

Elder Law Debrief Agenda

July 2024

Elder Law Cases

- ✓ Property transfer set aside for lack of consideration and subject to estate recovery
Department of Health and Welfare v. Beason, Supreme Court of Idaho, 546 P.3d 684
<https://isc.idaho.gov/opinions/50302.pdf>
- ✓ Definition of home for Medicaid resource exemption
Texas Health and Human Services Commission v. Estate of Burt, Supreme Court of Texas, 689 S.W.3d 274
<https://www.txcourts.gov/media/1458491/220437.pdf>
- ✓ Agency questions about promissory notes and timely determination of application
Lamle by and through Lamle v. Shropshire, United States District Court, W.D. Oklahoma
<https://law.justia.com/cases/federal/district-courts/oklahoma/okwdce/5:2022cv00391/117849/54/>
- ✓ Property in an irrevocable trust subject to expanded estate recovery
Hammerberg as Trustee for Leonard J. and Margaret T. Schubert Irrevocable Trust Dated June 23,2005 v. Minnesota Department of Human Services, Court of Appeals of Minnesota
<https://mn.gov/law-library-stat/archive/ctapun/2024/OPa230901-042224.pdf>
- ✓ Spousal refusal available when community spouse refuses to provide information
Freiner v. Secretary of Executive Office of Health and Human Services, Supreme Court of Massachusetts, 235 N.E.3d 248
<https://access.krausefinancial.com/wp-content/uploads/2024/06/Freiner-vs.-Secretary-Holding.pdf>

See the Behind the Case video at: <https://access.krausefinancial.com/video-library/freiner-case/>

Elder Law News

- ✓ Chevron Doctrine Overruled by United States Supreme Court
https://www.supremecourt.gov/opinions/23pdf/22-451_7m58.pdf
- ✓ SSA to stop considering food expenses in calculations of in-kind support and maintenance as of September 30, 2024 for SSI benefits
<https://www.federalregister.gov/documents/2024/03/27/2024-06464/omitting-food-from-in-kind-support-and-maintenance-calculations>
- ✓ Florida Attorney General Files case against Leo Govoni;
<https://ccmspa.pinellascounty.org/PublicAccess/ViewDocumentFragment.aspx?DocumentFragmentID=87398543&CheckDocumentGroups=0>
- ✓ U.S. Supreme Court denies certiorari in Dermody case.
<https://www.krausefinancial.com/blog/u-s-supreme-court-denies-hearing-for-dermody-case/>



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