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## Update Your Estate Plan Following Divorce

Divorce is often traumatic and is almost always an emotional and overwhelming process. It typically changes living arrangements and results in the division of assets and the apportionment of custody for minor children. Often, people in the process of divorcing become so caught up in these changes that they neglect to consider how the divorce will impact their estate plans. It almost goes without saying that estate planning goals may change significantly following a divorce. Many people believe that estate planning documents implemented prior to the divorce are automatically rescinded. This is not entirely true. If you do not review and update your estate plan following divorce, you run the risk that your assets will be distributed in a way that is contrary to your wishes. Here are some things to consider to ensure that you, your loved ones and your assets are protected following divorce.

First, review the beneficiary designations on your retirement accounts and life insurance policies. While New York has a law that

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## How To Help Someone You Love When They Grieve

**SAVE THE DATE: May 13, 2015**

We are pleased to be sponsoring an unusually powerful, educational evening. We hope that many of our clients and friends, and perhaps *their* friends and family, will join us.

With exceptional grace, good-natured humor, and rock-solid science, Amy Florian teaches people how to support their friends and family

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## Moving Tips – Make Your Move Trouble Free

Americans move from one home to another for a variety of reasons. They want to upsize, downsize, be closer to family and friends, seek a more desirable design or layout, or accommodate changing medical or physical needs. As people age, the likelihood of a move increases and it's important to have reasonable expectations, be alert to scams and protect your identity during the process.

Moving may increase the risk of identity theft because personal information is transferred from home to home. New accounts may be opened and old ones closed and unscrupulous scammers may become alert to relocation plans. To decrease the chance of identity theft

during a move, it is important to take a few preparatory steps in the months before the move. First, keep track of the mail you receive at your current residence. Make a list of the financial information you receive by mail and the frequency of statements, i.e. monthly or quarterly. If you have a relationship with a financial advisor, notify the

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## Moving Tips— Make Your Move Trouble Free

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office of your new address and the anticipated date of the move. At least seven to ten days prior to the



date of your move, notify the post office and complete a change of address form. Visit your bank(s) and advise them of your change of address - in writing. Shred financial and health related documentation rather than simply discarding it. Secure sensitive documents and information during open houses or when contractors are in the home.

During the move, keep sensitive documents with you and consider the possibility of moving your computer yourself. Within 30 days of your move, confirm that all mail is coming to your new residence, and verify that your former utility accounts have been closed. Request a credit report to ensure that no fraudulent activity has taken place on any of your accounts.

When engaging a mover, do not rely solely on advertisements. Get recommendations from family, friends and realtors - they often get great feedback from their clients and may be able to refer not only a mover but, often, other contractors. Check the Better Business Bureau or local community organizations for complaints about movers under consideration. Verify that the mover you have selected is licensed and insured. Also be sure to request a written contract with the mover that specifies their duties and obligations, the items to be moved and the price.

Finally, don't forget to let Berwitz & DiTata LLP know of your new address. We want to be able to keep you in the know.

## Considering An Anatomical Donation?

Have you ever considered donating your body to science? Sometimes clients, who have been diagnosed with a debilitating illness, have a family history of disease or some other personal connection to medical research, have decided to donate their body, after death, for scientific research. Most clients, those who have had no personal connection with a particular illness or disease, cringe at the idea of an anatomical donation. Many clients will agree to organ donation with the proviso that their remains be returned to their loved ones for burial.

Full body donation is not the same as organ donation. Anatomical donations allow research institutions to discover new ways to fight serious diseases and disorders such as cancer, Alzheimer's disease and

multiple sclerosis. When you donate your body to science, you may be giving surgeons a learning opportunity which may lead to the development of a more efficient technique or a new life-saving surgical procedure. Full body donation makes cutting edge developments in the fields of cancer treatment, thoracic research and neurology studies possible. Anatomical gifts can be specific as to the institutions which are the intended recipients and can specify the particular research which the donor seeks to advance. Gifts can be matched with the needs of accredited medical research institutions which seek cadavers for research.

There are limitations to the anatomical gifts which a research institution may be permitted to

accept. For instance, donations where the patient suffered an infectious disease may not be viable. Depending on the particular area of research, an institution may also be unable to utilize the anatomical gift of an individual who suffered early onset Alzheimer's disease, a ruptured aneurysm, recent major surgery or an individual suffering from extremely low body weight or obesity.

