

Elder Law Survey for Non-Lawyers

JRM 5110

Professor: Collett P. Small, Esquire

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Office hours: Tuesday's 6pm -8pm via telephone 954-439-1323 and as needed upon request

COURSE DESCRIPTION:

WELCOME TO Elder Law Survey for Non-Lawyers!

This course provides an introduction to elder law, including navigating surrogate decision-making, estate planning, advance directives, dealing with clients with diminished capacity, elder abuse, planning for long-term care, guardianship, guardianship avoidance techniques, and dealing with ageism and discrimination.

This class includes at least 25 hours (1500 minutes) of recordings, quizzes, tests, or other instruction that is directly supervised by the instructor. Students are strongly encouraged to attend the seven video lectures over the thirteen-week term. These live lectures will be held on the following Thursday nights at 8pm EST: (subject to change with advanced notice)

- January 22, 2026
- February 5, 2026
- February 19, 2026
- March 5, 2026
- March 19, 2026
- April 2, 2026
- April 16, 2026

GRADING:

Final Exam: The final exam is comprehensive and will likely consist of multiple choice, essay and/or short answer questions derived from live or Canvas discussions the course materials and handouts. The final exam will count for 80% of the grade.

Participation: Class discussion via live interactive Zoom sessions and/or Canvass discussions helps to determine whether the student understands the materials. Students are expected to read

all assigned reading and be prepared to engage in a lively discussion of the issues, and to contribute to the overall atmosphere of learning. Participation will count for 10% of your grade.

Quizzes: There will be occasional quizzes and assignments through Canvas throughout the semester. Quizzes and assignments count for 10% of your grade.

COURSE OBJECTIVES AND LEARNING OUTCOME:

- To develop practical skills to understand and address the complex legal, ethical, financial and social issues facing older adults.
- To apply legal knowledge to real-world cases, including analyzing legislation, evaluating client situations, and communicating effectively with clients and professionals.
- To identify ethical issues surrounding clients with diminished capacity.
- To understand public benefits, sources of income, and issues with financing long term care planning
- To be able to identify and understand advance directives documents and surrogate decision making.
- To understand guardianship and the role of the court, guardians and alternatives to guardianships.
- To identify elder exploitation and solutions to protect vulnerable adults.

REQUIRED TEXTBOOKS:

- Richard L. Kaplan **Elder Law in a Nutshell** (West Academic 8th ed, 2023)
- Hegland & Fleming **A Short and Happy Guide to Elder Law** (West Academic 2013)

WEEKLY COURSE SCHEDULE OF TOPICS AND ASSIGNMENTS, INCLUDING A LIST OF IMPORTANT DEADLINES:

Week 1 Introduction to Elder Law

- Read Chapter 1 *Elder Law in a Nutshell* **and** Chapter 1 *A Short and Happy Guide to Elder Law* and be prepared to discuss:
 - What is Elder Law?
 - The Scope and Diversity of Elder Law
 - Working with Seniors

Week 2 Ethical Considerations in Dealing with Older Clients

- Read Chapter 2 *Elder Law in a Nutshell* **and** Chapter 3 *A Short and Happy Guide to Elder Law* and be prepared to discuss:
 - Who Is the Client
 - Client Competency
 - What Folks Are Going Through

Week 3 Health Care Decision-Making

- Read Chapter 3 *Elder Law in a Nutshell* **and** Chapter 12 *A Short and Happy Guide to*

Elder Law and be prepared to discuss:

- Health Care Decision-Making
- Living Wills
- Health Care Powers of Attorney
- Scope of Authority Provided
- Common Problems with Advance Medical Directives
- Dealing with Doctors

Week 4 Medicare

- Read Chapter 4 *Elder Law in a Nutshell* **and** Chapter 22 *A Short and Happy Guide to Elder Law* and be prepared to discuss:
 - Medicare and Medigap Insurance
 - Types of Medicare Coverage
 - Eligibility
 - Benefits

Week 5 Medicaid

- Read Chapter 5 *Elder Law in a Nutshell* **and** Chapter 21 *A Short and Happy Guide to Elder Law* and be prepared to discuss:
 - Medicaid vs Medicare
 - Types of Medicaid
 - Available Benefits
 - Eligibility Requirements
 - Recovery from the Estate
 - Financial Safety Nets

Week 6 Housing Options

- Read Chapters 7 and 8 *Elder Law in a Nutshell* and be prepared to discuss:
 - The Principal Residence
 - Reverse Mortgages
 - Congregate Living Arrangements
 - Assisted Living Facilities
 - Nursing Homes
 - Nursing Home Regulation
 - Admission Agreements
 - Residents' Rights
 - Continuing Care Retirement Communities

