

# ESTATE PLANNING DURING COVID-19

**August 5, 2020**

COVID-19 has had an impact on the way we go about our daily lives and has forced us to consider all of the “what if” scenarios we often do not want to think about. COVID-19 has shown us that it is important to be prepared for all scenarios—including the necessity of having a proper estate plan in place, including, but not limited to, a Last Will & Testament, Health Care Proxy, and Power of Attorney. Other documents you may wish to have included in your estate plan includes a MOLST form, HIPAA Release, and a Declaration of Homestead, if applicable. Depending on one’s assets and goals, establishing a Trust may also be ideal as part of an estate plan.

Developing an Estate Plan is important as it identifies what you would like to have happen in the event that you should become incapacitated, unable to make your own decisions, or pass away. It is more important than ever to develop an Estate Plan. The United States has had approximately 150,000 confirmed deaths of COVID-19 and over 4.3 million confirmed cases of COVID-19. If, for whatever reason, you were suddenly hospitalized and unable to make decisions regarding your health and finances, you have no control over who would be making those decisions (some examples: there could be a conflict between your spouse and your parents, or if single, your parents could disagree, your spouse could not be available/able or a person could be appointed that you would not wanting making decisions for you). Furthermore, any delay in determining who should be making those important decisions could negatively impact your health and finances.

Estate plan documents are especially important during this pandemic as a physician’s determination of one’s incapacity can happen very quickly. Having a Health Care Proxy in place would appoint a person you trust to make medical decisions on your behalf in the event you are unable to make those decisions yourself. A HIPAA Release allows medical professionals to release your health information to designated individuals. A MOLST form designates your preferences as to medical intervention such as intubation, etc. If you are unable to make financial decisions on your own behalf, the person appointed as your Agent under the Power of Attorney would be able to do so. By doing some pre-planning, you can ensure that your health and finances are managed by someone you trust and in accordance with your instructions. Further, a Last Will & Testament designates how you would like your Estate to be distributed in the event of your passing and allows your to make specific bequeaths to individuals and/or designate whom you would like to be the caregiver for any minor children in the event of your passing prior to your children reaching the age of majority.

## **What Can I Do If I Am Interested in Establishing my Estate Plan?**

1. **Develop your estate plan outline at home.** At this time, many of us have had our normal work lives interrupted: some have been working remotely, some have been furloughed or laid off, and some had their hour reduced. It may be a wise idea to take

some of this additional time you may have to consider and identify the answers to some important questions for your estate plan. For example, whom would you like to serve as the Personal Representative in your Last Will & Testament, whom would you like to serve as your Health Care Proxy and/or Power of Attorney, what, if any treatment restrictions would you like to designate in your Health Care Proxy, how would you like the assets of your estate to be distributed upon your death, and whom would you like to designate as the caregiver for any of your minor children. Identifying the answers to these questions now will greatly simplify the estate planning process once you have retained an attorney to prepare your estate plan documents.

1. **Retain an Attorney to Create your Estate Plan Remotely.** The Trusts and Estates attorneys at Cohen Cleary, P.C. have been continuing to retain new Estate Plan clients during COVID-19 and conduct the intake and preparation of the estate plans all remotely. All of our Trusts and Estates attorneys are equipped with email, telephone, and video conferencing software enabling our clients to remain in constant communication with their attorneys. Once our attorneys have completed the initial draft of your Estate Plan, we will email the completely drafted Estate Plan for your approval, will make any necessary edits and, once approved, will prepare the final version for execution. Once it is time for execution of the Estate Plan documents, our office is able to provide remote notarization services for final Execution of the estate plan documents or, alternatively, the offices of Cohen Cleary have developed updated procedures and protocols to ensure the safety of all clients and are able to have estate plans executed in our office while adhering to all Massachusetts COVID-19 social distancing guidelines.

### Cohen Cleary's COVID-19 Health & Safety Measures

For the safety and well-being of all clients and Cohen Cleary personnel, the following measures have been implemented by our office:

- All employees of Cohen Cleary work at least six (6) feet apart and wear masks;
- All Conference Rooms where we meet with clients and estate plans are executed have a plexiglass divider installed between the attorneys and clients;
- The offices of Cohen Cleary are regularly cleaned, wiped down, and sanitized; and
- The attorneys are provided with gloves when meeting with clients.

At Cohen Cleary, P.C, we recognize the importance for our clients to have their estate plans in place, especially given the uncertainty we have all felt as a result of COVID-19. We further recognize the need and importance for the ability to have an estate plan completed and executed in a safe and efficient manner and we have thus created safety measures in accordance with Massachusetts social distancing guidelines to ensure that all who wish to have an estate plan completed safely are able to do so.

Please contact our office at [508-880-6677](tel:508-880-6677) to speak with one of our [Estate Plan attorneys](#) today.

