

# 4 Legal Issues for Senior Citizens

It is important as you age to know your legal rights and to take the necessary steps to protect yourself and your interests. Whether you suspect you may have been the victim of age discrimination, are having difficulty with creditors, or wish to write out an advance directive or a will, putting your legal affairs in order will give you peace of mind and make sure that your wishes are known and followed.

## Legal Aid

Attorney fees vary, depending on the nature of services provided, the expertise of the attorney, the time and difficulty involved, and other factors. The Older Americans Act mandates and funds local legal assistance programs which provide free legal assistance to senior citizens in the following areas: public entitlements, healthcare/long-term care, housing/utilities, planning/protecting autonomy, family/domestic, individual rights and consumer issues. The County Office on Aging can provide information about this program. Below are the Legal Services Offices and Legal Aid offices that provide free legal assistance and have expertise in areas of the law that affect seniors:

Edison   732.572.9100	Freehold   732.866.0020
Atlantic City   609.348.4200	Toms River   732.341.2727
Bergen County   201.487.2166	Morristown   973.285.6911
Mount Holly   609.261.1088	Somerville   908.231.0840
Camden   856.964.2010	Newton   973.383.7400
Newark   973.824.3000	Elizabeth   908.354.4340
Jersey City   201.792.6363	Belvidere   908.475.2010
New Brunswick   732.249.7600	

Additionally, the Community Health Law Project serves disabled persons including frail elderly. The Community Health Law Project offices are:

Bloomfield   973.680.5599	Elizabeth   908.352.8282
South Orange   973.275.1175	Williamstown   856.858.9500
Trenton   609.392.5553	Asbury Park   732.502.0059

## Elder Law

Elder Law is a relatively new and fast growing area of the law that deals with specific legal issues faced by the elderly population. It is important for attorneys dealing with the elderly to understand the laws that may affect the unique needs of the elderly client. Elder law combines elements of estate planning, trusts, wills, conservatorships, guardianships and

other issues that confront older adults such as Social Security and Medicare. In addition, Elder Law attorneys focus on disability planning including use of durable powers of attorney, living trusts, Advance Directives (including treatment directives and proxy directives), and other means of delegating management to another in case of incompetency or incapacity.

### Selecting an Attorney

Before selecting an attorney, ask a lot of questions, as most attorneys do not specialize in every one of the specific legal areas. It is important that you hire an attorney who regularly handles matters in your area of concern but also is familiar with other areas of law that might affect your decisions.

Lawyer Referral Service in New Jersey, a program handled by the county bar associations, can often recommend an attorney near your home. To find the phone number for the bar association in your county, call the New Jersey Bar Association at 732.249.5000.

### Durable Power of Attorney

A durable power of attorney is a written document in which a person (called the principal) appoints someone else (called the agent or attorney-in-fact) to act on his/her behalf. A non-durable power of attorney terminates when the principal becomes legally incapacitated or dies. A durable power of attorney continues to be valid even after the principal becomes incapacitated. If you want to prepare a power of attorney but do not want the attorney-in-fact's power to vest until you become legally incapacitated, you can create a "springing power of attorney". A "springing power of attorney" becomes effective only upon the happening of an event that you have designated. No matter what type of power of attorney you create, it will terminate automatically when you die. Durable powers of attorney may take many forms, and contain different powers. The most common forms are:

**DURABLE POWER OF ATTORNEY FOR HEALTH CARE** *(also known as a health care proxy)* | The primary purpose of the Durable Power of Attorney for Health Care is to appoint someone to make health care decisions for you in the event you are unable to make them for yourself. The Durable Power of Attorney for Health Care you create should be carefully drawn, so that it only becomes effective upon your incapacity.

**DURABLE GENERAL POWER OF ATTORNEY** | The Durable General Power of Attorney also called the Financial Power of Attorney appoints someone whom you want to assume control over matters other than health care decisions, if you should become incapacitated. This document gives another person full legal authority to sign your name on your behalf and manage your finances for all your assets.

## Office of the Public Guardian

The Office of the Public Guardian makes legal, financial and healthcare decisions for individuals age 60 and older who have been determined by a Superior Court judge to be incapacitated. The office accepts a case when the court assigns one to it because there are no other willing, responsible or appropriate family members or friends to serve as guardian for the incapacitated senior. Housed in the New Jersey Department of Health and Senior Services' Division of Aging and Community Services, the Office employs attorneys, investigators, care managers, accountants and support staff to assist its elderly clients.

To find a private-pay guardian, visit the Lawyer Referral Services' website maintained by the New Jersey State Bar Association. Short of guardianship, some families hire private geriatric care managers to ensure their elderly relative receives appropriate care. To find a geriatric care manager, search the database maintained by the National Association of Geriatric Care Managers. Care management services may also be available through a number of state and federal programs administered locally through your County Area Agency on Aging.

The Office of the Public Guardian can be contacted by writing to P.O. Box 812, Trenton, New Jersey 08625-0812, or by calling 609.943.3519.

## Adult Protective Services

Freedom from abuse, neglect and exploitation is a right. If you, or someone you know, is being abused, neglected or exploited, or you even suspect this is the case, help is available. If the person is living at home, you may contact Adult Protective Services in your County [see phone numbers below]. If the person is in a health care facility, such as a nursing home, assisted living, or residential health care and you suspect abuse, neglect or exploitation, you may contact the State Ombudsman for the Institutionalized Elderly toll-free at 1.877.582.6995. All calls are confidential, and reports may be made anonymously.

