

The Estate Planning Advisor

By Richard J. Shapiro, J.D.

It is an honor to have been invited to write a regular column on estate planning and elder law issues for this exciting new publication. I hope I can provide some basic information about issues or questions that have been troubling you; I anticipate that I will dispel many myths about estate planning and elder law issues which you may have heard from the proverbial "friend at the coffee shop."

For example, did you know that:

- even if a loved one is already in a nursing home or other long-term care facility, various strategies may be employed that might save fifty percent *or more* of the assets for that person?
- the commonly used form of general power of attorney is largely ineffective for making gifts needed to protect assets for a person looking to receive Medicaid for long-term care needs?
- even though the federal estate tax exemption is currently \$1.5 million per person, many existing trusts or wills may include language requiring a surviving spouse to pay New York State estate taxes of over **\$64,000** upon the first spouse's death?
- most reasons for doing estate planning have nothing to do with estate taxes?
- leaving assets in trust for the benefit of loved ones can protect those assets in the event your loved ones are sued or go through a divorce?
- most owners of closely held businesses need to begin the "exit planning" process at least five years before their desired "target date" for transferring the business to a family member, inside employee or third party purchaser?

In future columns I will address each of these issues, as well as numerous other topics on a wide range of estate planning, elder law, and wealth preservation subjects. Since I want this column to be responsive to its readers, I welcome your questions and comments. Please send me an e-mail at rshapiro@mid-hudsonlaw.com, or write to me via "snail mail" at 90 Crystal Run Road, Suite 409, Middletown, New York 10941.

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Attorneys, the National Academy of Elder Law Attorneys, the New York State Bar Association (Trusts and Estates and Elder Law Sections), and the Hudson Valley Estate Planning Council. He can be reached at (845) 692-0011 or at rshapiro@mid-hudsonlaw.com. The information in this article is for general information purposes only and is not, nor is it intended to be, legal advice.