



RICHARD MILLER

MODERN PROBLEMS

Blended families making Elder Law “a Complex Proposition”

Families, as we know, have always been complicated. But modern families can make matters even more complex – at least when it comes to practicing Elder Law, according to Mandelbaum Partner Richard Miller.

“How many of our grandparents were divorced?” asks Miller, who is certified as an Elder Law Attorney by the National Elder Law Foundation. Today’s generation of American seniors, Miller explains, is the first in which multiple marriages or committed relationships are routine – a complication that can wreak havoc when it comes to settling the legal affairs of an aging population.

“Blended families make Elder Law a very complex proposition,” says Miller, who has nearly 25 years of experience in areas ranging from Special Needs Trusts and Guardianships to Estate Planning and Probate Litigation. That experience is invaluable in tackling a caseload that more closely resembles a reality TV show than a client docket: Individuals in multiple marriages leaving assets to a second (or third) spouse rather than children from prior relationships. Families failing to identify who should make financial and medical decisions in the event of disability. Spouses overlooking economic consequences if a second marriage partner requires long-term nursing care.

“People often don’t do the planning, and that can lead to emotional and passionate disputes among family members,” says Miller. “Estate and Guardianship litigation, in particular, can get quite heated and expensive.”

With so much at stake in such a contentious arena, experienced Elder Law attorneys like Miller will become increasingly in demand in the coming years as Baby Boomers tackle end-of-life issues and navigate what are, in many ways, uncharted waters.

“No previous generation has really experienced this before, so they are going to need a lot of guidance,” says Miller. “These issues will be an endless source of litigation in years to come, particularly if individuals in blended families don’t plan ahead.”

This article is excerpted from Mandelbaum Salsburg’s Re:View MS2.0.