

JULIE OSTERHOUT

*Emeritus Specialist in Elder Law
Of Counsel*

LANCE MCKINNEY

Certified Elder Law Attorney

BETH PRATHER

Certified Elder Law Attorney

BRITTON G. SWANK

Elder Law Attorney

If you have clients who need assistance with finding the right place for their ill family member to live and determining how to pay for it, **we can assist them with becoming eligible for Medicaid.**

If you have clients who are unable to care for themselves and make their own decisions, **we can assist their loved ones with becoming their guardian.**

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WORDS TO THE WISE

January 2010

Osterhout, McKinney & Prather, P.A. Celebrates 20 Years

2010 Estate Tax and Annual Exclusion Changes

The annual exclusion for gifts made to a donee during the 2009 calendar year was \$13,000 and remains at \$13,000 for 2010. Generally, there is no tax due for a gift of any amount to a spouse. There is an exception, however, for gifts made to a non-citizen spouse. In 2010, the annual exclusion for gifts made to a spouse who is not a U.S. citizen is \$134,000, up from \$133,000 in 2009. As of January 1, the estate tax was repealed and will remain so through the end of this year, if Congress takes no further action on this issue.

Source: www.irs.gov

Medicaid Income Limit for 2010

Those of you with a client or loved one receiving Medicaid benefits know that the Medicaid rules impose a limit on the gross amount of monthly income a Medicaid applicant or recipient can have. In 2009, the limit was \$2,022.00. It has not been raised for 2010 because there was no cost of living adjustment for Social Security recipients. Please note that even if a Medicaid applicant or recipient's gross monthly income exceeds the income limit, federal law provides for the establishment of an Irrevocable Medicaid Income Only Trust, which can help create or maintain Medicaid eligibility. If you or someone you know would like more information about an Irrevocable Medicaid Income Only Trust, please contact our office for an appointment.

Source: <http://www.dcf.state.fl.us/ess/ssifactsheet.pdf>

Holiday Slipper Drive & Nintendo Wii Winners

Thank you to all who participated in our 2009 Holiday Slipper & Sock Drive. As a result of the generous support of our clients, local professionals, and our employees, we were able to provide slippers & socks to 18 residents at Villa Palms Senior Living Center, and 62 residents at Page Rehabilitation and Healthcare Center in Lee County. Children's socks were also received and donated to the Abuse Counseling and Treatment Center of Fort Myers. Additional slippers & socks were purchased with the monetary donations received and were given to Consulate Health Care of North Fort Myers.

Congratulations to Barrington Terrace and Rehabilitation and Healthcare Center of Cape Coral, the winners of our firm's 2009 Nintendo Wii give away.