AN INTRODUCTION TO
ELDER LAW

At our Spring meeting we began learning about wills, trusts, powers of attorney, health care proxies, living wills, medicare, medicaid and long term care policies. Our speaker, Lisa M. DeKenipp, Attorney at Law, Freedman Fish & Grimaldi, gave us advice on all these matters. Lastly, she said if we do nothing else to prepare ourselves legally, we should establish a power of attorney and health care proxies.

DURABLE GENERAL POWER OF ATTORNEY

The example of The New York Statutory Short Form of the Durable General Power of Attorney that Miss DeKenipp gave us states, “Caution: This is an important document. It gives the person whom you designate (your “Agent”) broad powers to handle your property during your lifetime, which may include powers to mortgage, sell, or otherwise dispose of any real or personal property without advance notice to you or approval by you. These powers will continue to exist even after you become disabled or incompetent” “This document does not authorize anyone to make medical or other health care decisions. You may execute a health care proxy to do this.” As Miss DeKenipp emphasized it is important
to choose someone you trust fully. The Durable General Power of Attorney ends with death. Then the will or trust takes over your finances.

If you do not assign a power of attorney to someone or do not have a trustee and you become incompetent to tend to your affairs, the courts will establish a guardianship with court supervision. This is a costly and restrictive provision of the law.

Check if your financial institution accepts the New York State Power of Attorney form. If it doesn’t, fill in the institution’s form. If you spend part of the year in another state, file a Power of Attorney form in the other state. Because the New York State form is revised frequently and because financial institutions like to see recent documents, it is wise to redo this form every three years.

HEALTH CARE PROXY

The Health Care Proxy handout Miss DeKenipp gave states, “The New York Health Care Law allows you to appoint someone you trust—for example, a family member or close friend—to make health care decisions yourself. By appointing a health care agent, you can make sure that health care providers follow your wishes. Your agent can also decide how your wishes apply as your medical condition changes. Hospitals, doctors and other health care providers must follow your agent’s decisions as if they were your own. You may give the person you select as your health care agent as little or as much authority as you want. You may allow your agent to make all health care decisions or only certain ones. You may also give your agent instructions that he or she has to follow. This form can also be used to document your wishes or instructions with regard to organ and/or tissue donation.” Even though you can only designate one person to make decisions for you, you can designate a second or third person to make the decisions if the first person is not available. None of the witnesses signing your health care proxy can be the person you have chosen as your health care agent.

A LIVING WILL

A Living Will can provide your wishes for medical treatment, such as, discontinuing life-prolonging medical treatment when recovery is not likely and including a provision for pain control. A Living Will is not binding in New York State but should be given to your health proxy to indicate your intentions.

THE AMERICAN HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT OF 1996 (HIPAA)

When you fill out the form provided under this act, your health care proxy will have access to your medical records.

WILLS

A will determines who will get your assets when you die. First, make a list of your assets: real estate, bank accounts, IRA’s, pension plans, etc. Second, review who is named as your beneficiary on bank accounts, pension funds, and other assets. Your choice of beneficiary for these assets supersedes your choices of beneficiaries in your will. Also, money held in trust is not governed by your will. In New York State you can disinherit anyone except your spouse. Your spouse can sue and elect to get the greater of $50,000 or 1/3 of the spouse’s assets. It is wise to review your will every time there is a significant change in your life. You can write a new will at any time or just tear up all copies your old will.

If you do not have a will, the State of New
York will decide how your assets are distributed. The distribution follows your family tree.

TRUSTS

As an alternative to a will you can set up a trust. Then those who inherit from you will not have to go through the surrogate court.

REVOCABLE TRUST

A Revocable Trust is the most common trust. You can be the trustee. As stated in the handout Miss DeKenipp gave us states, “Utilizing a Revocable Living Trust is advisable to manage your assets if you lose capacity and if your assets are substantial or complicated enough that a Power of Attorney may not be sufficient. The Revocable Living Trust is also advisable if there may have a problem in probating your will. Problems might include a lost or incapacitated distributee, or a challenge to the validity of your will. Under these circumstances, it is worth considering the Revocable Trust.”

IRREVOCABLE TRUST

Once established this trust cannot be changed in any way. This trust is most often set up when you are anticipating using a government benefit such as Medicaid.

