

How To Prepare Your Documents During A Pandemic

<https://estateandfamilylawyer.com/how-to-prepare-your-documents-during-a-pandemic/>

The screenshot shows a web browser displaying the website for Monique M. Sadarangani, an attorney. The page title is "How To Prepare Your Documents During A Pandemic". The content discusses the importance of preparing legal documents during a pandemic. It includes three main sections: 1. Trusts and Wills, 2. Health Care Directive / Living Will, and 3. Powers of Attorney. The text explains that during this unprecedented time, it's normal for people to worry about protecting their loved ones and assets. It notes that the coronavirus pandemic is unlike anything seen before, and even the healthiest can be affected. It emphasizes the need to ensure affairs and assets are up-to-date and in order. The first section, "1. Trusts and Wills", explains that a will covers property titled solely in your name and directs who will receive it upon death. It also mentions that Florida, among other states, does not recognize holographic (handwritten) wills. It further explains that a trust can distribute property before, at, or after death, and that each state has specific signing requirements for wills and trusts. The second section, "2. Health Care Directive / Living Will", defines an Advance Health Care Directive (AHCD) as a document that instructs others about medical care choices if you are unable to make decisions on your own. The third section, "3. Powers of Attorney", is partially visible at the bottom of the screenshot.

During this unprecedented time, it's normal for people to worry about protecting their loved ones and assets. The coronavirus pandemic is unlike anything we've ever seen before and even the healthiest of people can be affected. We haven't seen the last or the worst of this illness, and while it's never pleasant to think about the worst-case scenario, it's vital to ensure your affairs and assets are up-to-date and in order. I'll break down some essential documents to have drafted or updated to cover yourself and your family.

1. Trusts and Wills

A will covers any property that is only in your name and directs who will receive your property upon your death. An appointed legal representative will carry out your wishes at that time. It should be noted that some states, Florida included, do not recognize holographic (or handwritten) wills.

A trust can distribute property before, at, or after your death. A trust is a legal arrangement through which a person or institution holds legal title to a property for a beneficiary. However, in order for a property to be included in a trust, it must be put in the trust's name.

It's best to have both your will and your trust signed by a witness and a notary. In Florida in particular, it's a requirement to have your will signed by you and two witnesses at the same time.

2. Health Care Directive / Living Will

An *Advance Health Care Directive* (AHCD) is also known as a living will. It instructs others about your medical care choices if you're unable to make decisions on your own. This document will designate whether you want life-prolonging treatment should you be in a terminal state, like if you want respirators to help you breathe. During this time, it's especially pertinent to have this updated and discuss these difficult situations with your loved ones.

3. Powers of Attorney

Power of attorney (POA) documents allow you to give a trusted individual the ability to make decisions on your behalf. It can be written to grant an agent the ability to act in very broad terms or to only take specific actions. If you become incapacitated without drawing up POA documents, your family may have to go through a difficult and expensive process of seeking guardianship to manage your affairs. This is especially important to have if you're a high-risk or compromised person during this pandemic.

Healthcare Power of Attorney

This document gives a designated person the authority to make health care decisions, oversee your medical care, and ensure that your advance directives are followed. Without appointing a POA for your healthcare, your family members may not be able to access your medical information or help with decision making. A Medical POA is sometimes called a health care proxy.

Medical Power of Attorney For Minor Child

This is one document that many people fail to prepare during an emergency, but one might argue it's the most important because it greatly affects little ones.

If you get infected with the coronavirus and have minor children, a Medical Power of Attorney gives someone the authority to take your children to the doctor, make health care decisions on their behalf, and care for your children if you're unable to. It's unpleasant to think about, but you must consider what would happen if you were hospitalized and couldn't take care of your child.

Financial Power of Attorney

A durable power of attorney is a key document in your estate planning arrangements. It allows you to designate an agent to make legal and financial decisions and handle your financial affairs in the event that you cannot do so. Unfortunately, your bills and other financial matters do not stop if you become incapacitated. Without a financial POA, they may go unpaid and your family may not be able to access your accounts to cover your health care costs if they needed to.

4. Avoiding Probate

A will passes through probate, meaning a court oversees the administration of the will and ensures the inheritance goes to the right heirs and that all the deceased's wishes are fulfilled. A trust passes outside of probate, so a court need not oversee the process, saving time and money while keeping it private. Probate can occur if there is no will, and a probate court must decide how to distribute the assets of the deceased's estate to their loved ones.

Add a joint owner to your accounts or real estate.

If you and a spouse are thinking about purchasing a home, already own one, or have bank accounts in both of your names, owning jointly allows the property to pass automatically to your spouse without having to go through probate, even if you're not married.

Write a Revocable Living Trust

A revocable living trust is a written agreement which covers you while you're alive and well, if you become mentally incapacitated, and after you die. It's an alternative to a *last will*. Once the trust agreement is signed, you need to title your assets in the name of your trust. Only after your revocable living trust has become the record owner of your assets, instead of you, will the assets avoid probate. A trust also enables you to avoid the cost of probating a will. In probate, there are court fees taken from the gross estate. This fee can often be as high as 10% of the total estate. A living trust allows you to avoid these court costs all together.

Beneficiary Designations

If you have life insurance or retirement accounts such as an IRA or 401(k), you are already avoiding probate through the use of beneficiary designations. Florida and most other states allow you to designate "payable on death" beneficiaries on your bank accounts and non-retirement investment accounts. In addition, some states, not including Florida, allow you to designate beneficiaries for your real estate through the use of a transfer on death deed.

What most people don't realize is that many of your assets allow you to name beneficiaries. For example, your bank account probably enables you to designate a beneficiary payable on death. Many people simply don't take the time to name a beneficiary on their bank accounts, investments or retirement plans. Life insurance policies, pension plans, 401K plans, IRA accounts, and stocks and bonds are all payable on death accounts. Your bank or brokerage company can provide payable on death forms which can be filled out quickly and conveniently.

People young and old have been affected by this pandemic, but many don't have a will or trust yet. Because of this, they feel rushed to get a will in a hurry and turn to quick, cheap, online sources. You can get a will online, but it's safer to hire an Estate Planning Attorney to help ensure the will is thorough, effective, and legal. It's difficult to expect the unexpected, but even under the best circumstances, you can never be too careful with the wellbeing of your family and your assets. It's impossible for anyone to know at this point when we'll be safe from this pandemic, but with cases of Covid-19 on the rise in Florida, making sure your assets and all the necessary documents are current and easily accessible is absolutely essential.