

Elder Law Newsletter

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Unmarried in Oregon: Key estate planning tools for couples to protect themselves and each other

By Jonathan P. Bacsalmasi, Attorney at Law

esigning a comprehensive estate plan for an unmarried couple is often more complex than planning for a married couple. In most cases, unmarried couples do not share the same benefits and protections under Oregon law and the tax code as married couples.

Estate plans for married couples typically follow a traditional planning formula. However, properly designed estate plans for unmarried couples often require a more personal approach. A complete estate plan includes a will or revocable living trust as the central planning tool, and ancillary documents such as a durable power of attorney, advance directive, and appointment of person to make decisions concerning disposition of remains.

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Will

Each partner can sign a will that appoints the other as personal representative of his or her estate upon death. The personal representative represents the estate and manages and distributes property according to the terms of the will. Failure to appoint a personal representative generally means the statutory default controls, which allow family members to take over as representative with priority given to adult children, parents, and siblings. The partner has no right under Oregon law to step into this role.

A will anticipates a probate court process to monitor the distribution of probate assets upon death. If a partner has not created a will and no other plan exists, estate assets will be distributed according to Oregon's intestate succession laws, which define how estate property will be distributed if no will or estate plan exists. Under current Oregon laws, estate assets that pass by intestate succession will benefit an unmarried individual's children, parents, or siblings, rather than the surviving partner.

Any asset owned in the deceased partner's individual name will pass through the probate court. Assets with beneficiary designations pass outside probate to the beneficiaries named in the contract and are typically not controlled by an individual's will.

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Jonathan Bacsalmasi is an attorney at Collier Law and Oregon Estate and Elder Law qho focuses on estate planning, elder law, probate, and trust administration matters. Jonathan assists clients in Salem and Portland and divides his time between the two offices.

To ensure these assets pass outside probate, each unmarried partner should list the other partner as beneficiary on all retirement accounts, insurance policies, and annuities.

If the beneficiary designations are left blank, the contracts for these assets will usually list one's estate as the beneficiary and the assets will be required to pass through probate.

If partners have children from previous relationships, each partner can appoint the other as legal guardian of any child. If the child has another surviving parent, however, that parent will typically have a very strong argument for legal custody of the child. If there is no surviving parent, the court will look to the will for the desired appointment of guardian. A partner can also appoint the other partner to manage a minor child's inheritance.

A personal representative is also required to complete all tax returns before closing the estate. Unmarried couples may be surprised to learn that estate tax may be due. Oregon provides an exemption for the first one million dollars in assets that pass to the surviving partner, but will tax assets over that limit. Married couples can pass any assets over that threshold to each other using the unlimited marital deduction. Unmarried couples cannot claim that deduction, and may face tax on the first death, as well as a tax on the same assets again when the second partner dies. For example, if the first partner leaves a retirement account valued at \$1.5 million to the second partner, Oregon would assess a tax on the estate at the first death. If the second partner dies with an account balance of \$1.4 million, the account would be taxed again under the second partner's estate-tax return.

Revocable living trust

An unmarried couple can create a revocable living trust to avoid the probate court, plan for a partner's incapacity, and provide asset protection for the surviving partner.

After the revocable living trust is signed, the couple will transfer certain assets to the trust. Trust assets can be controlled by each partner as the initial trustees and remain available for each partner's use throughout his or her life. Upon the incapacity or death of both initial trustees, the successor trustee appointed in the trust will manage and distribute the trust assets according to the terms of the trust without involving the probate court.

A revocable living trust can also enable a partner to step in as the sole trustee to manage assets upon the other partner's incapacity. The trust can state the terms and factors for determining each partner's incapacity and can also include the partner and other family members in that decision.

The revocable living trust can also be designed to provide protection from the surviving partner's creditors by establishing an irrevocable trust upon a partner's death. The surviving partner is the sole beneficiary of that trust while alive and can also continue to manage the trust funds as trustee. This tool can simultaneously reduce taxes by by ensuring the assets would not be included in the second spouse's estate tax return.

Durable power of attorney

Each partner should sign a durable power of attorney appointing the other partner as their agent to make financial decisions on their behalf if they are unable to make their own decisions. It is also critical to discuss alternate decision makers in the event neither partner can serve.

If an emergency occurs and one partner is unable to manage her or his finances or sign checks, the agent appointed in the durable power of attorney can step in to assist.

