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## What Is Palliative Care and How Does It Differ From Hospice?

While many people believe that palliative care and hospice are the same, they are not. Hospice care is palliative, but palliative care is not hospice.

Palliative care, also sometimes referred to as supportive care, is directed to providing relief from the symptoms and stress of a serious illness, irrespective of the diagnosis or prognosis. The goal is to improve quality of life for both the patient and the family of the patient. The care is not limited to the treatment of physical symptoms and extends to emotional and spiritual issues as well.

Hospice care is typically medical care and service. It is provided to individuals at “end of life” and ordinarily requires the recipient to forego curative treatment. Typically the doctors involved have concluded that their patient has a life expectancy of less than 6 months, assuming the illness follows its natural course.

Palliative care may be appropriate at any stage in a serious illness. This type of care can be provided in conjunction with curative treatment. Palliation, or

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## Six Reasons To Review Your Estate Planning Documents

If you already have a will, you *may* be ahead of the game. But don't be too sure. When did you last review it? Do you recall where you put the original? Has your life changed in the interim? Have you married, divorced, had children or have your children given you grandchildren? Have you inherited assets? Has the size of your estate changed for other reasons? Have there been any changes in the law that affect your wishes? Have the circumstances of those you have named in your documents changed? Do you have a valid and enforceable health care proxy and power of attorney?

**Relationships change:** Maybe your relationship with the people you have named in your estate planning documents has changed over the years. You



may have had additional children or adopted a child. Your child or children may now be adults. Your parents may have passed away or become infirm. They may no longer be able to serve as executors or trustees. You may even wish to protect assets for their benefit if you predecease them. Your child may

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## Estate Planning For Your Blended Family

Second or third marriages and blended families, where one or both spouses come to the marriage with children from a prior relationship, can raise interesting and sometimes difficult questions when considering an appropriate estate plan. The primary purpose of estate planning is to insure that, when you pass away, your assets pass to those whom you choose. But, with a blended family, accomplishing this goal presents special challenges.

Some of these challenges can be addressed by you and your spouse. Couples often overlook the importance of changing account ownership and beneficiary designations after marriage. A re-

view of your beneficiary designations with your spouse starts the discussion of how your assets should be distributed and who should be responsible, if you both die or become incapacitated,

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## Protecting Our Financial Privacy

Did you know that financial institutions can share our personal and financial records? Did you know that credit reporting agencies can sell our credit report to credit card companies and others? Credit bureaus collect and



profile data about each and every one of us in order to help businesses make decisions about those with whom they wish to do business. Current lenders, anyone who is considering granting us credit, insurance companies, landlords and potential landlords, employers and potential employers, the State child support enforcement agencies and, indeed, anyone with a “legitimate business need,” all have the right to obtain our credit reports.

Many of us falsely believe that our personal and financial information is protected, that we have the right to our privacy, and that we should be the ones to control access to these records. While financial institutions have an obligation to manage information se-

curely, the loopholes in our privacy are extraordinary.

To obtain your own credit report or information as to who else has received a copy, you can contact the four (4) major credit reporting agencies: Equifax (800) 685-1111 [www.equifax.com](http://www.equifax.com); Experian (888) 397-3742 [www.experian.com](http://www.experian.com); TransUnion (800) 916-8800 [www.transunion.com](http://www.transunion.com); or Innovis (800) 540-2505, [www.innovis.com](http://www.innovis.com). Once you obtain a copy it is important to dispute inaccurate information or explain negative information. You even have the right to “opt out” of having your personal information disseminated for marketing purposes. To do so call (888) 567-8688 or visit [www.optoutprescreen.com](http://www.optoutprescreen.com).

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have relocated and may no longer be close enough to assist you or manage your affairs. Your favorite niece isn't so favorite anymore. A second marriage may have brought new and loving people into your life. There may have been births of grandchildren, nieces and nephews that you want to include in your plan. Whatever your circumstance, it is important to review your list of heirs, guardians, trustees, executors and agents under the health care proxy and power of attorney. Consider their circumstances. Are they still alive? Of sound mind? Capable of serving in the role you have designated for them?

**Assets change:** If your estate has experienced a substantial increase or decrease in value, it's important to review your plan. Will there be tax consequences? Perhaps you bought or sold a major asset, or started a new business. Do you own new or different

property? Have you bought or sold real estate? You may have assets that are of sentimental value that a loved one will cherish. Perhaps a favorite charity should be included. Are you contemplating a move?

**Locations change:** If you have moved, you may consider consulting an attorney in the new locale. Laws vary from state to state and governmental benefits such as Medicaid are administered differently even among counties of the same state. Don't assume that your old documents satisfy your new needs.

**Laws change:** State and federal tax laws frequently change. Credits and other savings on property taxes may be applicable. Medicaid rules and regulations change. You should be aware of changes that may affect you or your estate.

