

Byrd & Byrd, LLC

January & February, 2011



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Dear Jacqueline D.,

WELCOME to the latest edition of the Byrd & Byrd email newsletter! We hope that you enjoy this newsletter and find helpful information along with the latest news from Byrd & Byrd. Happy Reading!



New Year's Resolution?

Looking to stay true to that all so elusive "New Year's Resolution"? We have just what you need. Resolve to finally finish your Estate Planning documents. If you have ever thought about writing up a Last Will and Testament or wondered who might take care of you in time of need, then now is the time to take action!

Call us today to schedule an appointment! It's a New Year's Resolution that's totally possible. It's only a phone call away!

Real Party Animals

Byrd and Byrd hosted a "Meet and Greet" for the Greater Bowie Chamber of Commerce (GBCC) last month. Scheduled for 2 hours, the get-together lasted for over 3 hours! You could say we are "real party animals" here at Byrd & Byrd.

Amidst all the fun, we did learn a few things. One, there are so many dedicated and trustworthy businesses in the Bowie Area. Two, the GBCC cares about the residents of Bowie and is eager to help in any way possible.

So if you are looking for a trustworthy, local business, visit the Greater Bowie Chamber of Commerce's [website](#) to find all you might need. From Chiropractors to Financial Advisors, the GBCC has what you need. So visit them today and check out the directory of all businesses in the GBCC.

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 Click the Logo above to
 visit our page!

Byrd & Byrd Voted
 Best Attorney in Bowie



A Recent Trend: Hiring Relatives to Care for Elderly Parents

Growing numbers of families are compensating relatives who serve as caregivers to elders. But to avoid exacerbating tensions, it is important to disclose such arrangements to the entire family.

According to a report by the National Alliance for Caregiving and AARP, 43.5 million Americans looked after a friend or relative age 50 or older in 2009, 28% more than in 2004. In a survey conducted for Home Instead Senior Care, a home-care franchiser, nearly 7% of respondents said they receive compensation for providing care to a relative.

Many attorneys say the number of such cases in their practices have quadrupled since before the recession. "I have several clients with adult children who are out of work," says one attorney. "Rather than pay someone else for care, many hire the child."

Feeding the trend: the high unemployment rate, the rising cost of nursing-home care, an aging population and a 2006 change in Medicaid law that makes it harder for people who wish to qualify to transfer assets.

There are several ways to compensate a family caregiver. Attorneys say many families pay an hourly wage. As an estate-planning tactic, others opt for annual gifts or a lump-sum payment designed to cover services over an extended period. Some arrange for the caregiver to receive a larger inheritance.

Which option makes the most sense will depend on factors such as the caregiver's desire for income now versus later and the care recipient's estate-planning goals. Families also must consider tax consequences. And if a parent may need to rely on Medicaid to cover future nursing-home costs, it is important to pay the caregiver in a way that is permitted under Medicaid law.

Regardless of the method selected, elder-law attorneys urge clients to disclose these arrangements to the whole family. When revealed after the fact, compensation agreements can create suspicions that result in family conflicts or even estate litigation.

Something to Learn from Potential Chinese Legislation

Seems the fight over whether it's possible to legislate morality is not limited to the United States. There is a proposal in China to pass an amendment to their 1996 law "Protection of the Rights and Interests of the Aged." Under the amendment, adult children would be required by law to regularly visit their elderly parents. If they do not, the parents can sue them, claiming a legal right to be physically and mentally cared for.

The *New York Times* quoted Ninie Wang, international director of the Gerontological Society of China: "I know the person who drafted this provision, and the first thing I told him was 'really nice move.' The whole society needs to start seeing that we need to give the elderly more care and attention."



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The Perfect Valentine's Day Gift



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Still looking for the perfect Valentine's Day Gift? Consider sending a Quartet to sing your sweetheart a love song they will never forget.

[Click Here](#) to find the nearest Quartet that can make this a Valentine's Day to Remember.

YouTube Video of the Month

Here at Byrd & Byrd, we want to make the monthly newsletter enjoyable to read, attractive to view, and interactive for our readers. What better way to accomplish that than to post our favorite YouTube video each month.

In preparation for this weekend's Super Bowl, we thought you might enjoy a flashback to one of the greatest Super Bowl commercials ever made. Making its debut during Super Bowl XIV (1980), this

Like here, concerns about how to care for the elderly are growing as the nation's population rapidly ages. China has 167 million citizens over age 60, half of whom live alone without children and 20 million of whom cannot take care of themselves. By 2050, demographers say that one in four Chinese will be 65 or older. Decades of China's one-child policy have left fewer workers supporting more elderly relatives.

