

What legal documents do I need?

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Law offices in New York are still open for business. Most attorneys are now offering phone consultations and video-conferencing. Legal documents can now be witnessed and notarized remotely via Zoom or Skype. In person consultations can still be done with social distancing, if needed.

During our time at home, it's a great opportunity to create, review or update your legal documents. All adults should have advance directives, including a Health Care Proxy and Power of Attorney.

It's important to complete these documents while you are feeling well and thinking clearly. This will ensure that your wishes regarding your health care and finances will be followed and respected.

A will

A will is appropriate for some people, it's a good idea to discuss with your attorney whether a will or another option is best for your circumstances. Laws have changed, so if your documents are more than 10 years old, it's also a wise idea to have an attorney review them for compliance with current laws.

Power of Attorney

A Power of Attorney is a legal document where you name an individual, called an "agent," to handle your financial affairs and make other decisions for you. If you become incapacitated and do not have a Power of Attorney in place, a guardianship proceeding may become necessary. A "gift rider" should be added to the standard Power of Attorney document. This will allow your agent to manage your assets.

Health Care Proxy

A Health Care Proxy is another very important document for every adult over 18. It is vitally important to discuss your healthcare wishes with your chosen agent. Let them know what types of medical procedures and interventions you want, or do not want in case you become seriously ill or injured and are unable to communicate with medical providers. A valid Health Care Proxy will provide peace of mind to you and your loved ones, knowing that your trusted agent will be able to advocate for you in accordance with your expressed wishes.

Guardianship For Those With Disabilities

Health care workers, volunteers and others in New York state exposed to the novel coronavirus (COVID-19) can now designate a Standby Guardian for their children according to an Executive Order signed by New York Gov. Andrew Cuomo. Executive Order No. 202.14, in part, expands the scope of the New York Surrogate's Court Procedure Act (S.C.P.A.) § 1726.

Signed by Cuomo on April 7, the order modifies sections of the Act to provide that any parent, a legal guardian, a legal custodian or primary caretaker who works or volunteers in a health care facility or who reasonably believes that they may otherwise be exposed to COVID-19, may designate a Standby Guardian by means of a written designation, without a court proceeding. This will give peace of mind to parents and caretakers regarding the future care and custody of their children.

The act was first passed in 1992 at the height of the AIDS crisis to help sick parents plan for their children's futures and initiate the immediate transfer of temporary guardianship powers to someone of the parent's choosing until a permanent arrangement could be put in place.

Regina Brandow Law provides planning for families and people with disabilities at her office or your location. She advises on trusts and wills, guardianships, elder planning and real estate.