

FINKEL & FERNANDEZ, LLP

Elder Law, Estate Planning and Special Needs

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To Our Valued Clients, Friends, and Community:

As this pandemic continues into the second wave, we at Finkel & Fernandez are here to help you with your legal issues, planning needs, and guardianship questions. Given the ongoing safety concerns of conducting in person meetings, planning and consultations are more challenging to accomplish. Although in-office and at-home consultations are not currently offered, successful planning opportunities and our services to you – our clients past, present, and future- are available. We are meeting by telephone and video conferences, and happy to say that eight months post Governor Cuomo's Emergency Executive Orders, we have assisted many clients in achieving their planning goals, addressing their legal issues, and representing them in all phases of guardianship proceedings.

As many of you are aware, the 2020-2021 (Fiscal Year 2021) New York State Budget enacted by Governor Cuomo on April 3, 2020 will have a severe impact on Medicaid eligibility rules and requirements. Significantly, the implementation of the rules has been pushed forward from its prior designated start date of October 1, 2020 to April 1, 2021. This extends the time to put your planning in place.

Estate Planning: On April 7, 2020, Governor Cuomo issued Executive Order 202.14, authorizing virtual witnessing of documents in New York State. The Governor's Executive Order 202.07, issued March 19, 2020, had previously authorized virtual notarization. Together, these two Executive Orders provide planning opportunities we can navigate together to consult and to execute documents virtually. These Orders have been renewed every 30 days since their initial signing into law, and while currently set to expire January 29, 2021, we anticipate renewals to be signed by the Governor until he deems it safe to congregate again.

We continue to offer all of our past, current and new clients telephone or video consultations to guide you in your planning needs at this time. We will review your documents already in place, discuss additional or updated documents needed, and explore any changes you wish to make to your living directives and or post-mortem planning. We can advise you on Last Wills and Testaments, Living Trusts, Asset Protection Trusts, Supplemental Needs Trusts, Health Care Proxies, Powers of Attorney, Nominations of Guardian, Living Wills, Statements of Intent to Return Home, Asset Protection, Benefits Assessments, Estate Administration and Probate, and Guardianship proceedings and representation.

To meet the requirements of the Executive Orders for the formal execution of documents with remote witnessing and or notarization, each participant must have an Internet connection, a device capable of video conferencing, a scanner, and a printer. We understand that many of our

clients do not have the technology to complete remote document execution, and we caution you that now is not a time to bring others into your home to help you get set up unless all precautions are taken to do so safely. If you are unable to presently execute documents virtually, you may still consult with us to learn your options, review the planning you now have in place, and begin the process for document preparation and execution once the Pandemic ends. We will schedule in-person document executions as soon as it is safe to do so in our office or at a home appointment.

Guardianship Proceedings: New York State Courts are now hearing applications related to guardianship proceedings virtually. All guardianship matters are now part of the e-file system, allowing us to bring petitions, and for our clients to have their day in Court. Guardianship matters are being conferenced, litigated, or resolved by remote teleconferences or video conferences with the Court.

Estate Administration and Probate Matters: We are preparing, processing, and filing petitions for Estate Administration and Probate matters. After an initial delay in the ability to file, and a bottleneck in the Surrogate's Courts' reviewing the filings submitted, things now are moving along again in all of the boroughs.

We are here for you to guide you remotely and safely in getting your legal affairs in order. Please feel free to reach out to us during regular business hours if you have a question, or if you wish to schedule a telephone or virtual appointment. Please do not hesitate to contact us with any questions or concerns we may be able to assist you with. We wish you safety and good health during this challenging time. Please stay safe, healthy, and socially connected.

Finkel & Fernandez, LLP
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