



Elder Law & Estate Planning Services



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www.VanarelliLaw.com



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THE NEW JERSEY LAW OFFICE OF DONALD D. VANARELLI is pleased to provide the following Elder Law and Estate Planning legal services to New Jersey and New York residents:

Medicaid and Public Benefits Planning

The Law Office of Donald D. Vanarelli devotes a significant portion of its practice to the field of elder law, a legal specialty focusing on the special needs and legal problems of seniors, the disabled and their families.

For each client, the Law Firm develops a comprehensive long-term care plan designed to identify and finance quality long-term care, while protecting the family's assets from catastrophic care expenses and nursing home costs. These plans often include qualifying family member(s) for needs-based public benefits, such as Social Security Supplemental Security Income (SSI) and Medicaid, so that the client can obtain quality care and the spouse, children and other heirs are provided with adequate income and resources. Asset protection planning strategies often involve the transfer of client resources. Wills, living wills, powers of attorney and trusts are often employed. The Law Firm may recommend obtaining long-term care insurance. Guardianship and other court proceedings may be required.

[Medicaid and Public Benefits Planning Continued >](#)

Medicaid Applications

It is important that the filing of a Medicaid application is properly timed. Before filing a Medicaid application, the Law Office of Donald D. Vanarelli prepares a comprehensive evaluation of each client's unique family and financial situation. Based upon the evaluation, the Law Firm provides planning recommendations that are custom-made for each client.

The planning recommendations are designed to achieve three goals: (1) to ensure that the care needs of the client are met; (2) to make certain that there are sufficient assets available to pay for all needed care; and, (3) to ensure that the client's estate is preserved for the client's loved ones to the maximum extent possible. In addition, the Law Firm's attorneys are available to prepare the Medicaid application and represent the client's interests through the often lengthy administrative process. At the client's request, the Law Firm will handle all communications with the Medicaid agency, thereby removing the client from the tedious and often frustrating application process.

[Medicaid Applications Continued >](#)

Medicaid Appeals

After an application is submitted, the Medicaid agency will eventually make an eligibility determination, and the application either will be approved or denied. If an application is denied, the applicant has a right to appeal that decision by requesting an administrative fair hearing. Denials are often made in error and an appeal is necessary to correct the error.

All Medicaid programs are required to issue a written denial to the applicant explaining the basis for the determination and procedures to appeal. Failure of the notice to explain the reasons for the denial or give adequate instructions to the beneficiary on how to appeal can void the denial of Medicaid services. In New Jersey, the applicant must appeal the denial in writing within 20 days. Failure to file a timely appeal may result in the denial being affirmed. If the applicant appeals the denial on a timely basis, the State must grant the applicant an administrative hearing, called a Fair Hearing. At the Fair Hearing, the applicant may testify and witness may be presented. The Administrative Law Judge must provide a written plenary review of the evidence, and an adjudication of all issues on appeal.

[Medicaid Appeals Continued >](#)

Special Needs and Disability Planning

When parents can no longer care for their children due to disability or death, caregiving responsibility falls on siblings, other family members, and the community.

Frequently, expenses increase dramatically when care previously provided by parents must instead be provided by professionals. The Law Firm helps the disabled population through planning services focusing on special needs trusts and accessing available public benefits.

[Special Needs and Disability Planning Continued >](#)



Guardianships and Fiduciary Services

The Law Office of Donald D. Vanarelli provides services to clients as legal counsel and professional fiduciary. Mr. Vanarelli is a Certified Elder Law Attorney, a National Certified Guardian and a Guardian. He is also a Court Evaluator in New York State. This combination of credentials allows Mr. Vanarelli and his firm to offer a wide variety of fiduciary services to clients.

Mr. Vanarelli often represents family members and others seeking guardianship of incapacitated loved ones. Mr. Vanarelli also serves as agent under a power of attorney or guardian for clients in need of such services. Similarly, Mr. Vanarelli may serve as executor under a Last Will and Testament or trustee of an inter vivos or testamentary trust, administering estate assets after the client's death. We offer these services to New Jersey residents:

[Guardianships and Fiduciary Services Continued >](#)

Will Contests and Probate Litigation

Litigators and trusts and estates attorneys with the New Jersey Law Office of Donald D. Vanarelli bring the requisite experience and knowledge to a wide range of probate litigation, including will contests, estate challenges and contested guardianship litigation.