## New Jersey Adult Protective Service Providers

### ATLANTIC COUNTY DIVISION OF INTERGENERATIONAL SERVICES

Shoreview Building, Room 210  
101 South Shore Road, Northfield, NJ 08225  
Phone: 609.645.7700 Ext. 4348 | After Hours:  
888.426.9243 or 911

### BERGEN COUNTY BOARD OF SOCIAL SERVICES

216 Route 17 North, Rochelle Park, NJ 07662  
Phone: 201.368.4300 | After Hours: 800.624.0275

### BURLINGTON COUNTY BOARD OF SOCIAL SERVICES

Human Services Facility  
795 Woodlane Road, Mount Holly, NJ 08060  
Phone: 609.261.1000 Ext. 4797 | After Hours:  
609.267.8500 or 609.234.8888

### CAMDEN COUNTY BOARD OF SOCIAL SERVICES

808 Market Street, Second Floor, Camden, NJ 08102  
Phone: 856.225.8178/8140 | After Hours: 800.786.5080

### CAPE MAY COUNTY BOARD OF SOCIAL SERVICES

4005 Route 9 South, Rio Grande, NJ 08242  
Phone: 609.886.6200 Ext. 358 | After Hours: contact  
local police or 911

### CUMBERLAND COUNTY GUIDANCE CENTER

2038 Carmel Road, P.O. Box 808, Millville, NJ 08332  
Phone: 856.825.6810 Ext. 219 or 299 | After Hours:  
856.455.5555 (crisis center)

**FOCUS, HISPANIC CENTER FOR HUMAN DEV., INC.**

441-443 Broad Street, Newark, NJ 07102  
 Phone: 973.624.2528 Ext. 135 | After Hours: 911,  
 local police, first aid or hospital

**GLOUCESTER COUNTY BOARD OF SOCIAL SERVICES**

400 Hollydell Drive, Sewell, NJ 08080  
 Phone: 856.582.9200 | After Hours: 800.648.0132

**HUDSON COUNTY PROTECTIVE SERVICES, INC.**

6018 A Hudson Avenue, 4th Floor, West New York, NJ 07093  
 Phone: 201.295.5160 | After Hours: 800.792.8610

**HUNTERDON COUNTY DEPARTMENT OF HUMAN SERVICES**

Division of Social Services  
 P.O. Box 2900, Flemington, NJ 08822-2900  
 Phone: 908.788.1300 | After Hours: 908.782.HELP,  
 908.735.HELP or 800.272.4630

**MERCER COUNTY BOARD OF SOCIAL SERVICES**

200 Woolverton Street, Trenton, NJ 08650  
 Phone: 609.989.4346 | After Hours: recording—call 911

**MIDDLESEX COUNTY BOARD OF SOCIAL SERVICES**

P.O. Box 509, New Brunswick, NJ 08903  
 Phone: 732.745.3635 | After Hours: recording—  
 call local police or 911

**FAMILY AND CHILDREN SERVICES OF MONMOUTH COUNTY**

1900 Highway 35, P.O. Box 639, Oakhurst, NJ 07755-0639  
 Phone: 732.531.9191 | After Hours: 732.531.9111

**MORRIS COUNTY AGING, DISABILITIES AND VETERANS**

P.O. Box 900, Morristown, NJ 07963  
 Phone: 973.326.7282/7283 | After Hours: 911 or  
 sheriff's comm. center, 973.285.2900

**OCEAN COUNTY BOARD OF SOCIAL SERVICES**

1027 Hooper Avenue, P.O. Box 547, Toms River, NJ 08754  
 Phone: 732.349.1500 or 732.286.5929/5333  
 After Hours: 732.240.6100

**PASSAIC COUNTY BOARD OF SOCIAL SERVICES**

80 Hamilton Street, Paterson, NJ 07505-2057  
 Phone: 973.881.2616/0100 | After Hours: 973.345.2676

**SALEM COUNTY OFFICE ON AGING**

98 Market Street, Salem, NJ 08079  
 Phone: 856.935.7510 | After Hours: call 911

**SOMERSET COUNTY BOARD OF SOCIAL SERVICES**

73 East High Street, Somerville, NJ 08875-1144  
 Phone: 908.526.8800 | After Hours: 800.287.3607

**SUSSEX COUNTY DIVISION OF SOCIAL SERVICES**

P.O. Box 218, 18 Church Street, Newton, NJ 07860  
 Phone: 973.383.3600 Ext. 140 | After Hours:  
 800.280.8845

**CATHOLIC COMMUNITY SERVICES**

505 South Avenue E, Cranford, NJ 07016  
 Phone: 908.497.3900/3902 | After Hours: 911 or  
 local police

**WARREN COUNTY WELFARE BOARD, COURTHOUSE ANNEX**

P.O. Box 3000, Belvidere, NJ 07823  
 Phone: 908.475.6301 | After Hours: 911 or local police

For more information or additional copies please contact New Jersey EASE (Easy Access Single Entry), toll-free at 1.877.222.3737, the State's Senior Services Helpline at 1.800.792.8820 (out of state callers: 1.877.222.3737), or visit the NJ Department of Health and Senior Services Website at [www.state.nj.us/health/seniors.htm](http://www.state.nj.us/health/seniors.htm).

State of New Jersey | Richard J. Codey, Acting Governor  
 Department of Health and Senior Services | Fred M. Jacobs,  
 M.D., J.D., Commissioner

Department of Health and Senior Services Division of Aging and  
 Community Services

P.O. Box 807 Trenton, NJ 08625-0807

