



CLIENT SERVICES

Planning for Today. Preparing for the Future.

www.KMAElderLaw.com

Bloomsburg & State College

WHO ARE WE?



Marianne E. Kreisher, Esq., CELA, NCG, ChSNC

Marianne is a founding member of Kreisher Marshall & Associates, LLC. She received her elder law certification in 2011 from the National Elder Law Foundation as authorized by the Pennsylvania Supreme Court and is also a national certified guardian by the Center for Guardianship Certification. She is also a Chartered Special Needs Consultant. Marianne specializes in the areas of elder law (including Medicaid and asset protection), estate planning and administration, guardianship, special needs planning, estate litigation, and real estate transactions.



Marissa B. Marshall, Esq., CELA

Marissa is a founding member of Kreisher Marshall & Associates, LLC. She received her certification in 2016 from the National Elder Law Foundation as authorized by the Supreme Court. Marissa specializes in the areas of elder law, estate planning, medicaid planning and administration, special needs planning and guardianship. She is the co-chair of Dementia Friendly Susquehanna Valley, a division of Dementia Friendly Pennsylvania which provides education and outreach to those living with dementia and their care partners.

OUR TEAM



(570) 784-5211

(814) 954-1289

SPECIALIZED KNOWLEDGE. COMPREHENSIVE PLANNING.

Choosing a team that includes Certified Elder Law Attorneys (CELAs), Certified Medicaid Planners (CMPs), Chartered Special Needs Consultants (ChSNCs), National Certified Guardians (NCGs), and Life Care Planning professionals provides a comprehensive approach to the legal, financial, health care, and long-term care issues that often overlap with aging and disability.

Certified Elder Law Attorneys are recognized legal specialists in elder and special needs law. The distinguished CELA credential is earned only after demonstrating substantial experience and expertise, satisfying rigorous certification requirements, maintaining an ongoing commitment to legal education, and recertifying every five years. Less than 1% of attorneys nationwide have earned the CELA designation. The National Elder Law Foundation (NELF) is the only organization accredited by the American Bar Association to certify attorneys as specialists in elder law. This specialization is especially valuable when navigating the intersection of estate planning, long-term care, Medicaid, public benefits, asset protection, guardianship, and special needs planning.

Our multidisciplinary approach is strengthened by professionals with complementary credentials. Certified Medicaid Planners provide focused knowledge of Medicaid eligibility and long-term care planning. Chartered Special Needs Consultants offer specialized knowledge regarding planning for individuals with disabilities, including public benefits, special needs trusts, and future financial needs. National Certified Guardians contribute experience in guardianship, fiduciary responsibilities, advocacy, and decision-making for individuals who need assistance protecting their personal and financial interests. Life Care Planning professionals help families anticipate changing care needs, identify appropriate resources, and develop strategies that promote safety, independence, dignity, and quality of life.

Together, these professionals consider the whole person and the whole family. Legal planning, asset protection, benefits eligibility, financial resources, housing, health care, caregiving, and future support needs are interconnected and should not be addressed in isolation.

A credentialed, multidisciplinary team provides the knowledge and perspective to protect assets, preserve benefits, anticipate future needs, promote quality of life, and provide continuity as circumstances change—giving individuals and families greater confidence in their plan for today and the future.



www.KMAElderLaw.com

AREAS OF EXPERTISE:

Your answer to a protected future

Estate Planning

A CELA can help you arrange your affairs to preserve your assets, minimize taxes, avoid probate delays and expense, and control how and to whom assets are distributed to family members and other beneficiaries or charities.

Life Care Planning

Your CELA, along with elder care coordinators, work together with you and your family to meet your medical, long-term care, legal and emotional needs – now and in the future. The focus of a life care plan is to strive for your good health, safety and well-being in the least restrictive environment.

Long-Term Care Planning

Early planning for long-term care will reduce family uncertainty, allow you to assess resources, weigh insurance considerations, and identify available government benefits.

Medicaid Planning

CELAs routinely preserve and protect assets while qualifying for Medicaid eligibility. Early consultation is best but it's never too late to protect your financial resources from some financial spend down exposure and future Medicaid payback rules.

Special Needs Planning

Families worry about providing financial resources to care for family members with special needs, and to enable them to have access to private and public financial assistance and services while enriching their lives and maintaining eligibility for government benefits. Your CELA will help you accomplish your goal.

