



Dear Clients and Colleagues,  
We hope you find this newsletter informative,  
helpful and fun. As always, we are here to help.

### B&A Community Involvement Highlight:

Attorney Stephanie Bivens is proud to serve on the Professional Advisory Committee of Arizona Foundation for Women. AFW empowers women because SHE COUNTS! ® Through research, advocacy and philanthropy AFW supports the SAFETY, HEALTH, and ECONOMIC EMPOWERMENT of women in Arizona.



If you want to learn more about Arizona Foundation for Women and the important work they do, or just the latest in planning giving trends and estate planning strategies please **join us for the dinner workshop in our office on Tuesday, July 23, 2019**. Our own attorney Andrea Claus will be a keynote speaker.

AFW focuses on research, advocacy, and raising money so that other non-profits can focus on carrying out their mission. By donating to AFW, you invest in Arizona women.

### ARIZONA FOUNDATION FOR WOMEN

Cordially invites you to join us for a casual and informative networking event with an educational program on planned giving.

#### "CHARITABLE GIVING TRENDS and ESTATE PLANNING STRATEGIES"

Tuesday, July 23

5:30 pm to 7:00 pm

RSVP by July 19

#### FACULTY:

Andrea L. Claus, Esq. - Bivens & Associates, PLLC

Rea Mayer, CRPS - RBC Wealth Management

Mesha Davis, CEO - Arizona Foundation for Women

This event is designed for professionals (i.e., financial advisors, certified public accountants, and attorneys) to learn more about AFW and the latest trends in philanthropy and charitable giving strategies, including discussion of the impact of the Tax Cuts and Job Act on charitable giving and the potential impact of the SECURE Act on charitable planning with IRAs.

This program will qualify 1.0 hour CLE for attorneys, State Bar of Arizona.

#### LOCATION:

**Bivens & Associates, PLLC**

5020 E. Shea Blvd., Suite 250  
Scottsdale, AZ 85254

*Appetizers and Beverages are provided.*

#### REGISTER TODAY:

<https://www.eventbrite.com/e/charitable-giving-trends-and-estate-planning-strategies-bivens-associates-llc-and-arizona-tickets-63821285182>



### YOUR VOTE COUNTS! VOTING FOR RANKING ARIZONA 2020 DEADLINE IS JULY 31

Click here to VOTE:

<https://azbigmedia.com/vote-ranking-arizona/#/gallery?group=296768>

Step 1: **Register**, if not already (simple & easy)  
Step 2: Select **"Finance & Professional"**  
Step 3: Select desired category & click green **VOTE** button for Bivens & Associates, and repeat for each additional category.

**LAW FIRMS**

**LAW FIRMS: ELDER LAW**

**LAW FIRMS: ESTATE/TRUST**

Step 4: Repeat as desired!

Thanks to ALL OF YOU...we ranked **Top 5**  
**among ALL AZ LAW FIRMS in 3 categories**  
**in Ranking Arizona 2019:**

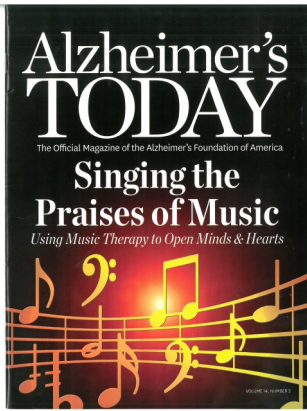
- **#2 ELDER LAW**
- **#3 LAW FIRMS (less than 22 Attorneys)**
- **#4 ESTATE/TRUST LAW**

### Bivens & Associates, PLLC

**RANKED TOP FIVE:** Estate Planning,  
Elder Law, Law Firms 22 Attorneys or Fewer

**RANKING**  
*The Best of Arizona Business*  
**ARIZONA®**  
**2019**

**THANK YOU FOR YOUR VOTES AND SUPPORT!!**



## "A BRIDGE TO A MEMORY" Article from Alzheimer's Today, Volume 14, No. 2

### How to Use Music to Make Every Day Better

1. Music Therapy in the Community
2. Bringing Aspects of Music Therapy Home
3. Find Music That Suits Your Activity
4. How Do We Know if Music Therapy is Helping?