SUPPLEMENTAL NEEDS TRUST

This trust is usually established on behalf of a disabled person, who is under 65 and who is or may be receiving government assistance. Then the trustee can enhance the quality of life of the disabled person without depriving him or her of government benefits, usually SSI or Medicaid. The trustee can provide for rent but cannot give cash to the person.

POOLED TRUST

A Pooled Trust is a type of Supplemental Needs Trust. Under this trust all money received by the Medicaid recipient over $720 (2007 level) in income goes into the trust. The trust can pay bills, but not give cash to the retiree. Pooled trusts are run by non-profits. As a handout given by Miss DeKenip states, “All unspent “pooled trust” funds which remain in the trust will either a) benefit other disabled individuals in a pooled non-profit trust, or b) be paid back to Medicaid.” “The income savings resulting from funding a pooled trust is limited to New York State Medicaid benefits.
as administrated by the New York State Department of Health (DOH). Federal programs such as Social Security, Veteran’s & Worker’s Compensation have not accepted the “pooled trust” as an option for sheltering monthly income. This is especially important for SSI recipients.”

LONG-TERM CARE

There are four sources for this care: private funds, Medicare, private insurance, and Medicaid.

Medicare will just pay a minimum for nursing care after hospitalization and is limited to rehabilitation.

LONG-TERM CARE INSURANCE

If you are considering buying this insurance, be sure that the company is reputable and the following provisions are covered:

Daily benefit will cover $200 minimum care cost in New York State
Institutional and home care
An inflation rider
A waiver of premium payments when collecting from the policy

MEDICAID

Medicaid has strict income and assets limitations. For example, if you don’t have assets above $4,200 (with the exception of IRA’s and sometimes a house), you may be eligible. You should transfer assets above the limits to a trust, then qualify for home care by Medicaid. No transfer penalty applies in the case of home care. A transfer penalty will apply in the case of nursing home care. If you are in a nursing home all income excepting $50 a month goes to the nursing home. If money is given away by the retiree within the five years before taking Medicaid, there will be an ineligibility period for Medicaid benefits. The pooled trust is for those getting Medicaid paid home care. $101,640 can be kept by the spouse if Medicaid is paying for nursing home care for the institutionalized spouse. If you have $750,000 and own a residence you are ineligible for Medicaid. You should make plans before the five year look back period. An IRA does not have to be spent down but, all the same, minimum distribution is subject to Medicaid rules. All assets should be transferred to a spouse so that assets are below $4200. Then the spouse should sign a spouse refusal to pay.

EDITOR’S NOTE

As this is just an introduction we should all consult family, friends, and probably a lawyer.

Lisa M. DeKenipp’s law firm has offices in Midtown Manhattan (212) 953-1172 and Bay Ridge, Brooklyn (718) 238-6960. Her email address is idekenipp@ffglaw.com.

To find a lawyer the Newday Family Finance column, July 22, 2007 recommends checking the National Academy of Elder Law Attorneys’ web site, naela.com. This site can be searched by zip code. Also, check for those who are members of the New York State Bar Association’s Elder Care Section. DC 37’s legal services will assist in preparing a will. Call (212) 815-1111.

REMEMBERING
PHYLLIS KING

“Who is that radiant woman?” someone asks about Phyllis dressed in red at her grand- daughter’s wedding. Phyllis’s radiance shone out to a world of family, friends, and coworkers who remembered that radiance at AN OCCASION OF REMEMBERING, Mid Manhattan Library, May 25, 2007. This day was chosen for remembering because it was a special day for Phyllis and Jim McPherson.

Family, friends and coworkers had lots to say. Her younger brother Dan Wright remembers his sister as the strong rock of the family first when the newly widowed mother and her children moved back to Cambridge, Massachusetts from California. As one relative remembers, with her second marriage to Jim McPherson, Phyllis began her new life as a poet, a companion to Jim, and a touchstone to her children. Before that she had been a quiet charmer who could always handle whatever came along. Her stepdaughter Abby will always remember Phyllis in water, swimming in the ocean, in rivers and lakes.