Injury Settlement Planning

CELAs optimize the financial benefit and quality of life for injured people receiving settlements of any size. A variety of planning tools, such as a special needs trust may be employed to create a comprehensive plan that involves multiple disciplines, including medical, legal, financial and government benefits eligibility.

Family Caregiver Agreements

Appropriate agreements which outline caregiver services among family members or others are important to document ongoing care and help reduce future problems upon scrutiny of financial transactions.

Probate, Trust & Estate Administration

When death occurs, your CELA provides expert guidance to your estate Executor or Trustee, promotes family harmony, and ensures accountability of all parties involved in the probate or trust administration process.

Powers of Attorney/Living Wills

Nominating trusted individuals to make important health and financial decisions during any period in which you may suffer physical or mental incapacity is imperative. Your CELA can help you address that need today before it's too late.

Assisted & Independent Living Facility Planning

Planning for assisted and independent living should not threaten to consume your family's financial resources. A CELA can help you create a strategy to preserve your access to public and private financial resources.

Veterans Benefits

Veterans Benefits are sometimes obstructed by endless bureaucracy. CELAs can facilitate access to veterans benefit programs, spousal benefits, long-term care and other entitlements earned through honorable military service.

Elder Abuse & Health Care Options

A CELA can obtain protective orders, assist with appointing a guardian and protect an incapacitated person and her property. In addition, advice on healthcare choices and healthcare insurance is available.

TERMINOLOGY

AGENT: a person who is empowered to act on behalf of another person

PRINCIPAL: The person creating the power of attorney and giving authority to the agent to act on his/her behalf.

GRANTOR: The person creating a trust - the person whose assets are put into a trust.

TRUSTEE: the person or entity who oversees and manages the assets placed in the trust.

SNT: special needs trust or supplemental needs trust - established to benefit a disabled or injured individual to provide supplemental care above and beyond what is provided by insurance and government benefits.

HCPOA: health care power of attorney - also known as an advanced directive and/or living will.

POA: power of attorney - provides authority for someone to make financial decisions on behalf of another individual.

PROBATE ASSETS: assets in your name alone at the time of death where there is no joint owner or beneficiary designation. These assets will be distributed according to the provisions set forth in your will.

NON-PROBATE ASSETS: assets where there is a joint owner or beneficiary designation. Upon your death, these assets automatically transfer to the joint owner or beneficiary you designated regardless of the provisions listed in your will.

MEDICARE: a health insurance program that pays for an eligible individual's medical costs - it is an insurance program and is not a program that is provided to people based on financial need.

MEDICAID: provides health insurance coverage for basic medical and hospital care, as well as prescription drugs and long-term care services. Eligibility for Medicaid is a means-based program and provides benefits for those with financial need.

SSI: supplemental security income is a means-tested social security federal benefit program that provides income to certain aged, blind and disabled people.

SSDI: social security disability income is a benefit for people who cannot work because they have a medical condition that is expected to last at least one year or result in death.

GOVERNMENT BENEFITS: forms of health care benefits and financial assistance made available to citizens of the United States.

ESTATE PLANNING

FINANCIAL DURABLE POWER OF ATTORNEY (POA)

The POA is the most important estate planning document you can have. It gives authority for someone to handle your finances while you are alive if you are unable to handle them yourself. If you do not have a POA and you are deemed incompetent, the courts will step in and appoint a Guardian to handle your finances. The POA has an obligation to do things in your best interest and if they don't, the court can take their power away from them. It is a good idea to name a primary, an alternate and a second alternate, just in case.

LAST WILL & TESTAMENT

This document lists your wishes for your assets after your death. Any asset where there is no joint owner or beneficiary designated will be distributed according to the terms of your will. You will name an Executor to carry out your wishes and to probate your will so he or she can gain access.

HEALTH CARE POWER OF ATTORNEY

Also known as an Advanced Directive and/or Living Will, this document is where you name someone to make health care decisions for you if a doctor determines you are unable to give informed consent. You then provide guidance to your agent as to your personal preferences regarding life-sustaining treatment if you are in an end-stage condition or permanently unconscious.

