

Impact of COVID-19 on the Senior Community

Around the first of the year, the lives of Americans changed forever. A new virus, COVID-19, began to spread across our country. The virus, part of a worldwide pandemic, spread quickly and silently. Virtually all aspects of life changed – businesses closed down, social distancing became a new norm, and toilet paper and hand sanitizer were suddenly scarce. In this issue of ElderCounselor, we will take a look at how the COVID-19 outbreak has affected the lives of seniors and how we can lessen the impact on our senior community.

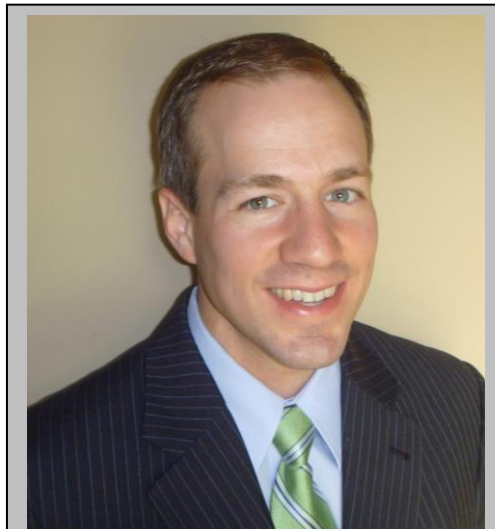
Susceptibility to Coronavirus

Symptoms of the Coronavirus include coughing or shortness of breath and at least two of the following symptoms: fever, sore throat, chills, headache, muscle pain, or loss of taste or smell. Older adults, seniors, and those with underlying medical conditions are at a higher risk of developing more severe complications from COVID-19. Early data showed that seniors over 85 years old have a mortality rate of 10% to 27%; seniors aged 65-85 had a mortality rate of 3% to 11%; and those aged 55-64 had a mortality rate of 1% to 3%. The general public quickly became keenly aware of the senior population's increased likelihood of more serious complications, should one contract COVID-19. As a result, there were many interruptions for seniors – including interruptions in family and community ties, finances, and legal services.

Interruption in Family and Community Ties

Well-meaning family members quickly realized that they were putting their beloved seniors at greater risk of contracting COVID-19 by physically visiting with them. No more stopping by to say hello or help out with a task. No more Friday night puzzles, Sunday brunches, or Monday movie night. Visits with family came to a halt.

Likewise, other community ties were cut short. Senior centers ceased operations, rec centers closed



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down, quilting bees quit meeting, and pretty much every other gathering was put on hold. Without family visits and community engagement, seniors were left to stay home. Many seniors live alone, and so the impact of quarantining has left those seniors in total isolation.

Seniors who reside in assisted living facilities and nursing homes were suddenly not allowed to have visitors. In fact, the government banned all visitors from such facilities, with exceptions for compassionate care.¹ Also, all group activities and communal dining within nursing homes ended.²

Residents were stuck in their rooms. For some, technology was a lifesaver – FaceTime and Skype allowed a window to the outside world. For others who could not access technology, isolation became a heavy weight to bear.

Humans are social creatures. While alone time is often needed to get our thoughts in order and get our minds centered, no one wants to be completely alone all the time. Social isolation can lead to a compromised immune system, a significantly higher rate of heart disease, and a 50% increased risk of dementia.^{3,4} But social isolation was already a problem before COVID-19. Before the policies of self-quarantining became the norm, about 25% of people over 65 who lived independently were considered previously socially isolated; 43% of those over aged 60 reported feelings of loneliness.⁵

Let's help seniors fight social isolation during quarantine. Here are some tips on how seniors can battle loneliness during the pandemic:

- Use technology - find classes online, join discussion groups via conference calls, join a virtual gym, or solve puzzles with friends via games and apps. Take advantage of religious or spiritual offerings online. Attend a service, engage in small groups, or join a meditation hour.
- Have a small family gathering in the front yard while staying at least 6 feet from others.
- A family member who has tested negative for the virus and maintains a self-quarantine policy can become a designated visitor.
- For residents in nursing homes, a family member can come to a closed window and talk via telephone.

Interruption in Financial Health

Many seniors have had a major interruption in their financial health. Many businesses have temporarily or permanently closed down, laying off employees. With unemployment rates surging and no certain end in sight, seniors who rely on a steady paycheck to pay their bills have likely felt the economic crunch.

In addition, the stock market has been very volatile in recent months due to the economic effects of

¹ <https://www.cms.gov/newsroom/press-releases/cms-announces-new-measures-protect-nursing-home-residents-covid-19>

² <https://www.cms.gov/newsroom/press-releases/cms-announces-new-measures-protect-nursing-home-residents-covid-19>

³ <https://www.bbc.com/news/health-21517864>

⁴ <https://www.nytimes.com/2020/04/13/health/coronavirus-elderly-isolation-loneliness.html>

⁵ <https://www.nytimes.com/2020/04/13/health/coronavirus-elderly-isolation-loneliness.html>

the pandemic. Seniors who once had a nice retirement fund may now find themselves with a depleted account. While younger folks may have time to wait out the stock market decline and hope for better days, those who need their investments now may see a poorer return on investment and a compromised retirement.

