

HELPING HANDBOOK



Legal Resources for Families of Victims
of the World Trade Center Disaster

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Legal Resources for Families of Victims of the World Trade Center Disaster

This Handbook provides an overview of some of the legal issues that individuals and families may face as a result of the World Trade Center disaster. It may not answer all your questions; rather it is designed to set out some of the legal issues you may need to consider, to help you understand the basics about each issue, and to point you in the right direction for help. This Handbook is targeted to individuals living or working in New York State.

You may feel overwhelmed when considering the legal issues you face. It may be helpful to have the assistance of a lawyer, especially because the laws and requirements pertaining to these issues are subject to change. If you do not have an attorney, free legal advice and referrals are available to those in need who were affected by the events of September 11, 2001. You may contact the City Bar Fund September 11th Legal Relief Initiative Hotline at (212) 382-4763; The New York State Bar Association help line at (877) HELP-321 or (518) 487-5709 (www.nysba.org); the American Bar Association Disaster Legal Services at (866) 606-0626 (www.abanet.org); or Law Help, New York's Online Legal Referral and Information System at www.lawhelp.org. You may also visit one of the Disaster Assistance Service Centers listed in the last section of this Handbook.

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Why do I need to obtain a death certificate?

There are some important steps you may ultimately need to take in order to settle your loved one's affairs. Many of these steps may require a death certificate, such as:

- collecting death benefits or life insurance;
- taking control of family assets such as bank accounts, pension funds, and other property (like homes or automobiles) that are held in the name of the deceased person;
- probating a will; and
- completing a final tax return.

How do I obtain a death certificate for a missing person whose remains have not yet been recovered and identified due to the World Trade Center disaster?

The City and State of New York have developed a streamlined procedure to help affected families obtain death certificates on an expedited basis. As a result, it is hoped that, in most cases, families will be able to secure a death certificate within 1-2 weeks from the date of application.

How do I begin this process?

Before beginning this process, a formal missing person's report must be made at a local police precinct or at a Disaster Assistance Service Center in Manhattan. If a person has not been reported missing, a family member may make this report by calling the NY Police Department Hotline at (646) 710-6149. You can begin the process of getting a death certificate by mail or in person by appointment at the New York City Law Department, 59 Maiden Lane (212) 232-1058. Law Department Lawyers will assist you in preparing the necessary documents and will file them with the appropriate court for you.

Who can participate in this process?

Anyone can assist in compiling the necessary information about the deceased person needed to obtain a death certificate, but only the nearest "next of kin" of the deceased should sign the required paperwork. The nearest next of kin for this purpose, is the person highest up on the following list:

- the spouse or the domestic partner registered with the City Clerk or with the former City Department of Personnel (roommates or couples who live together, but have not registered, do not fit this description);
- a child who is 18 years of age or over;
- a grandchild or other descendant who is 18 years of age or over;
- a parent;
- a brother or sister or one of their descendants who is 18 years of age or over;
- a grandparent;
- a great grandparent, or uncle or aunt who is 18 years of age or over; or
- any other person entitled to share in the estate.

Morrison & Foerster LLP and the Association of the Bar of the City of New York make available the information and materials in this Handbook for informational purposes only. While we hope and believe the Handbook will be helpful as a background matter, we cannot warrant that the Handbook is accurate or complete. Moreover, the Handbook is general in nature, and may not apply to particular factual or legal circumstances. In any event, the Handbook does not constitute legal advice and should not be relied on as such. Morrison & Foerster LLP renders legal advice only after compliance with certain procedures for accepting clients and when it is legally permissible to do so. Readers seeking to act upon any of the information contained in this Handbook are urged to seek their own legal advice. The printed version of this Handbook was last updated on March 8, 2002.

This Handbook is also available on the web at www.abcny.org, www.probono.net/september11, and www.mofo.com/about/pbhandbook/index.htm.

The above-listed categories are not exhaustive. If you would like to participate in this process but are not sure whether you are the nearest next of kin, or if you have any other questions about the process, contact the Law Department staff at (212) 232-1058 or consult a volunteer attorney through the City Bar Fund (212) 382-4763.

What sort of information will I need to know about my loved one?

In order to obtain a death certificate, you will need to complete a Law Department Intake sheet and an affidavit (a sworn, signed, and notarized document) that provides detailed information about your loved one. Volunteer lawyers will help you complete the affidavit, which will ultimately be filed in court by the Corporation Counsel of the City of New York. You may need to provide the following information:

- your name, residence, and relationship to the missing person;
- details about your last contact with the missing person;
- the basis for the belief that the missing person was at the World Trade Center on September 11, 2001 (such as employment);
- efforts made to locate the missing person (such as contacting the employer, filing a missing persons report, leaving messages for the missing person);
- the missing person's usual place of residence, including street address, county, city, state, country and zip code;
- the missing person's social security number;
- whether the missing person ever served in the armed forces of the United States, and if so, what branch and the dates of service;
- the missing person's marital/domestic partner status and, if married, the name of the spouse, including a wife's maiden name if applicable;
- the missing person's date and place of birth;
- the missing person's occupation (try to bring proof of employment, such as a paystub), and if the person was retired, what type of work he or she did prior to retirement;
- the kind of business or industry in which the missing person pursued that occupation;
- the highest grade of education completed by the missing person;
- other names by which the missing person was known;
- the name of the missing person's father and the maiden name of the missing person's mother;
- the name, address, telephone number, and relationship of the missing person's next of kin; and
- if you are not the missing person's next of kin, an explanation of the relationship between you and the missing person and an explanation of why you are the person seeking a declaration of death.

Additional documentation about the missing person will be obtained by the City of New York directly from employers, airlines, and the New York City Fire and Police Departments. If the missing person was not a person who was working at the WTC, airline passenger or crew, or a uniformed rescue worker, you will have to provide information showing the person's presence at the WTC the morning of September 11.

What documentation will I need about myself?

You will need to bring a government issued photo I.D., such as your driver's license or passport. You will also need a document showing your relationship to the missing person. Examples of the types of documents that you may use to establish this relationship are as follows:

- the spouse of a missing person should provide a copy of the marriage certificate.
- a registered domestic partner should provide a copy of the registration.
- a child 18 years of age or over should provide a birth certificate showing his or her relationship to the missing person and proof of the death or divorce of any spouse who would otherwise be the nearest next of kin.

What if I want to do the process by mail, not in person?

If you would rather not come to the Family Assistance Center in person, this process may be completed by mail. You can download the forms on the internet through the following website: www.nyc.gov/html/em/dth_cert.html. Be sure to download both the Intake form and the Affidavit by Person with Personal Knowledge for Issuance of Death Certificate. Both must be completed.

When you have filled out the forms, fax them to (212) 232-1188, attention "World Trade Center Unit," for review by a Law Department attorney. When the attorney has approved the content, the affidavit should be put in final form and notarized. If you are completing the documents outside New York State, the affidavit must be notarized in accordance with the requirements of the location where the document is being completed. Notaries are available at the Family Assistance Center, banks, and many pharmacies or copy centers. The completed affidavit and intake form (which must contain the number for the missing person report filed with the New York City Police Department) can either be delivered in person or mailed to: The New York City Law Department, World Trade Center Unit, 59 Maiden Lane, 15th Floor, New York, NY 10038.

Is there a deadline for obtaining a death certificate?

No deadline for applying has been set. The City of New York hopes to continue to make this service available so that all affected individuals who would like to participate can do so when they are ready.

Do I or my missing loved one need to be a resident of New York in order to participate in this process?

No. This process can be used to obtain a certificate of death for all missing persons believed to have been at the World Trade Center on September 11, 2001, regardless of nationality or state of residence. If the nearest next of kin lives outside of the United States, he or she should contact the U.S. Consulate in his or her home country for information about additional requirements and for assistance. If travel to the consulate is burdensome, contact (212) 232-1058 for additional information or assistance.