TRUSTS

A trust is a legal arrangement through which one person (or an institution, such as a bank or law firm), called a trustee, holds legal title to property for another person, called a beneficiary. Trusts fall into two basic categories: testamentary and *inter vivos*.

TESTAMENTARY TRUSTS

A testamentary trust is a trust created by your will. It does not go into effect until you die. Such a trust has no power or effect until the will of the grantor is probated.

INTER VIVOS TRUSTS

In Latin, *inter vivos* means "between the living". You establish an *inter vivos* trust during your lifetime. There are many reasons to establish a trust during your lifetime. There are two basic kinds of *inter vivos* trusts: revocable and irrevocable.

- Irrevocable Asset Protection Trusts
- Revocable Living Trusts
- Irrevocable Special Needs Trusts

SPECIAL NEEDS PLANNING

A Special Needs Trust (SNT) is designed to hold and protect assets for an individual with a disability while preserving eligibility for certain means-tested government benefits, including Supplemental Security Income (SSI) and Medicaid/Medical Assistance. Because an inheritance, settlement, or other receipt of assets can affect benefit eligibility, a properly structured SNT allows those resources to be used to supplement public benefits and enhance the individual's care, independence, comfort, and quality of life.

Several types of Special Needs Trusts are available, including individual and pooled first-party trusts and third-party trusts. The appropriate trust depends on the source of the assets, the individual's benefits, and the family's long-term planning goals.

An ABLE account is another valuable planning tool that allows eligible individuals with disabilities to save and use funds for qualified disability-related expenses while maintaining eligibility for certain government benefits. ABLE accounts can be used alongside a Special Needs Trust to provide additional flexibility and independence.

Our experienced attorneys and Chartered Special Needs Consultant® work together to develop comprehensive plans tailored to each individual and family. We coordinate Special Needs Trusts, ABLE accounts, estate planning, public benefits, beneficiary designations, and long-term support planning to help protect essential benefits, maximize available resources, and provide greater financial security and quality of life.

FIRST PARTY SPECIAL NEEDS TRUST. A first-party special needs trust is funded with assets belonging to the disabled or injured individual. It is intended for beneficiaries under age 65 and must give Medicaid the first right to recover any funds remaining in the trust after the beneficiary's death. Because strict rules must be followed to avoid jeopardizing government benefits, it is advisable to appoint a trustee who understands those benefits.

POOLED SPECIAL NEEDS TRUST. In a pooled special needs trust, the beneficiary's funds are combined with funds from other disabled or injured beneficiaries to improve investment returns. The trust is administered under a single master trust agreement for individuals nationwide. It typically costs less to establish than a first-party SNT and can often be created more quickly.

THIRD PARTY SPECIAL NEEDS TRUST. A third-party special needs trust helps preserve government benefits for a disabled or injured individual. It allows someone else to gift or leave funds for that individual without causing a loss of benefits. Unlike a first-party SNT, Medicaid is not the primary beneficiary after the disabled individual's death. Instead, the grantor may decide how any remaining trust assets will be distributed.



REVOCABLE LIVING TRUSTS

A Revocable Trust, often called a Living Trust, can be thought of as a bucket that holds your assets and provides instructions for how they should be managed and distributed. During your lifetime, you, as the grantor and trustee, maintain complete control over the trust and the assets placed in the “bucket.” You may add or remove assets and amend, revoke, or terminate the trust at any time.

The trust can also serve as a bucket to receive assets after your death through beneficiary designations on accounts such as life insurance policies, retirement accounts, and other financial assets. Once those assets flow into the trust, they become part of your overall estate plan and are distributed according to the instructions you established. This allows the trust to serve as a central roadmap for your trustee, helping ensure that your final wishes and estate plan are carried out, including when and how assets are distributed to your beneficiaries.