Week 7 Guardianship

- Read Chapter 9 *Elder Law in a Nutshell* **and** Chapter 19 *A Short and Happy Guide to Elder Law* and be prepared to discuss:
 - What Is Guardianship?
 - Who Requires a Guardian?
 - Types of Guardianships
 - Procedural Issues
 - Choice of Guardian

- Powers of the Guardian
- Termination of the Guardianship

Week 8 Estate Planning and Alternatives to Guardianship and Probate

- Read Chapter 10 *Elder Law in a Nutshell* **and** Chapters 15, 23 and 24 *A Short and Happy Guide to Elder Law* and be prepared to discuss:
 - Wills
 - Probate
 - Pre-Need Planning
 - Joint Ownership
 - Durable Powers of Attorney
 - Trusts
 - Health Care Surrogate Designations
 - Pre-Need Guardianship
 - Deciding for Others

Week 9 Social Security Benefits

- Read Chapter 11 *Elder Law in a Nutshell* and be prepared to discuss:
 - Types of Social Security Benefits
 - Eligibility
 - Quarters of Coverage
 - Worker's Retirement Benefits
 - Spousal Benefits
 - Children's Benefits
 - Disability Benefits
 - Supplemental Security Income

Week 10 Daily Troubles: Getting In and Out

- Read Chapters 4 - 10 *A Short and Happy Guide to Elder Law*
 - Grandchildren
 - Divorce and Remarriage
 - Sex and Driving
 - Scam and Identify Theft
 - Making Things Safer

Week 11 Age Discrimination in Employment and Housing

- Read Chapter 15 *Elder Law in a Nutshell* **and** Chapter 11 *A Short and Happy Guide to Elder Law* and be prepared to discuss:
 - History of the ADEA
 - Who Is Protected
 - Who Is Not Protected
 - Proving Illegal Discrimination
 - Enforcement
 - Remedies
 - Other Issues with Age Discrimination
 - Housing Discrimination

Week 12 Elder Abuse and Neglect

- Read Chapter 16 *Elder Law in a Nutshell* **and** Chapter 13 *A Short and Happy Guide to Elder Law* and be prepared to discuss:
 - Incidence of Elderly Abuse and Neglect
 - Definitions
 - Noninstitutional Abusers
 - Institutional Abuse and Neglect
 - Legislative Responses
 - Adult Protective Services
 - Reporting Requirements
 - Enforcement and Remedies

Week 13 Review

- Review for Final
- Final Exam will be posted on Canvas and must be completed by April 27th.

CLASS Demeanor Expectations: You are expected to read the assigned readings ahead of class and to participate fully in class discussions. **You should read the assignment for each day carefully and prepare answers to all the problems in the assigned text.** We will discuss your problem answers in class, and may be required to present portions to the class.

CLASS ATTENDANCE & MAKEUP POLICIES:

Requirements relating to class attendance and make-up exams, assignments, and other work must be consistent with university policies. [Click here to read the university attendance policies.](#)

Observance of Religious Holidays:

UF Law respects students' observance of religious holidays. Students, upon prior notification to their instructors, shall be excused from class or other scheduled academic activity to observe a religious holy day of their faith. Students shall be permitted a reasonable amount of time to make up the material or activities covered in their absence. Students shall not be penalized due to absence from class or other scheduled academic activity because of religious observances.

Absence Due to Illness:

A student who is absent from class or misses any required class-related activity because of illness should contact their instructor, if feasible, as early as possible prior to the missed class or activity. Students shall be permitted a reasonable amount of time to make up the material or activities covered during an excused absence. Students should contact their college by the deadline to drop a course for medical reasons. Students can petition the Dean of Students Office to drop a course for medical reasons. The university's policy regarding medical excuse from classes is maintained by the Student Health Care Center.

EVALUATION METHODS & GRADING POLICY:

[If a portion of the grade is tied to participation, please provide specific detail on how you will determine an individual student's participation grade.]

Grade Scale & Grading Policies:

<u>Grade</u>	<u>Points</u>
A	4.0
A-	3.67
B+	3.33
B	3.00
B-	2.67
C+	2.33
C	2.00
C-	1.67
D+	1.33
D	1.00
D-	0.67
E	0.00

The law school grading policy is available at <https://www.law.ufl.edu/uf-law-student-handbook-and-academic-policies>. Note that the mandatory mean does not apply to MSL or LLM students.