Must I go through this process in order to secure a death certificate?

No. This is a purely voluntary process that has been developed to help affected families who wish to secure a death certificate. If you would like to secure a death certificate, this will be the fastest way to do so. When making this decision, you should consider that a death certificate is required for certain benefits that may be available to you.

Does this process affect probate?

No. Obtaining a death certificate is just a way of formally memorializing the fact of someone's death. It does not start the probate process or affect the distribution of a person's property (see the Wills Section of this handbook).

If I begin this process, will attempts to rescue or identify my loved one stop?

No. This process will not in any way affect the attempts being made to find survivors or to identify bodies recovered at the World Trade Center.

Please be aware that the procedures described above may change. For the most up to date information on how to obtain a certificate of death for a loved one, contact the City Law Department at (212) 232-1058 or check their website at www.nyc.gov/html/em/dth_cert.html.

**Who will get ownership of my deceased loved one's assets?**

Jointly held assets in New York will pass automatically to the surviving joint owner. Other assets may pass to designated beneficiaries. In addition, if a person died with a valid will, his or her individually-owned property will be distributed according to the will. A person who died without a valid will is said to have died "intestate." In this case, his or her property will be distributed according to the intestacy laws of the state where the deceased resided. Generally, a spouse, children, or parents will receive the assets.

My loved one left behind a will. What do I need to do?

The will should name an executor. The executor's job is to collect the assets, pay the deceased's debts, and distribute any remaining assets according to the provisions of the will.

Once the executor has been determined, that person must then file a Petition for Probate and Letters Testamentary. A form of this document can be found at www.courts.state.ny.us/suroform/sfindex.htm or at any Surrogate's Court (see below for the address for the Surrogate's Court nearest you). The Petition for Probate and Letters Testamentary must be filed along with the original will and death certificate in an appropriate Surrogate's Court. The Petition for Probate and Letters Testamentary lists pertinent information about the deceased and his or her family, debts, and assets. Usually, this filing must be done in the Surrogate's Court in the deceased's home county; however, by special order, this can now be done in any Surrogate's Court that is most convenient for the executor.

Once the Letters Testamentary have been granted, the executor has the authority to and may begin to make the proper distributions to the beneficiaries of the estate.

What if I know that my loved one left a will, but I cannot find it?

Check with the attorney who prepared it. That attorney may have retained the original, or at least a copy. In certain cases, a copy can be probated if the original cannot be found.

My loved one did not leave behind a will. What do I need to do?

If no will has been left behind, an administrator of the deceased's estate will need to be appointed to disburse the assets of the estate and to pay any outstanding debts (such as taxes, bills, loans). The appointed administrator will be selected in the following order (assuming the potential administrator is competent and is at least 18 years old):

- surviving spouse;
- children;
- grandchildren;
- parents;
- brothers or sisters; or
- any other distributee (heir).

The proposed administrator must file a Petition for Letters of Administration in an appropriate Surrogate's Court along with a death certificate (or if no death certificate has been

obtained, an affidavit may suffice). This, too, may be done in the county most convenient for the proposed administrator. Similar to the Petition for Probate and Letters Testamentary, this Petition lists pertinent information about the deceased and his or her family and assets.

Once the Letters of Administration have been granted by the Surrogate's Court, the administrator of the estate has the authority to and may begin to make the proper distributions to the beneficiaries of the estate in accordance with the laws of intestacy.

What if I am applying to be appointed the Personal Representative for purposes of the September 11th Fund of my deceased loved one, will that suffice?

No. In order to be appointed as the administrator of your loved ones estate, you must file a petition in Surrogate's Court. See the September 11th Victim Compensation Fund Section of this Handbook for further information on being appointed the Personal Representative.

Where are the Surrogate's Courts?

Petitions for Probate and Letters Testamentary and Petitions for Letters of Administration may be filed at the following locations either by mail or in person:

Bronx County
Honorable Lee H. Holzman
Surrogate's Court
851 Grand Concourse
Bronx, NY 10451
(718) 590-3611

Dutchess County
Honorable James D. Pagones
Surrogate's Court
10 Market Street
Poughkeepsie, NY 12601-3203
(845) 486-2235

Kings County
Honorable Michael H. Feinberg
Surrogate's Court
2 Johnson Street
Brooklyn, NY 11201
(718) 643-5262

Nassau County
Honorable John B. Riordan
Surrogate's Court
262 Old Country Road
Mineola, NY 11501
(516) 571-2082

New York County
Honorable Eve Preminger
Honorable Renee R. Roth
Surrogate's Court
31 Chambers Street
New York, NY 10007
(212) 374-8233

Orange County
Honorable Elaine Slobod
Surrogate's Court
Surrogate's Courthouse
30 Park Place
Goshen, NY 10924
(845) 291-2193

Putnam County
Honorable Robert E. Miller
Honorable James T. Rooney
Surrogate's Court
Historic Courthouse
44 Gleneida Avenue
Carmel, NY 10512
(845) 225-3641 ext. 293, 295

Queens County
Honorable Robert L. Nahman
Surrogate's Court
88-11 Sutphin Boulevard
Jamaica, NY 11435
(718) 520-3713

Richmond County
Honorable John A. Fusco
Surrogate's Court
Courthouse
18 Richmond Terrace, Rm 201
Staten Island, NY 10301
(718) 390-5400

Rockland County
Honorable Alfred J. Weiner
Surrogate's Court
Courthouse
18 New Hempstead Road
New City, NY 10956
(845) 638-5330

Suffolk County
Honorable Gary J. Weber
(Acting Surrogate)
Surrogate's Court
320 Center Drive
Riverhead, NY 11901
(631) 852-1745

Sullivan County
Honorable Frank J. LaBuda
Honorable Burton Ledina
Surrogate's Court
Government Center
100 North Street
P.O. Box 5012
Monticello, NY 12701
(845) 794-3000 ext. 3450

Ulster County
Honorable Joseph Traficanti, Jr.
Surrogate's Court
240 Fair Street
P.O. Box 1800
Kingston, NY 12402-1800
(845) 340-3348

Westchester County
Honorable Anthony A. Scarpino
Surrogate's Court
140 Grand Street
White Plains, NY 10601
(914) 995-3712



What Social Security benefits are available to me if one of my family members has died?

Survivors Benefits

When a worker dies, certain members of his or her family may be eligible for financial benefits from the Social Security Administration (SSA) if the deceased worker earned enough Social Security credits while he or she was working. The younger a person is, the fewer the credits that are needed to be eligible for survivors benefits.

The family of a deceased worker may be able to get survivors benefits even though the deceased worker had fewer credits than are needed for retirement benefits. If the deceased worker was born in 1930 or later, one credit is needed for each year after age 21 and prior to 2001, up to a maximum of 40 credits. Regardless of when the deceased worker was born, dependent children could get survivors benefits if the deceased worker had six credits in the three years before his or her death. For more information about how credits are earned, see the SSA pamphlet "How You Earn Credits" at www.ssa.gov/pubs/10072.html.

The family members who may be eligible for such benefits include:

- a widow(er) aged 60 or older;
- disabled widow(er) aged 50 or older;
- a widow(er) of any age if caring for a child under age 16;
- unmarried children if they are under age 18;
- children under the age of 19 but still in high school;
- disabled children aged 18 or older; and
- parents of a deceased worker if the deceased worker was their primary means of support.

The average monthly benefit for a widowed parent with two children is \$1,696, according to Social Security figures. The average monthly benefit for a surviving spouse over 60 years of age is \$815. For more information, see the SSA pamphlet "Survivors Benefits" at www.ssa.gov/pubs/10084.html.