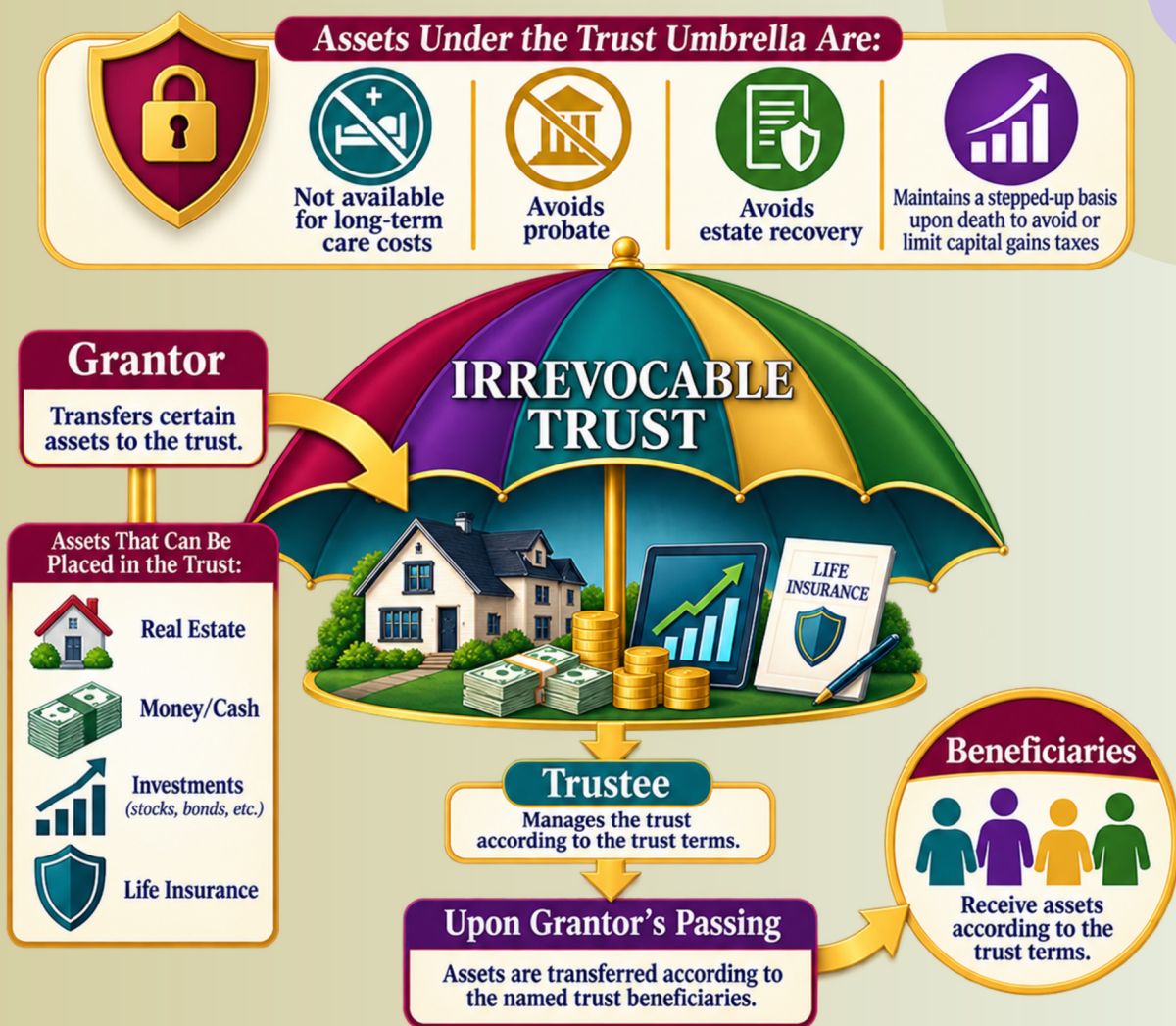


A revocable living trust will not protect your assets from long term care costs.

IRREVOCABLE ASSET PROTECTION TRUSTS

Asset Protection Trusts are an important early-planning strategy used by elder law attorneys to help individuals and families preserve assets while preparing for the possibility of future long-term care needs. One of the trusts we most frequently use for this purpose is an Irrevocable Grantor Trust.

Irrevocable means that once the trust is established and assets are transferred into it, the person creating the trust—known as the Grantor—cannot simply revoke the trust and take the assets back. This restriction is an essential part of the asset-protection strategy. To provide protection from future long-term care costs, the trust must be carefully designed so that the transferred assets are no longer considered available to the Grantor under applicable Medicaid rules.



Qualified retirement accounts such as IRAs or 401(k)s are not appropriate to transfer into asset protection trusts because of tax implications of liquidating these accounts.