If no durable power of attorney exists, a conservatorship may need to be established with the court before the other partner can make financial decisions.

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Estate planning Continued from page 2



An unmarried couple should discuss long term care issues with an attorney.

A durable power of attorney can also name a partner as temporary guardian of a child during incapacity. If that child does not have another legal parent and no durable power of attorney exists, the court will need to step in to appoint a temporary guardian.

Advance directive and HIPAA release

Each partner should sign an advance directive that appoints the other partner as the agent to make medical decisions in case he or she is unable to do so. For a couple choosing not to name each other to make those decisions, signing a HI-PAA release is critical to ensure a partner is not excluded from being informed of medical status. A HIPAA release allows medical professionals to share medical information with any listed individuals, and would enable the partner to remain in the loop.

Without a valid advance directive, the partner will be required to file for guardianship with the court before she or he is able to make healthcare decisions for the incapacitated partner. ORS 127.635 provides a list of individuals who can make decisions for an incapacitated individual and in which specific circumstances. Under that statute, an individual's adult children, parents, and siblings will control these decisions before an unmarried partner.

Some practitioners include specific language in a supplement to the advance directive to ensure a partner can visit the ill partner in the hospital. The language will allow each partner to be treated the same way as immediate-family members. Sample language:

(Name of partner and/or other unrelated individuals) are to be given all of the rights of my next of kin, including the right to visit me under all circumstances as would be extended to any family member of a patient. I state that they are all closer to me than any living relative, and it is my express desire that they be extended the privileges and benefits of hospital and medical rules given to relatives of patients. I specifically include that ______ should be allowed to discuss my prognosis

and treatment candidly with my physician, request and be given copies of my medical records, and stay with me twenty-four hours per day, including in an intensive-care unit. These rights and benefits so specified do not exclude other rights and benefits extended to relatives of patients.

Disposition of remains

The partners should also appoint each other as the agent who will carry out their instructions and wishes regarding the care of their remains after death.

In the disposition-of-remains appointment, each partner can specify a preference for burial or cremation and can also include other special instructions for the agent to follow. ORS 97.130 states that an individual's spouse or children will make these decisions if a disposition-of-remains document is not in place, but the same protections do not exist for unmarried couples.

Final considerations

Long term care planning for an unmarried couple can also be problematic. Federal laws protect married couples by ensuring that if one spouse requires skilled-nursing care and applies for Medicaid, the "well spouse" will not be impoverished and can retain a certain minimum amount of the couple's assets. These same protections do not exist for unmarried couples. An unmarried couple should discuss these issues with an elder law attorney.

In addition to estate planning issues, an attorney should consider the risk of conflict in representing two unmarried individuals. While many couples can be represented by one attorney, an attorney should carefully evaluate unmarried couples with significantly disparate assets to ensure separate counsel is unnecessary.

Once an attorney moves forward with representation of an unmarried couple, a comprehensive conversation that includes the effect of beneficiary designations on the planning is critical to ensure the clients have all the necessary tools to protect themselves and one another.

SSA retirement benefits for spouses, domestic partners, and divorced spouses

By Anastasia Yu Meisner, Attorney at Law



Anastasia (Stacie) Yu Meisner is of counsel with Samuels Yoelin Kantor LLP in Portland. She focuses on estate planning, mediation, probate, and trust and estate administration. In addition, she works with guardianships and conservatorships, and business transactions and formation. Her extensive experience in mediation has also made her a sought-after source of knowledge.

Then a worker qualifies to receive Social Security retirement benefits, derivative benefits based on the worker's record may also be available to spouses, certain domestic partners, and ex-spouses.

Social Security retirement benefits are available to workers who work at least 40 quarters, and earn a required amount for each quarter of coverage (QC). In 2019 the QC was \$1,360. The QC automatically changes each year. In 1978 the QC was \$250.

A spouse may receive up to half of the worker's full retirement age benefit. With respect to this derivative benefit, it does not matter if the worker actually receives retirement benefits that are less than the worker's full retirement-age amount. And the spouse's receipt of half of the worker's retirement benefit does not reduce the amount the worker receives. If a spouse can receive a higher amount from his or her own record, then the spouse will receive that benefit.

