

Next Step 4 Seniors

On June 16th, Patti shared her insights and industry knowledge with listeners as a guest on the radio show Next Step 4 Seniors. The topic: **Top 10 Nursing Home Problems and How to Resolve them**

You can listen to the segment by clicking on the link below:

[Next Steps For Seniors June 16, 2018](#)

Click Here: for the [Next Step 4 Seniors episode list & archives](#)

States Aim To Halt Sexual Abuse Of People With Intellectual Disabilities

Earlier this year, [NPR reported](#) that people with intellectual disabilities are victims of some of the highest rates of sexual assault. NPR found previously undisclosed government numbers showing that they're assaulted at seven times the rate of people without disabilities. Now states, communities and advocates, citing NPR's reporting, are making reforms aimed at improving those statistics.

—> [Click Here to Read the Full Article](#)

(Note from Patti)

If you know of any successful efforts in your communities please share with us.

pdudek@pekdadvocacy.com

New Brokerage Account Safeguards Aim to Protect Seniors from Financial Scams

New rules have been put in place to protect seniors with brokerage accounts from financial scams that could drain the accounts before anyone notices.

FINRA has issued [two new rules](#) designed to help investment brokers or advisors better protect seniors' accounts from financial exploitation. The rules, which went into effect in February 2018, apply when opening a brokerage account or updating information for an existing account.

—> [Click Here to read Further](#)

Guardianship and the Right to Visitation, Communication, and Interaction

Defining the right to visitation, communication, and interaction under guardianship is an important issue in elder and disability rights law. This issue recently gained media attention when the adult children of incapacitated celebrities such as Casey Kasem and Peter Falk petitioned the courts for the right to visit their parents over a guardian's objections, and then advocated for legislative change. These high-profile visitation cases highlight an unknown but anecdotal frequent number of instances nationally. In addition, as more state legislatures codify protections for the rights of people with guardians, and the public becomes more aware of the potential risks of guardianship—including isolation from friends, family, and community—more states are debating hotly contested visitation bills.

The American Bar Association's Commission on Law and Aging, with generous funding from the Borchard Foundation Center on Law and Aging, offers this Legislative Fact Sheet to help lawyers, bar associations, allied professionals, legislative staff, and advocates make policy recommendations, improve practice, and raise professional awareness. For further information on visitation, communication, and interaction in guardianship, contact dari.pogach@americanbar.org. More information on guardianship law, policy, and research is available on the Commission on Law and Aging's website.

—> [Click Here for the Fact Sheet](#)

Removing a Lien on a Home

In Michigan, a construction lien ([MCL 570.1101](#)) is a short legal document that gets publicly filed in the county clerk's office that puts "a cloud" on the property title, which means that the property cannot be sold until the lien is removed.

There are a few options on how to remove the lien.

—> [Click Here for a list of options on how to remove liens & a list of things you should know about them](#)

Caregivers Overwhelmed, Survey Reports

The results of an on-line survey released by The Arc and the University of Minnesota's Institute on Community Integration reports caregivers are overwhelmed by the demands of caring for loved ones. The Family & Individual Needs for Disability Supports (FINDS) Community Report is a bit skewed statistically both due to its on-line nature and its sponsorship by a disability, rather than an elder care organization, but its results are still quite instructive, if not surprising.

—> [Click here to Continue Reading](#)

Structured Settlements: Then And Now

Needless to say, structured settlements are very important. They offer much-needed protection, security, and peace of mind for over 30,000 settlement recipients annually. They offer guaranteed income for specific periods of time or someone's lifetime, provide college funds for children, and cover future medical costs for the severely injured. They also supply income to meet the daily needs of hundreds of thousands of Americans. Most importantly, they help prevent the future dissipation of valuable settlement proceeds and keep individuals from being added to government welfare programs.

Unfortunately, most Americans who go through the long, exhausting, and costly settlement process are never made aware of the many advantages structured settlements can provide. Plaintiff attorneys, defendant insurance companies, and self-insureds typically act as the "gatekeepers" to the structured settlement process. Generally, only minors and catastrophically injured individuals have been presented with structured settlement options. Why is this the case? We know that it is primarily because these "gatekeepers" believe that many people would not be interested in currently low fixed-rate annuities, even considering the large tax advantages they bring.