LIFE CARE PLANNING

KMA takes a multidisciplinary, team-based approach to helping seniors, individuals with disabilities, and their families navigate the legal, financial, and personal care challenges that can arise with aging, illness, and disability. Our Certified Elder Law Attorneys, Elder Care Coordinators, and knowledgeable support staff work together as your legal and care coordination advocates, providing comprehensive guidance and ongoing support.

We take the time to understand your unique circumstances, concerns, needs, and goals, then develop a coordinated plan designed to protect what matters most and enhance quality of life over time. As circumstances change, our team remains by your side—helping you anticipate challenges, evaluate options, access appropriate resources, and make informed decisions with confidence.

Our mission is simple: **to help you and your family plan ahead, navigate the unexpected, and achieve the best quality of life possible.**



MEDICAID PLANNING

Figuring out how to pay for long-term care and gaining eligibility for government benefits are complex issues. You will find the legal counsel you need at Kreisher Marshall & Associates, LLC. A certified elder law attorney has the expertise to assess your particular situation and advise on the best options available to you and your family.

There is a common misconception that once an individual enters a nursing home, no planning to protect assets can be done. There are several crisis planning techniques that can be utilized to save assets even after an individual has entered a nursing home. It is important to begin this process as soon as possible after admission to the nursing home to take full advantage of the laws in place for protecting the most assets, whether it be for the spouse at home or your children.



Medicaid, also known as Medical Assistance, provides assistance for paying the costs of long-term nursing home stays. It is available for both individuals and married couples. There are many requirements the applicant must meet before being deemed eligible for Medicaid benefits – including income and asset limitations. Depending upon gross income, an applicant is permitted to retain \$2,400 or \$8,000 of countable assets. However, not all assets are “countable” assets. For instance, in most circumstances, the primary residence does not count as an asset.

There are also laws and regulations in place to protect the community spouse by ensuring that they have sufficient assets and income to maintain their lifestyle. If you and/or your spouse’s assets are over the limit, those extra resources must be “spent down”. However, that “spend-down” is not limited to paying for the nursing home.

In addition, there is a five-year look back through all of your assets to see if any gifting was done for the purposes of obtaining Medicaid eligibility. If you have gifted in the past five years, the state tallies the total amount gifted during that time and imposes a penalty by taking the total amount gifted divided by the average daily rate for a nursing home in PA (this rate changes every January 1st). There are ways to pay the nursing home during this penalty period, **BUT** it is important to get the right answers early on.



KMA GUARDIANSHIP & FIDUCIARY SERVICES

KMA Guardianship & Fiduciary Services (KGFS), a division of Kreisher Marshall & Associates, LLC, provides professional guardianship, Power of Attorney, and trustee services for seniors, individuals with disabilities, and others who need assistance managing their personal, financial, or legal affairs. Our goal is to provide dependable fiduciary oversight while keeping each individual's needs, preferences, dignity, and best interests at the center of every decision.

Depending upon an individual's needs, KGFS can serve as a court-appointed Guardian, Agent under a Power of Attorney, or Trustee. In each role, we provide professional management and oversight, maintain appropriate records, fulfill applicable legal and reporting requirements, and coordinate with family members, caregivers, health care providers, financial professionals, and other members of the individual's support team.

Our approach is person-centered and individualized. We maintain regular communication with the individuals we serve and strive to promote independence, personal choice, and quality of life in the least restrictive environment appropriate to their circumstances. We also understand the complex requirements associated with Medicaid and other public benefits and work to properly administer assets while preserving benefits when applicable.

Unlike many traditional corporate fiduciaries, KGFS is not limited by minimum asset requirements or blanket restrictions on holding assets such as real estate. This flexibility allows us to assist individuals and families whose circumstances may not fit within the traditional corporate trust model.

Whether serving as Guardian, Agent under Power of Attorney, or Trustee, KGFS combines professional fiduciary administration with personal attention and ongoing advocacy—providing individuals, families, attorneys, and other professionals with a trusted resource for navigating complex financial, legal, and personal care needs.



KMA REAL ESTATE SETTLEMENT SERVICES

formerly Market Street Abstract Company

KMA Real Estate Settlement Services (KRES), a division of Kreisher Marshall & Associates, LLC, provides comprehensive title and settlement services for your real estate needs. Our team of attorneys, licensed title agents, and notaries is committed to providing fast, friendly, and professional service while guiding your transaction from start to finish. Whether you are buying, selling, refinancing, transferring property as part of an estate plan, or handling real estate during an estate administration, KRES is here to help.