A young photographer friend was impressed with the openness of Phyllis and Jim. He wanted to photograph them in mud. When asked to pose nude, they quickly disrobed. Suddenly he stopped the photo session when he realized that the batteries, so close to water, could electrocute them all. Phyllis’s response was, “What a way to go.”

In 1969 Phyllis was hired as one of the first Information Assistants. She was hired specifically to work in Telephone Reference. She was invaluable in answering questions of grammar, Greek or Latin.

For Barbara Berliner, a fellow Tel Ref librar-
write poems on the backs of discarded computer printouts. She was ready to answer all questions, whether a book described with a cat on the cover or a grammar question from Katherine Hepburn, with equal skill and assurance.

Stanley P. Friedman gives a taste of this in the Metropolitan Diary of The New York Times, April 19, 1989,

Dear Diary,

I called the Lincoln Center music library. No answer. I called the 42 Street library information service. A woman whose mellifluous voice I’ve recognized for years came on. Her willingness to help has been boundless.

“I can’t get the music library at Lincoln Center.”
“They have line trouble. What did you want?”
“I don’t think you’d have it. It’s sheet music. I need lyrics.”
“Which?”
“It’s a 40’s; ‘Spring Will Be a Little Late This Year.’”
“Oh yes. It’s from a Deanna Durbin movie.”

Pause. And then, for god’s sake, she started singing it to me. Mind you, sing, not recite. The lyrics tripped along swiftly.

They took me back to the London that I was writing about. September 1944. V-2’s in blossom. We met in the Strand Palace Bar. We were both lonely and 19. We went to see “Christmas Holiday” with Deanna Durbin and Gene Kelly at the Odeon. Deanna Durbin sang “Spring Will Be a Little Late This Year.”

End of flashback. Back to the Singing Librarian. At song’s end I said: “That was beautiful. You broke my heart. But you’ll have to say them slow so I can write it down.”

She did, I wrote, then I asked, “What’s your name?”
“We’re not allowed to give that information.”
“That’s O.K.,” I said. “I know you.”

Jim and Phyllis
EARLY MORNING BALLOON POEM

Phyllis King
November 10, 2005

When I am gone
I will not haunt
with sad face
and mournful cries.
I will follow you
like a child’s balloon
bobbing at your shoulder,
bumping your face
with my red or pink
or blue surface,
touching you,
saying I am there.

CUNY GRADUATE CENTER AND LIBRARY VISIT

A visit to the City University's Graduate Center introduced us to three men with an eye to art and history, Benjamin Altman, art collector and department store magnate; Seymour B. Durst, realtor and collector of New York City books; and Charles J. Tanenbaum, attorney and collector of 18th-century maps, pamphlets, and books.

Chris Lowery showed us the elegant entry where patrons in the early 1900's were served coffee as they waited for the store to open. We viewed the 20th-century acoustically fine recital hall, the student lounge, the first floor of the Mina Rees Library and the Dissertation Reading Room. Then we were taken to the stately wrought-iron staircase and lamppost beside the filigreed elevator refurbished when the Graduate Center became one of the owners of the building. We were impressed with the way many features of the original building were kept or reused and the way the new architecture was integrated with the old.

The Seymour B. Durst Old York Library displayed considerable charm with its small, cozy room of furnishings from the Durst family: a bookcase, chairs, and a rug. The broad collection of books, photographs, postcards, and maps is maintained by The Old York Foundation established by the Durst family. More information at http://www.ashp.edu/nml/durst

The high point of our visit was the Eighteenth-Century Reading Room with materials on loan from the private collection of Charles J. Tanenbaum. Caroline Fuchs, Special Collections Librarian, welcomed us to a table covered with a number of her treasures. She emphasized that this library provides "hands

Two crabapple trees in Central Park have been endowed in Phyllis’s name, to be accompanied by a paving stone on the literary walk. In lieu of flower, you may contribute to this endowment by contacting James McPherson, 212 799-5447.
on" experience for the researcher. The aim of the library is to make the collection accessible to all.