Lump Sum Death Benefit

A special one-time payment of \$255 may be made to a deceased worker's spouse if he or she was living with the deceased at the time of death, or if living apart, if he or she was eligible for Social Security benefits on the beneficiary's earnings record for the month of death. If there is no surviving spouse, the payment is made to a child who was eligible for benefits on the beneficiary's earnings record during the month of death.

What Social Security benefits are available to me if I became disabled?

Disability Benefits

Disability benefits are payable at any age to people who have earned enough Social Security credits and who suffered severe physical or mental trauma that is expected to

prevent them from doing “substantial” work for a year or more or who have a condition that is expected to result in death. If because of a medical condition a person cannot do the work that he or she performed in the past, then age, education, and past work experience must be considered in determining whether the person can do other work. If the evidence shows that the person can do other work, even if it involves different skills or pays less than his or her previous work, he or she cannot be considered disabled for Social Security purposes. Some disabling impairments are considered so severe by SSA that they automatically qualify persons with such impairments as disabled for Social Security purposes. The disability program includes incentives to smooth the transition back into the workforce, such as continuation of benefits and health care coverage while a person attempts to work. The average monthly benefit for a disabled worker is \$789, according to Social Security figures.

Family Benefits

If a worker is eligible for disability benefits, other members of his or her family may be able to receive benefits too. Those who may be eligible for such benefits include: a spouse if he or she is at least 62 years old or under 62 but caring for a child under age 16; and children if they are unmarried and under age 18, under 19 but still in high school or 18 or older and disabled. If a worker is divorced, his or her ex-spouse could be eligible for benefits.

Medicare and Medicaid (Hospital Insurance and Medical Insurance)

You may be eligible for Medicare if you or your spouse worked for at least 10 years in Medicare-covered employment and you are a 65-year-old U.S. citizen or permanent resident. If you are already a Medicare or Medicaid beneficiary or a Child Health Plus member and your normal medical needs have been interrupted by the disaster, you should contact the Medicare & Medicaid hotline at (800) 331-7767 or (866) 446-3507 (TTY).

Supplemental Security Income

Supplemental Security Income is a needs-based benefits program for the blind and disabled who have not worked and paid Social Security taxes or who have accumulated insufficient quarters of coverage to receive Survivors Benefits. There are strict limits on resources and unearned income. Earned income and resources from financially responsible parents or spouses are “deemed” available and might lower the benefit to be received. The blind or disabled individual only (not his/her dependents) will receive monthly cash benefits that vary in amount from state to state and that depend on the person’s living situation.

How can I apply for Social Security benefits?

In response to the WTC disaster, the SSA has activated special emergency handling procedures to facilitate the processing of claims resulting from the WTC disaster. Those who wish to determine if they are eligible to receive Social Security benefits must file a claim with the SSA.

By phone: You may file a claim or determine if you are eligible for Social Security benefits as a result of the WTC disaster, by calling (800) 772-1213 or (800) 545-7316 (TTY) from 7 a.m. to 7 p.m. Monday through Friday.

In person: You may file a claim in person at a local area SSA office and will have your claim processed at the time of your visit. If you wish to file a claim in person, you may contact the SSA at (800) 772-1213 to find the SSA office located nearest to you or visit the SSA’s website at www.ssa.gov which includes the SSA’s office locator.

Online: You may apply for Social Security benefits online at www.ssa.gov/applytoretire.

What documents do I need to file a claim with SSA?

To show that you are eligible for Social Security benefits and to help the SSA determine the estimated amount of such benefits, there are certain documents the SSA may ask you to provide, for example:

- Social Security card (or record of your social security number);
- birth certificate;
- children’s birth certificates (if they are applying);
- proof of U.S. citizenship or lawful alien status if you (or a child who is applying) were not born in the U.S.;
- spouse’s birth certificate and Social Security number if he or she is applying for benefits based on your record;
- marriage certificate (if signing up on a spouse’s record);
- military discharge papers if you had military service; and
- W-2 form from last year, or your last year’s tax return if you are self-employed.

Family members who wish to apply for survivors benefits do not need to produce a death certificate to file a claim. In place of death certificates, the agency will accept airplane manifests, lists of employees from employers and other statements placing a worker at a disaster site as proof of death.

An SSA representative will tell you exactly what you need given your particular circumstances. You will need to submit original documents or copies certified by the issuing office. You can mail or bring documents to Social Security and they will photocopy them. However, if you don’t have all the documents you need, don’t delay applying for Social Security benefits. SSA will help you get the necessary information.

Where can I get more information or additional help?

For general information you can contact the SSA at (800) 772-1213 or go to their website at www.ssa.gov.

If you would like the assistance of an attorney, you can contact the City Bar’s September 11 Legal Relief Hotline (212) 382-4763; the New York State Bar Association at (877) HELP-321 or (518) 487-5709 (or at www.nysba.org); the American Bar Association Disaster Legal Services Hotline at (866) 606-0626 (or at www.abanet.org); or Law Help, New York’s Online Legal Referral & Information System at www.lawhelp.org.

You can also contact legal service agencies such as the Legal Aid Society in New York City, Legal Services for New York (LSNY), and the Law Services Corporation on Long

Island. Contact information for these agencies can be found in the last Section of this Handbook.

Legal Services for New York has neighborhood offices throughout the boroughs of New York City. To get more information, you can reach their Manhattan office at 350 Broadway, 6th Floor, New York, NY, or call (212) 431-7200.

At present, the Legal Aid Society's Lower Manhattan and Brooklyn Neighborhood Offices can be reached at 166 Montague Street, Brooklyn, NY, 11201; (718) 722-3100. For people in other areas, contact the following Legal Aid offices:

Harlem Neighborhood Office
(serves Lex. to Riverside Dr. /
W. 110th St. to 169th St.)
2090 7th Ave., 8th FL.
New York, NY 10027
(212) 663-3293

Rockaway Neighborhood Office
(serves zip codes 11414, 11416-17, 11420,
11422, 11691-95, 11697)
1600 Central Ave.
Far Rockaway, NY 11691
(718) 337-4900

Staten Island Neighborhood Office
(serves all of Staten Island)
60 Bay St.
Staten Island, NY 10301
(718) 273-6677

Nassau/Suffolk Law Services Committee, Inc.
(East end of Long Island/Suffolk County)
313 West Main St.
Riverhead, NY 11901
(631) 369-1112

Bronx Neighborhood Office
(serves all of the Bronx)
953 Southern Blvd.
Bronx, NY 10451
(718) 991-4758

Queens Neighborhood Office
(serves all of Queens)
120-46 Queens Blvd., 2nd Fl.
Kew Gardens, NY 11415
(718) 286-2450

Nassau/Suffolk Law Services
Committee, Inc. (Suffolk County)
1757 Veterans Highway, Suite 50
Islandia, NY 11749
(631) 232-2400

Nassau/Suffolk Law Services
Committee, Inc. (Nassau County)
1 Helen Keller Way, 5th Floor
Hempstead, NY 11550-3903
(516) 292-8100

Community Law Offices
(serves all of Upper Manhattan above 96th
Street)
230 East 106th Street
New York, NY 10029
(212) 426-3070



What is the September 11 Victim Compensation Fund (Fund)?

In September 2001, Congress created the Fund to compensate victims or their relatives for some of the damages they suffered as a result of the September 11 terrorist-related aircraft crashes (September 11 crashes). A Special Master was appointed to evaluate claims submitted to the Fund and to decide how much money from the Fund each victim or relative of a victim is entitled to recover from the Fund. The Special Master has issued regulations explaining the process for obtaining awards from the Fund. Copies of these regulations, information, forms, and assistance in filing forms can be obtained from the Fund. Call (888) 714-3385, (202) 305-1352 or (888) 560-0825(TDD) from 8:00 a.m. to 8:00 p.m. M-F and 9:00 a.m. to 5:00 p.m. Saturday; check www.usdoj.gov/victimcompensation; or write to P.O. Box 18698, Washington, DC 20036-8698.