If a spouse qualifies to receive retirement benefits based on the worker's record, the spouse must be at least 62, or caring for a child younger than 16 and have been married to the worker for at least one year if the spouse is not the biological parent of the worker's child. The worker must be receiving benefits. Note that the definition of marriage is determined at the state level. For more detailed information. See Social Security POMS RS 00202.001 Definitions and Requirements for Spouse Benefits.

Under certain circumstances, the Social Security Administration does allow derivative benefits in "non-marital legal relationships," including certain civil unions and domestic partnerships. When the domicile state allows a partner to inherit from the worker's estate via intestacy law, the derivative benefit is generally available to the worker's partner. In Oregon and Washington derivative benefits are available, because both states allow intestacy rights in the context of domestic partnerships. For more detailed information see the Social Security POMS GN 00210.004 Same—Sex Relationships—Non—Marital Legal Relationships.

Divorced spouses may also be eligible to receive retirement benefits based on an ex-spouse's work record. To qualify the marriage must last 10 years or longer; the divorced spouse (the person who claims the derivative benefit) must not be married; the divorced spouse must be at least 62; and the amount the divorced spouse would be able to receive based on his or her own work record is less than the benefit he or she would receive based on the worker's record.

If the worker has not applied for retirement benefits, but the divorced spouse wants to receive derivative benefits, the divorce must have been finalized at least two years prior. If the divorced spouse marries again, payment of the derivative benefit stops. For more detailed information see Social Security POMS RS 00202.005 Divorced Spouses.

Options for IRA beneficiaries

By Kristen Chambers, Attorney at Law



Kristen Chambers is an attorney with Wyse Kadish LLP. Her practice is focused on estate planning, probate and trust administration, and adult protective proceedings. Before joining Wyse Kadish. Kristen handled a variety of litigation matters in the areas of business, trust and estate, personal injury, copyright, insurance, and malpractice.

The beneficiary of an IRA can often reduce overall tax liability by deferring or stretching out the mandatory IRA distributions. Some options are available to all beneficiaries, while others apply to surviving spouses only.

Any individual beneficiary may transfer the IRA to an "inherited IRA" in the name of the decedent for the benefit of the beneficiary. The beneficiary cannot make contributions or rollover amounts to or from the inherited IRA.

If the IRA owner died before the required beginning date (RBD) for taking distributions (generally age 70 ½), the beneficiary must take the minimum required distributions (MRDs) over the beneficiary's life expectancy. IRC § 401(a)(9)(B)(ii-iii).

If the IRA owner died after the RBD, the beneficiary may take the MRDs over the longer of the beneficiary's life expectancy or the participant's life expectancy. IRC \S 401(a)(9)(B) & REG \S 1.401(a)(9)-5(A-5)(a)(1).

Alternatively, the beneficiary may make a timely election to withdraw the entire balance of the IRA within five years after the IRA owner's death. IRC § 401(a)(9)(B)(ii); REG § 1.401(A-2).

In any case, there is no early withdrawal penalty or maximum withdrawal limits with an inherited IRA. IRC § 72(t)(2)(A)(ii).

A surviving-spouse beneficiary has two additional options that receive preferential tax treatment: 1) elect to treat the decedent's IRA as one's own IRA; or 2) roll over the decedent's IRA to another retirement plan in the spouse's name.

A spousal election generally allows a surviving spouse who is the sole IRA beneficiary to treat the deceased spouse's IRA as the surviving spouse's own. REG § 1.408–8(A-5)(a).

Even without an affirmative election, an eligible surviving spouse will be deemed to have made the election if he or she makes any contributions to the IRA or fails to take an MRD that would have been required for a surviving spouse as a beneficiary. REG § 1.408–8(A-5)(b)(1)-(2).

With the election, the MRD each year after the year of the owner's death is determined under IRC § 401(a)(9)(A) with the spouse as the IRA owner, and not as a beneficiary under § 401(a)(9)(B).

With a spousal rollover, the decedent's IRA funds are added to an IRA (or another type of eligible plan) in the surviving spouse's name within 60 days of the distribution. TD 9897, 67 FR 18987 (4/17/02); REG § 1.402(c)–2(A-12)(a). The same rollover rules that would apply to the original IRA owner apply to a spousal rollover. IRC § 402(c) (9). A rollover is a good option where the surviving spouse is not the sole designated beneficiary.

