

Including Family Members in Estate Planning

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Although most individuals choose to leave their estates outright to their children or other relatives, sadly, many clients I see have concerns about one or more of the intended beneficiaries of their estates. In some cases, the family member is recently divorced and an inheritance might impact his or her child support obligation. In other cases, the family member is disabled and receipt of an inheritance may jeopardize his or her continued eligibility for public assistance programs. Still others simply have not shown good judgment with money and there is a concern that a windfall may be wasted.

Often, clients feel as if family members with one or more of these issues need to be excluded from the client's estate plan. Other times, the client feels forced to leave the individual in as a beneficiary, hoping for the best once the funds reach the beneficiary's control.

Thankfully, there are other options which allow for inclusion of a beneficiary who should not inherit funds directly, but ensure that the funds will be pro-

tected and spent wisely.

Frequently, clients establish a trust within their Will (called a "testamentary trust"), so that the share for a particular beneficiary will be held by another person (a "Trustee"). The Trustee may be directed to distribute specific sums of money on a regular basis or given full discretion over all distributions. If the beneficiary is disabled, the trust should limit distributions to expenditures which will not endanger the beneficiary's eligibility for benefits such as SSI and MassHealth (Medicaid).

In cases where the intended beneficiary is relatively young and the trust may last many years, some clients choose to avoid the Probate Court fees and oversight by executing a "living trust." This type of trust may be revocable or irrevocable, depending upon the client's situation. The trust may be funded immediately, over time, or not until the client's death.

A revocable living trust allows the client to retain control over his or her assets and change the terms of the trust during his or her life. I have had clients direct shares for children into trust because the child was going through a divorce or owed significant sums to creditors, but, then, after the divorce is final or the creditor situation resolved, amend the trust so that

the child inherits directly.

Irrevocable trusts are also used to provide for beneficiaries who should not inherit directly. This type of trust needs to be used cautiously, however, as any funds transferred into trust during the client's life are no longer accessible to the client and may, in fact, jeopardize the client's own eligibility for public benefits.

The question to ask when drafting estate planning documents where there is a disabled child or other individual who should not inherit funds directly is not whether to include them. Instead, clients should feel free to provide for children or other relatives with special concerns, considering only what type of trust works best to both meet the client's needs and preserve the funds.

The views expressed in this column represent general information. To address your particular and specific needs consult your own attorney or call the Franklin County Bar Association at (413) 773-9839 or the Worcester County Bar Association at (978) 752-1311.

The Elder Law Project, of WMA Legal Services, offers free legal services to persons age 60+. Call them at 413-774-3747 or 1-800-639-1309 for an appointment or more information.

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Everything Old IS New Again: Interior Redesign

Interior Redesign can give your house a new look and feel even in interiorly challenging times.

Interior Redesign is using what you have in your home and rearranging them or redistributing them in the rooms of your house to give a new look and better use to rooms.

You have rooms that don't look, work or feel right or aren't used with-out good reason. You have an empty room and don't know where to begin. You have an open floor plan without boundaries on where design treatments begin or end. You need something new and want to use what you have. Redesign can also be used to make your house more attractive to buyers



Debra Schechterle, an interior decorator and owner of "Inside Designs" in Gill, MA (www.practicaldecorator.com/413-863-3062) says to consider redesign if:

if you are selling. Redesign helps make sense out of chaos when merging two households, moving to a smaller or larger house or senior housing, downsizing or dividing your household.

"With the economy tight right now, people will be staying home more. They want their home to be welcoming and redesign can give a fresh look and feel to their home," said Ms. Schechterle.

She cautions that redesign "can't make a silk purse out of a sow's ear. If things are old, used or worn, a redesign can't make them new."

Redesign begins by totally emptying a room of all objects. Then redesigners "shop the house" and slowly begin to add in items from other rooms and rearrange furniture to give the rooms new appeal. Furniture placement will be changed. The room may be angled with new perspective. Focal points may be changed. All in an effort to give new life and energy to the room. Sometimes rooms can be redesigned

to create space for walkers or wheel-chairs or to make space safer and more useable as people age.

These small changes or add-ins can make a big difference without breaking the bank:

Applying a fresh coat of paint is an inexpensive way to create a new palette to work from.

New pillows, rugs or curtains add color and texture.

Reupholstering or slipcovering an item of furniture can be a bit more costly but will really bring a foundation piece up to date.

Ms. Schechterle says she often works with clients who do a little at a time.

Though shopping for all new is more fun, interior redesign can help the old things you have seem new again.



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BECOME A VOLUNTEER OMBUDSMAN

MAKE A DIFFERENCE: Visit residents in long-term care facilities

Do you care about the quality of life of nursing home residents? Enjoy problem solving? Have a few hours to volunteer each week? If so, become a volunteer Long-Term Care Ombudsman.

An Ombudsman is a trained advocate for residents of nursing and rest homes. Ombudsmen visit residents regularly and investigate concerns and complaints brought to their attention. They help to ensure a good quality of life for residents through advocacy work and by assisting residents and families with self-advocacy.

Training is provided by the State's Ombudsman Program. The next scheduled training will take place November 19th, 20th and 21st in the Northampton area. [Mileage reimbursed from home to training site.]

If you are interested in finding out more, contact: Barbara Levy, Program Director at (413) 773-5555 or (978) 544-2259 or blevy@fchcc.org.

FUNDING NOW AVAILABLE DEFERRED PAYMENT LOANS FOR HOME REPAIRS AT 0% INTEREST HOUSING REHABILITATION PROGRAM

The Franklin County Regional Housing and Redevelopment Authority (HRA) has funding available for Towns of Erving, Leverett, Rowe, Shelburne & Whately. Funding is also available for specific target areas in Greenfield & Turners Falls.

Income eligible applicants who qualify for a full-deferred payment loan will be able to borrow up to \$30,000.00. This is a 0% interest, deferred payment loan, the loan is secured by a lien placed on your property, and the loan is due when you sell or transfer the property.

The goal of this program is to enable low to moderate-income homeowners to bring their homes into code compliance, handicap accessibility, do needed repairs and weatherize their homes.

Homeowners and any tenant families must have an annual gross income equal to or less than the following amounts:

# In Household	Gross Annual Income
1	\$41,450.00
2	\$47,350.00
3	\$53,300.00
4	\$59,200.00
5	\$63,950.00
6	\$68,650.00

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