—> [Click Here to Read the Full Article](#)

Seniors Often Must Fight for Medicare Home Health Benefits

Medicare is mandated to cover your home health benefits with no limit on the time you are covered. Unfortunately, few Medicare beneficiaries get the level of service they are entitled to, and many find their services cut off prematurely. Getting these benefits can be critically important as Medicare home health care benefits can mean the difference between being able to stay at home with a difficult medical problem or ending up in the hospital or a nursing home.

—> [Click Here to Continue Reading](#)

Why You don't Want to be a Test Case and How to Stop Serial website Plaintiffs

(A blog entry by William Goren—6/25/18)

I hope everyone is enjoying the summer. Here in the Atlanta area, it has gotten really hot, which is to be expected this time of year down here. I just recently got back from Savannah from training municipal judges throughout Georgia on some hot issues they face with respect to the ADA. They were a great audience, and I had a blast.

Turning to today's blog entry, website accessibility is back in the news. In particular, just how successful can a company be in fending off website accessibility litigation. Also, we will discuss why website accessibility litigation is here to stay, and we will try to read some tea leaves as to how the Supreme Court will deal with the issue. Before proceeding further, my colleague, Richard Hunt, and also blogger has an [excellent blog entry](#) this week talking about how it when it comes to website accessibility, your best choice is to fix it rather than contest it. Do you really want to be the Supreme Court test case? That blog entry also mentions a recent case from the 11th Circuit, [Haynes v. Hooters of America LLC](#), where the 11th Circuit allowed a website accessibility case to proceed. As usual, the blog entry is divided into categories and they are: why you don't want to be a test case; *Haynes v. Hooters of America, LLC*; and lessons learned from *Haynes* and takeaways. The reader is free to focus on any or all of the categories.

—> [Click Here to go to the Blog Post](#)

Probate Court Must Take Medicaid Recipient's Obligations Into Account When Ordering Spousal Support

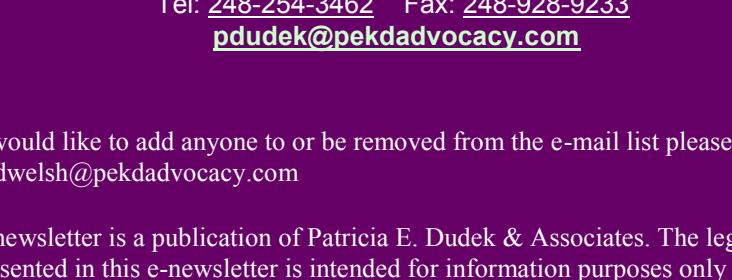
Reversing two probate court decisions, a Michigan appeals court rules that when a probate court is determining how much spousal support a Medicaid recipient's spouse is entitled to, it must take into account the Medicaid recipient's needs and patient-pay obligations. In *re Vansach, Jr.*, In *re Bockes* (Mich. Ct. App., Nos. 334732 & 336267, May 22, 2018).

Joseph Vansach, Jr and Jerome Bockes were nursing home residents who began receiving Medicaid benefits. Their wives, Ramona Fenner-Vansuch and Beverly Bockes, each separately petitioned the probate court for a spousal support order, claiming they lacked sufficient income.

The state opposed the petitions, arguing that the wives were asking for an increase in their community spouse monthly income allowance (CSMIA) and that the probate courts lacked jurisdiction to modify the CSMIA. The probate courts granted the petitions and ordered that 100 percent of Mr. Vansach, Jr.'s and Mr. Bockes' income be paid to their wives. The state appealed both cases and the cases were consolidated.

The Michigan Court of Appeals reverses, holding that while a probate court has jurisdiction to enter a spousal support order that increases a community spouse's CSMIA, the court must take the institutionalized spouse into account. According to the court, the probate court's power "does not include the power to enter an order preserving the community spouse's standard of living without consideration of the institutionalized spouse's needs and patient-pay obligations under Medicaid."

—> [Click Here to go to the Article](#)



For more news and information about Patricia and Patricia E. Kefalas Dudek & Associates please visit us online.

www.pekdadvocacy.com

www.pattidudek.typepad.com/

