

Elder Law Debrief Agenda

July 2025

Elder Law Cases

- ✓ Capitated payments are the proper amount to be collected through estate recovery – **In re Estate of Ecklund, Supreme Court of Minnesota, 20 N.W.3d 351**
<https://law.justia.com/cases/minnesota/supreme-court/2025/a23-0210.html>
- ✓ Third party trust assets become available and countable assets when mingled with beneficiaries assets –
S.P. v. Division of Medical Assistance and Health Services, Superior Court of New Jersey, Appellate Division 2025 WL 1474489 Unpublished
<https://www.njcourts.gov/system/files/court-opinions/2025/a2186-23.pdf>
- ✓ Cannot terminate an irrevocable trust because it fails Medicaid rules for countability – **Matter of Peterson Family Irrevocable Trust, Superior Court of Pennsylvania, 33 A.3d 453**
<https://www.pacourts.us/assets/opinions/Superior/out/J-A29006-24o%20-%20106303101303185777.pdf>
- ✓ Ohio's estate recovery efforts constituted a cloud on title – **Plaisted v. Harper, United States District Court, S.D. Ohio, Western Division 2025 WL 1378473**
<https://law.justia.com/cases/federal/district-courts/ohio/ohsdce/1:2024cv00634/298036/11/>
- ✓ Estate recovery can extend to the estate's interest in survivorship claims – **Estate of Dizon v. Department of Human Services, Superior Court of New Jersey, 481 N.J. Super. 451**
<https://www.njcourts.gov/system/files/court-opinions/2025/a1724-23.pdf>

Elder Law News

- ✓ Medicaid Impacts of the Big Beautiful Bill
- ✓ California Asset Test Making a Comeback



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