Both spousal elections and spousal rollovers provide tax deferral advantages such as a slower rate of MRDs with a longer applicable distribution period (IRS Pub. 590-B pp. 10-11& Appx. B); the ability to name a new designated beneficiary, which starts a new life expectancy payout after the surviving spouse's death (REG § 1.401(a)(9)-5(A-5) (c)(1) & (A-7)(c)) and potentially a later MRD starting date if the deceased spouse was older than the surviving spouse. (IRC § 401(a)(9) & 1.408-8(A-5)(a)).

There are some circumstances in which a spouse may prefer an inherited IRA. For example, a younger spouse wants to take distributions before age 59 ½ without penalty. IRC § 72(t)(1) & (t)(2) (A)(ii). However, the majority of surviving spouses will find they benefit most from a spousal election or rollover. ■

Finding love in a foreign country comes with immigration issues

By Anaiah E. Palmer, Attorney at Law



Anaiah Palmer is an immigration attorney at Parker, Butte & Lane, P.C. in Portland, and has been working in various positions in the field of immigration law for 14 years. She currently serves as Secretary of the Oregon Chapter of the American Immigration Lawyers Association, and sits on the Board of the Multnomah Bar Association's Young Lawyers Section.

ove can be found anywhere in the world at any age. Dating websites, translation apps, and international travel contribute to the possibility of elders finding romance abroad. When romance leads to marriage, however, they are likely to find themselves in need of immigration advice.

Any non-U.S. citizen who wants to live permanently in the United States must apply for permanent residence (commonly known as a "green card"), and in most cases will need his or her citizen spouse or fiancé(e) to initiate the process.

Even at its most straightforward, immigration is a long process

In general, immigration based on marriage is a multi-step process. First, the U.S. citizen spouse must file a petition that confirms his or her desire to sponsor the foreign-national spouse, and must prove that the couple's marriage is legally valid and the relationship is bona fide. Based on that petition, the foreign national then files an application for either a visa at the U.S. embassy or consulate in his or her home country, or for "adjustment of status" to permanent residence here in the U.S.—both of which involve proving that the applicant is "admissible."

If the couple has chosen the fiancé(e)-petition route, the foreign national has to complete both a visa interview abroad and an adjustment of status application in the U.S. after the couple is married.

The timing of these processes varies based on location, but they can range anywhere from six months to well over a year. If the foreign spouse has to apply from abroad, the couple may have to spend a significant amount of time apart. U.S. visas and immigration statuses are narrowly defined and particular, which means that the foreign spouse cannot use a visitor visa for the purpose of entering the U.S. and applying for a green card.

Additionally, while it is technically legal, foreign spouses also may not be allowed to visit temporarily during this process unless they can convince the Customs and Border Protection agents at the airport or border that they intend to return home. The couple must be prepared for this time apart, or choose to spend time together in the foreign spouse's home country while they wait.

In addition, if a couple has been married for less than two years when the foreign spouse is granted permanent residence, the initial green card will only be valid for two years. The Immigration Marriage Fraud Amendments Act of 1986 requires a grant of two-year conditional residence in the case of recent marriages. The couple will be required to file a joint petition in the 90-day period before the initial green card expires to remove those conditions, proving again that their marriage was bona fide at inception. INA 216.

If the foreign spouse wishes to become a U.S. citizen, he or she must wait at least three —and potentially five or more—years from the date the first green card was issued.

Immigration is full of potential potholes

A couple that reviews the U.S. Citizenship and Immigration Service (USCIS) or Department of State instructions on the spousal immigration process may conclude that it is relatively straightforward, and in many cases they will be correct. However, in the world of immigration, very particular and seemingly small factors can make an enormous difference to a potential immigrant's ability to obtain permanent status, or become hurdles in the process. Consultation with an immigration attorney is always recommended, but it is especially important if the foreign spouse has any U.S. immigration history, and is essential if that spouse is residing in the U.S. already.

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There is a common belief that marrying a U.S. citizen solves all immigration issues, but that is far from the truth. Given the strict enforcement policies of the current administration, couples will want to avoid initiating any kind of application process unless they are confident about the outcome.