What Sets KRES Apart?

KRES combines the services of a traditional title company with the additional resources of an experienced in-house law firm. This integrated approach allows us to address legal and title issues efficiently and can be especially valuable during estate administration, probate, trust administration, and estate planning.

Why Does Title Experience Matter?

Title defects, liens, ownership disputes, and recording errors can delay a transaction and be costly to resolve. KRES examines the property's title to identify potential problems and works with Old Republic Title to resolve issues as efficiently and cost-effectively as possible. For a one-time premium at closing, title insurance provides protection against covered risks associated with ownership and certain title defects.

Convenience From Wherever You Are

KRES also offers Remote Online Notary (RON) services, allowing many documents to be securely notarized without leaving your home or office. Remote notarization may also be available for eligible real estate closings, providing added convenience and flexibility.

KRES combines title services, legal experience, and modern convenience to help protect your property and your peace of mind.



What is Title Insurance & How Does it Work?

To put it simply, title insurance is a way to protect yourself from financial loss and related legal expenses in the event there is a defect in title to your property that is covered by the policy. Title insurance differs from other types of insurance in that it focuses on risk prevention, rather than risk assumption. With title insurance, title examiners review the history of your property and seek to eliminate title issues before the purchase occurs.

What is a Title Search?

A title search is an early step in the home buying process to uncover issues that could limit your rights to the property. Typically, if a title issue is discovered your title professional will take care of it without you even knowing. After the title search is complete, the title insurance agent can provide a title insurance policy.

Do I need Title Insurance?

Absolutely. Title insurance is a way to protect what is likely your largest investment—your home. An Owner's Policy provides peace of mind that your title company will stand behind you if a covered title issue or defect arises after you have bought your home.

What Does Title Insurance Cover?

Any number of title issues may arise, even after the most meticulous search of public records. These hidden defects are dangerous because you might not learn about them for months, or even years, after purchase. The one time premium for title insurance protects you from covered title defects and will cover financial loss up to the face amount of your policy.

How Much Does Title Insurance Cost?

The one-time premium that you'll pay for a title insurance policy varies by state, but generally is related to the value of your property. You can use our Rate Calculator to estimate how much your title insurance policy may cost.

What's Owner's Title Insurance?

An Owner's Title Policy is designed to protect you from covered title defects that existed prior to the issue date of your policy. If a valid claim is filed, your Owner's Policy, subject to its terms and conditions, will cover financial loss up to the face amount of your policy.

What's Lender's Title Insurance?

A Lender's Policy provides no coverage to the homeowner. A Lender's Policy insures that your lender has a valid, enforceable lien on your property. Most lenders require borrowers to purchase this type of insurance policy to protect their investment.

DEDICATED TO PROVIDING PERSONALIZED ATTENTION

At Kreisher Marshall & Associates, LLC (KMA), we are committed to helping individuals and families navigate life's legal challenges with experience, compassion, and practical guidance. For more than 50 years, our firm has served Pennsylvania residents in the areas of elder law, estate planning and administration, asset protection, and related legal matters. With offices in Bloomsburg and State College, KMA is here to assist you with planning for today and preparing for the future.

Our clients benefit from a team-based approach that draws upon the diverse knowledge and experience of our attorneys and professional staff. Two of our lead attorneys are Certified Elder Law Attorneys, reflecting an advanced level of knowledge and experience developed through years of focused practice and dedicated client advocacy. Whether you are planning your estate, protecting assets, navigating long-term care concerns, administering the estate of a loved one, or addressing the needs of an aging or disabled family member, our team works together to provide thoughtful solutions tailored to your circumstances.

Recognizing that our clients' needs often extend beyond traditional legal services, KMA has expanded the resources available to the individuals and families we serve. KMA Guardianship & Fiduciary Services provides professional guardianship and fiduciary services for seniors, individuals with special needs, and others who require assistance managing their personal or financial affairs. KMA Real Estate Settlement Services assists clients with real estate transactions and provides title and settlement services. Together, these services allow us to provide a more comprehensive approach to the legal, financial, fiduciary, and real estate needs that individuals and families may encounter throughout their lives.



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