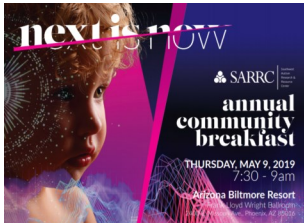


May Is National
Elder Law Month
 National Academy of Elder Law Attorneys



UMOM just opened the newest campus of affordable housing in March. The event was attended by Mayor Gallego and Representatives Stark and Guevara as well as Attorney **Andrea Claus** (a long-time Board of Directors Member). UMOM is a place of hope and rebuilds lives. Their mission is to prevent and end homelessness with innovative strategies and housing solutions that meet the unique needs of each family and individual.



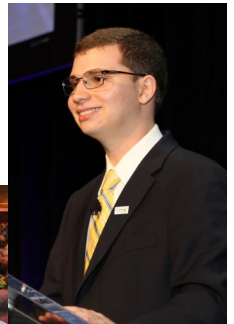
Megan Selvey serves on a professional advisory committee to SARRC and enjoyed being a part of their Annual Breakfast. This year's theme was "Next is Now". SARRC is always looking to the future where every Arizona

family affected by autism has access to essential information and services, no matter where they live. Their mission is to advance research and provide a lifetime of support for individuals with autism and their families.

For more information on how you can support SARRC or what they do or how they can help you,



Southwest
 Autism
 Research &
 Resource
 Center

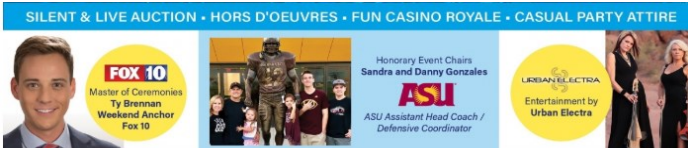


This year's Annual DS Network's Light, Camera, Auction was to benefited the comprehensive programs and services of Down Syndrome Network of Arizona. Attorney **Megan Selvey** volunteered to help make this a success.

DS Network
 DOWN SYNDROME KNOWLEDGE, SUPPORT & ADVOCACY

DS Network's mission is to educate, support and advocate for those in our community impacted by Down syndrome. DS Network achieves this goal through an open, supportive and collaborative network that connects individuals and families with needed resources and information.

Link: <https://dsnetworkaz.org/about-us/>





Top 10 Estate Planning Myths and Mistakes

by Andrea Claus, Esq.

Mistake Number 1: Thinking You're Too Young to Have a Plan in Place

Most people approach estate planning with an enthusiasm ordinarily reserved for a trip to the dentist: you know it's necessary, but it's not something you're eager to do. The considerations that need to be put into estate planning can be daunting. Although confronting your mortality may not be a pleasant task, a well-drafted estate plan can ensure your wishes are carried out. A well-drafted plan can also eliminate guesswork and court involvement, making a difficult time somewhat easier for your loved ones. Estate planning is an area of law riddled with misconceptions and myths. In this ten-part series, I will outline the top ten estate planning myths and mistakes.

Thinking you're too young to put a plan in place. Those in their 20s or 30s might feel as if they've got all the time in the world to plan. However, there are certain documents that everyone over the age of 18 should have. All adults should, at least, have powers of attorney (healthcare, mental healthcare, and financial) in place. Though we tend to associate end-of-life decisions with those of advanced age, several of the country's most notorious end-of-life cases involve women in their 20s. Perhaps the most recognizable name in the group is that of Terri Schiavo.

Terri Schiavo is a name most Americans are familiar with. In 1990, Theresa Marie "Terri" Schiavo collapsed from full cardiac arrest that deprived her brain of oxygen. After multiple doctors diagnosed Terri as being in a persistent vegetative state, her husband ordered her feeding tube be removed, saying that Terri would not want have wanted to live that way.

Go to <https://www.bivenslaw.com/blog/> to read the rest of the article >

"My Mom Needs a Power of Attorney: Can't I Sign That For Her?"

by Megan Selvey, Esq.

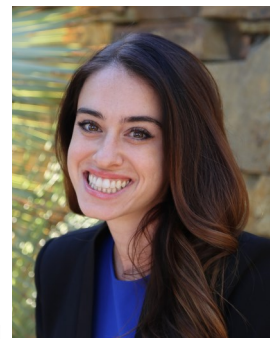
We hear this question frequently.

A family member will call to report that an elderly parent had a stroke, or fell, or has dementia, and now needs the assistance of a family member to manage financial matters. The family member calls, and wants to know if a Power of Attorney document can be prepared for mom or dad. The answer is – only if mom or dad has sufficient mental capacity and is willing to sign legal documents.

A person who signs a Power of Attorney is called the "Principal." The person who is appointed to assist with financial matters is called the "Agent." In order to sign a Power of Attorney, a person must have sufficient mental capacity to understand and direct that specific authority over financial matters be granted to the Agent. A family member cannot set up a Power of Attorney on behalf of a parent. Often times, the parent will have experienced a health event, and may no longer be mentally competent to sign any legal documents. If no legal documents are already in place, then there may be no one with current legal authority to assist the parent with his/her finances. This can present a significant logistical problem.

