

Legal Services

Referral Services

The yellow pages of the phone book provides listings of local attorneys grouped by special practice. If you are in need of a referral, call the **Onondaga County Bar Association Lawyer Referral Services at 471-2690.**

NYS Attorney General's Office - Syracuse Office

615 Erie Blvd. West, Suite 102, Syracuse
448-4800

Elder Law Unit: 1-800-771-7755. The Elder Law Unit is designed to make it easier for seniors to get the help and information they need to make sure their rights are protected. The Elder Law Unit assists seniors in enlisting the services and programs of the Attorney General's Office, such as consumer fraud complaints and tips dealing with investment and security brokers. Below is a list of legal areas for which the Elder Law Unit can provide assistance :

- **Consumer Bureau** - Investigates complaints and provides information which helps seniors detect telemarketing fraud, sweepstakes and home improvement scams and disreputable businesses, including utilities who overcharge or provide faulty services.
- **Investor Protection** - The Attorney General is the state's principal regulator of securities dealers and brokers. In addition, the Attorney General must approve franchise offers and certain other types of investments. Licensed brokers are required to register with the Attorney General's office, which monitors all disciplinary actions taken against brokers by other agencies, including the federal Securities and exchange Commission. Information about investment businesses is available through the Attorney General's Office. You can report or fraudulent activities to this bureau.
- **Criminal Division** - Investigates and prosecutes cases of elder abuse in nursing homes, home health care agencies and abusive family members. The Attorney General maintains a toll-free helpline for information and referrals to victims service agencies in the community, and is staffed during regular business hours. If you have questions about your rights as a crime victim, contact the **Crime Victim's Helpline at (800) 365-3111.**
- **Medicaid/Insurance Fraud Unit** - Insurance fraud costs New Yorkers up to \$2 billion per year. This unit handles complaints, investigates and prosecutes Medicaid/Medicare fraud, and private insurance fraud.
- **Charities Bureau** - Investigates solicitation tactics of charitable organizations, including pressure tactics and other dubious fundraising methods , which victimize well-meaning people.



Section Guide:

Referral Services

Definitions

Letter of Instruction

Legal Services

See also "The Brookdale Senior Rights Report" published 6 times a year. (518-433-9011.)

www.brookdale.org

- **Civil Rights Bureau** - The State Attorney General's Office is responsible for enforcing state and federal Civil Rights laws in New York State. This includes discrimination in housing, employment and other areas based on age, sex, disability, race, religion, creed or familial status. **Complaints alleging discrimination are primarily handled by the NYS Division of Human Rights (518-474-2705).**
- **Real Estate Finance** - Regulates the conversion of rental buildings to cooperative or condominium ownership, as well as the filing of offering plans for newly built coops, condos and homeowner associations. Certain protections apply to persons who are 62 years of age or older and who live in buildings being converted throughout the state where senior citizen and disabled tenant protection laws are in effect. A senior citizen tenant will be protected from eviction by filing a special exemption form, which is available by contacting the Attorney General's Office.

Catholic Charities

1654 West Onondaga St., Syracuse 13204
424-1810

Provides information and referral services, and advocates for those in need of case management and representative payee services (finances).

Human Rights Commission of Syracuse & Onondaga County

11th Floor, Civic Center, 421 Montgomery St., Syracuse
435-3567

Advocates to ensure the rights of equal opportunity and equal protection of all city and county residents. Receives and investigates complaints of discrimination in employment, housing, criminal justice, public accommodations, etc.

Mental Hygiene Legal Service

Hughes State Office Building, 5th Floor, 333 East Washington Street, Syracuse, 13202
428-4053

Provides representation for those in psychiatric facilities and programs operated and licensed by the Office of Mental Health and the Office of Mental Retardation and Developmental Disabilities.

New Justice Conflict Resolution Services

1153 West Fayette Street, Syracuse 13204
471-4676

Trained mediators resolve conflicts (i.e. custody/visitation, landlord/tenant, consumer/merchant, etc.) in a neutral setting. Services are free and confidential.

Definitions

With planning, it is possible to arrange to protect your, or a relative's, assets and well-being as well as include relatives in planning for their own care and protection. Without a will or advance arrangements for physical or mental incapacity, the state has the authority to intervene. The issues covered in this section may require guidance of an attorney.