If I get compensation from the Fund, can I also sue the airlines or others in court for my September 11 loss?

No, you must choose to file a claim for compensation from the Fund OR to file lawsuits in courts for damages from those you believe caused your loss on September 11. If you file a claim with the Fund, you waive your right to sue in Federal and state courts for damages arising out of the September 11 crashes, except that you may sue knowing participants in any conspiracy to hijack an aircraft or to commit a terrorist act, and you may sue to recover money owed you from third parties, such as your insurance company. Once you file a claim with the Fund, you cannot change your mind and proceed with a lawsuit. If you have already filed a lawsuit, however, you can dismiss the lawsuit and become eligible to file with the Fund. Volunteer attorneys are available free of charge through Trial Lawyers Care at the numbers listed in the last question of this Section to help you understand and make this decision. If you have already filed a lawsuit, you should consult with an attorney immediately because there is a very short time period for dismissing the lawsuit.

Who is eligible to file a claim with the Fund?

You may file a claim with the Fund if:

- You are the "Personal Representative" of an individual (other than a terrorist) who was aboard American Airlines flights 11 or 77 or United Airlines flights 93 or 175 and died in the September 11 crashes;
- You are the "Personal Representative" of an individual who was at the World Trade Center or the Pentagon at the time of or immediately after the terrorist-related aircraft crashes and died as a direct result of the September 11 crashes; or
- You were present at the World Trade Center, the Pentagon, or the Pennsylvania crash site at the time of the September 11 crashes or immediately thereafter, were physically injured, received medical treatment for physical injury within 24 hours (72 hours if unable to realize immediately the extent of your injury or obtain medical help within 24 hours) and were hospitalized or suffered disability or disfigurement.

How do I know if I can act as the Personal Representative for a victim?

If you have already been appointed by a court to act as executor or administrator of the will or estate of a victim of the September 11 crashes or as personal representative for a victim, and no one has disputed your appointment within 30 days, you may act as the Personal Representative for purposes of filing a claim with the Fund. In a limited number of cases (where an executor or administrator has been named in a will or where it is clear a relative would be designated by the relevant court where there is no will) the Special Master may in his discretion determine the Personal Representative without court action. If a court has not already appointed you, you will need to seek assistance from the Fund or an attorney in determining whether and how to be appointed to act as the Personal Representative.

Although there may be several people who believe they should be allowed to file claims on behalf of a deceased victim, only one will be allowed to proceed as the Personal Representative. Disputes will be resolved according to state law. If you are determined to be the Personal Representative, it will be your responsibility, before filing any forms with the Fund, to provide written notice of your claim to be appointed as the Personal Representative to the administrator, executor and beneficiaries of the victim's will, and others who may be expected to assert an interest in an award or to receive damages because of the death of the victim. People who receive this notice from you may want to object to your acting as the Personal Representative. You may need legal assistance in determining how to carry out this responsibility.

If I am not the Personal Representative, can I still receive compensation?

Yes. While an injured victim files a claim on his own behalf and receives the entire award, a Personal Representative of a deceased victim files a claim on behalf of the deceased victim and then is required to distribute the money to those who are legally entitled to share the award. The money must be distributed under a plan approved by the Special Master.

How do I apply for compensation?

You must complete and submit a short Eligibility Form. You must also complete and submit an Injury Compensation Form if you were physically injured or a Death Compensation Form if you are the Personal Representative for a deceased victim. The Eligibility Form is available now at the assistance centers listed under the last question of this Section or from the Department of Justice website (www.usdoj.gov/victimcompensation) or mail address. The Personal Injury and Death Compensation Forms will be available later this year. You must also submit documents that support the statements you make in the forms (such as death certificates, marriage licenses, earnings records, tax forms, medical expenses, and records of charitable donations).

The forms and documents must be submitted to the Fund on or before December 21, 2003. Submission may be by mail to: Victim Compensation Fund, P.O. Box 18698, Washington DC 20036-8698; or overnight mail to 1120 G Street, N.W., Suite 300, Washington, DC 20005. You will be notified by mail when the forms are received. You will be advised whether they are "substantially complete" or if you need to submit further information. Once both forms are substantially complete, the Special Master has 120 days to issue a determination of the amount of compensation you are due.

What are Advance Benefits and am I eligible?

Advance Benefits are partial payments that will be made to certain victims or their families generally based on financial need while their applications are being evaluated by the Fund. These payments will be deducted from the final award. Physically injured victims who were hospitalized for at least a week can receive \$25,000. Personal Representatives can obtain \$50,000 if there is financial need and no more than \$450,000 has been received from other sources. You apply for these benefits by checking the appropriate box on the Eligibility Form. These benefits will be paid to eligible individuals after submission of a complete Eligibility Form, even if you have not yet submitted the Compensation Form. You automatically waive your right to sue when you submit the application for Advance Benefits. Thus, you should carefully consider the decision to file and may wish to seek legal assistance before you submit your application.

How will the amount of my compensation be determined?

There are two ways to proceed: Track A or Track B. If you select Track A, a Claims Evaluator will review your claim forms and the documents you submit to determine if you are eligible and, if eligible, estimate how much money, you will receive from the Fund. After you are notified of the amount of the estimated monetary award, you may either accept it as final and request payment or you may ask for a hearing before the Special Master or his designated staff member to recalculate the award taking into account special circumstances that you may raise at a hearing.

If you select Track B instead, the Claims Evaluator will determine whether you are eligible, but will not determine the amount of the presumed award. If you are deemed eligible, you may go to a hearing to determine the amount of the award.

On either track, if you are deemed not eligible, you may appeal that decision to the Special Master or designated staff. On either track, if you go to a hearing, you may present testimony from witnesses and submit written statements and additional documents. Other interested parties may also present evidence. At the hearing, the issues that may be raised are eligibility and the appropriate amount of an award; you do not need to present evidence or establish that anyone did anything wrong to cause your injury or loss. You are not required to have an attorney at the hearing, but you have the right to have an attorney.

How much is my award likely to be?

There are two types of loss for which you may recover.

Non-economic Loss includes pain, emotional suffering, mental anguish, and loss of enjoyment of life. Presumed awards for non-economic loss for families of those who died in the September 11 crashes are \$250,000 base with an additional \$100,000 for a spouse and each dependent. There are no presumed awards for physically injured victims. Any award for physical injury will be based on the extent of your physical injury and how the physical injury has impacted your life.

Economic Loss includes compensation for lost income and benefits. Awards for families of victims depend upon factors such as the victim's income (including benefits and other

compensation), age, household size, and effective tax rate. The Victim Compensation Fund has created Presumed Loss Tables that can be used to calculate presumed economic and non-economic loss for families of victims. You can obtain these tables and directions for use from the Victim's Compensation Fund hotline, website or assistance centers. The tables are aids in calculating and planning, but they do not limit the amount of compensation for economic loss that you can establish at a hearing with other relevant evidence. Burial costs and medical expenses may be added in appropriate cases. For physically injured victims, there are no presumed tables of economic loss, so the facts specific to your case will determine what you might recover. Some of the factors you might take into account, for example, are loss of earnings or benefits related to employment, medical expense loss, and loss of business or employment opportunity.

To determine the amount you receive from the Fund, the Special Master will combine your economic and non-economic losses and **deduct** from that combined amount any money that you receive from **other sources** such as life insurance, employer death benefits programs, some pension funds, and certain government payments related to the September 11 crashes. Money received from charity and tax benefits based on the Victims of Terrorism Relief Act will generally **not** be deducted. The rules concerning what will be deducted are complicated, but Fund staff are available to advise you about deductions before you submit a claim to the Fund.

Is there a minimum amount I will receive?

