

Key Legal Information that New York Health Workers Need to Know to Protect Themselves and Their families.

A Free Informative Guide

*This pamphlet, which is based on New York law, is intended to inform, not to advise. No one should attempt to interpret or apply any law without the aid of an attorney. You should consult an attorney before making decisions in this area. This pamphlet is produced by Baker & McKenzie, LLP.



Introduction

*This pamphlet has been prepared for healthcare workers at the front lines of the COVID-19 battle. Its purpose is to provide simple, straightforward information on steps you can take to ensure you and your family are protected in case you become ill and are unable to make important decisions about your health, your finances, or your family. It is not an alternative to proper legal advice, and you should consult an attorney before making any important legal decisions.

Attached to this pamphlet you will find some standard legal forms that you might wish to use. These are not an alternative to proper estate planning, but will provide you the means to deal with some of your most pressing concerns. Attached to the front of each form are instructions on how it must be completed and signed. **It is critical that these instructions are followed.**



Some Simple Planning Steps

You may wish to draft a will to dispose of your assets in case you were to die. Drafting a will is a complex exercise and requires personalized legal advice to ensure it is tailored for your specific situation. Unless a will is properly executed it will not be valid. If you already have a will, you should check to make sure it is up to date and reflects your current wishes. Should you wish to prepare or update your will, or require other specific estate planning advice,

you may wish to inquire with the NYC Bar referral service at: <https://www.nycbar.org/get-legal-help/article/wills-trusts-and-elder-law/> or call this service at 212-626-7373, or inquire with the NYSBA referral service at: <https://www.findalawyernys.org/>.

If you do not have a will, you can take some simple steps to ensure that financial assets will go to the person you choose. You should contact your bank or retirement account (401K) administrator and ask them to provide you a beneficiary designation form.



What happens if I die without a valid will or beneficiary designation?

If you were to die without a valid will and in the absence of a beneficiary designation, and you are married and have no children, your spouse will inherit what you own. If you are married and have children, your spouse will inherit the first \$50,000, plus 1/2 of any balance. Your children will inherit the other 1/2. Note, if you are not married, your partner has no legal right to receive anything in the absence of a will or beneficiary designation. In that case, if you have children they will inherit equally. If you have no children, your parents will inherit everything.



How can I appoint someone to make legal decisions on my behalf?

We attach a ***Durable General Power of Attorney***, which will enable you to designate

an adult to make decisions for you with respect to all of your banking, financial and legal matters in case you are unable to do so.



Can I appoint someone to make health care decisions for me?

We attach a **Health Care Proxy and Living Will**, which will enable you to name an individual as your health care agent to make health care decisions for you should you become unable to do so yourself. You can also set out your wishes regarding your health care treatment in the event of a terminal illness or injury. It is important that your health care agent know exactly what kinds of treatment you would like to have employed as well as what kinds of treatment you would like to have withheld or withdrawn under the circumstances indicated.

In addition, we attach a **Power of Attorney for your Health Care Agent**, which would permit your named health care agent to make certain additional related decisions, which are not covered by the Health Care Proxy and Living

Will. These include authority to sign forms for admission and treatment at a hospital, to consent to disclose medical information, to employ health care providers, and to do other similar actions on your behalf. **Please note that your Power of Attorney for your Health Care Agent does not address specific health care decisions.** You may execute the aforementioned Health Care Proxy to do this.



Can I appoint a Guardian to look after my minor children?

We attach a **Designation of Standby Guardian** which will enable you to name a legal guardian to care for your children until they reach 18 years of age should you pass away. If you have a will, this may already include a guardian designation (in which case this form is not needed). Note, generally this appointment will only take effect if there is no other parent alive who has legal parental responsibility for your children.



Remote Notarization and Witnessing

The attached forms will need witnesses and/or notary (see form instructions). Under ordinary circumstances they must be physically present when you sign the document, but Governor Cuomo has issued an order which, through June 6, 2020, permits notaries and witnesses to perform their acts via audio-video technology. The notary should know the specific rules on how to conduct an audio-video session.