We seek a prompt resolution to disputes, while protecting and advancing our client's interests at all times. Litigation attorneys and trusts and estates counsel work together on probate litigation. This combination of litigation experience and subject matter expertise enhances the likelihood of success for our clients.

[Will Contests and Probate Litigation Continued >](#)



Elder Abuse Actions

Elder abuse, neglect and exploitation take many forms, including physical and psychological abuse of an elderly person, theft of elderly person's money or property, and the intentional or unintentional failure to provide care to an elderly person.

The government estimates that 1.5 million elders suffer from abuse, while only 1 incident in 14 is reported. The average victim of abuse is a female, age 75 or older, with limited resources. Generally, the victim is widowed, frail and vulnerable because of mental or physical impairments, who resides with family. In cases of self-neglect, the average age of the elderly person is 77. Sometimes the victim resides in an institution. The victim may have fewer alternatives to remove herself from the abusive situation because of her financial condition, health or age.

[***Elder Abuse Actions Continued >***](#)

Nursing Home Law and Litigation

Nursing homes are private institutions that furnish shelter, food and care for sick, aged, or infirm persons. They are not hospitals, in that they do not necessarily render actual medical treatment, but they may be considered hospitals for certain purposes. Nursing home residents are protected by both New Jersey state and U.S. federal regulations.

The rights of nursing home residents are protected under the federal law known as the Nursing Home Reform Act (NHRA). The NHRA, part of the Omnibus Budget Reconciliation Act of 1987, is codified at 42 U.S.C. §§1395i-3 and 1396r. The law requires nursing homes to promote and protect the rights of each resident and places a strong emphasis on individual dignity and self-determination. Nursing homes must meet residents' rights requirements to participate in the Medicare and Medicaid programs.

[***Nursing Home Law and Litigation Continued >***](#)



Estate Planning and Administration

Estate planning is important, no matter what the size of your estate may be. Through proper estate planning, you ensure that your assets will be distributed to your intended beneficiaries after your death. You also may delay or defer the payment of federal and state estate and inheritance taxes, save money on court costs and attorneys' fees, and prevent squabbling among your heirs and financial confusion after your death. You may also avoid the probate process. In addition, careful planning can protect your estate assets against your possible future mental or physical incapacity and the catastrophic costs of long-term medical and nursing care.

The Law Office of Donald D. Vanarelli is committed to helping you protect the assets you've spent a lifetime accumulating so that you can provide for your future financial needs and leave a lasting, fulfilling legacy to your loved ones in years to come.

[Estate Planning and Administration Continued >](#)

VA Compensation and Pension Benefits

The Law Office of Donald D. Vanarelli represents veterans and their families seeking compensation or pension benefits from the United States Department of Veterans Affairs (VA). VA compensation is a disability benefit to compensate veterans for service-connected disabilities. VA pension is a needs-based benefit paid to veterans who served during a period of wartime, have limited income and resources, and are over age 65 or totally disabled.

If the veteran is found eligible for VA compensation benefits, basic benefits are paid based upon how severely the veteran is disabled, and on whether the veteran has a spouse, children or dependent parents. An additional compensation amount is given when the veteran's spouse is determined to require Aid and Assistance.

[VA Compensation and Pension Benefits Continued >](#)



Social Security Disability Appeals

You have the right to have an attorney represent you in your Social Security disability appeal. Statistics have shown that claimants represented by attorneys have been successful more often than those without attorney representation.

At the Law Office of Donald D. Vanarelli, we practice before the Social Security Administration and can guide you through the maze of Social Security regulations and procedures.

[Social Security Disability Appeals Continued >](#)

Family Law Services

The Law Office of Donald D. Vanarelli provides a full range of family law services, from the initial interview through discovery, trial and, if necessary, appeal. Our attorneys provide legal services with integrity, professionalism and respect for our clients. We accomplish our mission by listening to client goals and then applying the relevant New Jersey law.