The regulations do not set out a minimum. They do provide for a minimum amount of presumed economic and non-economic loss in amounts that depend on whether a victim was married and/or had one or more dependents, but this minimum is before deduction of money that is received from other sources. It is possible that deductions for money received from other sources could be larger than your presumed or calculated loss. The Special Master (who has discretion in administering the Fund) has stated, however, that unless a claimant has already received substantial compensation from other sources, it will be rare for families of victims to receive less than \$250,000.

How can I get assistance with this process?

Contact the Victim Compensation Fund Hotline at (888) 714-3385 or (888) 560-0844. Walk-in assistance is currently available 9:00 am to 5:00 pm M-F and 10:00 am to 5:00 pm Saturday at two temporary centers:

Manhattan Claims Assistance Center 75 Varick Street, 2nd Floor New York, NY, 10006	Long Island Claims Assistance Center 401 Broad Hollow Road, 3rd Floor Melville, NY, 11747.
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You may obtain free legal assistance from experienced trial lawyers volunteering through Trial Lawyers Care at (888) 780-8637 or (888) 780-8682 (Spanish) or www.911lawhelp.org or find an attorney through other referral agencies listed at the end of this Handbook. Families of firefighters, police officers and other uniformed rescue personnel can call (212) 887-2626 for free legal assistance. Be certain to check the Fund Hotline or www.usdoj.gov/victimcompensation for the most current information and forms before you apply.



Who is eligible for relief and what benefits does the Federal Emergency Management Agency (FEMA) provide?

Residents of New York City, survivors of the WTC disaster and their families, and families of the deceased are eligible for the following benefits from FEMA:

- grants for temporary housing and minimal home repair, transportation and personal property loss;
- U.S. Small Business Administration (SBA) low-interest loans for homeowners, renters, businesses of all sizes, and non-profit organizations;
- crisis counseling;
- disaster unemployment assistance for those unemployed as a result of the disaster, including self-employed persons and others not normally eligible for unemployment (through the Department of Labor);
- disaster counseling;
- information and referrals; and
- legal advice (through the American Bar Association).

Most, but not all, federal assistance is in the form of low interest loans to cover expenses not covered by state or local programs, or private insurance. If you do not qualify for a loan, you may be able to apply for a cash grant.

How can I apply for FEMA assistance?

Registration with FEMA is the starting point for a wide range of federal, state and voluntary assistance programs. To register, call (800) 462-9029 or (800) 462-7585 (TTY), between 8:00 am and 6:00 pm, Monday through Friday, or go to FEMA's website at www.fema.gov. New information and disaster updates are posted to the website daily. If you have already registered with FEMA, you may call (800) 525-0321 to check the status of your application. The current deadline for application is September 30, 2002.

What information do I need to apply?

You should have the following information available:

- a description of your property losses, the street address of your damaged property;
- your current mailing address and the telephone number where you can be reached in the event you have been forced to relocate;
- your Social Security number;
- your household's approximate gross income at the time of the WTC disaster; and
- information on the type of insurance coverage that you have.

FEMA suggests that you take pictures of any damaged property and save receipts in case there is any question about your damages later.

Processing normally takes two weeks, but due to the large number of requests, it could take longer. You are encouraged to apply as soon as possible.

Who is eligible for relief and what benefits does the U.S. Department of Justice Office for Victims of Crime provide?

Victims of the WTC disaster and their families are eligible for federal transportation assistance not covered by airlines, military, or other sources; crisis counseling; and free information and referrals to other state agencies for assistance.

Who should I contact to apply for assistance through the U.S. Department of Justice Office for Victims of Crime?

Call (800) 331-0075 or (800) 833-6885 (TTY) 24 hours a day, seven days a week. For more information visit a Disaster Assistance Service Center or check the government websites at www.ojp.usdoj.gov/ovc and www.ojp.usdoj.gov/ovc/terrorismvictimassistance (victims-only). New information and disaster updates are posted to the websites daily. For crisis counseling, you can also log onto www.responsecare.com. In addition, callers and visitors to the website can provide identification information about individual victims and contact information for future notification about benefits, services, and criminal justice proceedings.

What should I do if services for my medical needs were interrupted by the WTC disaster?

Medicare and Medicaid beneficiaries and child health plus members whose services for their normal medical needs have been interrupted by the WTC disaster should contact the Federal Centers for Medicare & Medicaid Services and Administration on Aging hotline at (800) 331-7767 or (866) 446-3507 (TTY).

**What is the New York State World Trade Center Relief Fund?**

The New York State World Trade Center Relief Fund was established by Governor Pataki on September 14, 2001 to assist the families of the victims of the September 11th terrorist attacks at the World Trade Center and the Pentagon and of the terrorist-related plane crash in rural Pennsylvania. World Trade Center Fund distributions began on November 20, 2001, and will continue until the entire fund is distributed. World Trade Center Fund eligibility information and applications can be obtained by calling toll-free (866) 244-3839. Those living outside of the U.S. or Canada should call (518) 457-3308. Applications can also be obtained on the internet at www.nysegov.com/news/WTC_Relief_Dist.html.

Who is eligible to receive money from the World Trade Center Fund?

The surviving spouse or domestic partner of each victim is entitled to receive \$10,000. Any surviving child or the victim who is 21 years of age or younger is entitled to receive \$5,000. Surviving children over the age of 21 will be eligible for \$5,000 each if they can establish the victim was the source of at least 50 percent of his/her financial support. If there is no surviving spouse, partner or child eligible for an award, the parents or parent of a victim will receive \$10,000. If none of the other situations exist, any individual who can establish that the victim provided at least 50% of his or her financial support will receive \$10,000.

Where do I send my completed application, including any necessary supporting documentation?

New York State World Trade Center Relief Fund Processing Center
P.O. Box 5048
Albany, NY 12205-0048

What benefits does the New York State Crime Victims Board provide?

The Crime Victims Board (CVB) provides emergency awards for personally injured victims and families of missing or deceased victims. It will also pay for counseling for those who witnessed the WTC disaster, for family members of victims, and for recovery workers at the scene. It typically pays loss of earnings or support up to \$30,000, some medical expenses and rehabilitative and occupational training. The CVB may pay up to \$500 for personal property. The CVB can be reached at (800) 579-9541.

What awards are available to be given out by the NY State CVB on an emergency basis?

Awards can be given on an emergency basis for loss of earnings or support (based on the number of weeks the earnings/support has been lost), and for reasonable burial and funeral expenses. Locally sponsored CVB programs (see below) or CVB itself can give emergency awards.

Loss of earnings or support is based on the actual loss of the victim's net salary, up to a total lifetime cap per event of \$30,000. Any person who pays for the funeral is eligible for compensation, and it is not necessary that there be a family relationship.

All collateral source payments (such as workers' compensation, social security) will be deducted from the final award. Life insurance is not a collateral source for purposes of the state aid.

An application for emergency funds automatically triggers an application for non-emergency benefits.

What is the procedure for obtaining these emergency benefits?

CVB workers are assisting claimants in determining eligibility, filling out applications, and obtaining emergency benefits on a walk-in basis at 55 Hanson Place, 10th Floor, Brooklyn, 9:00 a.m. to 5:00 p.m., (718) 923-4325.

Locally sponsored CVB programs and locations are also issuing Emergency Awards on behalf of the CVB. Call (800) 247-8035 to be connected with the location nearest to you.

If eligible, you may receive the emergency check immediately at 55 Hanson Place or within 24 hours at any other location where you apply.

NY State Crime Victims Board Claim Application and Affidavit (Personal Injury or Death Claim) can be downloaded from www.cvb.state.ny.us and sent to:

NY State Crime Victims Board
845 Central Ave, STE 107
Albany, NY 12206-1588.

The application must be notarized. Notary services are available at many pharmacies, store front offices, banks, and the Family Assistance Center. Photo identification will generally be required in order to have a document notarized.