Mr. Tanenbaum began collecting maps in the early 1960's when they could be bought for a reasonable price. Among the maps Ms. Fuchs showed us was an important Dutch map of New England with savage-appearing beavers on it. She said this copy was in better condition and with fuller color than any other copy of the map, including the one at the NYPL's Map Division. After maps became more expensive Mr. Tanenbaum began collecting pamphlets and ephemera from the period. At the same time he was collecting pamphlets for and against separation of the colonies from Britain, he was experiencing the division of the American public regarding the Viet Nam War. Ms Fuchs showed us an early passport describing the owner (no photographs were available then), but not giving his birth date. Another document we viewed was a British proclamation giving British ship captains the right to impress American sailors into the British navy. The practice lead to the War of 1812, our second war of independence. Included in the collection are legal treatises and even a cookbook telling how to cook a cow's head. Many of the books are the ones which would have been part of a gentleman's library of that period: History of the Decline and Fall of the Roman Empire (1797), The Works of Mr. William Shakespear (1770), and Geneva Bible (1595). There was no attempt to collect first editions. Instead, the emphasis is on what would be available to people of the eighteenth century. Ms. Fuchs is the sole librarian, her first job after Library School. She has the assistance of an Eighteenth-Century Reading Room Fellow. Because the collection is currently on loan from Mr. Tanenbaum, not owned by CUNY, Ms. Fuchs cannot get grants for assistants.

Ms. Fuchs invited us to return again, including attending one of the Reading Room's Guest Speaker Series Talks. To find out when these are available we should check the webpage, http://library.gc.cuny.edu/18thc/readingroom.asp and the blog, <http://18thcenturyreading/>http://18thcenturyreadingroom.wordpress.com

**RETIREE NEWS**

**RAMONITA ABREU**
I loved working for NYPL. It was a great experience. I learned a lot. I miss working. I met a lot of wonderful people.

**LUIS ALCALA**
I am suffering the winter blues and frigid temps so badly that I canceled my planned Chicago trip to see Turandot. I turned back my ticket which enriched the Lyric Opera to the tune of $169. Hurry up Spring.

**DAVID BEASLEY**
I am working on another historical novel. This time about loyalists in The American Revolution and the development of Upper Canada. I’m bringing out two books this summer, The Watercolours of Charlotte Hills Beasley (beautiful floral paintings from the early 1800s by my great-grandmother) and a pamphlet of two talks I gave, Richard Beasley and Early Day on Burlington Heights and The Political Education of Richard Beasley.
I was sorry to hear of the death of Walter Ser- 
vos. When he was in the Pfeizheimer Collec- 
tion room on the second floor of the Research 
Libraries we had interesting discussions. He 
used to canoe in Canada and would have liked 
my recently published Canoe Trip. Another 
death I heard of Larry Zader, a good friend. 
He spent many months and years writing in 
the Allan Room and was no doubt well-known 
to many of the staff.

HELEN W. CHIN
My husband James died May 3, 2006. I had 
just finished chemo treatments at the end of 
February 2006. Then in October 2006 my 
cancer returned and went into my bones. They 
have been giving me Herceptin since October 
10, 2006 and I am in remission, feeling very 
well. I play mah jong three or four times a 
week and cards twice a week. I had a grand-
daughter December 28, 2006 and my grand-
son Nicholas is three, March 25, 2007. Sa-
vanna Club is still a wonderful place to live!

CAROL DAVIES-GROSS
In January, I became ill with a virus. My vo-
cal cords were affected and I could not speak 
for months. As the weather got warmer, I re-
covered. I will soon be well enough to go 
back to work at the museum.

BARBARA GIBBONS
I am trying to get in as much travel as possible. Last June, my sister and I spent four 
weeks in Germany, visiting friends and rela-
tives and “old haunts.” In October I spent 
some time in Colorado with friends from long 
ago, and in November it was Boston. For this 
year—spent a week with friends in the Do-
minican Republic, and am looking forward to 
seeing a new to me part of the world “down 
under.” New Zealand, Fiji Islands, Sydney, 
again with my sister. Should be fun! Between 
trips I stay busy with daily routines and a little 
volunteer work. Also I enjoy going to con-
certs, the opera, and relish not having to 
worry about time pressures. That is the great-
est luxury!
(JESSIE) LEE JOHNSON
Retirement brings so many pleasures: bike riding, tennis playing, piano playing, exercise class, attending museums, operas, concerts, recitals, art exhibitions, visiting botanical gardens, zoos, and time to read the New York Times. My indispensable little book, Manhattan Block By Block, continues to be a good companion on explorations around the city.