Furthermore, respect for one's parents and ancestors, called filial piety, is a paramount virtue in traditional Chinese culture. But the longstanding tradition of children caring for aged parents is being challenged by history's largest human migration, in which 130 million Chinese have moved to cities in search of jobs, leaving nearly 60 million growing up apart from one or both parents, according to a recent article in *The New Yorker*.

It's worth noting that the Ten Commandments require the honoring of our fathers and mothers, a concept deeply embedded in western, judeo-christian cultures. However, any secular law to enforce that concept would be on fast track to the Supreme Court. Lawyers would argue, among other things, over the actual meaning of "honor," how to enforce such a law, and how would you know if the law had actually been broken?

News commentators and bloggers are having a field day with the Chinese proposal. "What about children who work outside their hometowns and have little opportunity to visit their parents due to all-consuming jobs and few days off?" queried Wang Shichuan, a Chinese journalist. Would this law possibly require Chinese businesses to institute new days off work for visiting parents? What if the parents were something less than worthy of honor and visits? A net citizen wrote "What if the parents have abused the children, physically, sexually, emotionally, verbally, or in any other manner? What if that is the reason the children do not visit?".

Seymour Moskowitz, professor of law at Valparaiso University in Indiana, made the following comment in a recent AARP newsletter: "Controversy over filial support today has less to do with the high-minded nature of family bonds, and much to do with the skyrocketing costs of eldercare. Given the growing numbers of older people, their increased longevity and increasing care costs, the burden needs to be shared by society. We place far too much weight and burden upon family members to take care of the financial and other needs of parents," he says. "My own view is that, in the main, this is a social responsibility."

The proposed Chinese amendment could be considered by the National People's Congress when it conducts its annual session in March. The amendment, says the *NY Times* article, also addresses the need for more facilities, community care and in-home services for the older people, as well as the need for more social benefits, such as free routine medical checkups.

commercial was an instant classic. Click the link below to take a stroll down memory lane.

[YouTube Video of the Month](#)

Testimonials

"Many thanks for making a tedious task easy and pleasant. But most of all, we feel we have met a friend to treasure."

-Mr. & Mrs. C. Bowie, MD

"Thanks for all your kindness and understanding. You helped make the process go very smoothly. I hope this will be the beginning of a long friendship."

-Ms. B. Mount Rainier, MD

Senior Moments Publications

Jackie Byrd has published two books in recent years. *Senior Moments* and *Senior Moments 2*; both comprehensive and clearly written books for "Seniors and those who love them". They are based on weekly "Senior Moments" columns originally written for publication in the Bowie Blade-News of Bowie, Maryland and the Crofton News-Crier of Crofton, Maryland.

Click Below to Purchase Your Copy Today
[Senior Moments 2](#)



UPCOMING EVENTS

Speaking Engagement in March
St. George's Episcopal Church
 7010 Glenn Dale Road

Glenn Dale, MD 20769

When: March 7, 2011

Time: 12:30pm-2pm

Topic: Legal Issues concerning Wills and Maryland Elder Law

This event is brought to you by the Glenn Dale Senior Citizen Association.

For more information, please call (301) 390-6640.

Speaking Engagement in April

National Active & Retired Federal Employees Association

(NARFE)

Bowie City Hall

2614 Kenhill Drive

Bowie, MD 20715

When: April 21, 2011

Time: 10:30am-12pm

Topic: NARFE meeting to discuss Retirement Benefits and Legal Issues

Contact: (301) 262-6200 for more information.

If you are interested in having an Attorney from Byrd & Byrd speak to your organization, or at a special event, please contact us at 301-464-7448.

About Our Firm

The Law Firm of Byrd & Byrd, LLC provides services in Elder Law and Construction Law, a rare combination that reflects the passion and life experience of its partners. The firm is also a general practice firm that manages issues of family law, personal injury, wrongful death and medical malpractice.

Known for building strong long-term relationships with our clients, the firm's attorneys excel at making complicated legal issues easier to understand. Whether assisting a contractor, subcontractor, builder or property owner with contract or construction litigation, or helping an elderly client find appropriate housing, apply for Medicaid eligibility, or execute powers of attorney, the firm offers wise and experienced counsel and guidance.

Our Mission Statement

Byrd & Byrd, LLC is dedicated to protecting and serving senior citizens and those who love them. Our key objective is to give our clients the gift of information, so that with their knowledge, they can achieve all the benefits that the law guarantees. We will always perform our mission in strict accordance to the law and the highest possible moral and ethical standards

Contact Information

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