

WHO IS BEN KINIRY AND WHAT IS ELDER LAW?

BY BEN KINIRY, ESQ.

What is Elder Law?

Just in case you missed it, following is the first article I wrote for the Bow Times back in 2015, with a few changes. Enjoy!

You planned for college, for the job interview, the purchase of a new car, your vacation to Florida, you even made a plan for the weekend, but did you plan for your eventual decline in health, incapacity and death? Ask yourself, if you could only create a plan for one of these things, which one would be most important to you and your family today?

Fellow residents of Bow, I'm Attorney Benjamin John Kiniry and I have made it my goal to educate all of you about the fascinating world of Elder Law. If you just thought to yourself "huh?", then you are far from being alone. In fact, this is the overwhelming response I receive from those who make the mistake of asking what area of the law I practice in. Typically there is a very polite "oh, I see" or "that's nice," but on occasion a few truly inquisitive souls will respond with something like, "elder what?"

So in an effort to explain how an Elder Law Attorney can make a significant difference in your life and the lives of those you love the most, I will be submitting writings to the Bow Times on this very crucial legal practice specialty (I believe this is the 47th article), which, unfortunately for many families, is underutilized



by the general public.

I have been at this a long time and very well understand that no one wants to hear me speak at length explaining what it is that Elder Law Attorneys actually accomplish on behalf of their clients. Experience has shown me that at the start of an explanation those attempting to listen go immediately into a hypnotic like state. I don't blame them mind you, I completely get it. Though I love what I do for my clients and find the planning interesting, most sane people might very well prefer watching paint dry, unless it is their family that is benefitting from the forward looking, client centered planning process.

So you want me to get to the point and explain in just a few lines what Elder Law Attorneys actually do for clients. What is



my elevator speech you ask? I don't have one, Elder Law is far too complicated and diverse to give a thirty second explanation, and it certainly wouldn't give justice to this highly specialized area of the law. In my own words and in rather simplistic terms: Elder Law is the use of state and federal law to create a plan that best suits a family's needs and wishes for controlling what happens in the event of a family member's decline in health, incapacity, eventual death and the final disposition of their assets.

Did you fall asleep just now?

Money Talks: What if I told you Elder Law Attorneys save clients thousands of dollars, tens of thousands and there are those clients who have saved significantly more. Money talks, I get it.

What about stress? What value do you

place on not having stress or decreasing it as much as one can with careful planning? One of obvious benefits of planning is the alleviation of stress, significant amounts of it. There is a saying in the estate planning realm, and it goes something like this "if you don't plan, don't worry, the state has a plan for you." The state does have a plan and it works, just not the way you would have planned if you were in charge, which you would have been, but you didn't plan. Now comes the stress, and lots of it. If you don't believe me, just ask your neighbor.

Saving Families: What is more important is that often Elder Law Attorneys save families. Families who don't plan, often fight to the end. When they fight it

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Okay, I realize for many, this could well be the first Joy of Aging. To that, I say, please, put them in any order that seems to resonate better with you. I am writing them in the order in which they come to me.

So, why courage? Doesn't that come at most any age? Yes, it does. However, in older age, it comes with all of the previous joys of aging: wisdom, the ability to speak your mind with confidence (filterlessness), respect and time. With youth, courage comes generally from a lack of most of those other things.

When you are older you have done the bold, daring, and sometimes reckless things that younger people feel is courageous and you have learned from them. The courage of the aged comes from a smarter, well-rehearsed, heartfelt, life-lived place. Aged courage comes with more kindness and love, less foolhardiness and less selfishness. It comes with more consideration of others.

The courage of the aged allows them to trek on after some of their closest and dearest friends

are moving away or passing on. It allows them to bravely face their own future. To look at the life they've lived and decide how best to move forward to continue to enjoy it, while at the same time continuing to build the legacy they will eventually leave behind when they too pass on.

It moves them through the day-to-day challenges in entirely different ways. Courage is a daily gift the older we get. It shows up in many different ways. Courage is going out and living your life when your partner of 50+ years is no longer by your side. Courage is listening to your well-meaning friends, neighbors and adult children when they are trying to help you but you see it as them shrinking your world and your freedoms on you – or keeping your right where you are versus allowing you to grow and move forward.

Courage is watching your family make their own life choices, holding your breath and your tongue and letting them make their own courageous decisions. It is watching them succeed and watching them sometimes fail. It

is finding the ways to love yourself and others and it is overcoming things you were taught and the life you have lead to become the next greatest version of yourself.

Courage at any age is beautiful and challenging and promotes growth for you and those around you. Courage in older age simply looks different, especially to those of other ages – they don't necessarily see it as courage, but as long as you do, that is what is most important.

I hope you embrace your courage. I hope you look at the diversity in your life, the challenges and see them for what they really are – chances to flex your courage and embrace where you wish to be and where you wish to go. Courage is standing up for what matters to you.

As you age, please don't lose that courage. Use your courage to lead by example to those younger than you who don't yet understand your version of courage.

All my best, Donna



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(What is Elder Law cont'd. from pg.8)

often leads to permanent severed family ties. The fights are about money, health care, who is in charge, who is the favorite child, who doesn't deserve... The list of WHY families fight is long and often about things that you would never have guessed. A rug, knickknack, license plate... but more often than not, all actually based on childhood disagreements that have never been resolved.

Future columns: If you take the time to read my future (now past columns as well) columns, and I hope you do, you will learn how a relationship with an Elder Law Attorney will benefit you and your loved ones (you can now read them all on the Bow Times website). The columns will discuss various issues and answer questions you have, such as: What is a Power of Attorney, Health Care Directive and Last Will & Testament and how do they benefit me and my family? What is the Probate process? How can I control what happens with my estate after I'm gone and why would I want to? What is a retirement account “stretch” trust? What is the best way to apply for Social Security benefits? What is the Medicaid program and why should I care (if you are over age 60, you should learn about all of these topics! Do this while you are healthy and of sound mind, don't wait for a triggering event!).

A little about me. I was born in Claremont New Hampshire and raised in Newport. I spent most of my youth either playing or working on my grandfather's farm located across route 10 from the Newport airport. I attribute much of who I am today in large part to having been privileged to have worked side by side with my grandfather, uncle, aunts and cousins, all of whom participated in caring for the farm.

I served in the Army after high school, attended Keene State College and graduated from the University of Connecticut School of Law. My first employer out of school was an Elder Law Firm in Connecticut. In fact, the specialty of Elder Law is the only area of the law that I have ever practiced in.

Today I'm am blessed to have been married for 20 years to the most wonderful person I know, Tammy Kiniry, as well as having two children, Dylan (14) and Madison (13), who attend our great schools.

No animals were harmed in the drafting of this article.

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