LAURA O’KEEEFE
I retired form NYPL in mid-May in order to accept the position of Head of Cataloging at The New York Society Library. My new employers are very happy not to have to pay my health benefits!

ANNE MOY
I swim once or twice a week, write an occasional poem, do volunteer work at a tenants’ organization, and go to antiwar rallies. More money for libraries, not for war!

PAULINE RISTUCCIA
The year 2006 was a quiet year. Both my husband and I did very little because we both are not well healthwise. Feeling a little better now. Whenever possible we attended the senior citizen meetings, enjoyed them and parties they had for different holidays, if possible.

I enjoyed every day of my 37 years with the NYPL.

ROBERT SHEEHAN
I’m still traveling. I made it to Spain for October and got to Yucatan for the winter. I still miss New York. When you have become acclimated to New York nothing else will do. I nearly wept when I saw the schedule for the Bronx branches. Criminal!! I hope for either Spain again or Argentina in the fall and, once again, Merida in the winter.

MOLLY WAMP
I’m enjoying life on the Finger Lakes, Canandaigua Lake to be exact. I do miss New York City. Listening to the opera on the radio Saturday afternoons is not the same as going to Lincoln Center. However, I do recommend the area when you’re ready for a break from the City.

VIRGINIA R. WARNER
The Hawaii trip went very well. We had only a couple of glitches. Continental left Newark with empty water tanks. This meant No coffee, No tea, washing hands with seltzer and I will not subject you to rest room stories! We arrived in Los Angeles to find hundreds of people at the dock waiting for the cruise ship to be decontaminated! After boarding, everything went well. I made an excursion on every island. My favorite was Maui. This was a fourteen day cruise. I wished it could be longer. In the next newsletter I will be able to tell you about my shoulder replacement. Right now, we are in the planning stage.

BONNIE WILLIAMS
I’m still enjoying my hobby of beading, taking classes and attending Bird Society meetings. I am going to California in June to visit family including a trip to San Francisco for the opera. I will hear four wonderful singers whose careers I am more or less following, probably only to San Francisco once and maybe to Chicago. Of course, it remains the Metropolitan Opera and New York City Opera for me.
I was always pleased to be a librarian. My chance to express that appreciation came during a speech I gave at the dedication of a memorial in a former camp site in Germany. I explained that one of those inmates walking in wooden shoes and marked uniforms through their town, became a librarian in one of the world’s largest libraries at the heart of New York City.

Later, while writing the history of that camp I recalled how we were living our simple lives in a small rural town in Hungary. Then, one day in the spring of 1944, just like with the hurricane warning, we were instructed to be ready to leave our home within two hours. While my father collected the important documents of citizenship, licenses, school records, insurance and bank accounts, my thirteen year old sister was concerned with what shoes to wear and my mother prepared our holiday clothing. I myself, a young teenager, worried only for Mici, our checkered tiny kitten.

With little time for thoughts in that next spiraling of events, we were escorted to the local public school. From there with some additional days and stopovers, we reached Auschwitz-Birkenau. After being separated from our parents and grandparents, all our possessions were taken from us, including the earrings with three light blue stones forming a small bouquet in a golden setting that I had worn since birth and which were torn from my ears. My sister and I remained only with our invisible treasures of faith, tradition, education and the life examples of our parents. These were our provisions for the road, hidden so well that the most thorough SS scrutiny couldn’t find and no human force could take away.

It was only a short while for our spiritual cargo to manifest itself, as we became slave laborers at an airplane and munitions factory in Markkleeberg, Germany. The civilian workers, who were told that we were criminals, quickly realized who we really were. One of them even felt pity and gave secretly an apple to Elza Reich, a girl from our hometown of Abaújszántó. Elza, was very hungry and could have eaten the precious fruit by herself, but she saved it risking inspections and punishment throughout the long day at work. In the evening returning to our sleeping places, Elza collected all six of us that were from the same town. With much difficulty, she obtained a knife and cut the apple into six small pieces. Before tasting it, one of us remembered to say a blessing for the fruit that we hadn’t seen for the last six months. We also recited a prayer of gratitude for surviving and reaching that day. The efforts of our enemies, to dehumanize and make us lose our spiritual and civilized values, have failed. Our tears blended with the piece of apple, recalling the times at home.

