

Elder Law & Special Needs

The attorneys in Hancock Estabrook's Elder Law & Special Needs Practice are widely recognized as the attorneys of choice in Central New York. They regularly assist clients seeking representation on issues affecting the elderly and those with special needs. Our clients include individuals, married couples, families, persons under disabilities, trust companies serving as trustees, independent living facilities, assisted living facilities, skilled nursing facilities, and programs that provide services for the elderly such as the Program of All-Inclusive Care of the Elderly (PACE).



Asset Protection & Government Benefits

We advise clients as to the asset preservation options available to them in light of the escalating cost of long term care. Our attorneys have developed strategies to allow our clients to preserve assets for their families while still receiving long term care at home, in an assisted living facility, or in a skilled nursing home.

We advise clients through the Medicaid process, which includes working with them throughout the long term care planning process, the Medicaid application process and any appeals (including fair hearings) that may be necessary.

Supplemental Needs Trusts

We assist individuals with special needs to create trusts to ensure that the governmental benefits they are receiving or may be receiving in the future are unaffected. We specialize in all types of trusts including third-party supplemental needs trusts, first-party self-settled trusts and pooled trusts.

Hancock Estabrook created and established the Loretto Foundation Community Trust, a pooled supplemental needs trust, which benefits many seniors and disabled individuals in the community. We work with both individuals and trust companies, serving as trustees and provide ongoing advice relating to the proper administration of the trusts and trustee responsibilities.

Hospital Discharge Planning

We work with our clients to ensure a smooth and efficient transition from a hospital to a nursing home or a home care setting. We have strong working relationships with nursing homes, assisted living facilities, and home care agencies, and our attorneys frequently serve as liaisons to ease the stress experienced by family members in this discharge process.

Assisted Care Planning

Our attorneys provide advice and counsel on the various options available to our clients for long term care at home, in an assisted living facility, or in a skilled nursing facility. We advise clients regarding eligibility rules and how to obtain public benefits, including Medicaid benefits. We develop personalized plans for each client to meet their objectives, exploring all available long term care options.

Article 81

Our attorneys are experienced in advising clients on the guardianship process. We routinely represent clients in both contested and uncontested complex guardianship proceedings where an individual is in need of assistance with their personal needs and/or property management.

The Surrogate's Court Procedure Act

We assist families in obtaining guardianship under the Surrogate's Court Procedure Act (SCPA Article 17) for minor children when they are in need of a court-appointed guardian of their property, such as when they receive funds from a decedent's estate or as a beneficiary of a lawsuit.

We also assist families in obtaining guardianship over disabled individuals who have reached the age of majority (SCPA Article 17-A) and are in need of a guardian to manage their personal needs and property since their parent no longer has legal authority to do so as their natural guardian.