

Elder Law

CAPACITY ASSESSMENT

Assisting seniors and their loved ones as they plan for the next chapter in their lives can present many challenges. Elder Law attorneys must often balance an individual's right to autonomy in decision-making with issues of protection for those with signs of diminished capacity.

Ascertaining whether an individual is in a cognitive position to engage in acts such as making a valid will or trust, transferring real estate, or engaging in other contractual acts can make all the difference between the orderly and caring management of financial matters, housing, and medical care and a potentially traumatic chain of adverse legal events for seniors and family members alike. At Critchfield, our attorneys are experienced in the primary measures of diminished legal capacity—those that relate to standards required for specific types of transactions under statutory or case law and the standards related to guardianships.

Critchfield's Elder Law attorneys meet with seniors in person, and utilizing American Bar Association guidelines for the assessment of older adults, conduct in-depth conversations that are used to evaluate their capacity to both engage an attorney and to carry out specific legal transactions. Whenever possible, meetings are conducted in the client's residence, under circumstances where they feel most comfortable.

ATTORNEYS

NICOLE M. HAWKS

ANN E. SALEK