Led by the power of my provisions provided for the road, I graduated high school at the age of twenty-seven and eventually received my M.L.S. degree and Ph.D. Living through that hardest of time, I am fully aware of education and learning as the most personal of assets and an invisible shield guarding our intellectual heritage and civilization. It makes me very proud, therefore to have been a staff member in that treasury of knowledge, The New York Public Library.
Greetings to All,

The first day of Fall, and I feel it in the air. But have you had your fill of summer’s delicious fare: crisp green beans, succulent red tomatoes, and delicious corn? And the fruit! Oh my, the peaches have been wonderful this season. Now it’s on to cooler days and warm ones too, with chilly nights, and the leaves just beginning to turn color upstate. More good food; winter squash, root vegetables, and pumpkins. Another season is on the way filled with plenty of events, holidays, and the New Year will be creeping up fast. How time flies!

There was one thing I wanted to mention having done last May, which I thought was quite a perk for our organization. As the Retirees Association President, I was asked by The Benefits Office to speak at their “Annual Pre-retirement Planning Program” sessions on “Life After Retirement” specifically, to talk about the enjoyable things we retirees are doing to have fun after working all those years at NYPL. After giving this serious thought from my own perspective, speaking with other members, and when looking at all the many different and amazing things we retirees enjoy doing, I came up with what I thought prospective retirees would like to hear. None of our names were mentioned of course, but I had plenty of things to say, beginning first with being prepared, getting all the necessary information you need from these sessions on benefits, health care, finances, etc. Then while talking about the many things we retirees enjoy doing and the many possibilities open to retirees, I spoke about giving oneself time to think about what each individual might be interested in doing. I asked, what have you always wanted to do, but never had the time to do because you were working? I tried to encourage saying, go ahead, be creative, relax, and give yourself time. It is a big adjustment, and many times things just fall into place or present themselves. But remember, retirement is another important part of your life, a wonderful part, to be created, savored and enjoyed. I was pleased when people came up afterward, and said this was just what they wanted to hear.

I have a couple of dates for you to save, the afternoon of Tuesday, November 13th at 2:00 pm, fellow retiree, Carol Davies-Gross will give us a exciting walk-through tour of the NY Museum of Natural History. We will have lunch in the neighborhood at 12:00, but plans are still being finalized.

On Friday, December 7th at 2:00 pm in the Trustees room, David Ferriero, Andrew W. Mellon Director of The New York Public Libraries will speak with retirees on his current outlook on The New York Public Library. Watch Staff News for more information, check our Website or just give me a call. I will have more information soon. 212-874-6199 or email blekopp@hotmail.com
Hope to see many of you at upcoming events….and keep in touch!

Becky Eakins Koppelman

NEW MEMBERS

Welcome!

Margaret Benjamin
Nancy Charnée
Robert Foy
Norma Herz
Judy Kantrow
Frances Joan Kirwin
Ray Markey
Laura O'Keefe
Dorothy Porti
Kathy Rowan
Sara Velez
Ma'lis Wendt

PASSINGS

We honor the passing of NYPL Retirees Association members and other Library staff as reported in Staff News, by the Benefits Office, and elsewhere.

Albert F. Allen
Pedro J. Flores
Wolodymyr Hrycyn
Nicanor Maillo
Joseph Pompilio
Julia A. Prapolenis
Anne M. Semler

THIS NEWSLETTER is published at irregular intervals by the New York Public Library Retirees Association, an independent association.

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COPYEDITING

Mary K. Conwell copyedited this newsletter. To find errors and omissions, Lisa M. DeKenipp revised the elder law article, Harriet Shalat and the Telephone Reference Staff revised the Phyllis King article and Caroline Fuchs revised the CUNY Graduate Center and Library tour article.

PHOTO CREDITS

Elaine Thomas took the photographs at the Spring membership meeting. Polly Bookhout took photographs of the photographs displayed at Remembering Phyllis King. A young tourist took the photograph in front of the CUNY Graduate Center. Polly Bookhout cropped and enhanced all the photos.