How do I demonstrate loss of support and eligibility?

The spouse and children of a person who died at the WTC disaster are eligible for loss of support compensation. Spouse or children in the same household of the victim need only show the victim's income at the time of death. Separated/divorced spouses or children receiving child support may have to show the amount of any court-ordered support. Parents and grandparents may be eligible if they are able to prove any actual support they received from the victim.

Any person other than a spouse or a dependent child of the victim would have to show that his or her principal support was received from the victim.

Documentation for loss of support includes proof of employment (such as pay stub of victim, past tax returns) and for those who do not have the same last name and same address as the deceased or injured person, also:

- marriage license or certificate;
- birth certificates of children; and
- proof of child support.

Who is eligible for loss of earnings and how can it be documented?

Loss of earnings will be paid directly to victims injured in the WTC disaster if the injury has left him or her unable to work.

Required documentation for loss of earnings includes proof of employment (such as pay stub, past tax returns) and proof and estimated period of physical disability (physician's letter).

What should I bring to claim funeral expenses from the CVB and is there a limit to the amount I can claim?

You should bring a completed CVB claim application, which can be downloaded from www.fema.gov or www.cvb.state.ny.us, a copy of the notarized death affidavit, your photo identification, statement of funeral goods and services, and a final bill. There is no maximum amount, but expenses should be reasonable.

I have expenses or needs that do not seem to be covered by my insurance or any other funding or program. Am I eligible for any other assistance?

New York State Individual and Family Grant Program

The New York Individual and Family Grant Program (IFG) is funded by the federal government and administered by the NY State Department of Labor to assist individuals and families with certain "necessary expenses" or other "serious needs" caused by the WTC disaster that are not adequately covered by private insurance or other disaster relief programs. If you have been affected by the WTC disaster, you may be eligible for funding to help you obtain services or items such as housing, clothing, furnishings, transportation, medical services, funeral expenses, transportation or housing repairs, flood insurance, and other reasonable expenses deemed covered.

To be eligible for IFG funding for particular expenses or needs, applicants must **first** seek funding from the following other sources in the order they are listed, **and** such sources must either be unavailable or inadequate for the particular needs for which applicants are seeking funding before seeking funding from the IFG:

- Volunteer emergency assistance agencies (such as the American Red Cross or the Salvation Army);
- Insurance;
- Disaster Housing Assistance (FEMA); and
- Small Business Administration (SBA).

For additional information and to apply for IFG funding, call the NY State Department of Labor at (800) 462-9029 or (800) 462-7585 (TTY) (24 hours a day) or at www.Labor.State.ny.us/agency/wtc.html.

Issues affecting the elderly or senior citizens

Contact the New York State Office for the Aging at (800) 342-9871, as well as various legal services organizations such as the City Bar Fund Community Outreach Law Program—Elderlaw Project at (212) 382-6708, Legal Services for New York (LSNY) at (212) 431-7200, the Legal Aid Society at (718) 722-3100, and Bronx Legal Services-Office of the Elderly at 718-220-0030. Get basic information on these and other helpful organizations at www.lawhelp.org.



I am unable to report to work because of the WTC disaster. Am I eligible for unemployment benefits?

You may be eligible for either unemployment insurance benefits or disaster unemployment assistance.

What are unemployment insurance benefits?

If you are unable to report to work because of the WTC disaster, you may be eligible for unemployment insurance benefits. Unemployment insurance is temporary income for workers who are unable to work through no fault of their own. In order to be eligible, you must be ready, willing and able to work, in addition to meeting other criteria. The NY State Department of Labor determines according to its formula which workers are eligible to receive unemployment insurance benefits and how much such workers are eligible to receive on a weekly basis.

How can I apply for unemployment insurance benefits?

The NY State Department of Labor is encouraging all individuals who are unable to report to work to apply by calling the NY State Department of Labor Telephone Claims Center at (888) 209-8124, Monday through Friday from 8:00 a.m. to 5:00 p.m.

To apply for unemployment insurance, you should have:

- your Social Security number;
- the names and addresses of all of your employers within the last 18 months;
- your New York State driver's license or Motor Vehicle ID card number if you have one;
- your mailing address and zip code;
- a telephone number where you can be contacted for additional information;
- if you are not a U.S. citizen, your alien registration card number;
- if you have been a federal employee within the last 18 months, copies of your separation forms (SF 8 and SF 50); and
- if you are a former service member, a copy of your most recent separation form DD214.

What is Disaster Unemployment Assistance?

If you are not eligible for unemployment insurance benefits (described above), you may be able to receive special relief made available by the U.S. Department of Labor through the NY State Department of Labor. The Disaster Unemployment Assistance program may provide help to workers whose jobs have been lost or interrupted, including self-employed persons who are unable to continue working, because of the WTC disaster. Recipients will receive a weekly payment by check in an amount to be determined by the NY State Department of Labor. The maximum weekly benefit is \$405. For more information visit the Department of Labor website at www.labor.state.ny.us or the National Employment Law Project online at www.nelp.org/dua.htm.

Am I eligible to receive Disaster Unemployment Assistance?

If you are a worker or "self-employed" individual who became unemployed as a direct

result of the WTC disaster, you may be eligible to receive Disaster Unemployment Assistance benefits if you:

- were determined to be ineligible for unemployment insurance benefits (described above);
- meet the ready and able to work requirements of the unemployment insurance program;
- lost your job, or if you are self-employed, can no longer perform the regular services you performed in self-employment;
- are unable to reach your place of work, or the place where self-employment services were performed;
- were scheduled to begin a new job which will not now begin or which you are unable to reach;
- cannot work because of a disaster-incurred injury; or
- became the "head of your household" because of a death resulting from the WTC disaster.

In addition, in order to receive assistance, your job or home must be located in New York, Bronx, Kings, Queens or Richmond counties.

For how long can I receive Disaster Unemployment Assistance?

The period during which assistance may be available begins on September 17, 2001 and ends March 17, 2002. You may receive Disaster Unemployment Assistance for as long as you remained unemployed during this period, but you must have filed your application by **March 16, 2002**.

How do I make a claim for Disaster Unemployment Assistance?

You may apply by calling the NY State Department of Labor Telephone Claims Center at (888) 209-8124, Monday through Friday from 8:00 a.m. to 4:00 p.m.

I have lost my job because of the WTC disaster and am looking for new employment opportunities. Who can I call for guidance?

The State and City of New York have created the Twin Towers Job Center to provide assistance to those seeking either permanent or temporary work as a result of the WTC disaster. For more information on how the Twin Towers Job Center can help you, call the newly established hotline at (718) 557-1332, weekdays 9 a.m. to 9 p.m. and on weekends 9 a.m. to 5 p.m. You can also visit the website at www.TwinTowersJobs.org or visit one of the Center's branches at 68-46 91st Avenue in Jamaica, Queens or 180 Water Street in Manhattan.

Additional assistance may be available through the New York Department of Labor employment centers at (212) 621-9300 or the Emergency Employment Clearinghouse Program, which is a labor-business partnership between the Consortium for Worker Education, the NY City Partnership and the NY City Central Labor Council, at (212) 558-2261.



How do I collect on a life insurance policy?

You are entitled to proceeds of the life insurance policy if you are listed as a beneficiary in the deceased's policy. There are two basic kinds of life insurance policies which the deceased may have had - individual and employer-sponsored group policies. Individual policies typically are obtained by people on their own, often through an insurance agent. Group coverage typically is obtained as part of an employee's benefits package. Many employers provide coverage with death benefit protection equal to a worker's salary or twice his or her salary.

Who do I contact to make a claim for individually purchased life insurance?