EXAM DELAYS AND ACCOMMODATIONS:

The law school policy on exam delays and accommodations can be found [here](#).

STATEMENT RELATED TO ACCOMODATIONS FOR STUDENTS WITH DISABILITIES:

Students requesting accommodations for disabilities must first register with the Disability Resource Center (<https://disability.ufl.edu/>). Once registered, students will receive an accommodation letter, which must be presented to the Assistant Dean Brian Mitchell. Students with disabilities should follow this procedure as early as possible in the semester. It is important for students to share their accommodation letter with their instructor and discuss their access needs as early as possible in the semester. Students may access information about various resources on the UF Law Student Resources Canvas page, available [here](#).

STUDENT COURSE EVALUATIONS:

Students are expected to provide professional and respectful feedback on the quality of instruction in this course by completing course evaluations online via GatorEvals. Click [here](#) for guidance on how to give feedback in a professional and respectful manner. Students will be

notified when the evaluation period opens and may complete evaluations through the email they receive from GatorEvals, in their Canvas course menu under GatorEvals, or via <https://ufl.bluer.com/ufl/>. Summaries of course evaluation results are available to students [here](#).

COMPLIANCE WITH UF HONOR CODE:

Academic honesty and integrity are fundamental values of the University community. Students should be sure that they understand the UF Law Honor Code located [here](#). The UF Law Honor Code also prohibits use of artificial intelligence, including, but not limited to, ChatGPT and Harvey, to assist in completing quizzes, exams, papers, or other assessments.

UF students are also bound by The Honor Pledge which states, “We, the members of the University of Florida community, pledge to hold ourselves and our peers to the highest standards of honor and integrity by abiding by the Honor Code. On all work submitted for credit by students at the University of Florida, the following pledge is either required or implied: ‘On my honor, I have neither given nor received unauthorized aid in doing this assignment.’” The Conduct Code specifies a number of behaviors that are in violation of this code and the possible sanctions. [Click here to read the University Conduct Code](#). If you have any questions or concerns, please consult with the instructor in this class.

RECORDINGS:

Students are allowed to record video or audio of class lectures. However, the purposes for which these recordings may be used are strictly controlled. The only allowable purposes are (1) for personal educational use, (2) in connection with a complaint to the university, or (3) as evidence in, or in preparation for, a criminal or civil proceeding. All other purposes are prohibited. Specifically, students may not publish recorded lectures without the written consent of the instructor.

A “class lecture” is an educational presentation intended to inform or teach enrolled students about a particular subject, including any instructor-led discussions that form part of the presentation, and delivered by any instructor hired or appointed by the University, or by a guest instructor, as part of a University of Florida course. A class lecture does not include lab sessions, student presentations, clinical presentations such as patient history, academic exercises involving solely student participation, assessments (quizzes, tests, exams), field trips, private conversations between students in the class or between a student and the faculty or guest lecturer during a class session.

Publication without permission of the instructor is prohibited. To “publish” means to share, transmit, circulate, distribute, or provide access to a recording, regardless of format or medium, to another person (or persons), including but not limited to another student within the same class section. Additionally, a recording, or transcript of a recording, is considered published if it is posted on or uploaded to, in whole or in part, any media platform, including but not limited to social media, book, magazine, newspaper, leaflet, or third-party note/tutoring services. A student who publishes a recording without written consent may be subject to a civil cause of action instituted by a person injured by the publication and/or discipline under UF Regulation 4.040 Student.

RESOURCES:

Wellness:

U Matter, We Care: If you or someone you know is in distress, please contact umatter@ufl.edu, 352-392-1575, or visit [U Matter, We Care website](#) to refer or report a concern and a team member will reach out to the student in distress.

Counseling and Wellness Center: [Visit the Counseling and Wellness Center website](#) or call 352-392-1575 for information on crisis services as well as non-crisis services.

Student Health Care Center: Call 352-392-1161 for 24/7 information to help you find the care you need, or [visit the Student Health Care Center website](#).

GatorWell Health Promotion Services: For prevention services focused on optimal wellbeing, including Wellness Coaching for Academic Success, visit the [GatorWell website](#) or call 352-273-4450.

Academic & Tech Support Resources:

E-learning technical support: Contact the [UF Computing Help Desk](#) at 352-392-4357 or via e-mail at helpdesk@ufl.edu.

On-Line Students Complaints: [View the Distance Learning Student Complaint Process](#).

LOOKING FORWARD TO A GREAT SEMESTER!