In order to make your intended anatomical gift successful and truly meaningful, it is important to give some consideration, in advance, to your goal, the purpose that you wish to advance and the intended recipient. Careful written instructions should be included in your Health Care Proxy and in an Appointment to Control the Disposition of Your Remains. Talk with us and let Berwitz & DiTata LLP help you carry out your wishes.



## How To Help Someone You Love When They Grieve

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in times of grief, loss, and transition. Regardless of cause - death, divorce, dementia, terminal illness, job loss or other major life crisis - in the midst of grief it can seem that hope and happiness have evaporated. Those times are when we need each other the most. Yet our words get lost in the torrent of "me too" platitudes and our actions fail to comfort.

Would you like to know what to do and say to genuinely help yourself and those you love navigate the toughest times of life? Learn about grief - what the experience is like and what is normal. Learn practical strategies for comforting, what to do when you don't know what to do, and how to help yourself or your loved ones become whole again.

Amy Florian is not just an expert in grief and bereavement; she has been there. Her husband's sudden death in a car accident prompted Amy's lifelong mission to help people heal from

devastating grief. Amy has worked with more than 2,000 grieving people over the past 25 years. She teaches at Loyola University of Chicago and has published over 90 articles. She holds both a Master's Degree and a Fellow in Thanatology. She is a nationally recognized speaker and teacher known for her dynamic and engaging presentations.

We will meet at the Milleridge Inn on May 13 from 6 to 9 p.m. Mark your calendar. There will be no cost to attend. The evening promises to be a moving one.

## Update Your Estate Plan Following Divorce

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"automatically" revokes the transfer of assets by will, trust and certain beneficiary designations following divorce, do not rely on this. Third parties, such as insurance companies and retirement plan administrators, who are not aware of your divorce are not responsible if they make payment to the wrong beneficiary - your ex-spouse! The most effective way to ensure that your retirement and life insurance proceeds will be distributed in accordance with your wishes is to update your beneficiary designations following divorce.

Another thing to keep in mind is that, generally, when estate planning documents are prepared, the spouse is named as both the beneficiary and the fiduciary or agent, i.e. executor, power of attorney, health care proxy, trustee. If you no longer want your spouse to serve in this regard, it is important to amend your estate

planning documents. Although in New York your ex-spouse will be treated as though he/she predeceased you, and he/she will not be permitted to inherit as a beneficiary or to act as your fiduciary, problems will arise if you have not named a successor. This causes uncertainty and confusion at just the time when certainty is important - in the event of your incapacity or death. It is important to address inconsistencies or gaps that may be created in your estate plan following a divorce.

One final issue to consider following divorce is the impact of a subsequent marriage on your estate plan. The decision to marry will impact your estate plan and may drastically alter your provisions for the children of your first marriage. Under New York law, your surviving spouse is entitled to a one-third (1/3) share of your estate. If you intend to leave all your assets to children of a first marriage and then marry again, the new spouse is automatically entitled to one-third (1/3) and your children will only receive two-thirds (2/3) of your estate. To avoid this result, you should



consider implementing a prenuptial agreement before the marriage takes place.

If you are interested in updating your estate plan, due to a divorce or as a result of any other change in your life circumstances, please contact us to arrange for a consultation.

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## While You Are Reviewing That IRA Distribution...

IRA owners who have reached the age of 70 1/2 are required to take minimum distributions each year. If you have not yet taken your annual distribution, now is the time to contact the custodian of your IRA to ensure that your distribution is timely calculated and made.

However, it is important to periodically review the beneficiary designation form on file with the custodian of your IRA. If your designations are no longer satisfactory, submit a new beneficiary designation form that

conforms with your wishes. Keep a copy of the form until you receive confirmation that your records have been updated. It is important to note that, if you have named a minor child or an individual who is disabled or incapacitated as a primary or a contingent beneficiary, a trust can be utilized to manage the account for that beneficiary, and his or her life expectancy can still be the gauge by which minimum distributions are calculated. Contact Berwitz & DiTata LLP now to inquire about this strategy.

### Would You Like To Read About It Here?

We at Berwitz & DiTata LLP are proud of our newsletter and hope that each issue brings our clients and friends insightful and timely information. We endeavor to write articles geared to your interests and concerns. We would be happy to receive your feedback. More importantly, if you have a question or would like us to address a particular topic, please call and let us know. We will try to include it in one of our next issues. Just call or drop us a line.

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