

Los Angeles Attorneys Cite Failure to Plan as Primary Reason for the Nightmare of Conservatorship

LOS ANGELES, CA (SEND2PRESS NEWSWIRE) – The Los Angeles Times “Guardian for Profit” series of articles last week valiantly exposed the unconscionable misery and monetary loss suffered by the old and ill in the “care” of conservators in California. State legislators should take immediate action to regulate conservators and enforce existing laws applicable to our local counties and courts. “However, many of the victims in the articles could have avoided the situation by taking personal responsibility through the advanced preparation of appropriate legal documents,” advises Caprice L. Collins of the Collins Law Group (www.collinslawgroup.com), a Los Angeles area attorney whose practice emphasizes Estate Planning and Elder Law.



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experience is that the primary reason for many individuals’ failure to plan is procrastination. Whether it is a fear of loss of control, indecision or fear of death, they procrastinate. As a result, this leaves themselves, their family and assets in jeopardy. Many families contact our office after a loved one has already been taken advantage of. The problem with that is I now have a difficult, lengthy and expensive battle to recover the monetary losses. There is nothing we can do about the suffering or emotional damage already inflicted. The best thing to do is not to be placed in that situation in the first place,” advises Attorney Collins.

**(Photo Caption: Caprice L. Collins, Estate Planning and Elder Law Attorney.)*

“What many fail to realize is that our State already has a default plan in place for them when they become incapacitated, and that’s the California Probate Code. Under the Code, the decision to grant a Conservatorship is in the hands of the Probate Court. That is the root of the nightmare. You have two choices: (1) hope that the state legislature fixes the system, or (2) do something about it yourself,” explains Frank C. Chang, an associate attorney in the firm.

“Many of our clients have told us that they did not realize that having a comprehensive estate plan would benefit them during their lifetimes. The fact is, this is the best way of safeguarding their assets and their wellbeing. By establishing a plan, each person will be able to designate the person or persons that they trust to take care of them and to safeguard their assets when they are incapacitated. An Estate Plan will eliminate the default plan as established in the Probate Code. However, when a conservatorship is necessary it should be applied for by a close family member or friend of the incapacitated individual,” explains Collins.

The Los Angeles Times not only exposed the problem but also the solution recommended by our firm:

Planning Ahead

To avoid a conservatorship, or to ensure that someone you trust is put in charge of your affairs, attorneys recommend one or more of the following steps.

1) A durable power of attorney for property designates someone to manage your finances.

2) An advance healthcare directive authorizes a friend or loved one to make medical decisions for you.

3) An advance nomination designates someone to serve as your conservatorship if a court deems one is necessary.

4) A revocable trust, also known as a living trust, designates an individual to manage your assets outside the court’s jurisdiction while you are alive and after you die, thereby avoiding the cost of probate.

Be sure to inform the people whom you have designated to make decisions for you. Give them copies of documents and tell them where originals are filed.

About the Collins Law Group

Caprice L. Collins is a Harvard Law School Graduate who has represented individuals, families and institutions for the last 25 years. She regularly conducts seminars on estate planning and related topics.

Frank C. Chang is an attorney whose practice emphasizes estate planning. Frank C. Chang is a UCLA and Southwestern Law School Graduate and is fluent in Mandarin.

Both Attorneys are members of the American Academy of Estate Planning Attorneys, an organization that fosters excellence in estate planning. They can both be reached at (310) 677-9787 ext. 5 or clcfirm@aol.com, or at www.collinslawgroup.com.

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