Elder Law and Planning for Individuals with Disabilities

Morris James’ attorneys have substantial experience in matters of elder law and planning for individuals with disabilities. We are skilled, creative, and deeply knowledgeable in the realm of legal techniques available to attain the specific and individual wishes of each client. We are frequent speakers before professional and community groups on these topics.

Protecting the Elderly: Fiduciary Consultations, Family Meetings, Guardianship

To avoid family discord and the financial exploitation of the elderly and infirm, Morris James attorneys assist clients with fiduciary consultations and family meetings to educate their fiduciaries and families as to the fiduciary's role and responsibilities (as power of attorney for financial matters, medical power of attorney, or trustee) and as to what the family can reasonably expect to happen in connection with the management of the affairs of a family member who has become disabled.

When a court-ordered Guardianship is necessary to protect an infirm person, Morris James attorneys have the experience in the Delaware Court of Chancery to expeditiously establish the court appointment of the guardians, and to assist with the ongoing accountings and other filings required by the Court.

Planning in Anticipation of Needing Nursing Home Care

When a spouse may need nursing home care, Morris James attorneys assist married couples planning for the protection of their assets so the spouse staying at home will not have to become impoverished before the other spouse can qualify for Medicaid assistance.

When an elderly parent who is single needs nursing home care, a consultation with a Morris James elder law attorney is helpful to determine whether the parent may transfer his/her home or other assets to a child without disqualifying himself/herself from eligibility to receive Medicaid benefits.

Planning for Families of Children with Disabilities

Morris James’ attorneys assist parents of children with disabilities in the planning necessary for the parents to care for their child when she/he turns age eighteen, which may be the preparation and execution of a Power of Attorney and Advance Directive for Health Care for the child, or a petition to the Delaware Court of Chancery for their...
appointment as their child’s guardians, depending upon the child’s ability.

We also assist parents of children with disabilities in the optimal estate planning to ensure the child will be well cared for after their deaths, and that the family inheritance passing to the child will be protected in a Special Needs Trust to enable the child to continue to qualify for needs-based governmental benefits (SSI, Medicaid).

**Establishing Special Needs Trusts to Protect Litigation/Settlement Proceeds Payable to Plaintiffs with Disabilities From Medicaid Spend Down**

When personal injury or medical malpractice litigation results in a payment to a person who has been disabled and is receiving needs-based governmental benefits (SSI, Medicaid), a court-ordered Special Needs Trust is needed to protect the award and the person’s eligibility to receive such benefits. Morris James’ attorneys have extensive experience assisting injured persons with the necessary petition to the Delaware Court of Chancery for the establishment of a Special Needs Trust and with the ongoing accountings and other reporting required by the Court.