Sponsoring an immigrant is a commitment beyond marriage

In order to sponsor a family member for permanent residence, the U.S. citizen is required to submit an "affidavit of support" that proves his or her ability to financially support the foreign spouse at 125% of the federal poverty level. INA 213A. If the petitioner cannot show enough income or assets to meet that threshold, a joint sponsor can be added. In that case, both sponsors undertake the same ongoing obligation. The affidavit of support is an enforceable contract between the sponsor and the federal government, as well as between the sponsor and the foreign spouse, and this contract can outlive the marriage. The obligation continues until the foreign spouse dies, becomes a U.S. citizen, gives up permanent residence, or is credited with 40 qualifying quarters of employment as defined under the Social Security Act. It is crucial for any potential sponsor to make sure he or she is willing to make this commitment, but it is even more important for an elder who might be managing already limited retirement benefits and savings. The affidavit of support requirement is one reason elders should be very certain they and their potential spouse are fully committed to each other before proceeding with immigration sponsorship.

Medical conditions are not a major concern

The immigration process requires the foreign spouse to undergo an immigration medical exam. However, general health conditions (including those experienced by many in the aging population) will not disqualify an individual from permanent residence in the U.S.

A potential immigrant will only be denied status because of a "communicable disease of public health significance" or a physical or mental disorder with associated harmful behavior. INA 212(a)(1).

The foreign spouse must be able to prove he or she has all appropriate vaccinations, and will undergo a screening for diseases such as tuberculosis and certain STDs. The medical exam is not a full medical screening, and an immigrant will not be denied because of conditions such as diabetes, heart disease, or even HIV.

There is no right way to be married

A bona fide marriage under the INA is any marriage that is not entered into for the sole purpose of obtaining permanent resident status. Obtaining immigration status may be one reason for the marriage, as long as it is not the sole purpose. See U.S. v. Orellana-Blanco, 294 F.3d 1143, 1151 (9th Cir. 2002). Basically, the couple must have an intention to establish a life together, whatever that life may look like. Even if a marriage is not ultimately viable, what matters is that it was valid and bona fide at its inception. Matter of Boromand, 17 I&N Dec. 450, 454 (BIA 1980).

Significant for elders, a bona fide marriage does not have to be for the purpose of raising children, nor even involve physical intimacy. In Matter of Peterson, the Board of Immigration Appeals analyzed a marriage between a 60-year-old U.S. citizen and his 58-year-old wife who had married primarily because the citizen was ill and needed a housekeeper and caregiver. The USC provided housing and food, and the foreign national wife provided care and companionship. The BIA referred to the reasons for the marriage as "far sounder than exist for most marriages." 12 I&N Dec. 663, 665 (BIA 1968). However, as a caution, a promise to help someone obtain status as payment for their assistance, without the intent to establish a life together, is marriage fraud.

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Among a variety of "fraud indicators" for which USCIS looks, of particular note to elders is a significant age difference between the parties. By no means is a significant age difference going to lead to an automatic denial of a petition, but the couple should be prepared for greater scrutiny into their relationship if that is the case. Similarly, if a couple does not cohabit all the time, or does not share a bedroom, they might be subject to extra scrutiny. However, as long as they can show their intent to establish a life together, they can still be successful in their petition.

Immigrant spouses are protected in the event of their sponsor's death

Unless the USC petitioner dies before the couple is legally married, the foreign national spouse is protected at every stage of the immigration process. In the past, a widow could only obtain benefits if the marriage had lasted more than two years at the time of death, but that "widow penalty" was removed by Congress in 2009 with the FY 2010 Appropriations Bill. A foreign national qualifies for widow benefits if the spouse was a U.S. citizen, the couple was legally married and not legally separated at the

time of death, the marriage was bona fide, the surviving spouse has not remarried, and the death occurred less than two years in the past. INA 201(b)(2)(A)(i).

If the USC's death occurs before a petition is filed, the foreign national may self-petition as the widow(er) of a U.S. citizen. If the citizen spouse dies while the spousal petition is pending, the foreign national can send in a copy of the death certificate, and USCIS will automatically convert the petition from a spousal petition to a widow self-petition. If the citizen spouse dies while the foreign national has conditional status, the foreign national can file for removal of those conditions at any time, as long as he or she can still prove that the marriage was bona fide at its inception. If the citizen dies while the foreign national is a lawful permanent resident, the only impact is on the waiting period for citizenship eligibility (with certain exceptions for the widows of military service members).

