

Trusts & Estates During COVID-19

04/16/20

As COVID-19 continues to spread throughout New Jersey and the United States, some are revisiting their intention of putting a financial and personal plan in place for themselves and their loved ones to handle their estate according to their wishes and with minimal tax consequences. Although COVID-19 has introduced new challenges to the estate planning process, there are workarounds.

Basic Estate Plan Documents: Wills, Powers of Attorney, and Medical Directives

1. **Your Wills** In order for a Will to be valid, you will just need two adult witnesses who watch you sign it and then sign it as witnesses. The witnesses can even be beneficiaries under the Will; so if you are quarantining with your spouse and one of your adult children (or no spouse but two adult children, or one adult child and his or her spouse), you have enough witnesses already in your household to validly execute your Will. If you do not have two adults in your household, you can have your neighbors watch you sign from a safe distance.

If you do not have access to any witnesses at all, there are some other innovative ways to plan; please call us to discuss ways of establishing an estate plan in these circumstances.

You may also wish to consider updating your will to be “self-proving” - meaning that the Will can be more easily probated with the Surrogate upon your death by dispensing with the need to find the witnesses. To be self-proving, the Will not only needs to be signed by you and the witnesses but also needs to be notarized by a notary public who acknowledges your and the witnesses’ signatures.

2. **Your Powers of Attorney.** You may wish to have a Power of Attorney for financial matters so that you can have someone else handle your finances (such as signing checks to pay your bills, signing and filing tax returns, etc.) should you become sick and unable to do it. This document will need to be signed in the presence of a notary public to be valid. Most bank branches have a notary public available to acknowledge documents. In addition, pursuant to emergency legislation recently signed into law by the Governor of New Jersey, notaries will be allowed to acknowledge signatures on documents remotely during the state of emergency.
3. **Your Medical Directive.** You may wish to designate a healthcare proxy naming the person you want to make medical decisions for you if you are unable to make them for yourself. You may also wish to indicate your desires as to whether to withhold or withdraw life support measures if you are in a persistent and irreversible state in which you are unable to survive without life support and there is no reasonable hope of recovery (Living Will).

If you have an estate planning concern, please contact [Jo Ann Gambale](#) or [Richard Lert](#) in our [Trusts and Estates team](#).

Attorney

- Jo Ann Gambale

Practice

- Trusts & Estates