**Change in employment status:** Have you changed your job? Have for-

mer colleagues, who were important in your life or the lives of your children, become more distant? Have you retired or begun taking required minimum distributions from your retirement accounts? Have you reviewed your beneficiary designations?

**The needs of your beneficiaries change:** Estate planning is often initiated when we have young children. As they grow, their needs change. They no longer need guardians and may be completely capable of managing their own affairs. Sometimes, however, our beneficiaries have special needs that we had not anticipated when we first undertook our planning. Beneficiaries age, they have life-changing accidents, they become ill. Special planning strategies should be incorporated to protect the assets that you want them to inherit.

All of these factors, and many more, will affect your plan. That's why we recommend that you review your estate plan every three to five years. If you haven't taken that opportunity, don't delay. Call Berwitz & DiTata LLP and let us help you.

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pain management, can be incorporated at a first diagnosis or in later stages of the disease process. Treatment is based on the needs of the individual. Palliative care is often administered by an interdisciplinary team of professionals and medical specialists who develop an individualized symptom management plan to help accomplish the patient's treatment goals.

Although palliative and hospice care can be beneficial to patients with countless chronic illnesses, both are proba-

bly best known for working with patients who have been diagnosed with cancer. The American Cancer Society reports that patients who received hospital-based palliative care experienced benefits like symptom-reduction and lower hospitalization rates. Studies have also shown that people with other chronic illnesses, such as dementia, Parkinson's, heart failure, ALS and lung disease, who receive palliative care, have enjoyed improved quality of life and less severe symptoms.

## Estate Planning For Your Blended Family

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to insure that your blended family will be financially secure.

Spouses, especially spouses who are striving to bring their families together, may not want to consider the possibility that the family may once again dissolve. However, it is important to give consideration to what each spouse wants and expects to achieve.

It is important to take into consideration the ages of the children you have each brought to the marriage and to ascertain the assets that will be needed by the children in the event of your death. Some couples agree that the assets which each has brought into the marriage will be distributed to the children of that spouse upon their death. In this case, consideration should be given to the distribution of marital or joint assets. Also, such a plan may jeopardize the financial security of the surviving spouse.

Other couples plan so that the surviving spouse inherits all of the assets regardless of their source and agree that

the children will benefit, equally or in some other proportion, only after the death of the second spouse. While this plan will satisfy the goal of financially providing for the surviving spouse, it is important to understand that your spouse will be able to change or alter his or her estate plan after your death, thereby effectively disinheriting your children. While you might trust that your spouse will carry out your wishes, remember that other influences may alter the plan, such as: the subsequent remarriage of the surviving spouse, a disruption of the relationship between the survivor and the children of the deceased spouse, illness or incapacity of the survivor, gifting by the survivor, etc.

The most important thing to remember is that your plan must be tailored to meet your individual needs and goals. To accomplish this, it is important to select an attorney who is familiar with intricate estate planning strategies to assist you in establishing a sound and effective plan which will serve the needs of your blended family.

## Fear of Falling and Depression in Older Adults

Surprisingly, the fear of falling is a major cause of isolation in older adults and isolation is one of the most important factors in depression. As we age, our worlds naturally become smaller. We retire and no longer



have to leave home for work, we lose touch with friends and acquaintances - they move away or become ill and pass away, we don't want to go places alone and, as a result, remain at home. Certainly, the inability to continue driving contributes to the problem. It is regarded as a loss of independence but, in a very immediate sense, it interferes with our ability to get around.

Many seniors withdraw because they have a fear of falling. This fear can hold them back from socializing and staying active. Being alone inside the house can cause depression and further remove an older adult from contact with the outside world. Since falling and depression may not seem

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directly linked, many care-givers do not recognize the connection. But isolation and depression go hand-in-hand.

Implementing a simple fall prevention program can assist your loved one and empower them to get on with their lives, forestalling the onset of depression. Conduct a home safety assessment. Identify areas in the home where modifications will help reduce falls. Eliminate the necessity for negotiating stairs wherever possible. If necessary, relocate the washer and dryer from a basement. Install grab bars in the bath-

room. Remove obstacles that can create hazards. Replace or refit carpeting that has stretched and eliminate area rugs that are slippery or do not remain in place. If installed carpeting has stretched, have it re-fitted. Suggest exercises that improve balance and strengthen legs. Exercise together to encourage an increase in endurance that will help build confidence, combat the fear of falling and promote physical safety and mental stability. Making an aging adult feel safer at home often makes them feel more comfortable leaving the house.

Have You  
Relocated?

Do You Want  
to Keep Receiving  
This Newsletter?

If you have moved to a new home, either permanently or temporarily, please contact our office with your up-to-date address, telephone numbers, and e-mail addresses. We want to be sure that you will continue to receive communication from us.

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