

# Legal-Ease

Legal Writing You can Understand

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## A Gift for You

By the time you read this, Thanksgiving will have passed and the Christmas season will be in full swing but as I am writing this the week before Thanksgiving, I'd like to mention how thankful I am for the many blessings I have: for my supportive, energetic, warm and enthusiastic fellow workers, for the loyalty and kindness of you, my clients and my colleagues, for a community that connects with one another and works with each other in many organizations to improve the quality of all of our lives, for a beautiful, historic building, for friendships and, above all, for

family.

It's easy to get caught up in daily details and overlook the big picture but for me, the holidays help bring the big picture into focus.

One thing I've realized over the years is that the passage of time seems to speed up as you get older. It seems like just a few weeks ago that I was writing our spring newsletter in the early weeks of 2010. How can we possibly be about to close out this year? Once again, we're in the process of trying to make a joyous holiday for our loved ones and gift giving suggestions besiege us from every direction as the flyers and commercials flood the media.

This year, I hope you will consider

giving a gift to yourself. Allow yourself time to reflect upon past holidays and the loved ones you shared them with. Allow yourself to feel their presence with you today. My mother has been gone for 17 years now and yet I know she is with me as I delight in my daughter's motherhood, as I share laughter with my grandson and remember the special bond and laughter my mother shared with my daughter. Sometimes I find her actual words and phrases coming out of my own mouth when I play with him and I know it is her presence within me.

Allow yourself to refuse to get caught up in the madness. Discard the word "should" and focus instead on what will bring you inner peace and joy. Be kind to yourself, lower expectations and enjoy the moment. Isn't that what this season is really all about?



We always love a visit from the children and grandchildren. Linda's daughter, Jaclyn, brought Liana and Candace to the office recently to see Barbara's daughter, Katherine, and grandson, Jake, when they were visiting from Virginia.

# FACT VS. FICTION IN THE PROBATE PROCESS!

Many people have more than a few misconceptions about probate and what actually happens when a person dies. This was really driven home to me recently following the death of my husband's uncle. One family member asked when the Will would be read. I had to explain that the reading of the Will generally only occurs in the imagination of the screen writer. This may have occurred many years ago when copy machines had not yet been invented and the literacy rate was not as high as it is today.

Now, if a probate is required (in cases where assets were solely owned and did not have a beneficiary designation), a copy of the Will is usually sent to each beneficiary (a person who is named in a Will) and each heir at law (next of kin who would inherit if there were no Will). There is no gathering to "read the Will."

People also wonder how long it should ordinarily take to settle an estate. I was asked by another family member if the estate would be settled by Christmas. While probating an estate in Connecticut is not a particularly complex process, there are certain statutory time frames for the process. Currently it takes between 2 to 4 weeks to get the estate opened and have an Executor appointed. With probate court consolidation, this process may take a bit longer. After appointment, an Executor has 2 months to file an inventory which is a listing of all the assets owned solely by the decedent. There is also a notice put in the paper for creditors to submit claims within the next 5 months.

A Connecticut estate tax return is due 6 months from date of death. The court generally has 30 days to review the return and approve or deny. By 7

or 8 months following the death, the estate may be ready to make at least partial distributions and begin a final accounting. In our office, most estates are finished completely within one year.

We recently had clients whose father had passed away 5 years ago. Very little had been done about settling the estate by another area law firm. When I explained the process and the time frames described above, they were dumbfounded. The children stated that they were simply lost in the quagmire of the estate process and did not fully understand what was expected of them. They also had no timeframe for how long the process should have taken. They asked us to take over the estate settlement which is now nearly complete. "You did in about 60 days what the other firm had not done in 5 years," exclaimed our elated clients.

## MEET MARIA

Maria Scotti-Laifer is the newest member of our firm. Although Maria and Barbara were law school classmates at the University of Connecticut, they had lost touch as Maria first moved to Massachusetts and then Elmira, New York before landing in New Milford .

Born in Italy, Maria arrived in the US at age 11 without speaking a word of English (she has more than made up for that!). Those of you who speak Italian may wish to have a conversation with her the next time you visit us. Maria received a Bachelors degree in English from Trinity College in Hartford and then obtained a Masters in Biobehavioral Sciences and Statistics from the University of Connecticut before heading to law school.

Maria worked at Yale as a clinical research coordinator and was the liason between the cardiology and pathology departments. She assisted in quite a few autopsies, hearts and lungs being her specialties. She became interested in law school because of her interaction with the Institutional Review Board which is responsible for overseeing all research studies involving humans.

Some of you may have encountered Maria's husband, Dr. Laifer, who started the cardiac cath lab at New Milford Hospital several years ago. By way of relaxing, Maria enjoys biking, kayaking, and hiking with her 15 year old son, a freshman at Shepaug. She is also doing the college search with her 17 year old daughter, a senior at the Taft School.



# HOME HEALTH CARE

Sometimes, a holiday visit makes adult children realize that their parents are aging and perhaps not managing the activities of daily living as well as they had in the past. Such a change is magnified when adult children live in other parts of the country and do not see their parents for months at a time.

When aging parents need help managing their day-to-day lives, adult children are often overwhelmed by the additional responsibilities. Facing already demanding schedules, often because they work and are raising children of their own, today's "sandwich generation" is confronted with a major dilemma. Many think the only options involve either a nursing home or a drastic change in their own personal and work schedules.

In fact, there are many options available which allow aging parents to continue to live in their own home with assistance as needed. Connecticut, as well as most states throughout the country, has an extensive network of home care providers. Though many believe that the cost of care in the home is

astronomical, the cost actually depends not only on the type of care needed but also the number of hours required.

Sometimes as little as a few hours a day, several days a week is enough to give needed assistance or to give the primary caregiver (often spouse or family member) a much needed break.

Often, care provided at home is considered *unskilled* care – a helping hand with grocery shopping, cooking, household cleaning and laundry, sometimes just companionship for a forgetful elder. Unskilled care consists of home health aides, home helpers, personal care aides, certified and uncertified nursing assistants, homemakers, and companions. Skilled care usually refers to care that is ordered by a physician and involves visits by a nurse or skilled therapist such as a speech or physical therapist.

The cost varies depending upon the services needed. For instance, the hourly cost of a companion may range from \$15-20/hour, depending upon the agency and the prevailing rates in the local region. Companions usually provide custodial care allowing the

primary caregiver to get a much deserved break. A home-health aide will generally cost between \$20-25/hour and will often do light housework and personal care services.

If a home care provider is needed more than several hours a day as well as overnight, a live-in provider is often more economical. Again, there are multiple agencies throughout the state who provide such caregivers.

We recommend that you contact at least two or three agencies to determine what ranges of services are available and what the associated costs will be.

Asking friends and family or the local senior center for referrals is always a good way to find reliable assistance. We are also familiar with our local resources and can assist you in looking at the whole picture to develop a long range plan.

To address your concerns with your parents is a difficult step but you can be sure that burying your head in the sand will not make the problems go away.

## DID YOU KNOW . . . .

- . . . That a Power of Attorney *ends* when the person dies?
- . . . That an Executor only has power *after* a person dies?
- . . . That Linda's daughter Jaclyn recently completed her first half-marathon in Rhode Island?
- . . . That another wedding is on the horizon as Sue's daughter Katrina has recently become engaged? Wedding plans are in the works!



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*Wishing you peace and joy during this holiday season!  
Linda, Debbie, Beth, Marlene, Maria, Barbara & Sue  
(clockwise from top left)*