In an effort to prop the American economy up, the federal government passed the Coronavirus Aid, Relief, and Economic Security (CARES) Act into law on March 27, 2020. The legislation included:

- Direct payments: Each individual may be eligible for a direct payment from the federal government, up to \$1,200 for each individual plus \$500 for each child. Eligibility for the payment depends upon the income levels as reported on either the 2019 or 2020 1040 tax return. Seniors that didn't file tax returns because their only income was Supplemental Security Income or Veterans benefits and thus didn't meet the income threshold for filing tax returns, will begin to receive their stimulus checks in early May, if they are eligible.
- Unemployment benefits: If a senior has lost their job and files for unemployment, they will likely receive an increased amount over the usual state benefit, up to an additional \$600 per week for up to four months.
- Retirement account changes: The Required Minimum Distribution (RDM) rule that says distributions from IRAs and 401k plans must be taken by age 72 has been suspended. Also, there is a new type of hardship withdraw allowed throughout 2020 – a COVID-19-related withdrawal will not be subject to the customary 10% penalty and it may be repaid over a three-year period. The maximum amount withdrawn for this purpose is \$100,000 per plan participant.

Interruption in Legal Services

Some seniors quickly realized the need for legal documents – a will, trust, Healthcare Power of Attorney, or living will. A will informs the court who the senior wants to inherit their property at their death. A trust is similar to a will in that it designates beneficiaries of property upon the senior's death, but it also holds property during the senior's life. A Health Care Power of Attorney designates who will make health care decisions for them in the event they are unable to. A living will delineates what the senior's wishes are regarding certain types of care, such as life support.

But with some law offices closed down and the need to stay away from people, how would these seniors get these important documents? In addition, there are requirements that must be fulfilled when executing some documents, such as witness and notary requirements. How could these requirements be fulfilled? For documents that simply need signatures but do not have a notary or witness requirement, besides the obvious snail mail, there was already a technological solution – documents can be signed via electronic means (e-signed). There are two acts that govern e-signing documents:

1. Electronic Signatures in Global and National Commerce Act (ESIGN)
 - Is a federal law: legal in every state or territory where federal law applies
2. Uniform Electronic Transactions Act (UETA)
 - Adopted on a state-by-state basis: has been adopted by all states except Illinois, New York, and Washington

Both acts are substantially similar in what constitutes a valid electronic signature. However, UETA requires a disclosure of consent to conduct electronic business. Wills are expressly *excluded* in both of the above acts from being eligible for e-signing. However, this could be a solution for the execution of other documents, such as admission documents or fee agreements.

In response to COVID-19, many states enacted emergency orders, legislation, or rules that would allow

for remote witnessing or remote notarization of documents. Some orders authorize one or the other; some authorize both; and some authorized neither. The acts that did authorize one or the other usually modified the *presence* requirement to allow for the inclusion of those who were present via audio-video technology.

For states that did not allow for remote witnessing or remote notarization, attorneys and their senior clients were left with the task of figuring out how to get these important documents in place. One solution was to mail the documents to the senior and have them execute the documents at a 3rd party site that offers notary services – such as a bank or UPS. Another solution was to offer drive-up signings – the senior and any required witnesses would drive to the attorney’s location and the attorney would have a notary ready. All parties would execute the document while the senior could stay in their vehicle. A mobile notary was another solution. The mobile notary and any required witnesses could meet the senior in their front yard.

Conclusion

The far-reaching effects of COVID-19 have likely yet to be seen. Seniors in particular are susceptible to the mortality rate of the virus. Because of this, many seniors have been under self- or government-imposed quarantine. For how long will this be the new norm? Will life ever return to the way it was? It is important to help seniors battle social isolation, and to keep the interruptions in their community ties to a minimum. Be creative and figure out how to interact with seniors without putting them at risk of contracting the virus. Also help seniors minimize the interruption to their finances – help them figure out how to get their stimulus check, file for unemployment, or seek help with retirement planning. It is also important for seniors to get their legal documents in order. Everyone needs to detail instructions regarding their health care wishes and who will carry out those health care decisions in the event they are incapacitated. Without these documents in place, a guardianship court proceeding may become necessary. This can be costly and time-consuming, and the court is in control of those decisions, not the senior. And of course, everyone should have a plan in place for their finances upon their death. Who does the senior want to inherit their property? Does the family even know what property the senior owns? Does the senior have any burial instructions? Hopefully the COVID-19 pandemic will soon come to a close with a medical breakthrough or by other means. All that will remain is the lessons that we have learned and the resolve to move forward. Let’s help seniors transition through this difficult time by strengthening family and community ties, decreasing the financial impact of the pandemic, and getting their legal documents in place.

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