



FOR LOVE OR MONEY - OR MAYBE BOTH!

The Rhodes and the Storms had been friends practically all their married lives. They had gone on family vacations together, they had raised their children together and they had even enjoyed the first stages of retirement together. This was cut short by the tragic death of Mr. Gale Storm, which was actually a blessing in disguise, for he was headed down a road of suffering with lung cancer. Then about six months later, Mrs. Roxanne (who went by "Rocky") Rhodes died suddenly of an aneurysm.

A romantic relationship was the furthest thing from Mr. Dusty Rhodes' and Ms. Sandy Storm's minds; however, because of the current condition of things and after adequate time had passed, they decided to get married. Mr. Rhodes and Ms. Storm agreed that a prenuptial agreement would be a wise thing to do for the children's sake. Then, with the blessing of the children from the two families, Mr. Rhodes and Ms. Storm were married.

Several years went by and Sandy Rhodes and Dusty Rhodes enjoyed a life of their own. Their enduring friendship blossomed into a unique and beautiful love for each other that was incomparable. Mrs. Rhodes began to notice that Mr. Rhodes was having a difficult time physically doing everyday tasks. It was taking Dusty two to three times as long to do things, and Dusty was frequently complaining about various painful areas of his body. It finally got to the point that she could no longer take care of him, and she knew her only option was to move him into a nursing home.

She immediately marched herself down to the local DHS office to make a Medicaid Application, knowing without a doubt that her assets would be free and clear because of their prenuptial agreement. However, Sandy quickly found out, much to her dismay, that all of her assets count for Medicaid purposes, even if there is a prenuptial agreement. Sandy was crushed. What was she to do? She certainly couldn't afford the \$3,200 a month that it was going to cost her to have Dusty in the nursing home, AND pay the costs of maintaining their home utilities, food and her needs.

Not only was she having to deal with the emotional burden of sadness and guilt over her situation, she was also carrying the tremendous financial burden of it all.

She began asking around, exploring her options. One of her friends knew a wife who had gotten a divorce for Medicaid purposes. So far, everything was going as planned, and the wife was going to get to keep most of the couple's assets, and her husband in the nursing home would soon qualify for Medicaid. Sandy was encouraged after talking with her friend and seeing that there WAS hope!

However, with her limited knowledge of the law and her "tunnel vision," she was not able to take into consideration all aspects of their situation. A divorce seemed like a simple solution, but she did not consider that it would indeed cause other major unforeseen problems. With the state of things, she would be losing all of his income, which would create another huge dilemma of how she would afford to maintain their home and live the lifestyle with which she had grown accustomed.

With proper planning, Sandy could have protected some, if not all, of her assets and some of his without spending it all on Dusty's nursing home care. Additionally, she would receive virtually all of Dusty's income to assist with maintaining the couple's home and her needs.

Divorce may seem like the only option, but divorce is the exact thing Congress was trying to prevent when it enacted special Spousal Impoverishment Laws in 1988. The full impact, ramifications and benefits of those Medicaid laws must be fully weighed before making such a drastic decision to get a divorce.

WORDS OF WISDOM:

"A clear conscience is usually the sign of a bad memory."

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