

DEBT RELIEF



ATTY. LAWRENCE YANG

Is severance package benefits exempt in BK?

efits, and continuation of life insurance for the next four years. This portion of the severance package could be worth another \$2,500 a month for four years, or \$120,000. In addition, debtor was given the right to terminate her participation in the EDOPP and receive a lump sum payment in lieu of unused benefits. The payment was equal to \$100,000, minus amounts already paid under the program. In exchange for receiving this benefit, debtor agreed to be voluntarily separated from her employment. Hence, her severance package was equal to \$265,000 of cash and other benefits.

Debtor sought bankruptcy relief to discharge accumulated debt and relied on Section 522(d)(11)(E) to exempt her severance package valued at \$265,000. That provision exempts "a payment in compensation of loss of future earnings of the debtor or an individual of whom the debtor is or was a dependent, to the extent reasonably necessary for the support of the debtor and any dependent of the debtor." The bankruptcy trustee objected to this claim of objection and argued that the \$265,000 should become property of the bankruptcy estate. If the court agreed with the trustee, debtor would have to forfeit the \$265,000 to the trustee. However, Judge Tucker said that Section 522(d)(11)(E) is not limited to income interruptions cause by physical injury or impairment, but includes benefits paid to debtors as part of a severance package from their employers. Judge Tucker concluded that the benefits obtained by debtor under EDOPP

were "compensation for loss of future earnings" within the meaning of Section 522(d)(11)(E). "This is so because those benefits were benefits given to compensate for an event that adversely affected the debtor's future earnings in some way," the court said.

"The debtor being terminated from her employment with Ford Motor Company obviously was suffering and suffering an event that would, while not impair her ability to work for other employers elsewhere on some other job in the future, it did adversely affect her future earnings in a way sufficient in my view to bring this benefit within the meaning of the Section 522(d)(11)(E) phrase, compensation for loss of future earnings."

Obviously, the trustee did not agree with this ruling and the ruling is currently on appeal. If the appeal confirms the court's ruling, then it can be used as a precedent for claiming this exemption in California. But this is not a California bankruptcy court ruling and the appeal is not to the 9th circuit and will not have a binding effect on California cases. But it does have some persuasive value for California. Debtors are forewarned that nothing on this issue is final in California.

Contact my office if you need debt relief. I will analyze your case personally.

Lawrence Bautista Yang specializes in bankruptcy, business, real estate and civil litigation and has successfully represented more than five thousand clients in California. Please call Angie, Barbara or Jess at (626) 284-1142 for an appointment at 1000 S. Fremont Ave., Bldg. A-1 Suite 1125 Unit 58, Alhambra, CA 91803.

(Advertising Supplement)

JUNO CONNECTION



CHARMAINE TEODORO

WHAT do you think of when you hear the term "home care"?

For many people, an image of a large bed surrounded by oxygen tanks and a private nurse tending to a sickly person who needs intense medical attention is what comes to mind. For others, perhaps it's an elderly person who needs the help of a nurse or companion to help him/her with the simplest of tasks. These ideas stem from the fact that people perceive home care as a service reserved for the elderly. Though it's true that a lot of home care agencies only work with seniors, it should be known that many now offer valuable services which are helpful for people beyond that age group.

Home care agencies offer a range of solutions that are not limited to medical purposes. Non-medical home care is a billion dollar industry offering services for practically everyone with basic home care needs. Tasks can be as complex as geriatric care, or taking care of the elderly, to very simple ones such as housekeeping, meal preparation and babysitting. Some even provide concierge services, where specific tasks are done such as procuring tickets, scheduling appointments and arranging meetings. This wide array of services gives clients an opportunity to find people to do all domestic and personal administrative tasks in one place.

The expanded reach of the home care industry gives benefits to a lot of people who aim to free up their time. The services are also made available on flexible terms so you can enjoy the comfort of having someone do your laundry, clean your house or take care of your kids without breaking your budget. Generally, home care agencies offer personal care (and special care), homemaking as well as companionship and sitting. Those that have a broader offering include concierge services in their list of offerings.

The most common service associated with home care is personal care. It's when an agency sends their clients a caregiver trained in assisting elderly or injured individuals in all aspects of personal care and hygiene. These caregivers are skilled in giving proper support with day-to-day activities such as eating

When you need a helping hand Why a homecare agency is not only for the aging and disabled

or walking around and can also assist in personal and hygienic routines such as bathing, dressing and the like. It's probably the most intimate form of care that a home care agency can give, and you, as a client, can request specific skills that you would want your caregiver to possess. Specialty care, on the other hand, is a form of personal care for specific cases only. This includes hospice and geriatric care for the elderly, as well as programs for children with illnesses or special needs.

Another aspect of home care is homemaking, where the care provider does light housekeeping, dishwashing and other daily chores in your house that does not involve intense cleaning. Usually, a lot of people obtain this service through an informal channel (referral from a friend, colleague, etc.) which does not allow you to verify or background check the person you'll be working with. If you do it yourself, you need to spend the time and money to perform these recruitment screenings on your own. But when an agency does this for you, they do the recruitment, training and background checks necessary to make sure that the person who will be doing your tasks at home is the right one.

