



# CBM&S

Elder Law, Medicaid & Special Needs Planning

**Capell Barnett**  
**Matalon & Schoenfeld**<sup>LLP</sup>  
ATTORNEYS AT LAW



**Capell Barnett Matalon & Schoenfeld's Elder Law, Special Needs & Medicaid** planning team offers a hands-on approach, guiding our clients through the complicated and difficult decisions necessary to plan for long-term care needs, protect legacies, and provide financial assistance and support for loved ones with special needs. It is an essential part of the estate planning process.

Long-term care is costly and complicated. It can easily wipe out a lifetime of savings in a short period of time. Medicare and most health insurance policies are not designed to pay for long-term care, whether provided in the community or a nursing home facility. Capell Barnett Matalon & Schoenfeld attorneys develop plans to reduce or even eliminate long-term care financial exposure and strategies for disabled individuals to ensure they have the necessary financial support and protection while receiving the quality care they deserve.



## Planning is time-sensitive

Optimally, the process of protecting assets begins many years before a nursing home or community-based long-term care becomes necessary. **Capell Barnett Matalon & Schoenfeld** attorneys work with you to preemptively plan and protect assets by:

- Designing a plan for the payment of uninsured medical or long-term care;
- Ensuring sufficient resources remain available to pay for necessary care until an ill or elderly family member becomes Medicaid-eligible;
- Protecting a spouse, making sure sufficient income and assets are available for their support should the other require long-term care;
- Protecting hard-earned family assets, ensuring alegacy to loved ones;
- Establishing Supplemental Needs Trusts to maintain a disabled family member's quality of life without depriving them of the government assistance they rely on.

## Medicaid planning

Our commitment to our clients does not end with effective long-term care planning. **Capell Barnett Matalon & Schoenfeld's planning team** guides the family through the complex, document-intensive Medicaid application process from start to finish. The system is intended to be complicated and full of pitfalls. We are here to help. Our Medicaid team can assist with:

- Community (home care) Medicaid applications;
- Nursing home Medicaid applications;
- Home care services provided either by a licensed care agency or a private caregiver, family friend, or relative;
- Helping clients maximize home care aide hours;
- Pooled income trusts to protect excess income;
- Annual Medicaid recertifications; and
- Fair Hearings.



## Special Needs Planning

Caring for a loved one with a disability presents unique challenges. To secure the future of your disabled loved one, careful planning is required.

### We create plans that:

- Provide the most effective strategies to ensure ongoing eligibility for government benefits;
- Enable disabled loved ones to maintain their accustomed lifestyle;
- Secure the appointment of a Guardian to manage care and protect resources;
- Preserve financial security for life's extras; and
- Deliver effective estate planning and trust design for disabled individuals and their families, making sure that available funds are protected, available, and properly supervised for the lifetime of the disabled individual.

Each family is different. We carefully tailor our special needs plan to each family's needs, wants, and goals, ensuring that a disabled loved one is protected now and into the future.



## Estate Planning & Administration

Having a proper estate plan is for everyone. Whether an estate is large or more moderate, effective planning is crucial. The process goes far beyond naming beneficiaries to receive property. Our attorneys offer creative solutions for clients to achieve their estate planning goals, which include:

- Providing instructions for the distribution of assets;
- Designating an agent under a health care proxy to make medical decisions when necessary;
- Appointing an agent through a power of attorney to assist with financial decisions and personal affairs;
- Naming a guardian to care for minor children;
- Designating a trustee to manage inheritances by minor children;
- Minimizing estate and income taxes;
- Providing for creditor protection; and
- Protecting family members with special needs.



Estate planning is not a one-time event. Rather it should be reviewed periodically and updated as family and financial situations evolve.

## Guardianship

Situations arise where it is necessary to petition the Court to appoint a guardian to manage the personal and financial needs of a minor, a developmentally disabled adult, or an individual with Alzheimer's Disease or other forms of dementia. The process can seem daunting, and once you are appointed guardian, your fiduciary responsibilities are ongoing. Regardless of the type of guardianship necessary, we are there to navigate the family through this very challenging and complex process, including:

- Article 81 Guardianship proceedings for incapacitated individuals to manage their personal and property needs;
- Article 17-A Guardianship proceedings for developmentally disabled adults;
- Contested guardianship proceedings;
- Annual and Final accounting proceedings; and
- Creative advocacy for disabled individuals and their families.





**Capell Barnett Matalon & Schoenfeld LLP** is a team of dedicated attorneys and staff who provide comprehensive, cost-effective legal services to individuals, businesses, not-for-profit organizations, and religious corporations. Our advice reflects the particular goals and values of the clients we represent.

Our team of experienced attorneys work together to find innovative solutions to our clients' legal issues. We believe every client deserves a personalized approach, and we are dedicated to ensuring our clients' individual needs are addressed to their satisfaction. By carefully coordinating our efforts, we help minimize your exposure while ensuring you get the best possible outcomes for your legal issues.

As a boutique firm, we are an integrated team working together. This means our clients have comprehensive legal representation for all aspects of complex transactions, while being able to give you the individual attention you need to ensure your legal issues are handled as carefully as possible.

We work with our clients to identify any potential challenges and develop creative solutions to guide our clients through the expected and unexpected problems.



# Practice Areas

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**CONSTRUCTION LAW**



**LANDLORD/TENANT**



**CORPORATE & COMMERCIAL  
TRANSACTIONS**



**LITIGATION**



**ELDER LAW & MEDICAID  
PLANNING**



**NOT-FOR-PROFIT &  
RELIGIOUS CORPORATIONS**



**EMPLOYMENT LAW**



**REAL ESTATE**



**ESTATE ADMINISTRATION**



**TAXATION & TAX  
CONTROVERSY**



**LAND USE & ZONING**



**WILLS & TRUSTS**



## Stuart H. Schoenfeld, Partner

Stuart has been a partner with the firm since 2005. His areas of concentration include elder law and estate planning, business, corporate and real estate transactions. Stuart's extensive elder care and estate planning practice include the preservation of assets for the benefit of chronically ill, developmentally delayed and elderly individuals, planning and applying for Medicaid, guardianship proceedings and supplemental needs planning. With regard to estate and asset preservation planning, Stuart favors an approach integrating the financial, legal and tax objectives of the client into a plan that protects and preserves assets, maintains standard of living and maximizes available tax benefits.

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## Gregory L. Matalon, Partner

Gregory Matalon's practice concentrates in the areas of estate planning, estate administration, elder law and Not-for-Profit and Religious Corporations Law. He regularly helps individuals and families plan for the future through the preparation of Last Wills and Testaments, Trusts, Living Wills and Health Care Proxies and Durable Powers of Attorney documents. Greg provides his clients with the tools to create a tax efficient estate plan, while realizing that the Client's goal/s are primary. Greg also represents Executors and Trustees to navigate the complex Federal and State laws impacting Estates and Trusts. While representing Executors and Trustees, Greg has identified areas of unsettled law and he has either clarified existing law or, in some cases, created new law through his submissions of Private Letter Ruling requests to both the Internal Revenue Service and New York City Department of Finance. He has been successful, on behalf of his clients, in each instance.

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We are unique because our clients are.

Our guidance reflects the particular long-term goals and institutional values of the individuals, businesses, not-for-profit organizations, and religious corporations we represent. Large or small, CBM&S clients benefit from our unique experience, personalized service, local market knowledge and vast resources.

# CBM&S

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