Success may be achieved in the courtroom through litigation, or through alternative strategies such as mediation or collaborative practice; however, our focus remains on the economic and practical implications of the decisions made in the case. Together we establish realistic goals and develop the optimal legal strategy with the most effective and efficient use of resources.

[Family Law Services Continued >](#)



Mediation

The Law Firm offers alternatives to litigating will contests, probate matters, contested guardianship lawsuits and other family conflicts through the use of mediation. Mediation is the process by which a trained, neutral person, called a mediator, facilitates the resolution of a dispute. Mediation is non-adversarial, with the objective of helping the parties reach a mutually acceptable agreement. Mediation can be used to resolve any disputes, including family law and elder law matters. Clients who are facing difficult litigation have a critical decision to make: whether to pursue the conflict using the “traditional” litigation model, or whether to consider an alternative model, such as mediation.

[**Mediation Continued >**](#)

Collaborative Law

“Collaborative law” is the art and practice of settling cases with legal counsel, but without court intervention. The essence of collaborative law is the shared belief by the participants that it is in the best interests of the parties and their families to avoid litigation. The Law Firm offers Collaborative Law services for elder law matters, special needs disputes and divorce issues.

Collaborative law is a model of conflict resolution in which both parties to the dispute retain separate, specially-trained lawyers whose only job is to help them settle the dispute. If the lawyers do not succeed in helping the clients resolve the problem, the lawyers can never again represent either client. All participants agree to work together respectfully, honestly, and in good faith to try to find mutually-satisfying solutions to the legitimate needs of both parties. No one may go to court, or even threaten to do so, and if that should occur, the collaborative law process terminates and both lawyers are disqualified from any further involvement in the case.

[**Collaborative Law Continued >**](#)



About Donald D. Vanarelli, Esq.

AWARD-WINNING NEW JERSEY ESTATE PLANNING ATTORNEY

DONALD VANARELLI is a recipient of the Marilyn Askin Lifetime Achievement Award from the New Jersey State Bar Association's Elder and Disability Law Section. The Lifetime Achievement Award, the Elder and Disability Law Section's highest honor, is bestowed on an attorney with an established history of distinguished service who has made significant contributions in the field of elder and disability law throughout his or her career.

Qualifications Include:

- ▶ Recipient, Lifetime Achievement Award, by the NJ State Bar Association, Elder & Disability Law Section
- ▶ Certified Elder Law Attorney, National Elder Law Foundation, accredited by the ABA
- ▶ Named to the Super Lawyer list for the years 2007–present
- ▶ Rated "AV Preeminent" by Martindale-Hubbell, Signifying Professional Excellence
- ▶ Lead counsel in *In re Keri*, a landmark NJ Supreme Court case in which guardians, for the first time, were permitted to engage in public benefits planning to obtain Medicaid eligibility for their wards
- ▶ Lead counsel in *Saccone v. Police and Firemen's Retirement System*, in which the NJ Supreme Court, for the first time, permitted a special needs trust to be designated as the beneficiary of a state pension
- ▶ Co-counsel in *Galletta v. Velez*, in which a federal court, for the first time, held that VA pension benefits are not countable in determining Medicaid eligibility
- ▶ Past Chair, Elder and Disability Law Section, NJ State Bar Association
- ▶ Founding Member, Academy of Special Needs Planners
- ▶ Founding Member, Council of Advanced Practitioners, National Academy of Elder Law Attorneys
- ▶ Accredited by the Department of Veterans Affairs
- ▶ Certified as a National Certified Guardian by the Center for Guardianship Certification
- ▶ Selected as a panelist on the Union County Probate Early Settlement Panel
- ▶ Approved as a Mediator under the New Jersey Court Rules
- ▶ Recognized as an Accredited Professional Mediator
- ▶ Former Director, NJ Association of Professional Mediators
- ▶ Named to the list of Top Rated NJ Lawyers
- ▶ Trained as a Collaborative Law Professional
- ▶ Former Social Security Claims Representative for SSI and Medicaid claims
- ▶ The Law Office of Donald D. Vanarelli is [A+ rated](#) by the Better Business Bureau

Additional Information

FOR ADDITIONAL INFORMATION regarding Will Contests and Probate Litigation call us at **908-232-7400** or [click here](#) to contact us online.



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