How can the family help if no one has legal authority to manage the parent's finances, and the parent is no longer mentally competent to sign legal documents? In such a case, the family member must petition the Court for conservatorship authority to manage the parent's financial matters. This process may take up to several months.

In order to avoid the time and expense of a conservatorship and to ensure that there is always an Agent in place who may be able to handle financial matters in the event of a health crisis, encourage your family member to speak to an attorney regarding the benefits of establishing a comprehensive Durable Financial Power of Attorney.



ALTCS' Asset Verification System: If you thought processing an ALTCS application was difficult before...

by Stephanie Bivens, C.E.L.A., Esq.

Beginning this year, AHCCCS started using Accuity Asset Verification Services, Inc.'s asset verification system (AVS) to streamline the asset verification process of Arizona Long Term Care System (ALTCS) applications for long term care benefits. The contract allows financial institutions to transmit an applicant's account balance to Acuity AVS for verification. The goal, of course, is for AHCCCS to independently obtain and confirm financial information and to reduce opportunity for fraud. This new system, however, can also create unexpected difficulties for the applicant/authorized representative. If you thought processing an application was difficult and time consuming before, it will be more difficult now in many cases.

In short, AHCCCS is using this system to review the last 5 years (60 months) of financial records of ALTCS applicants. The challenge is that the report, which AHCCCS will not give you, does not accurately identify individual deposits and withdrawals by date and specific amount. This system reviews patterns in accounts, even closed accounts. If there is a difference of more than \$2,000.00 between the high and the low monthly account balance the AVS generates a report with the differential amount and a date during that period. The AHCCCS eligibility worker then asks for a detailed explanation of the amount(s) in question. If there is no response to this request for information within 10 days or if the last 60 months of financial activity cannot be verified the eligibility worker can deny the application.

What does this mean for you? Let's say your father was handling his own financial matters until his recent disabling stroke. You are now handling his financial matters and submit an ALTCS application. If three years prior he closed a bank account with balance of \$9,872.13 and you cannot trace where all the proceeds were deposited your application may be denied, or potentially approved with a penalty period. Worse yet, let's say AHCCCS asks you to explain an alleged withdrawal of \$10,515.42 on January 3, 2017, and \$8,363.15 deposit on March 18, 2018. The specific inquiries may not equate to any deposits/withdrawal(s) on that date in the stated amounts. Rather, the amount in question is the difference between the high and low balance. You will have to explain *all* deposits (including source) and all withdrawals (including payee and purpose of purchase/withdrawal) during that period and back your way into the request for information and verify all transactions with bank and financial records. If your father is no longer competent, didn't keep good records, and/or does not recall the specific transactions from years ago, how would you explain them?

Go to <https://www.bivenslaw.com/blog/> to read the rest of the article >



CONGRATULATION STEPHANIE BIVENS!

Stephanie has been selected one of Southwest Super Lawyers for 2019. Super Lawyers is a rating service of outstanding lawyers from more than 70 practice areas who have attained a high-degree of peer recognition and professional achievement. Fewer than 5% of attorneys receive this recognition.





Our office will be closed
Monday, May 27

We thank you from all of us at
Bivens & Associates.

Have a safe and fun weekend.



Thursday, May 16 at 10am to 11am

When you Die: Probate and Trust Administration

Presented by Attorneys Andrea Claus and Shawn Whiting
Silverado Memory Care in Peoria - no registration required



Tuesday, May 28 at 6pm and Saturday, June 1 at 10:30 am

Medicare Workshops: Understanding Medicare Parts A-B-C-D

Speaker: Joe Craney III with Senior Preferred Healthcare

Call 480-221-1059 to register today. Space is limited

Bivens & Associates Learning Center, Suite 250



Tuesday, May 28 & June 25 from 7:30 a.m. to 9:00 a.m.

For professionals only - no registration required

Bivens & Associates Learning Center, Suite 250

We are honored and humbled to announce that we ranked **Top 5 among ALL AZ LAW FIRMS in 3 categories in Ranking Arizona 2019:**

- #2 Elder Law
- #3 Law Firms with Fewer than 22 Attorneys
- #4 Estate/Trust Law

VOTING FOR RANKING ARIZONA 2020 IS OPEN UNTIL JULY 31

Click here to VOTE:

<https://azbigmedia.com/vote-ranking-arizona/#/gallery?group=296768>

Bivens & Associates, PLLC

RANKED TOP FIVE: Estate Planning,
Elder Law, Law Firms 22 Attorneys or Fewer

RANKING
The Best of Arizona Business
ARIZONA
2019

THANK YOU FOR YOUR VOTES AND SUPPORT!!

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