The beneficiary of a life insurance policy starts the claim process by notifying the insurance company. If the insurance was obtained through an insurance agent, he or she can help walk you through the process. If no agent was used or you do not know who the agent is, you can contact the life insurance company directly. Many companies have set up hotlines and websites to help families file claims.

If you don't know who the insurance agent or the insurer is, look for any records that might contain information identifying the agency, policy or insurer, such as:

- statements (bills) from the insurance company or agency;
- insurance renewal notices; or
- check registers or bank statements that may show payments made to an insurer.

The American Council of Life Insurers has comprehensive contact information for life insurance companies on its website, www.acli.com. The New York State Insurance Department website provides information to contact the insurers' catastrophe centers at www.ins.state.ny.us/wtccats.htm. The NY State Insurance Department has also established a disaster hotline, (800) 342-3736, which is available from 9 a.m. to 5 p.m. seven days a week.

What if the life insurance coverage was provided as an employee benefit?

First contact the employer and inform them you would like to apply for death benefits on the employer's group life insurance policy. You should request a copy of the summary plan description (SPD) for the life insurance plan. In many cases, employers will get some or all of the benefits for you. Others may not be able to do so, and you may have to apply for benefits from the life insurance company yourself as you would for an individual policy. Because the WTC disaster has disrupted many businesses, it may take longer to obtain benefits.

What do I need to submit to the insurer?

Life insurance companies typically pay claims on insured lives upon receipt of a death certificate for the insured and a claim form. Because death certificates may not be immediately available for people who died at the WTC disaster, many insurance

companies are accepting a sworn affidavit in lieu of a death certificate. A simple, one-page form, called an Affidavit in Lieu of Death Certificate, was devised especially for the WTC disaster by insurance companies and regulators. That form is available on the New York State Insurance Department website at: www.ins.state.ny.us/acrobat/affidav.pdf. See also the Death Certificates Section of this Handbook.

Many insurance carriers have instituted other emergency measures for the processing of claims for those affected by the WTC disaster. An emergency plan may have been filed with the New York State Superintendent of Insurance. You may contact the New York State Insurance Department to find out about the insurer's emergency plan at www.ins.state.ny.us/wtccats.htm.

Your insurer may send you claim forms. These must be filled out, signed and returned within a period of time stated on the forms. Be sure to return all forms on time and to keep records of all communications to and from the insurance company, including correspondence, faxes, e-mail messages and telephone notes.

Several life insurance companies have announced plans to waive deadlines for premium payments for families affected by the WTC disaster. Contact your agent or company to learn more.

How long will it take to receive benefits once I complete the application for benefits?

Life insurance companies typically attempt to pay claims within 30 days of receiving a death certificate on the insured. See the Death Certificates Section of this Handbook.

What should I do if my claim is denied?

If the insurance was provided by an employer, you must follow the claims procedure set out in the SPD. Otherwise, you should object to the denial in writing, and ask the insurer to reconsider. If you have new information pertinent to your claim, provide it.

If you opt to bring a lawsuit against the insurance carrier, you must do so within the time frame specified in the insurance policy or state law. Certain policies require an internal review or "appeal" process before you may sue, so read all policy materials carefully. You should contact a lawyer if you are considering bringing a lawsuit.



I was injured in the WTC disaster and cannot return to work. Can I continue my health insurance?

Almost every employer in New York is required to offer employees the ability to continue their medical coverage at their own cost for up to 18 months. This coverage is referred to as COBRA coverage. You must make an election to continue the coverage within 60 days after the date your coverage terminates as a result of your termination of employment. If you are disabled, you may have the ability to continue your coverage for up to 29 months.

Can my family members keep their health insurance coverage?

Your dependents, who were covered by the plan, can also elect COBRA coverage, if available, at their own cost. Their maximum coverage period will be either 18 or 29 months depending on whether or not you are disabled for Social Security purposes.

Am I entitled to other benefits if I was working at the time I was injured?

You may be able to make a claim under workers' compensation for your injuries and lost wages if you were working at the time you were injured. You should contact your employer to discuss this coverage. The NY State Workers' Compensation Board has established a web page on its site to assist victims and their families, at www.wcb.state.ny.us/design/framework/emergencyinfo.htm. The web page provides basic information regarding workers' compensation rights, programs and services and provides relevant Board forms and instructions as they pertain to work-related deaths and injuries.

I am not eligible for workers' compensation. Are there other benefits available to me?

If you were not on the job at the time you were injured, you may be entitled to short-term or long-term disability insurance payments. Check with your employer and personal insurance agent to find out what coverage you have. Your employer may also provide benefits for specific injuries such as loss of a limb under an accidental death or dismemberment policy. If you have been injured, you should inquire about this coverage as well.

My deceased spouse's employer provided group health plan coverage for the family. Can we continue our coverage?

Almost every employer in New York is required to offer each covered dependent who loses coverage as a result of the death of a covered employee the right to elect COBRA coverage. The election must be made within 60 days after the day coverage will terminate. Generally, COBRA coverage can continue for up to 36 months for family members of a deceased worker. Each dependent is required to make an election to continue coverage. You may contact the employer for the appropriate election forms.

You may also be entitled to Social Security disability benefits. Social Security Administration representatives are available, from 7 a.m. to 7 p.m. Monday through Friday at their toll-free number (800) 772-1213. You may also visit the Social Security

Administration web site, www.ssa.gov. For more information, see the Social Security Section in this Handbook.

What other benefits may I be entitled to?

You should check with the employer to find out whether the employer provided benefits such as accidental death and dismemberment insurance or travel/accident insurance. These plans pay benefits to a beneficiary designated by the employee similar to life insurance. Most insurers will waive the requirement of a death certificate for these policies. In addition, many employers are voluntarily continuing health coverage for family members at the employer's cost for a limited period of time. This information may be posted on the employer's website.

What is the New York State Workers' Compensation Death and Funeral Benefit?

When an individual dies while at work, his or her spouse and/or minor children (or other dependents as defined by law) may be entitled to weekly cash payments equal to two-thirds of the deceased's average weekly wage for the past year, up to a maximum of \$400 per week.

If there are no surviving children, spouse, grandchildren, grandparents, brothers or sisters entitled to compensation, the surviving parents or the estate of the deceased worker may be entitled to a \$50,000 payment. Funeral expenses may also be paid, up to \$6,000 in Metropolitan New York counties and up to \$5,000 in all other counties.

You can contact the NY State Workers' Compensation Board at (800) 580-6665, (800) 697-4878, or (800) 877-1373 or on the web at www.wcb.state.ny.us/content/main/onthejob/wc03005.htm.



What retirement benefits might an affected employee or his or her family be entitled to?

Retirement benefits include the following:

- employer-sponsored pensions (so-called defined benefit plans);
- employer-sponsored 401(k) plans (or other defined contribution plans);
- union or multiemployer sponsored pensions or 401(k) plans;
- individual retirement arrangements (IRAs); and
- Social Security retirement benefits.

Not every employee or his or her beneficiary would be entitled to these benefits. Entitlement depends on what plans the employer has in place, as well as any plan rules relating to eligibility and vesting (generally based on years of service with the employer or union). All plans have standards you must meet to qualify for benefits. Only vested benefits are paid.

Most people age 62 or over qualify for Social Security retirement benefits. For more information, see www.ssa.gov/pubs/10035.html. You may also call the Social Security Administration's toll-free number at (800) 772-1213 or visit your local Social Security office. For the location of the Social Security office nearest you visit www.ssa.gov/locator. See also the Social Security Section of this Handbook

How can I find out what benefits I am entitled to either as a disabled employee or beneficiary of a deceased employee?

A first step in determining these benefits would be to contact the Plan Administrator or other plan official at the employer or union office for complete information on filing a claim for your benefits.