- **Power of Attorney** - This is a legal device that permits one individual (the principal) to give to another person (a trusted family member, friend, appointed person or the individual's lawyer) the authority to act on his/her behalf. The attorney is authorized to handle a range of financial and legal affairs for a specified period of time unless the principal becomes comatose or mentally incompetent. A power of attorney ceases upon death.
- **Durable Power of Attorney** - This allows a designated person, the attorney, to continue making financial and legal decisions even if the principal becomes physically or mentally incompetent.
- **Durable Power of Attorney for Health Care** - This document permits an individual to decide who should make medical care decisions on his/her behalf in the event of incapacity.
- **Will** - This legal document contains explicit instructions on how the individual wants their assets to be distributed after death. It usually names an executor who will close an individual's affairs after their death.
- **Living Will** - This allows a person to state their wishes regarding the use of life-sustaining procedures during a terminal illness or an irreversible condition. These directions are to be followed in the event that a person becomes incapacitated. State laws vary regarding living wills.
- **Trusts** - These legal documents appoint a trustee to manage the assets placed in the trust for the benefit of the named beneficiaries. It designates how assets are to be used both during one's lifetime and after death. The person placing their assets in a trust (Settler/Trustor) can oversee the trust or appoint a trustee. The trustee can be instructed to continue handling funds after the trustor's death. Establishing a trust may have tax benefits and consequences. There are different types of trusts for different purposes.
- **Living Trusts** - Assets are placed in a living trust by a well person who appoints a trustee. If the older adult so desires, they can maintain control over the trust while they remain legally competent. If they become legally incompetent, the trustee takes control. This document outlines how the assets should be managed and distributed after death, thus replacing a will. This type of trust avoids probate (a legal process through which the court makes sure that when a person dies, their debts are paid and any property is distributed according to the will.)
- **Revocable Living Trust** - This allows a person to transfer ownership of their property to a separate entity called a trust which is managed according to rules established in the trust document for the benefit of the beneficiaries named in the trust. A revocable trust

allows a person to change the terms of the trust. A Power of Attorney becomes void upon death, but a trust need not, and thus provides an alternative to passing property through a will.

- **Irrevocable Living Trust** - This is similar to revocable living trust, except it cannot be revoked (changed or ended) after it is established. In addition to having the same benefits as a revocable trust, an irrevocable trust also may provide savings on estate taxes and may prevent the loss of government benefits for a loved one.
- **Joint Ownership** - People use joint ownership of property for many purposes. Joint ownership can have positive or negative effects on access to jointly owned property. Decisions to put property in joint ownership should be based on one's trust in the person with whom he/she holds joint ownership and one's needs and intentions with regard to the property. Joint tenancy with Right to Survivorship (often used in property ownership) can act like a will to avoid probate, but it will not necessarily help avoid estate taxes. Joint ownership can have a very substantial effect on Medicaid eligibility, depending on the nature of the assets and other factors. For patients who may need long-term nursing home care, joint ownership should not be established or ended without discussion of the effects with someone who is particularly knowledgeable.
- **Representative Payee** - An older person appoints someone to receive certain benefits (pension, Social Security or supplemental income) on their behalf.
- **Guardianship** - Guardianship is a legal mechanism by which the court appoints a guardian for a person who has been declared incompetent by at least two physicians. A guardian has the responsibility for making fundamental decisions for the ward (incompetent person) and to manage their assets.
- **Conservatorship** - This is a legal mechanism by which the court appoints a conservator for someone who cannot manage their own financial affairs. Definitions and rules for both guardianships and conservatorship vary by state.

Letter of Instruction

This letter (non-legal document) contains a listing of essential financial and legal information and their locations. The letter should include the location of important documents, such as the name of your bank where your accounts are, as well as account numbers. This letter helps to organize important documents making it easier for a family member to assist you if you need help handling your affairs. The letter of instruction should include:

- Names, addresses and phone numbers of all health care providers and people (family members, clergy) to contact if the person becomes incapacitated.
- Agencies providing in-home services
- Your full name, address, Social Security Number, the date it was prepared as well as who else has copies of the Letter of Instruction.

The following checklist will assist you in compiling your information. Be sure to include all certificate and account numbers as well as where they are physically located.

Personal Records

Personal Information

Birth Certificate _____
Divorce/Separation/Annulment _____
Marriage Certificate _____
Other _____

Insurance - Health

Health _____
Long Term Care _____
Medicare _____
Medicaid _____
Supplemental _____
Other _____

Insurance - Other

Auto _____
Disability _____
Homeowners _____
Liability _____
Life _____
Mortgage _____
Other _____

Legal and Financial

Bank Statements _____
Burial Instructions _____
Contracts _____
Durable Power of Attorney _____
Health Care Power of Attorney _____

Last Income Tax Return

- Federal (Date/Location) _____
- State (Date/Location) _____
- Other _____

List of Assets/Household Inventory _____

Living Will _____

Military Discharge Papers _____

Naturalization Papers _____

Notes (Mortgages, Loans, etc.) _____

Organ Donor Certificates _____

Organizational Memberships _____

Passport _____

Pension Records _____

Safe Deposit Box Number _____

Savings Bonds _____

Social Security Cards/Records _____

Stocks and Bonds _____

Trusts _____

Will(s) (original) _____

Other _____

Titles and Deeds

Auto _____

Deed to Burial Plot _____

House _____

Other (Cottage, Boat, etc.) _____

Bank Name and Location _____

- Savings Account Number _____
- Checking Account Number _____