



# The Polner Abrahams REPORT

Insights for Intelligent Estate, Special Needs & Elder Law Planning

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Courtesy of The Law Office of Beth Polner Abrahams

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Our Best Wishes to You and Your Loved Ones  
for a Healthy and Happy HOLIDAY &  
a Wonderful NEW YEAR!

The Law Office of  
Beth Polner Abrahams, Esq.

## Most Talked-About Blog: “When Elder Law Planning Comes Home”

I am the eldest of three children. Fortunately, my parents, Murray and Louise, ages 81 and 79 respectively, are healthy, independent, financially secure and have children and grandchildren who are lovingly devoted to them.

Recently, my parents asked me to come to their home to ‘show me where everything is.’ “Where what is?” I asked. After all, I am an elder law attorney. I advise my clients and their children about planning for future care and independence, lawfully sheltering assets if Medicaid is required for care, and keeping their legal lives organized. My parents had taken my advice and now they wanted to show me what I did not know.

So we spent an afternoon reviewing their carefully organized notebook of instructions, the location

of their financial documents (their legal documents are in my office safe), their files of other important papers, and more.

Not a day goes by when I don’t learn something new, and I hope these planning pointers from my own family’s experience will help you and your family:

**1) Basic identification.** Make sure you keep your financial information and personal data in a safe place in your home. Tell your family where this is and provide them with access to keys or passwords as needed. For your death certificate, your children or other designated family members will need to provide your exact birth date, social security number, your parents’ full legal names and your mother’s maiden name. *Continued...*

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**2) Burial wishes.** Many families dismiss this as an unpleasant topic, but it must be addressed. Section 4201 of the NYS Public Health Law – Appointment of Agent to Control Disposition of Remains – permits you to place your burial wishes in writing and designate an agent to carry out your wishes. Even in the most loving families, the decision for cremation, in particular, may cause strong disagreements. If selecting cremation, remember to tell your family or agent specifically where you want your ashes scattered or disposed – and write down your instructions.

**3) Legal documents.** Review all legal documents – powers of attorney, health care proxy, burial wishes, wills, trusts, etc. – to ensure they are still valid and enforceable, and that they express your current wishes. Remember, you cannot make changes by hand to your own legal documents, including a will. To be enforceable, changes must be typed and notarized. Make time to properly update these documents to save your loved ones undue stress and distress when you are gone.

**4) Cash.** If you are concerned about your family not having adequate cash to pay your immediate estate or burial expenses, consider opening a

separate bank account for a family member, entitled ‘POD’ (payable on death) or adding a designated family member as co-owner for your own account. I urge you to discuss this decision with your entire family so no one mistakenly accuses another of overreaching or illegally influencing you in selecting who controls the cash.

**5) Keys to the kingdom.** Give someone in your family an extra key to your home or tell them where your spare key is ‘hidden.’ The same should be arranged for the extra key to your bank safe deposit box, in order to avoid expensive bank fees for opening the box after your death.

**6) Smile – Laugh.** Remember to keep your sense of humor throughout this potentially distressing planning process. To relieve the tension of our discussions, my parents and I spent time laughing together about some of their decisions. No one, not even this elder law attorney, wants to be reminded of their parents’ aging and difficult future decisions. But a pinch of humor helps.

*If you have questions about putting together a plan for your family, please call my office. To receive my blog update alert, email [Info@BPAbrahamsLaw.com](mailto:Info@BPAbrahamsLaw.com).*

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