LAW OFFICES OF LAURENCE ROGERS

LEGAL SUPPORT

Your New York Estate Planning Guide

A plain language starting point for protecting your family, your home, and your wishes.

Law Offices of Laurence Rogers
Valley Stream, New York
Serving Nassau County and Queens

FROM THE LAW OFFICES OF LAURENCE ROGERS

Welcome

Estate planning has a reputation for being complicated, expensive, and only for the wealthy. None of that is true. At its heart, an estate plan is simply a set of clear instructions that protect the people you love and make sure your wishes are followed.

This guide walks you through what an estate plan actually includes, what happens in New York if you do not have one, and the simple first steps you can take today. Our goal is to make this feel less overwhelming, so that when you are ready, the conversation is an easy one.

A QUICK BUT IMPORTANT NOTE

This guide is general educational information about estate planning in New York. It is not legal advice, and reading it does not create an attorney client relationship. Estate laws and tax thresholds change over time, and every family situation is different. Before you make any decisions, please speak with a licensed New York attorney about your specific circumstances.

SECTION 1

Why an Estate Plan Matters

You do not need to be wealthy to need a plan. If you own a home in Nassau or Queens, have children or grandchildren, or simply want a say in what happens, you already have an estate worth protecting. A good plan does several things at once:

- Protects your family from confusion, delay, and unnecessary cost.
- Lets you choose who makes financial and medical decisions if you cannot.
- Names guardians for minor children, so a court does not decide for you.
- Can reduce how much of your estate has to go through the court system.
- Keeps private family matters private.

> **THE SIMPLEST WAY TO THINK ABOUT IT**
> An estate plan is not really about money. It is about giving clear instructions so the people you love are cared for, and so no one has to guess what you would have wanted.

SECTION 2

The Documents That Make Up a Plan

Most plans are built from a handful of core documents. You may need all of them or only some, depending on your goals. Here is what each one does, in plain terms.

Last Will and Testament
Your written instructions for who receives your property, and who you want as guardian for any minor children. It takes effect after death and generally goes through the court process called probate.

Revocable Living Trust
A legal arrangement that holds your assets during your life and passes them to your chosen people afterward, often without probate. Many New York families use one to keep things private and smooth. You stay fully in control and can change it any time.

Durable Power of Attorney
Names someone you trust to handle financial and legal matters if you become unable to. Without it, your family may have to ask a court for authority, which takes time and money.

Health Care Proxy
Names someone to make medical decisions for you if you cannot speak for yourself. New York has a specific form for this.

Living Will
Puts your wishes about life sustaining treatment in writing, so your loved ones and doctors are not left guessing during a hard moment.

Beneficiary Designations
Accounts like life insurance and retirement plans pass directly to the people you name on them. These names override your will, so keeping them current is one of the most overlooked parts of any plan.

SECTION 3

What Happens If You Do Nothing

When someone dies in New York without a will, the state's intestacy law decides who inherits, not you. In simple terms:

- Married with children: your spouse receives the first fifty thousand dollars plus half of the rest, and your children share the other half.
- Married with no children: your spouse inherits everything.
- Children but no spouse: your children share everything equally.

The court, not you, also decides who raises your minor children if no guardian has been named. For most families, this outcome does not match what they actually would have wanted, which is the main reason a will matters.

> **THE TAKEAWAY**
> Doing nothing is still a choice. It just means the State of New York makes your plan for you.

SECTION 4

Probate and Surrogate's Court

Probate is the court process that proves a will is valid and gives your executor the authority to carry it out. In New York it happens in the Surrogate's Court for the county where you lived, which for local families usually means Nassau County or Queens County. Probate can take time, becomes part of the public record, and involves court fees. Thoughtful planning, such as a living trust or properly titled accounts, can reduce how much of your estate has to pass through it.

SECTION 5

A Few New York Specifics Worth Knowing

New York estate tax

New York has its own estate tax that is separate from the federal one. It also has a feature often called a cliff, where estates above a certain point can lose the benefit of the exemption entirely. The exact thresholds change over time, so ask us for the current numbers rather than relying on an old figure you may have seen.

Guardianship for minor children

Your will is where you name who would raise your children if you could not. Without that, a judge makes the decision.

Your digital life

Online accounts, photos, and financial logins are part of your estate too. A plan can address who is allowed to access them.

Keeping the plan current

A plan is not a one time document. Life changes should prompt a review, which brings us to the next two pages.

SECTION 6

Common Mistakes Families Make

- Putting it off because it feels uncomfortable or complicated.
- Relying only on a will and forgetting to update beneficiary designations.
- Never revisiting the plan after a marriage, divorce, birth, or move.
- Naming one person for every role, with no backup if that person cannot serve.
- Do it yourself forms that do not meet New York's signing and witnessing rules.
- Not telling anyone where the documents are kept.

SECTION 7

When to Review or Update Your Plan

Any of these life moments is a good reason to create or revisit your plan:

- You get married or divorced.
- You have a child or grandchild.
- You buy a home or another significant asset.
- Someone you named passes away or moves away.
- Your health, or a loved one's health, changes.
- You move to New York from another state.
- It has simply been several years since your last review.

SECTION 8

Your Simple Getting Started Checklist

You do not need answers to everything before you call. Working through this short list will give you a strong head start, and it makes your first meeting far more productive.

- ☐ Make a list of what you own: home, bank accounts, life insurance, retirement accounts, valuables.
- ☐ Write down who you would want to inherit each thing.
- ☐ Decide who would handle your finances if you could not (power of attorney).
- ☐ Decide who would make medical decisions for you (health care proxy).
- ☐ If you have minor children, decide who you would want to raise them.
- ☐ Check the beneficiary names on your insurance and retirement accounts.
- ☐ Gather your important documents in one place and tell a trusted person.
- ☐ Book a consultation to turn these notes into valid New York documents.

SECTION 9

Questions People Ask Us

Do I really need a lawyer, or can I use an online form?
Online forms often miss New York's specific signing and witnessing rules, which can make a document invalid at the exact moment it matters most. An attorney makes sure your plan actually works.

How long does it take to set up a plan?
For many families, a straightforward plan comes together in a couple of meetings.

Is a will enough, or do I need a trust?
It depends on your goals, your assets, and how much you want to avoid probate. We help you decide what fits, and we will tell you honestly when a simple will is the right choice.

What does it cost?
Costs depend on complexity. We explain our fees clearly and up front, with no surprises.

My situation feels simple. Is that a problem?
Not at all. A simple situation usually means a simple plan. The goal is the right plan for you, not the biggest one.

> **YOU HAVE ALREADY DONE THE HARD PART**
> Learning what a plan involves is the step most people never take. When you are ready, we will make the rest straightforward.

Laurence Rogers
Attorney at Law

Let's Make This Easy

There is no pressure, and no need to have it all figured out first.

Bring your questions and the notes from your checklist, and we will help you turn them into a clear plan that protects your family. The first conversation is simple and straightforward.

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