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Special needs require special lawyers.

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DON'T FORGET TO PASS ON PASSWORDS

A recent article in the *Wall Street Journal* provides a timely estate planning reminder. Elder law attorneys assist individuals with their wills, trusts, powers of attorney, and advance medical directives. They also discuss issues such as life and long-term care insurance, financial planning, and funeral arrangements. In this electronic age, individuals should also leave instructions to their agents and their survivors regarding access to online accounts, including passwords.

More people conduct financial business online than ever before, creating varied passwords for all accounts. Some people never write down this information and change passwords frequently. This process works well while someone is alive, but it can create havoc if the person becomes incapacitated or dies. It is more important than ever that individuals leave a list of account numbers along with the access IDs and electronic passwords. This is particularly true if a person is receiving account statements by e-mail rather than by regular mail. For example, the family of a deceased 30 year old man could not determine what financial accounts needed to be closed until they could access his e-mail account. The family had to provide a court order to the decedent's Internet service provider in order to gain access to his account. In the case of an incapacitated person without a power of attorney, a guardian or conservator may have to be appointed to have access to the electronic records, and even if a guardian or conservator is appointed, a specific court order may be required to access the information. Individuals may also have photos on a website such as Kodak Gallery or Shutterfly that the family wants to save.

Many Internet-based providers have guidelines to help family members unravel the electronic accounts in the absence of a password. America Online (AOL) requires a copy of an individual's certificate of death, and proof that another is authorized to administer the estate, before turning over an account to a survivor. EBay requires similar documentation in order for a

survivor to access a decedent's eBay seller's account. eBay will not, however, grant access to an eBay buyer's account. Google requires the same documentation as AOL for access to a Gmail account, but it also requires an e-mail that the decedent, using the Gmail account in question, had contacted the survivor on any topic during the decedent's lifetime.

Facebook puts the deceased person's profile in a "memorial state" when it is informed of a user's death. The login and password will not be provided to anyone, but Facebook will respond to requests from the immediate family to remove the profile.

Individuals should review their electronic mail and financial accounts, and make a list of the accounts and passwords for their own use. The list should be stored in a safe place, and they should also ensure that their family members know how to access the list in the event of their death or incapacity. As an integral part of an individual's estate and financial plans, Oast & Hook provides clients with a "Letter of Instructions," which is an appropriate place to for clients to list their ID's, passwords and other means to access their online accounts.

The attorneys at Oast & Hook assist clients with their estate, financial, insurance, long-term care, veterans' benefits and special needs planning issues.

Ask Allie

O&H: Allie, we've heard about a new way for pets to travel. Please tell us about it!

Allie: Sure! Pet Airways, the first-ever all-pet airline, recently made its first flight from Republic Airport in Farmingdale, N.Y. The airline will fly a pet between major cities (New York, Washington, D.C., Chicago, Denver and Los Angeles) for \$250 one-way. Dogs and cats will fly in the main cabin of a Suburban Air Freight airplane, lined with carriers instead of seats. Each flight will take approximately 50 pets, and they will be escorted to the airplane by flight attendants who will check on the animals every 15 minutes of the flight. Each airport served by Pet Airways has a "Pet Lounge." Stops in cities along the way will mean that pets will take longer to reach their destination. For example, a trip from New York to Los Angeles will take 24 hours, including a night in Chicago. Flights are already booked up for the next two months. Sounds a lot better than trying to fit under a standard airline seat or riding in the cargo hold!

Announcements

Come for an hour-long yoga class taught by local certified instructors. All proceeds will be donated to the 2009 Memory Walk that raises money for the Alzheimer's Association. The class will be held at 5:00 p.m., Sunday, July 26th at the Trantwood Elementary School Gymnasium, 2344 Inlynview Road, Virginia Beach, Virginia. The cost is \$20.00, and this donation is tax deductible. Just bring your yoga mat and wear comfortable clothing. Water and snacks will be provided, and each attendee has a chance

to win a prize. For more information, please phone Grace Colombara at 757-288-1908 or at 757-288-2812 or e-mail Grace at grace.colombara@cox.net.

Oast & Hook is co-sponsoring a presentation with Seniorcorp entitled "Life Care Planning and Veterans Benefits." This informational seminar will cover veterans benefits, asset protection, retirement living, and home health care services. There will be two sessions. The first one is at 2:00 p.m., Wednesday, July 29th at the Williamsburg Library, 515 Scotland Street, Williamsburg, Virginia, and the second session is at 6:00 p.m., Wednesday, July 29th at the Brittingham-Midtown Community Center, 570 McLawhorne Drive, Newport News, Virginia. These presentations are free and open to the public. For more information or to register, please phone Jennifer Lantz at 757-399-7506.

Distribution of This Newsletter

Oast & Hook encourages you to share this newsletter with anyone who is interested in issues pertaining to the elderly, the disabled and their advocates. The information in this newsletter may be copied and distributed, without charge and without permission, but with appropriate citation to Oast & Hook, P.C. If you are interested in a free subscription to the *Oast & Hook News*, then please e-mail us at mail@oasthook.com, telephone us at 757-399-7506, or fax us at 757-397-1267.

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