[SLIDE 29]

Section Four is entitled "Planning for the Future," and includes information on everything from divorce to estate planning to probate to funeral planning.

[SLIDE 30]

Section Four discusses divorce considerations for the senior adult. It also provides a link to the “Justice for All” website, which contains valuable information, including information on the divorce laws in Tennessee and how to select a lawyer.

[SLIDE 31]

Section Four also contains information about estate planning, including information on documents needed for a good estate plan. Specifically, it contains information on Wills and Codicils, revocable trusts (or living trusts), durable powers of attorney, durable powers of attorney for healthcare, living wills, and instruments used for charitable giving within your estate plan.

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It also contains information on conservatorships, which are essentially adult guardianships for persons who are incapacitated to the extent they cannot manage their own affairs.

[SLIDE 33]

Section Four also contains information on funeral services, consumer rights when dealing with funeral homes, and benefits available for funeral services when someone dies.

[SLIDE 34]

Finally, Section Four contains information on the probate and estate administration process and how to navigate the court system if someone you love dies.

SECTION FIVE

[SLIDE 35]

Section Five is entitled "Protection of Legal Rights. "

[SLIDE 36]

It is very broad, and covers topics including working with a lawyer, consumer protection, discrimination, grandparents rights, personal safety and security, and disaster preparedness.

[SLIDE 37]

The section dealing with working with a lawyer provides what we, as lawyers, want you to know about selecting a lawyer. This section discusses situations that may cause you to need a lawyer and then how to find a lawyer. Remember, while we were all required to have general knowledge about numerous areas of the law when we sat for the Bar, the majority of us have developed more limited practices.

If you are in need of a lawyer and do not have one, you will need to look for an attorney who is knowledgeable about the type of case that you have. If you don't know a lawyer in your area, the book contains information on how to find a lawyer who handles your type of case in your area. If you qualify, you may be eligible to have your matter handled by your local legal aid office. Those numbers are provided in the Handbook.

The Handbook also contains valuable information on the types of legal fees, as well as what to do if you think your lawyer has charged you unfairly.

[SLIDE 38]

Section Five also contains valuable information on consumer protection, including contracts and credit purchases, credit cards, and debt collection. It also outlines your rights in dealing with door-to-door salesmen, mail order merchandise, and telemarketers. It also has great information about scams to avoid and remedies that may be available if you have been scammed or if merchandise purchased does not perform as promised.

[SLIDE 39]

Section Five also discusses discrimination, including age discrimination, which covers employees age 40 and older; and discrimination based on a disability. Again, the Handbook provides numbers that you can call if you feel that you have been a victim of discrimination.

[SLIDE 40]

This Section also contains information on Grandparents Rights, including custody and visitation.

[SLIDE 41]

Finally, Section Five contains lots of valuable information on how to keep yourself safe. Specific topics include personal safety and security in and around your home, and security in public places, in banking, and when using the internet.

When you are reviewing the Handbook, we hope that you will pay close attention to the information on internet safety. Our review of other Handbooks indicated that internet safety for seniors is not always covered; however, it is increasingly relevant in our society. We face dangers with computer use that were unheard of just a decade ago. We hope that you will find this information particularly helpful.

SECTION SIX

[SLIDE 42]

Section Six is very important, as it covers the topic of Elder Abuse. If you suspect that someone you love is being abused, or if you believe that you are the victim of elder abuse, please read this section. It contains information about physical abuse, emotional abuse and financial exploitation. Importantly, it also covers how to report abuse, including the number for the Tennessee Elder Abuse Hotline. Finally, it provides a list of resources that may be helpful for someone who suspects abused or feels that they may be a victim of abuse.

SECTION SEVEN

[SLIDE 43]

Section Seven contains the Resource Guide. In the Resource Guide, you will find addresses, websites and phone numbers for agencies and services that may be useful to you. Included in the Resource Section is the contact information for the Area Agencies on Aging, the Offices of the Public Guardian, legal services, the Health Insurance Counseling Assistance Program, and Social Security and Veterans Affairs, to name a few.

We hope that you will use the “Resource Guide” as your “go to” when you are in need of services. While I am certain that there are a number of agencies and programs that we may have missed with this guide, it should provide you with enough information to get started when you need assistance.

CONTACT INFORMATION

[SLIDE 44]

Again, I want to thank you for your interest in the “Legal Handbook for Tennessee Seniors.” This presentation was not meant to provide legal advice on any specific topic. Rather, we wanted to familiarize you with the Handbook and the type of information contained therein.

If you have a specific question about a legal issue and think you need the assistance of a lawyer, please do not hesitate to contact your attorney. If you don’t have an attorney, please contact your local Bar Association. Many local Bar Associations have referral services, which can put you in contact with an attorney who handles your type of case.

If you have any questions about this Handbook, need additional copies, or if you would like a Tennessee attorney to make a presentation about this Handbook or information contained herein, please contact the Tennessee Bar Association.

For people in the Nashville area, that number is (615)383-7421. For people outside of Nashville, you can call toll free at (800) 899-6993. Please ask for Public Education.

To download copies of the Handbook, or to obtain information about other areas that may be of interest to you, you can access the Tennessee Bar Association at www.tba.org. Specific information for the general public can be found under the Programs tab at Public Education.

Again, on behalf of the Tennessee Bar Association's Public Education Committee, I want to thank you for your interest in the "Legal Handbook for Tennessee Seniors." We hope that you will find it both informative and helpful.

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