A credentialed musical therapist can provide a treatment plan to help strengthen abilities or provide avenues for communication. For people with a dementia-related illness such as Alzheimer's disease, research and current real-life experiences prove that music can be much more than joyful recall. Studies show that a person's ability to enjoy music may be preserved into the late and severe stages of dementia. Music can help manage stress, alleviate pain, and decrease anxiety as well as stimulate memories, improve communication and create an outlet for the expression of feelings.

Engagement varies from person to person. It is best to understand and respect each individual's unique way of engaging in music," says Jackie. Examples of engagement could include playing a musical instrument, singing or humming along to songs, creating or writing music, sitting quietly while watching and listening to musicians play, closing eyes, lying down and allowing music to drift one to sleep, dancing or moving to music, and using your body to create it. Foot tapping, finger snapping, hip swaying, that's what we're talking about. The right happy tune can more than turn a frown upside down.

To read the entire article [click here >](#)

<https://alzfdn.org/wp-content/uploads/2019/06/Alzheimers-TODAY-magazine-Volume-14-Number-2-WEB.pdf>

**Here are some times during the day when it may be useful to put on a little music.**

1. During transitions: Play familiar music or sing together as you travel from home to an appointment.
2. Day-to-day tasks: Use music during meals to help with focus or rhythm to help with chewing consistently and thoroughly.
3. Walking/Balance: Rhythm in familiar music, with a steady beat, can help individuals stay motivated and focused while walking, and provide ease in the body and balance.
4. Self-care: Play soft or familiar music of choice when feeling stressed and/or anxious to help re-organize thoughts and find a sense of calm.



### **Blog Series: Top Ten Estate Planning Myths & Mistakes**

**By Andrea L. Claus, Esq.**

Most people have heard at least one horror story related to the death of a friend or family member. Though some stories are true, many are based on myths or misunderstanding. Estate planning is an area of law riddled with misconceptions and myths. As part of a ten-part series, I will sort fact from fiction and outline the top ten estate planning myths and mistakes.

#### **Mistake #2:**

Not having a plan in place at all. If you die without an estate plan in place, you die "intestate". When this happens, the intestacy statutes of your state of domicile determine how your property is distributed at death. Failing to plan means you relinquish, to the state, the right to decide who will receive your property and serve as your executor. Intestacy statutes provide a pattern of distribution that closely represents how the average person would have designed his or her estate plan had they created a Will or Trust.

In many cases, this default plan differs dramatically from what one would actually desire. Estranged children can inherit and longtime partners can be excluded. Even in cases where a decedent's wishes were well-known among loved ones, if there is no plan in place, the law controls distribution. Failing to plan can also have devastating effects for special needs beneficiaries. If the beneficiary of an intestate estate is receiving means-tested public benefits, receipt of funds from an estate can disrupt eligibility for benefits until the inheritance is spent down.

In addition to a potentially undesirable distribution pattern or negative impact on a beneficiary, failure to plan ensures that an estate will go through probate, if there is property exceeding the probate threshold. Probate is costly and time-consuming and can be avoided with advance planning. Contact our office to discuss putting a proper plan in place.



## Are eWills The Future of Estate Planning? By Stephanie Bivens, Esq., C.E.L.A.

Arizona is one of the first handful of states to enact electronic Will and remote notarization legislation. Although other legal documents, such as real estate, financial and medical documents, have long been able to be electronically signed with a digital signature, Wills and other estate planning documents have remained more traditional requiring old fashioned literal pen-to-paper signatures. However, beginning June 30, 2019 e-Wills will be valid in Arizona. An e-Will may be signed electronically by their “maker”, witnesses and notary, and electronically stored; no paper or printed version is involved. This does not mean, however, that you can simply type up a Will on your smart phone or tablet. There are a lot of rules that make signing an electronic Will even more complicated than a regular one.

The new law lets the “maker” of the Will, the required two witnesses, and a notary (optional) sign with electronic signatures on a digital document. But all those people generally still need to be in the same location, which does not simplify things all that much. You will be able to look at an electronic version of your Will and sign using a touch screen with a stylus or be able to click with keyboard choices. The concept of “signature” will focus on the electronic representation, and proof of your physical presence.

