

# Elder Law Today



SURPRENANT & BENESKI  
Estate, Tax, Medicaid and Disability Planning

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August, 2009



## What do you have in common with Michael Jackson?

The death of Michael Jackson at age 50 is a shock and a tragedy, not only for his fans but most especially for his family, his children. Michael has 3 children ages 12, 10, and 8. It's obvious he cared deeply for his children. But now just days after his death, his children are going through court process to determine who will raise them. It has all the signs of a costly legal battle. Did you know that only 31% of parents have named guardians for their kids? And if you are one of this small club, you've probably made one of these 6 common mistakes. Michael made several.

You very likely only named long-term care guardians and did not make any arrangements for the immediate term care of your kids if you were in an accident; this means your kids could be taken out of your home and into the arms of strangers until the authorities could figure out what to do. In Michael's case if he did make arrangements for a short term guardian after his death, no-one knows about it. His 79 year old mother went to court to get temporary custody. The children seem to be separated from their long time nanny. Is this what Michael wanted? We'll never know. What would happen to your children if you didn't come home one day?

You probably did not exclude anyone who might challenge your decisions or who you know you would never want raising your kids. Michael has talked in interviews about having a difficult childhood because of his work and fame. It is reasonable to presume that he had strong feelings about what he wanted for his children. It's unlikely that he documented who he didn't want to raise his children and why he felt that way. Most attorneys do not do this when preparing an estate plan. At our office we always ask about it and sometimes do a "confidential" exclusion that is used only if the person you don't want to raise your child comes forward to request custody.

You may have named a couple to act as guardians and you have not indicated what should happen if the couple broke up or one of the partners in the couple died. This means your kids' could end up in the care of someone you wouldn't really want.

You may not have named enough alternates to serve if your first choice cannot serve. If Michael's mother is his choice for guardian of the children, I hope he has a back up because she is 79 and supposedly not in good health. What happens to the children if something happens to her?

You may have considered financial resources of potential guardians when deciding who should raise your children. Your guardians do not have to also be financial decision makers for your kids. Your guardians are the people who will be in charge of your kids' emotional, spiritual and physical well-being, not necessarily their money. It's your responsibility to leave enough money behind to take care of your kids either through savings or life insurance and you can name someone other than your guardians to take care of that money if the best choice guardians are not "good with money" people. Hopefully after Michael Jackson's debts are paid (some \$400 million!) there will be money for his children to be raised in the manner they are accustomed. I suspect his legacy will provide well for them into the future.

You may have not provided for someone to take care of the money you are leaving behind and that means your money could go outright to your kids' at 18 - unprotected!

For more information, we are offering **10 free copies** of, **Wear Clean Underwear** a book by Alexis Martin Neeley, that takes you on a journey to discover in fast, simple-to-understand terms exactly what will happen based on your current plan, and what happens if you don't have a plan. Showing you how to avoid unnecessary taxes and a broken-down court system, the book guides you to transfer your values, love, and support to your children and loved ones with ease. To order call 508-994-5200 or go to [www.protectyourkidstoday.com](http://www.protectyourkidstoday.com).

**You can also name temporary guardians for your children from our site for free!**

## Remember to Send Us Your Referrals! - Nice People Wanted Campaign

Nice people refer nice people. The fall gets really busy for us and we want to move some of that business into the summer to even out our work load. To say "thank you" to the nice people we work with and even out our work load we are offering a 10% discount to new referral clients during July and August 2009. So tell your friends and family to call our office at 508-994-5200 to make an appointment for their consultation. If they call, set an appointment and come in for the appointment by 5pm on August 31, 2009 we'll give them a 10% off for any services they engage us in at that first appointment. We do only have a limited number of appointments and we are all taking some summer vacations so tell them to call today before all the appointments are gone!

## Thank YOU for recognizing our efforts by sending your friends & family!

- |                        |                         |
|------------------------|-------------------------|
| Donat Bernier          | Nancy Medeiros          |
| Susan Bliss            | George Rogers           |
| Louise Braunchard      | Bob Santos              |
| Daniel Cabral          | Dana Sargeant           |
| Attorney Gina De Rossi | Richard & Evelyn Silvia |
| Nancy Koursh           | Eleanor Souza           |
| The Tremont            | Alice Rebelo            |
| Mattapoisett COA       | Pat Midurski            |
| Silvana Duarte         | Kathy Gray              |

*We invest 100% of our time & energy to delivering first-class service to our clients. As a result, our valued clients, partners, & friends refer their family, clients, friends & associates to us. We build strong, lifelong relationships one person at a time.*

*Elder Law Today is produced by Robert L. Surprenant, Daniel M. Surprenant & Michelle D. Beneski, Attorneys at Law. This newsletter is published as a service of Surprenant & Beneski, P.C., 35 Arnold Street, New Bedford Massachusetts 02740 and 336 South Street, Hyannis, MA 02601*

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**Mark Your Calendars For These Upcoming Events in August and September! Call 1-800-929-0491 To Reserve Your Seat!**



### **Living Trust Seminar**

All programs are from 6:30pm-8:00pm

**Tuesday, August 12th (code: Living Trust)**

The Wamsutta Club, County Street, New Bedford.

