Knox McLaughlin Gornall & Sennett, P.C.
Erie • Pittsburgh • Jamestown, NY
814-459-2800 • www.kmgslaw.com

Elder Law Month: Frequently Asked Questions

Posted on May 13, 2025

May is Elder Law Month! To celebrate, we're answering some frequently asked questions about topics relevant to older Pennsylvanians and their families.

What is Elder Law?

Elder Law encompasses a wide range of legal issues and topics that affect older adults. These topics include estate planning, long-term care planning, Medicaid qualification, guardianships, and incapacity. Elder Law planning often includes various estate planning tools such as financial and healthcare powers of attorney, as well as lifetime and/or testamentary trusts.

What is Estate Planning and What Should an Estate Plan Include?

Estate Planning is the process of arranging how your assets and responsibilities will be managed in the event of your incapacitation, and how they will be distributed at the time of your death. Estate planning is important for everyone – not just for wealthy individuals and families, and not just for the elderly. An Estate Plan is the product of an Estate Planning exercise. Everyone should have, at minimum, an estate plan that includes a Will, a Financial Power of Attorney, a Healthcare Power of Attorney, and a Living Will (end-of-life directive). Even relatively young and healthy people should create an estate plan in case of unexpected accidents and disabilities.

Financial Powers of Attorney and Healthcare Powers of Attorney allow you to choose an agent who will make decisions to manage your financial and medical needs if you become incapacitated. A Living Will allows you to spell out end-of-life instructions. Finally, your Will allows you to do legacy planning by choosing who will inherit your estate. You also name an executor who will ensure that your assets go to the proper beneficiaries named in your Will. Together, these estate planning documents ensure the greatest chance that your wishes are followed both during your lifetime and upon your death.

How Do I Choose an Agent or Executor?

The best way to choose an agent or executor is to think about the people in your life who are trustworthy and proactive. The individuals you select as your agents and executors should know your wishes and have your best interests at heart. It is not necessary that an agent or executor be related to you; a trusted friend can serve as your agent or executor.

Do I Have to Ask or Tell That Individual That I Have Named Them as My Agent or Executor?

You are not required to ask or tell your agent or executor that you have selected them for that role. However, we highly recommend that you have a conversation with your family and trusted friends to see if they are willing to serve in these roles. If someone accepts the responsibility of being your agent, but later changes their mind, they can always “disclaim” this responsibility and stop acting as your agent.

Can You Change Your Selected Agent or Executor?

You can change your mind about who you want to serve as your agent or executor. We recommend that you review your estate planning documents (including your Will, Power of Attorney, and Healthcare Power of Attorney) every few years to make sure that the documents still reflect your wishes. If you want to make changes to your estate plan, including changes to your agent or executor, please contact your estate or elder law attorney.

Why Should I Meet With an Attorney to Create My Estate Plan?

Working with an estate or elder law attorney ensures that you have an estate plan that is appropriate for you and your family. Each family is unique, and everyone’s estate plan should be tailored to their background and needs. For example, blended families may have unique planning concerns. Charitable giving can present tax planning opportunities. By having a conversation with your attorney, you can discuss your specific objectives and concerns in detail, have all of your questions answered, and be assured that your wishes are reflected accurately in your estate plan.

Why Shouldn’t I Use an Online Form or Software to Write My Will?

Your attorney can review all your assets with you to ensure proper disposition in line with your overall estate plan. For example, we often work with financial advisors to update beneficiary designations on investment accounts and life insurance. We can create new deeds to re-title real property. We can discuss tax planning for your children and grandchildren. Finally, we can facilitate the purchase of special annuities and guide you through the Medicaid application process for nursing home purposes. These extra services and human touch are not included with online forms.

What Should I Know About Nursing Homes?

There are three facts about nursing homes that everyone should know:

1. Nursing homes and long-term care can be very expensive. The average cost of skilled nursing care in Pennsylvania is currently over $12,000 per month (in 2025). Nursing care that continues for months or years can quickly deplete the savings of older adults.
2. If a nursing home resident fails to pay, either by privately paying or by obtaining third-party payment (from Medicaid or long-term care insurance), their adult children are liable for their bills under Pennsylvania law.
3. Not everyone plans to go into a nursing home, but many elder adults end up there anyway. Whether you think you might need a nursing home in the future, or are moving into a nursing home today, we can help you protect your assets from the cost (or future cost) of the nursing home by using elder law tools, thus preserving assets for your family.

Protect Your Future With Help From a Pennsylvania Elder Law Attorney

We regularly work with families, nursing homes, and the County Assistance Office to help clients plan their estate, qualify for Medicaid, and protect their assets. Elder Pennsylvanians can feel assured that their care needs are met, and that they can still leave a legacy for their loved ones.

Contact us today to learn more about our Elder Law services.



Kathryn A. Penick

Kathryn A. Penick concentrates her practice on elder law and estate planning & administration. She helps clients protect their assets through estate planning, trust planning, and tax planning, prioritizing each client's legacy goals.

kpenick@kmgslaw.com • 814-923-4844

Legal Advice Disclaimer: *The content of this website is provided for general information purposes only. It should not be used as a substitute for consulting an attorney for legal advice regarding the reader's own affairs. Knox McLaughlin Gornall & Sennett, P.C. is not responsible for the content provided on any third-party website which may be accessed via links provided by this site.*

Copyright © Knox McLaughlin Gornall & Sennett, P.C.
Not to be reproduced without permission.