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The Benefits of the Relationship

One of the benefits of being a client of Berwitz & DiTata LLP is the complementary review afforded to our estate planning clients every three years. However, the relationship that we seek to cultivate with our clients can sometimes mean more. We encourage our clients to contact us when unforeseen emergencies arise. In the past year, a number of our clients suffered catastrophic illnesses, such as heart attacks, strokes and cancer. In some cases, our clients did not survive. In virtually every instance, when the family has apprized us of the situation, we have provided important guidance, support, and even alternative solutions to the issues they faced. We hope and believe that our advice was meaningful and beneficial.

In instances where one of a couple faces a life-threatening illness, changes can be made to the manner in which the assets of the ill spouse will later be distributed. For example, instead of leaving assets directly to the surviving spouse, the ill spouse can leave them to a supplemental needs trust for the benefit of the survivor. This will allow the assets to be freely used for the survivor's benefit while he or she is healthy and does not qualify for governmental benefits. If the survivor later becomes ill, the assets in this trust will not be considered in determining eligibility for governmental benefits. They do not create any ineligibility period! This strategy is extremely beneficial to the surviving spouse. Most often, we have found that, given the opportunity, an ill spouse will participate in finalizing their estate plan, knowing that to do so will better protect their loved ones.

When decisions are required regarding end-of-life decision making, we have offered our clients a sounding board for the difficult choices they face. While we will not substitute our judgement for that of the agent designated in the health care proxy, we try to be available to discuss the alternatives and to help weigh the options.

A sudden illness in a family is always heart-wrenching. While we hope that our family of clients are spared these problems, we wish to offer them support and understanding and a good measure of sound advice.