**Wednesday, September 16th (code: NBCC)**

The New Bedford Country Club, 585 Slocum Road, North Dartmouth.

### **Long Term Care Presentations, including Veteran Benefits**

**Thursday, August 13th (code: Wamsutta) 1:30pm-3:00pm & 6:30pm-8pm**

The Wamsutta Club

**Thursday, September 10th (code: Hathaway) from 6:30pm-8:00pm**

Hathaway Manor, 863 Hathaway Road, New Bedford

**Thursday, September 17th (code: Autumn Glen) 6:30pm-8:00pm**

Autumn Glen Assisted Living, 239 Cross Road, North Dartmouth

**Thursday, September 24th (code: Tremont) 6:30pm-8:00pm**

The Tremont, 605 Main Street, Wareham

### **Long Term Care Presentations on the Cape**

All Programs are from 1:30pm-3:00pm

**Tuesday, August 11th (code: Cape)**

Cape Cod Island association of Realtors Conference Center

22 Mid Tech Drive, West Yarmouth

**Tuesday, September 15th (code: Cape)**

Cape Cod Island Association of Realtors Conference Center

22 Mid Tech Drive, West Yarmouth

If you prefer, you can also register for our seminars on-line by going to:

<http://www.the-sb-lawfirm.com/upcoming-events/long-term-care-planning-workshop>

for long term care seminars

<http://www.the-sb-lawfirm.com/upcoming-events/revocable-living-trust-planning>

for trust seminars.

### **Support the Surprenant & Beneski, P.C. 2009 Memory Walk Team**

Surprenant & Beneski, P.C. will be participating in the 2009 Memory Walk to support the

Alzheimer's Association and the S.E. Massachusetts Alzheimer's Partnership. The Walk is

**Sunday, September 18, 2009, 10:30 am at Bristol Community College.** Help us meet

our goal of \$1500. Please Donate to our team by mailing a check made out to the Alzheimer's

Association to our office 35 Arnold St., New Bedford, MA 02740 or donate on line: copy this

link into your web browser and it will take you right to our donation page:

<https://www.kintera.org/faf/donorReg/donorPledge.asp?ievent=295907&lis=1&kntae295907=863AF2F3983F4C65AC10588BDFA0609B&supId=261637999>

If you want to participate join our team or form one of your own.! Thank you for your support.

## COASTLINE NUTRITION NEWS

From the desk of Kim Ferreira, MS, RD, LDN, Coastline Elderly Services, Inc



# The Skinny on Sugar



How do you like your coffee? Regular or just plain black? Many people use sugar substitutes such as Sweet N' Low, Equal and Splenda but questions often arise regarding the safety of these products. Get the facts on two commonly used sugar substitutes, Aspartame and Sucralose.

### **ALL ABOUT ASPARTAME:**

Aspartame, (aka NutraSweet) has been around for over 25 years and is used by millions of Americans daily as a low calorie sugar substitute. You can most often find this in soft drinks, yogurt, desserts, gums, candies and other foods. Our bodies break down aspartame into aspartic acid and phenylalanine which are found naturally in a variety of foods such as milk, meat, fruit and vegetables. Over 200 scientific studies have proven the safety of this sweetener and its use is approved by U.S. Food and Drug Administration (FDA), World Health Organization, American Medical Association, American Diabetes Association and American Dietetic Association. The only people who cannot properly metabolize this product are individuals with a rare genetic disease, phenylketonuria (PKU). Aspartame is a safe alternative to sugar and can aid in weight control due to its low calorie content.

### **SPECIFICS ON SUCRALOSE:**

Sucralose (Splenda) was approved by the FDA in the late '90s and is used as a sugar substitute for coffee as well as in soft drinks, yogurt, cereals, ice cream and other treats. Over the past 20 years, more than 100 studies have confirmed the safety of this product for all people. There are no calories in Splenda so it can aid with weight control and it does not break down as sugar so it is safe and effective for diabetics. Additionally, it is heat stable and can be used in cooking and baking.

### **SWEET TALKING.....**

Now that you have the facts, the choice is up to you. There is no scientific evidence to support the harmful claims against aspartame or sucralose. Both products are supported by the leading health organizations. However, like everything else- don't over do it! Use them in moderation with your balanced diet and plenty of physical activity!

Sources: American Dietetic Association [www.eatright.org](http://www.eatright.org)

Nutrition Fact Sheets, [www.usda.gov](http://www.usda.gov), [www.fda.gov](http://www.fda.gov)

### **How much sugar is in your drink?**

That means that in a 20 oz. bottle there are approximately 27 grams of sugar in just 1 cup of soda- Coke, Pepsi, & Sprite.

Bottle of soda you are getting 67 grams of sugar which provide 270 calories! Not to mention what all that sugar is doing to your teeth! Sip on water, seltzer or other drinks without all of the added sugar.



### **CUTTING CALORIES CORNER**

#### **Did you know?**

1 tablespoon of sugar has 46 calories. Use 1 tablespoon in your coffee and one on your cereal and you are up to almost 100 calories.



Save 100 calories, use a sugar substitute instead!

Please contact me with any questions at (508) 999-6400 x194 or email: [ksferreira@coastlineelderly.org](mailto:ksferreira@coastlineelderly.org)