There are also provisions in the INA for foreign spouses who have been subject to physical or mental abuse by the U.S. citizen spouse, and it is still possible to remove conditions on permanent residence if the couple divorces in the first two years of their marriage. As long as the marriage was bona fide at its inception, there are generally options available for a foreign spouse even if the marriage does not turn out as hoped.

To sum up

Even the most straightforward marriage-based immigration process can be time-consuming and stressful; but with good legal advice, a bit of caution, and an abundance of patience, elders—just like younger people—have the opportunity to find a caring relationship across the globe.

Maybe your name won't be in lights, but it can be on the back page of the Elder Law Newsletter!

Because attorneys are busy people, the newsletter committee includes enough participants to enable individuals to be involved as their schedules permit. The committee is now ready to add one or two members.

What's involved?

The committee "meets" online, so you do not have to block out specific times nor do you have to travel to meetings.

Our editor will ask for your ideas for themes, specific topics, and suggestions for potential authors. Occasionally, you may want to write an article yourself, but this is not a requirement.

As articles come in, the editor will ask you to review them for legal accuracy and general content. Comments, questions, or suggestions from committee members are compiled by the editor and submitted to the authors, so they can revise their articles as necessary.

Once the newsletter layout is complete, the editor will ask for volunteers to proofread. It's helpful if more than one person volunteers, so that no one has to proofread the entire newsletter.

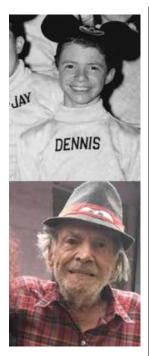
Once in a while, you may be asked to take photos at an Elder Law Section event or to write a brief report about a section activity in which you have been involved.

All in all, it's not a big time commitment, but it's a great way to help ensure that the newsletter reflects the current concerns and interests of Elder Law Section members around the state.

To join the team, contact Monica Pacheco at monica@dcm-law.com or 503.364.7000. ■

Oregon elder law attorney interviewed for podcast

By Carole Barkley, Elder Law Newsletter Editor



You may have heard of the mysterious disappearance in Oregon of Dennis Day, one of the original Mouseketeers on the late 1950s Mickey Mouse Club television show. The case became the subject of an episode of *The Vanished Podcast*, and elder law attorney Brooks Cooper was asked to comment on some of the legal issues.

Dennis Day, 76, and his spouse, Ernie Caswell, lived in Phoenix, Oregon, a small town near Medford. Ernie was outgoing and helped to found the local gay men's chorus, while Dennis became something of a recluse. As they aged, Ernie had health problems and was experiencing memory loss.

At the suggestion of Kirk, a friend, "Daniel" moved in with the couple, supposedly to help them. According to police, Daniel has a history of homelessness, mental illness, and drug addiction.

In July 2018, Ernie, was taken to the hospital by ambulance after a fall, and was subsequently placed in a nursing home, because the couple's cluttered house was deemed unsafe.

Two days later, Dennis came to Kirk's home and told him that Daniel had assaulted him. Because it was Sunday, the police station was closed. Kirk offered to go to the police with him the next day, and Dennis left to go to a store.

When questioned by the police, Daniel said that Dennis had left on foot with his dog, saying he was going to visit friends. The dog was later found running loose. Daniel had Dennis's debit card and claimed it had been given to him to buy groceries for the household. Although Dennis's car was found 200 miles away, he had not driven it there. It had been stolen from his home by a transient who had been invited in by Daniel.

With Dennis missing and no family members available, Kirk stepped in to oversee Ernie's care. He got a power of attorney from Ernie and has been managing his affairs.

Because Dennis's sister questions Kirk's motives for recommending Daniel and taking over Ernie's affairs, the podcast host wanted an Oregon attorney to explain Oregon's laws about powers of attorney. She contacted Brooks Cooper and interviewed him. He outlined the types of POA, what makes a POA valid, and the responsibilities of the person who holds it. Questioned about the validity of a POA when the grantor is showing signs of memory loss, Mr. Cooper noted that if there was no evidence that the person was misusing the grantor's funds, it was unlikely that anyone would question the situation.

Asked about what steps anyone should take to plan for possible incapacity, Mr. Cooper advised choosing a trusted younger person to whom to grant a POA, having an advance directive in place, and perhaps setting up a trust.

