

Estate Planning Weekly COVID-19 Update – 06.23.20

This weekly COVID-19 update is brought to you by our Chambliss [Estate Planning team](#). We are sharing articles, legal developments, external resources, and tips for coping during these uncertain times. Each weekly issue will cover various trends of vital interest in the world of estate planning, elder law, and special needs planning. To be added to our email list, please [subscribe](#).

Dear Clients and Friends:

While many of us are working remotely at present, we are also collaborating to implement creative and resourceful solutions to meet the needs of our clients in this uniquely challenging time.

We are doing planning consultations, document signings, care coordination, drafting of documents, and all related work—in sum, all the types of work we usually do. We have generally moved most meetings to either Zoom video conference or audio conference calls. In person document signings at our office are generally being done abiding carefully by social distancing protocols. Moreover, the governors of Tennessee and Georgia have signed executive orders which enable “virtual document signings” for a limited period of time.

Please do not hesitate to contact us if we can assist you with your elder law, special needs planning, or estate planning needs.

— Dana, Greg, and your Chambliss team

Join Us on July 8 for an Estate Planning Webinar!

Webinar: Hot Topics in Estate Planning in a Time of Uncertainty

The coronavirus pandemic has focused the attention of many on the need for a solid, up-to-date estate plan. Furthermore, the November elections are just around the corner, and big changes in federal estate and gift tax exemptions and options may be on the horizon. In this timely webinar, [Dana Perry](#) and [Greg Willett](#) will discuss options for planning to maximize use of your estate/gift tax exclusion and make sure your loved ones are protected, as well as answer your questions.

Event Details

Date: Wed., July 8, 2020

Time: 12 – 1 PM

Registration is required for access to the virtual event on July 8, 2020.

[Register](#)

Featured Article

Section 1.01 Review of Key Changes in SECURE and CARES Acts

By: David Hunter

These two Acts are packed with notable updates, and we've discussed their impact on potential specific scenarios in our article [Estate Planning Implications of SECURE Act and CARES Act](#).

Last week's newsletter highlighted changes related to elimination of "stretch" RMDs and increase in age for RMDs. Today, we're highlighting the following:

No Age Cutoff for Traditional IRA Contributions

Prior to the SECURE Act, individuals were prohibited from contributing to a traditional IRA in the year they turned 70½ and thereafter. Individuals may now contribute to a traditional IRA regardless of age. When evaluating whether to make a contribution to an IRA after age 70½, it is important to consider the impact such contribution may have on qualified charitable distributions from the IRA. Up to \$100,000 per year of qualified charitable distributions may be excluded from the IRA owner's taxable income. However, if additional contributions are made to a traditional IRA after age 70½, the amount of qualified charitable distributions that may be excluded from taxable income will be reduced...

2020 Charitable Giving

Individual taxpayers who itemize their deductions are typically not able to deduct more than 60% of their adjusted gross income (AGI) for cash gifts made to public charities. The CARES Act removes the 60% of AGI limitation for cash gifts to public charities from individuals during 2020 (i.e., itemizing individual taxpayers can offset up to 100% of their income in 2020 with cash contributions to eligible charities)...

529 Plans; Penalty-Free Withdrawal Relating to Birth or Adoption of Child

The SECURE Act also includes expanded uses of Section 529 plans and penalty-free withdrawals of up to \$5,000 of retirement assets for expenses related to the birth or adoption of a child...

Waiver of Early Withdrawal Penalties for 2020

The CARES Act allows retirement plan participants and IRA owners to withdraw up to \$100,000 from their accounts in 2020 without incurring the 10% penalty for early distributions (generally applicable to withdrawals taken before age 59½). Only "qualified individuals" may benefit from this provision. These individuals are defined as...

Provisions Relating to Retirement Plan Loans

For loans taken between March 27, 2020, and September 23, 2020, the CARES Act increases the maximum amount a qualified individual is permitted to borrow as a plan loan to the lesser of \$100,000 or 100% of the participant's vested account balance (up from \$50,000 or 50% of the account balance)...

Minimum Required Contributions for Single-Employer Defined Benefit Plans

The CARES Act provides that any minimum required contribution for a single-employer defined benefit plan that is due in 2020 can be postponed until January 1, 2021, with accrued interest from the original payment due date to the actual payment date. For purposes of determining the minimum funding requirements...

For the full article, please click [Read More](#) below.

[Read More](#)

Estate Planning/COVID-19 Resources

Prenuptial Agreements Can Be an Estate Planning Tool

As more and more people marry more than once, prenuptial agreements have become an important estate planning tool. Without a prenuptial agreement, your new spouse may be able to invalidate your existing estate plan.

[Read More](#)



Also Check Out...

New Regulations Provide Key Forgiveness Flexibility for PPP Loan Borrowers, But Borrower Info Will Be Public

The Small Business Administration and the Treasury Department have issued [additional regulations](#) implementing the Paycheck Protection Program Flexibility Act. Most of the adjustments are merely “clean up” changes, but the regulations include some new critical guidance, including an explanation that borrowers may apply for forgiveness before the end of their covered period.

Amid Confusion About Reopening, an Expert Explains How to Assess COVID-19 Risk

This [NPR article interviews epidemiologist Michael Osterholm](#), founder and director of the Center for Infectious Disease Research and Policy at the University of Minnesota. Michael addresses various topics including differences in reopening, what to know about COVID-19 transmission via surfaces and outdoors, assessing risk based on airflow, antibody tests, and more.

35 Million Eligible Still Haven't Received Their Stimulus Checks – The Role of Advocates

Justice in Aging covers [what local advocates can do](#) to help connect people with these stimulus payments.

Insurers May Only Pay for Coronavirus Tests When They're 'Medically Necessary'

As purely [precautionary testing](#) has become more common, some insurance companies are arguing they can't just pay for everyone who's concerned about their risk to get tested.

Answered IDEA Questions by the U.S. Department of Education

The Office of Special Education Programs (OSEP), within the U.S. Department of Education's Office of Special Education and Rehabilitative Services, issued a Question and Answer document in response to inquiries concerning implementation of the Individuals with Disabilities Education Act (IDEA) Part B dispute resolution procedures in the current COVID-19 environment. Click [here](#) for the Part B Q&A. There is also a [Q&A document for Part C](#) dispute resolution procedures in the current COVID-19 environment.

Coping With COVID-19

Guard Your Medicare Number

Scammers may use the COVID-19 pandemic as an opportunity to steal your identity and commit Medicare fraud. In some cases, they might tell you they'll send a Coronavirus test, masks, or other items in exchange for your Medicare Number or personal information. Don't fall for it; it's a scam.

It's important to **always guard your Medicare Number and check your Medicare Summary Notice (MSN) for errors**. Only give your Medicare Number to participating Medicare pharmacists, primary and specialty care doctors, or people you trust to work with Medicare on your behalf. Remember, Medicare will never call you to verify your Medicare Number.

Visit <https://www.medicare.gov/basics/reporting-medicare-fraud-and-abuse> for more information on protecting yourself from fraud and reporting suspected fraud.

Source: Medicare

Our Chambliss team continues to monitor legal developments in connection with the COVID-19 pandemic. Please contact [Jim Catanzaro](#), [Justin Furrow](#), or your relationship attorney if you have questions or need additional information.

Visit our COVID-19 Insight Center for our latest legislative and legal updates, articles, and resources.