



The Peninsula Center

for Estate and Lifelong Planning
Attorneys and Counselors at Law

461 McLAWS CIRCLE, SUITE 2
WILLIAMSBURG, VIRGINIA 23185
Telephone: (757) 969-1900
Facsimile: (757) 969-1903
www.tpcestate.com

The Documents that every American Needs During the COVID-19 Crisis

The COVID-19 Epidemic, also referred to as Coronavirus, has uprooted our everyday normal and brought an array of changes for every American. From stay at home orders, to social distancing, to our new fashion accessory - the mask - we are learning a new normal that it seems will be with us for the foreseeable future.

However, despite all the changes, one fact remains unchanged as we navigate this new normal. If you really want to be prepared for the Coronavirus, or any other unknown that may come your way in the future, every American, old and young, needs to have in place at least a durable power of attorney and a health care directive. Additional documents such as a living will and HIPAA authorization can also provide comfort if a health care emergency arises. Estate Planning can be an overwhelming and scary concept. None of us wants to think about having to actually need these documents; but now more than ever, they are of great importance.

The durable power of attorney is important to keep your financial affairs in order if you are temporarily incapacitated or unable to make your own financial decisions. The health care directive (often also referred to as a medical power of attorney) expresses your wishes for managing your health care and designates an agent who can make medical and housing decisions on your behalf if you are incapacitated. In addition to the health care directive, many people also desire the security provided by a living will. A living will allow you to decide on the medical community's ability to render extraordinary measures if your health takes a turn for the worse, and removes the burden of having to make the difficult decision to resuscitate or "pull the plug" from your agent or other family members. Finally, the HIPAA form states who can receive information about your medical care. Unfortunately, it's not just the older generation that needs these documents. Anyone age 18 or older needs at least a power of attorney and medical directive.

Perhaps another issue that is unique to the Coronavirus comes from the restrictions that hospitals have placed on visitation. With the contagion level being so high, most hospitals do not allow you to have a support person by your side. This can create additional fear for

both the patient and family members alike. Having a medical power of attorney, living will, and HIPAA form on file with the hospital, or taking these along if you have to be admitted, can ease this burden and allow for smoother communication between medical staff and family members. With the current Coronavirus climate, the stories in the news are plentiful regarding families of all ages, races, and ethnic backgrounds who were not prepared legally for the onset of a sudden illness.

So, you need these documents, and you know that having them in place will give you peace of mind, but with social distancing, how on earth do you meet with an attorney to get these documents prepared and executed? There are a lot of do-it-yourself estate planning document services that you can find online, and they can seem like an easy fix to a high stakes issue when you're in a hurry. But buyer beware. Drafting these types of legal documents requires the expertise of an attorney who is well-versed in this area of the law. Each state has different laws regarding these documents, but it's more than that. In most instances, it's the questions the attorney knows to ask that solicit information necessary to ensure the client's personal goals and objectives are met. In order to make sure you are covered in your state, and that your documents reflect what you really want and protect you in the highest level possible, it's important to talk to a licensed and practicing estate planning attorney.

If you have already completed your estate plan and have these documents in place, that is fantastic! However, if it's been more than 5 years since you signed your documents, it may be time to give it a refresh. Most financial institutions will refuse to accept a power of attorney with significant age on it. It's not just having the document that protects you; it's having a document that will work when you need it.

Many law offices, much like TPC, are offering ways to keep you safe, while still giving you the ability to check this important task off of your list. TPC currently offers free estate planning consultations via phone or video conference to discuss your needs. Virginia still requires wills to be signed and notarized in person. In order to comply with social distancing guidelines, we have a system in place which ensures the safety of our clients while meeting all the requirements of state law for document execution.

We consider our practice to be essential during these difficult days as it is essential to make sure that you are protected should you be the unfortunate victim of the Coronavirus or some other sudden illness. Still on the fence? Check out these stories showcasing why having these documents in place in this time of the Coronavirus pandemic is so important.

As Coronavirus Spreads, Doctors Urge American's to Get a Living Will:

<https://www.cnbc.com/2020/04/27/as-coronavirus-continues-doctors-urge-consumers-to-get-living-will.html>

Legal Documents Every Parent of a College Student Should Get in Place As Soon As Possible:
<https://www.natlawreview.com/article/three-critical-legal-documents-every-parent-college-student-should-get-place-soon>

Coronavirus: What Steps Should You Take Now:
<https://www.forbes.com/sites/martinshenkman/2020/03/19/coronavirus-living-wills-and-health-proxies--what-steps-should-you-take-now/#414b4e664b1d>

As always, we are here to help! If you know someone that might benefit from the information shared above please feel free to forward this information to them! If we can help you with planning, updating your documents, or helping a loved one, please let us know.

Stay safe and be well!