Once an electronic Will is executed, the document also must be maintained electronically. This is where things get a lot more complicated than a traditional paper Will. With those, you put them in the your safe or safety deposit box where it remains until needed. An electronic Will requires that it be in the continuous custody of a “qualified custodian.” A “qualified custodian” must (1) not be related to the maker of the Will by blood, marriage, or adoption; (2) may not be a recipient under the Will or related to a recipient under the Will; and, (3) have the ability to store electronic records in a system that protects the document from destruction, alteration, or unauthorized access and that can detect any changes.

The electronic Will custodian must also include a photograph of the maker and the witnesses on the date of execution, copies of their identifying documents (driver’s licenses or passports, we assume), and a video recording of the signing. Arizona is not going to allow you or your family to keep your own e-Will in your own computer.

**Read the rest of the article by clicking here >**



## What is the Difference Between Guardianship and Power of Attorney?

By Megan Selvey, Esq.

When an individual has sufficient mental capacity and is competent, she can appoint an agent under power of attorney to make health care decisions for her in the event she is unable to make or communicate her own health care decisions. The important point is that in order to effectively execute and sign any power of attorney document, the individual must have sufficient mental capacity. The individual must be competent to understand the document and to make a decision regarding her choice of agent.

If an individual lacks sufficient mental capacity to execute a valid health care power of attorney, then in order for anyone to have legal authority to make decisions on the individual’s behalf, someone may need to be appointed by the Court as legal guardian. Guardianship is a Court proceeding in probate Court, where a petitioner (often a family member) presents evidence to the Court, and the Court decides whether or not to appoint a guardian for the individual with insufficient mental capacity.

Often families with a loved one with developmental disability or other cognitive impairment will ask if guardianship is necessary. A guardianship may be necessary if your loved one lacks sufficient mental capacity to understand legal documents and make an independent decision regarding who she would want to make medical decisions for them in the event she were unable to make or communicate their own wishes for her medical care. If, due to a disability or otherwise, an individual does not have capacity to make that decision, or if the individual is unable to make or communicate rational decisions regarding her health and well-being, the family may need to pursue guardianship with the Court. In order to file for guardianship, a physician or psychologist must fill out a health professional’s report that verifies and provides medical evidence that the individual does not have sufficient mental capacity.

If you have questions about whether or not you should pursue guardianship, or if there are other less restrictive alternatives, please call us to consult with an attorney today.



Our office will be closed, Thursday, July 4  
Have a safe and fun holiday weekend.

**ARIZONA  
FOUNDATION  
FOR  
WOMEN**

Tuesday, July 23 from 5:30 pm to 7:00 pm  
Topic: Charitable Giving Trends and Estate Planning Strategies"  
Bivens and Associates Learning Center, Suite 250  
For professionals only. To register > [Eventbrite](#)



Saturday, July 27 from 9:00 am to Noon A Place to Call Home - Resource Fair  
1830 S. Alma School Road, Mesa, AZ  
Come, stop by our table and say Hi to Megan Selvey, Esq.



SUMMER BREAK NO Q & A in July & August  
See you back on Tuesday, September 24

For **Additional Upcoming Events**, go to [www.bivenslaw.com](http://www.bivenslaw.com).

If you would like to be added to our e-mailing list, please email [info@bivenslaw.com](mailto:info@bivenslaw.com).

We are in the process of scheduling speaking engagements and in-house training sessions.

If you would like more information or to schedule an event, contact our office at 480-922-1010.



We are pleased to announce that we are looking for someone to join our administrative team to help schedule client and staff appointments.

If you or someone you know has customer service/sales/social work experience, enjoys helping people, and desires to work with the best in a collaborative, growing and dynamic environment this might be the perfect opportunity.

Please send cover letter and resumes to [info@bivenslaw.com](mailto:info@bivenslaw.com).  
All submissions are confidential.

Serving Arizona since 2004



[info@bivenslaw.com](mailto:info@bivenslaw.com)



Bivens & Associates



[www.bivenslaw.com](http://www.bivenslaw.com)



@BivensandAssoc

*Contact us / Follow us / Like us*



Bivens & Associates, P.L.L.C.  
480-922-1010 | [info@bivenslaw.com](mailto:info@bivenslaw.com)  
5020 E. Shea Blvd., Suite 100,  
Scottsdale, AZ. 85254  
[www.bivenslaw.com](http://www.bivenslaw.com)