

The Makofsky Minute | July 27, 2022



We are living in a brave new world. As many women are opting to have children later in life or are grappling with infertility issues, they have begun to seek out a variety of methods to make their dreams of children a reality. The options of freezing eggs and other assisted reproductive technologies have become more readily available. While this cutting edge technology has helped countless families conceive, it also raises novel and complex estate planning considerations.

If you have stored your eggs, who takes ownership at your death? A Will can be used to make sure your wishes are respected.

If you personally undergo in vitro fertilization ("IVF"), and have embryos or eggs remaining when you want no more additional children, how do you want those eggs and embryos to be treated?

- Would you consider donating them to a same-sex couple or a couple struggling with infertility?
- Do you wish them to remain frozen indefinitely?
- Would you prefer to have any embryos that do not get implanted to be destroyed?
- If you become incapacitated, would you want your agent under a Power of Attorney to make these decisions for you?

If your daughter or granddaughter decides to freeze her eggs, do you want these potential children to be included as beneficiaries of your estate? How you define your heirs or descendants can have significant implications for the administration of your estate.

These decisions as well as the decision to have a family and the route one decides to take are extremely personal. It is important that you discuss your plans with your estate planning attorney so that your documents properly reflect your wishes.

Please feel free to call the office at (516) 228-6522 with any questions!

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