

Why You Should Draw up a Will Sooner Rather Than Later



Drawing up a Last Will and Testament is an important but at times unpleasant task, which may be why that call to your lawyer is often postponed.

"People procrastinate, because it is not a pleasant conversation to have," says Moriah Adamo, co-chair of the Nassau County Bar Association Elder Law, Social Services and Health Advocacy Committee, and a senior associate at the law firm of Abrams Fensterman in Lake Success. However, once a will is drawn up, and important financial and health decisions are made, many people experience "peace of mind," Adamo says.

Estate planning isn't only for the wealthy. For people of any economic level, a will legally protects and distributes property based on your wishes and the needs of your family and/or survivors, with as little tax as possible.

Another reason you need a will: According to state law, if you die intestate (without a will), only the first \$50,000, or one third, of your estate would pass to your spouse, Adamo says. The rest of your estate would be divided in equal shares among your surviving children. "The only way to get around the state law is to do a will," Adamo says.

In addition to disposing of your assets as you see fit, a will also allows you to name the guardians of children under 21; name a trustee to administer sums of money to your children, rather than give them large sums of money outright; and maximize tax exemptions.

ADVANCE DIRECTIVES

Your lawyer can help you to create a power of attorney, a document that appoints an individual or individuals to make financial decisions for you. He or she can also create advance directives, which are written, legal documents that tell your doctor what kind of care you would like to have if you become unable to make medical decisions (if you are in a coma, for instance). A Health Care Proxy allows you to appoint a family member or close friend to make health care decisions for you if you lose the ability to make decisions yourself. A Living Will spells out your decisions about end-of-life care, including your choice to refuse care, if you are dying

or permanently unconscious. A "do not resuscitate" order (DNR) is a request not to have cardiopulmonary resuscitation (CPR) if your heart stops or if you stop breathing.

Need an attorney? The Nassau County Bar Association in Mineola provides free legal consultation for Nassau County residents age 65 or older. You can meet one-on-one with an attorney, who volunteers to provide a half-hour private consultation on any topic of concern. To find out when the next clinic will be held and to register (required), call 516-747-4070. The Nassau County Bar Association's lawyer referral service can help you find an elder law attorney if you need further assistance. Call 516-747-4832 for a referral.

The Suffolk County Bar Association lawyer referral and information service in Hauppauge is available between 10 a.m. and 4 p.m. Call 631-234-5577 for assistance.