A service that applies for both the elderly and infants is companionship and sitting. Agencies have a roster of applicants who can provide assistance to those needing someone to simply be a companion or look after an aging parent, a young child or an injured family member. Depending on your need, these companies can provide you with a companion or sitter for a morning, mid-day or evening shift. Rates for these services can vary especially when the shifts are in the evening. You would also want to be specific in your inquiry when hiring a companion or baby sitter and request for character references. If you need multiple personnel to complete a 24 hour schedule, you can have it staffed by a single care agency to make your selection and hiring process easier.

Aside from personal and special care, homemaking and companionship/sitting, some home care agencies also provide concierge services, while other agencies provide domestic helpers, chauffeurs, chefs and other types of domestic assistants. These are virtual or on-site assistants who would be at your beck and call when you need them. Concierge personnel tend to be

like personal assistants who can perform a variety of administrative tasks. These tasks include such things as reserving tickets, coordinating appointments and handling purchases on your behalf. Having a concierge is like having your own secretary without the burden of maintaining a payroll, paying insurances and other matters necessary to directly employ someone. All you need to do is contact the agency and have them connect you to their personal concierge who can accommodate your requests. They will take care of your needs from there.

The four major services above are offered by some of the best agencies around. They're meant to help you live a life with more freedom and personal time to yourself or with your loved one. Home care also adds another level of security and assurance for you since you know that the person watching over your child, aging parent or disabled relative has been thoroughly screened and deemed reliable and highly qualified.

You may have some doubts when considering home care service, especially if you like to be in charge and prefer to do everything on your own. It may take some time for you to be able to fully entrust a personal task to someone you don't know, or when you're not used to having someone help you at home. But the demand of the times and the busy world of today may require you to be more focused on things that only you can do, and learn to delegate tasks that other people can fulfill for you.

This is what a home care agency is for. You don't need to be aging or injured to take advantage of services that a home care agency can provide. All you need to be is someone who needs a helping hand.

Charmaine Teodoro is the Senior Vice President of JUNO Healthcare Staffing, a group of companies that recruits RNs, LPNs, CNAs and allied healthcare professionals and deploys them to healthcare facilities on a full-time, part-time, per diem or travel assignment. It also sponsors foreign-trained RNs for immigration to the US. JUNO's offices in California are located in Los Angeles and San Diego.

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CREATIVE SMILES



DR. NELLY LYN MONTILLA

Tough brushing tortures teeth

the road such as gum disease and tooth sensitivity, according to the Chicago Dental Society.

People think that if they brush twice as hard, they will do twice as much good, but that's not true. In fact, over-zealous brushing can cause significant damage to the periodontal tissues and bones that support the teeth. If you use the same amount of force and brush the

side of your arm, you would take your skin off.

One solution is to purchase a toothbrush labeled "soft," and features rounded bristles that are less abrasive to teeth. The user should hold the brush between the thumb and forefinger, not with the fist. When brushing, do not 'scrub' the teeth with a horizontal, back-and-forth,

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BRIDGING FINANCIAL GAPS



EVANGELINE A. GIRON

A WILL is a legal instrument containing your instructions and wishes as to how you would like your property and assets distributed after your death. Every person with assets should seriously consider a will. A will should not only be for people who have reached an age where death is not far away. People die at all ages and a will is needed especially if you have assets and property to be allocated to those you wish to benefit. However, more than 2/3 of Americans die without even a simple will in place.

A will is also the expression of the person's wishes concerning how their property is to be distributed. It is a written statement, signed in compliance with the various formalities covered by legislation. It is a legal document containing the names of the people you want to benefit, as well as details of your possessions at the date of your death. The people you want to benefit are called beneficiaries.

Your property or possessions will include everything you own, such as your home, land, vehicles, bank accounts, benefits of insurance policies, furniture, boat, investments such as shares, personal jewelry, artwork, and so on. A will is the only way you can ensure your assets will be distributed according to your wishes after your death.

The difference of wills and trusts

However, a will alone does not protect from probate. A living trust is needed to protect your assets from probate. A living trust is also known as a revocable living trust or a family trust and it is a legal document that holds title or ownership to your real property and assets. When you create a living trust, you transfer ownership of your assets to the trust.

To many, the living trust *"A will is the only way you can ensure your assets will be distributed according to your wishes after your death. However, a will alone does not protect from probate. A living trust is needed to protect your assets from probate."*

looks a lot like a will. It includes the details and instructions on how you want your estate to be handled at your death. However, unlike a will, a properly funded living trust does not go through probate, prevents the courts from controlling your assets at incapacity, and gives you control over the assets you leave to your minor children or grandchildren.

When the assets are in the name of the trust, there is no need for probate since the estate is now controlled by the successor trustee of the trust. You or you and your spouse can be the primary trustees receiving full control to buy, sell, borrow or transfer in the case of a spouse's death. After both spouses pass, the trust identifies the person who will act as successor trustee. The revocable living trust can give you a great amount of flexibility. With it you can name anyone over

the age of 18 to act as trustee, maintain full control of the assets in your trust (the same way you do now), manage your taxes as you currently do, and change or modify the terms of your trust any time.

A critical part of estate planning is creating documents that outline your wishes for distributing your assets after you die. Evangeline Giron Financial & Legal Group can assist you in creating a properly drafted living trust for your estate needs and protect your family.

NOTE: Evangeline is not an attorney nor does she provide legal advice. She prepares legal documents at the specific direction of the client. At your request, she can file your legal documents at the appropriate court. She is a Legal Document Assistant (LDA # 397, registered and bonded in Los Angeles County, expires 3/23/2011). For additional information, please check her website at www.evangelinegiron.net.

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