



Acosta Law Firm, PLLC

Estate Planning & Elder Law

Welcome

DAY 1: Wednesday, April 7, 2021

2:00pm – 4:00PM



Elder Law Boot Camp for Health Care Professionals

A Little About Me...



Esther Acosta

Attorney & Counselor At Law



Acosta Law Firm, PLLC

Estate Planning & Elder Law

- **My Background**
- **Why I chose this profession?**

(734) 927-5244

**Complimentary 15 min phone
consultation for all attendees !**

Agenda



My Team



**Review
Handout Material**



Evaluations

Managing Incapacity



Elder Law Boot Camp for Health Care Professionals

Recognizing & Managing Incapacity



Legal definitions of capacity



Recognizing incapacity



Legal implications of dementia

LEGAL DEFINITION OF INCAPACITY UNDER MICHIGAN LAW

- The Estates and Protected Individuals Code (EPIC) defines *incapacitated individual* as “an individual who is impaired by reason of mental illness, mental deficiency, physical illness or disability, chronic use of drugs, chronic intoxication, or other cause, not including minority, to the extent of lacking sufficient understanding or capacity to make or communicate informed decisions.”[MCL 700.1105\(a\)](#).
- A *legally incapacitated individual* is “an individual, other than a minor, for whom a guardian is appointed under this act or an individual, other than a minor, who has been adjudged by a court to be an incapacitated individual.”[MCL 700.1105\(i\)](#).

CAPACITY v COMPETENCE

- Distinction between capacity and competence

TYPES OF CAPACITY

- Transient or Permanent
- Specific or Global
- Testamentary
- Capacity to make a trust
- Enter into a contract
- Act as a Fiduciary
- To made medical decision

WHY IS IT IMPORTANT FOR
US TO UNDERSTAND CAPACITY ?

CLOSING REMARKS



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***Thanks for Attending
our Virtual Workshop!***

***Next Virtual Workshop Date:
Day 2: Wednesday, April 14, 2021
2:00pm-4:00pm***

This four-part virtual series is eligible for 7 continuing education credits. Attendees must attend all four sessions to receive their credits. (i.e.. Partial credit will not be given for attending less than all four sessions.)



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www.AcostaEstateLaw.com