



ELDER LAW AND ESTATE PLANNING

Joseph Karp

Veterans Pension with Aid and Attendance may help cover care costs

Question: Are veterans benefits available for my dad? He is a Korean War vet. He lives with me and my wife. His dementia has progressed to the point that we need help for him at home. Also, two years ago, while his faculties were intact, he gave me \$50,000 for household expenses. Will that affect his eligibility? Is there a look-back period for veterans benefits like there is for Medicaid? I'm his power of attorney.

Answer: Veterans Improved Pension with Aid and Attendance may be available to help cover the cost of in-home care. There are numerous eligibility requirements, which include, but are not limited to, having been discharged other than dishonorably, and having been on active military status for at least 90 days, at least one of which must be during a wartime period. He may not have income above a certain level, once unreimbursed medical expenses are deducted. Unreimbursed medical expenses could include co-pays and deductibles. By way of example, an otherwise qualified veteran with no dependents cannot have income of more than \$1,830 per month, once unreimbursed medical expenses are deducted.

Your father will not qualify if he has more than \$80,000 in assets. But there is no look-back period, so any uncom-

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pensated gifts he's made prior to application will not count against him. (The V.A. announced several years ago it would start imposing a look-back period, but at this writing, has not yet done so.) Visit your local V.A. office or consult a V.A.-accredited attorney. More detailed information about Veterans Improved Pension with Aid and Attendance is available on my website.

Be sure to consult a Florida Bar Certified Elder Law Attorney for guidance if you think your dad will also need Medicaid benefits in the future. Medicaid has a look-back period, so any steps taken to secure veterans benefits could jeopardize Medicaid benefits.

Joseph Karp, a member of the Florida and New York Bars, is a Nationally and Florida Bar Certified Elder Law Attorney and founder of The Karp Law Firm, located in Palm Beach and St. Lucie counties. The firm assists clients with wills, trusts, Medicaid and VA benefits planning, special needs planning, asset preservation, probate/trust administration and estate litigation.