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Legal Insights

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New Year – Are You Prepared for a Crisis?

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Everything you should have in place and organized

No one expects a medical emergency. But every week in New York, someone is blindsided when a loved one who suddenly cannot speak for themselves, pay their bills, or make medical decisions.

Many people assume a spouse or adult child can automatically step in. Under New York law, that assumption is often wrong. Without the right planning in place, you may face treatment delays, frozen accounts, and even court proceedings during an already overwhelming time.

The good news? Most of these problems are entirely preventable.

If You Can't Speak, Who Will?

Without a Health Care Proxy, New York law does not guarantee that your family can make medical decisions on your behalf. Disagreements among relatives can lead to delays or outcomes you never wanted. A simple, properly executed document can ensure that one trusted person has clear authority to act.

A Living Will and a Medical Orders for Life-Sustaining Treatment (MOLST) goes one step further by putting your wishes in writing, especially regarding life-sustaining treatment. Together, these documents give you a voice when you need it most.

The Paperwork You Will Be Searching for at 2:00 a.m.

During a medical crisis, loved ones often scramble to find basic information: insurance cards, medication lists, even the name of your doctor.

Every person should have a centralized record of essential information, including Social Security numbers, vital records, health insurance details, Medicare or supplemental policies, and long-term care coverage. Medical details matter just as much: diagnoses, allergies, medications, dosages, and preferred hospitals.

Equally important is access. Someone you trust should know exactly where this information is kept and how to retrieve it quickly.

The Hidden Problem No One Talks About: Digital Lockout

Today, many families are locked out of critical accounts during a crisis. Bills are paid online. Insurance is managed through portals. Important messages sit unread in email inboxes. Photos, documents, and calendars may or may not be stored in the cloud.

If no one has access to your usernames and passwords, or even knows what accounts exist, financial and personal chaos can follow. Maintaining a secure, updated list of digital accounts is no longer optional, it is a necessity.

"Can't We Just Pay the Bills?" - Not Without This Document

One of the most common shocks families experience is discovering they cannot legally access bank accounts or manage finances.

In New York, without a Power of Attorney, loved ones may have no authority to act, even to manage routine bills. The alternative is often a guardianship proceeding, which can be expensive, time-consuming, and emotionally draining.

A properly drafted Power of Attorney allows a trusted person to manage financial and legal matters immediately, without court involvement.

The Financial Records No One Thinks to Gather

When illness strikes, financial obligations do not stop.

Families need access to an inventory of assets, recent tax returns, property deeds, mortgage statements, life insurance policies, vehicle titles, and lists of outstanding debts. Without organization, missed payments and financial penalties can quickly compound an already stressful situation.

Having these records organized and accessible allows someone to step in smoothly and protect your financial stability.

The Medicaid Surprise Many New Yorkers Don't See Coming

Long-term care in New York is expensive. Many families assume Medicaid will simply "be there" if needed.

Medicaid eligibility rules are complex, and crisis planning can severely limit options. Advance Medicaid planning, done properly and early, can preserve assets and expand care choices. Once a medical crisis occurs, opportunities may be lost.

The Decisions Your Family Should Never Have to Guess About

Few things are harder than making funeral decisions during a time of grief. Pre-planning or pre-paying funeral arrangements removes that burden. In New York, there's a pre-plan and funding options that allow you to set aside resources and specify your wishes in advance, sparing your loved ones from emotional and financial stress.

One Simple Truth

A medical crisis can happen at any age. When it does, the difference between chaos and clarity is preparation. Having the right documents, organized information, and clear instructions helps you maintain control, dignity, and protects the people you love. An experienced New York estate planning attorney can help ensure your plan works when it is needed most. The time to prepare is not during a crisis, it is before one ever happens.

Jennifer S. Raguso, Esq. is an experienced attorney who focuses her practice on Estate Planning, Elder Law and Special Needs Law at Futterman Lanza, LLP. Jennifer Raguso combines her extensive knowledge and background in this area of law along with her deep understanding of the clients and their family dynamics. Jennifer Raguso assists families in preparing for any eventuality using asset protection, will preparation, revocable and irrevocable trusts, Powers of Attorney, Health Care Proxies and Living Wills.

Futterman Lanza, LLP is an elder law and estate planning law firm with staffed offices in Smithtown, Melville and Garden City, New York. Jennifer Raguso primarily works in the Smithtown office, where we have celebrated our 21st anniversary serving the local community. The firm's holistic approach anticipates and provides solutions in the ever-changing landscape. You can learn more about Jennifer Raguso and the firm by visiting www.trustedattorneys.com.