When I asked Mr. Cooper if he had any advice for attorneys called on to comment as experts, he replied:

"Be careful to ground your opinion in the facts you know, or qualify it as based on incomplete factual information. Otherwise you can come across sounding dead wrong if the facts are not what you think. And remember much of what we do is art, not science. There is often not just one single answer to a situation and I would not want to mislead the public that there always is."

What does he see as a take-away message from this couple's situation?

"It's always a good idea to designate a back-up. Spouses will usually name each other, but having a back-up helps if your spouse becomes incapacitated when you already are. This planning can avoid the cost and public exposure of a conservatorship proceeding."

You can listen to the podcast at http://www.thevanishedpodcast.com/episodes/2019/3/24/episode-168-dennisday ■

NOTE: On April 4, 2019, human remains were found on Dennis and Ernie's property. As of this publication, they have not been identified.

Resources for elder law attorneys

Events

Elder Law Section unCLE Program

Friday, May 3, 2019/8:00 a.m.-4:30 p.m. Valley River Inn, Eugene

This unique program provides elder law practitioners the opportunity to get together for a day-long session of brainstorming, networking, and the exchange of ideas on many topics.

https://ebiz.osbar.org/ebusiness/Meet-ings/Meeting.aspx?ID=2204

NAELA Annual Conference

May 9 to 11, 2019 Fort Worth, TX https://www.naela.org

Practicing Inclusion: How to Best Represent Clients with Disabilities

Friday, June 7, 2019/ 9 a.m.-4:30 p.m. Oregon State Bar Center, Tigard Also live webcast on your computer https://ebiz.osbar.org/ebusiness/
Meetings/Meeting.aspx?ID=2241 ■

Websites

Elder Law Section website

https://elderlaw.osbar.org

The website has links to information about federal government programs and past issues of the Section's quarterly newsletters.

National Academy of Elder Law Attorneys (NAELA)

www.naela.org

A professional association of attorneys dedicated to improving the quality of legal services provided to elders and people with special needs

National Center on Law and Elder Rights

https://ncler.acl.gov

Trainings and technical assistance on a broad range of legal issues that affect older adults

OregonLawHelp

www.oregonlawhelp.org
Helpful information for low-income
Oregonians and their lawyers

Aging and Disability Resource Connection of Oregon

www.ADRCofOregon.org

Includes downloadable Family Caregiver Handbook, available in English and Spanish versions

Administration for Community Living

https://www.acl.gov

Information about resources that connect older persons, caregivers, and professionals to federal, national, and local programs

Big Charts

http://bigcharts.marketwatch.com

Provides the price of a stock on a specific date

American Bar Association Senior Lawyers Division

For elder law attorneys age 62+

https://www.americanbar.org/groups/senior_lawyers/

National Elder Law Foundation

http://www.nelf.org

Certifying program for elder law and special-needs attorneys

National Center on Elder Abuse

https://ncea.acl.gov

Guidance for programs that serve older adults. Practical tools and technical assistance to detect, intervene, and prevent abuse

Elder Law Marketing 101

https://blog.eldercounsel.com/elder-law-practice-marketing-101

This blog from eldercounsel.com suggests ways to attract and retain elder law clients.

Multnomah County Senior Law Project

https://oregonlawhelp.org/organization/senior-law-project
Free half hour legal consultations with attorneys at Multnomah
County Senior Centers. ■

Publications

Advance Directive: Your Life. Your Decisions – with the KEYConversations™ Planning Guide

https://www.oregonhealthdecisions.org/product/ advance-directive-your-life-your-decisions-with-thekeyconversations-planning-guide-english-version/

Guide to Transportation for Seniors

A helpful, visual guide to getting older and getting around https://www.seniorliving.org/research/transportation-guide/

Guardianship and the Right to Visitation, Communication, and Interaction

Legislative fact sheet from the American Bar Association Commission on Law and Aging

https://www.americanbar.org/content/dam/aba/administrative/law_aging/2018-05-24-visitation-legislative-factsheet.authcheckdam.pdf

Important elder law numbers

as of January 1, 2019

Supplemental Security Income (SSI) Benefit Standards	Eligible individual\$771/month Eligible couple\$1,157/month
Medicaid (Oregon)	Asset limit for Medicaid recipient
Medicare	Part B premium

Oregon State Bar

Elder Law Section

Newsletter Committee

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