For each plan, you should obtain a copy of the plan's summary plan description (SPD). This is a document that the Plan Administrator must furnish to each plan participant and beneficiary. It gives a detailed summary of the plan: how it works, what benefits it provides, and how they may be obtained. The SPD is also required to spell out your rights and protections under ERISA, the federal law that covers most employer sponsored benefit plans.

Some employers lost their records in the WTC disaster, so you should try to gather and examine whatever paperwork you have concerning the employed person's retirement benefits.

How are retirement benefits paid under a pension plan?

In a typical pension plan, benefits are payable at normal retirement age but may also become payable in the case of the disability of the employee, or to a surviving spouse in the case of death of the employee. Many pension plans provide benefits to non-spouse beneficiaries in the case of death. The forms of the retirement benefit payments (lump sum

or annuity) will be specified by the plan and are subject to a series of complex rules. The Plan Administrator will provide detailed information about the various forms of payment. You should consult a tax advisor before selecting a form of payment.

How are retirement benefits paid under a defined contribution plan (such as a 401(k) plan)?

Most profit sharing and 401(k) plans permit lump sum payments upon termination of employment or death. While these plans also permit a participant to designate a non-spouse beneficiary to receive benefits upon the participant's death, there are rules that protect the spouse as beneficiary. If an employee selected a beneficiary other than his or her spouse, the spouse must have consented in writing, witnessed by a notary or plan representative in order for the alternative designation to be effective.

How do I make a claim for benefits under these plans?

Each plan will have a written procedure for processing claims for benefits and for appealing if the claim is denied. This information will be found in the SPD. If for any reason information concerning the filing of a claim has not been provided, you may make a claim in writing to the employer or union or the Plan Administrator. Generally, claims for benefits are processed within 90 days, although 401(k) plans are typically faster than traditional pension plans. You may be required to provide proof of death. If you receive notice that your claim has been denied, the SPD will contain information about how you can appeal the decision. Additional information and assistance can be obtained through the Department of Labor (see below).

Who can I contact for more information about pensions and 401(k) plans?

You should first contact your Plan Administrator and/or union representative. They will have specific information on the plans provided by the employer or union of the affected employee.

The Pension and Welfare Benefits Administration of the Department of Labor is also a good resource for information about your rights under federal law. While service in its New York regional office is being restored since its destruction in the WTC disaster, inquiries from plan participants in the New York region are being directed to its national office at (202) 219-8776. You may also write to them at:

U.S. Department of Labor
Pension and Welfare Benefits Administration
200 Constitution Ave., N.W.
Washington, D.C. 20210

For more detailed benefits information on the web, you can log on to www.dol.gov/dol/pwba.

Can I use money in my traditional Individual Retirement Arrangement (IRA) to pay for medical expenses?

Yes, if over a certain percentage of your taxable income. If the medical expenses are not deductible, however, any amounts you withdraw from the IRA will be subject to a 10 percent penalty. Any amounts withdrawn are taxed as ordinary income. You should consult a tax advisor before withdrawing money from an IRA.

What should I do if I am the beneficiary of an IRA?

If you have been designated as a beneficiary of an IRA you will have several options regarding the amounts in the IRA. The options will vary depending on the age of the IRA owner and whether the IRA owner had begun distributions. Several options allow you to leave the assets in the IRA so they continue to grow on a tax deferred basis for a period of time. Your decision about the timing and form of an IRA distribution will have serious tax consequences, so you should contact a tax advisor before taking a distribution from an IRA. You should contact the IRA custodian for more information on how to obtain a distribution. The custodian is the bank or brokerage firm holding the IRA assets. See the Personal Finance Section of this Handbook for more information on contacting banks and brokerage firms.

Where can I get more information about IRAs?

For more information you can read IRS Publication 590-Individual Retirement Arrangements and other helpful tax resources available on the Internal Revenue Service website www.irs.gov. You can also call the New York office of the IRS at (800) 829-1040.

**I know a child who lost his or her only parent or both parents in the WTC disaster. The parent provided for me to become the caretaker of the child in a will. What steps do I need to take to become the child's legal guardian?**

If the parent specified you to be the child's guardian in a will, you must complete guardianship proceedings in either the Family Court or Surrogate's Court in the county in which the deceased parent resided, as described in more detail below. The parent's will must also be duly admitted to probate. (See the Probate Section of this Handbook for more information about wills.)

The deceased parent did not specify another person to care for his or her child. What do I do if I wish to become a guardian of, take custody of, or adopt the child? What's the difference between guardianship, custody, and adoption?

Guardianship: A guardian is a non-parent to whom the Court gives authority to take responsibility for the care of a child. An appointment of guardianship may be permanent or temporary, and it expires when the child reaches the age of 18. You can petition the Court to be appointed as the guardian of a child and/or the child's property if you have the ability and want to take responsibility for that child.

To file a petition for guardianship, you can go to either the Surrogate's Court or the Family Court in the county where the child resides and ask the Clerk of Court for the necessary legal forms. If the Court appoints you as guardian, you will receive Letters of Guardianship. You will need these documents for matters such as enrolling the child in school or for hospital emergencies. Please note that Letters of Guardianship are only valid in the state where they are issued.

If there is an estate that the child will inherit, it is best to file in Surrogate's Court, together with the administrator of the estate.

Custody: Having custody means that you are legally responsible for the care, control, and maintenance of a child. Unlike adoption, a custody proceeding does not establish a parent-child relationship for legal purposes. If the child has a surviving parent, that parent has the right to take custody of the child. If you want to seek custody of a child with a surviving parent, you must have the court papers delivered to that parent notifying him or her of the date to be in court for the hearing. If the parties agree about the custody of the child, the judge may enter an order of custody on consent without a formal hearing. If the parties cannot reach an agreement, the Court will hold a hearing.

You can go to the Family Court in the borough in which the child resides or has resided for the past six months to start custody proceedings. The Family Court is user-friendly, and most petitioners in Family Court are not represented by an attorney. You should ask the Clerk of Court for the necessary legal forms, including a Petition for an Order of Custody.

Adoption: An adoption is a legal process in which a child's legal rights, privileges, and duties with respect to his or her natural parents are terminated, and the Court gives

permanent legal responsibility for the child to the adoptive parents. The adopted child and adoptive parents will have the same legal relationship with each other as in a natural parent-child relationship. If you wish to adopt a child, you can initiate proceedings in either the Surrogate's Court or Family Court in the county where the child resides. You may wish to have an attorney to guide you through the adoption process, but this is not required. Please note that if the child has a parent that is still living, an adoption cannot be completed unless the surviving parent's parental rights have been terminated. This can be done during the adoption process upon proving that the surviving parent has no contact with the child or that he or she is abusive.

Will I need to get a lawyer to represent the child?

No, but in some cases, the judge will assign a lawyer called a law guardian for the child. Law guardians are lawyers who are appointed by the Court to represent the wishes and interests of the child. There is usually no charge for representation by a law guardian assigned by the Court.

Are there any documents I should bring with me to court?

You should bring the child's birth certificate, any prior orders concerning the child (such as the parent's judgment of divorce, if applicable, any orders of custody, orders of visitation, orders of protection, or dispositions on abuse or neglect proceedings), and any legal documents available showing the status of the missing or deceased parent, such as the death certificate if you have it. (See the Death Certificate Section of this Handbook).

How do the Courts decide whether someone is an appropriate adoptive parent, custodian, or guardian?

The Surrogate's Court and Family Court both make determinations based on what is in the best interests of the child. To assist the Court in making its determination, the judge may order an investigation and report by the Department of Probation, the Administration for Children's Services, or a law guardian.

What if a child inherits a sum of money or receives funds from an organization?

Funds received by a child through inheritance or award will be administered by a guardian of the child's property. To file a petition to be appointed as guardian of the child's property, you should go to the Surrogate's Court in the county where the child resides. The child's assets or income must be invested as directed by the Court for the child's benefit. The Court may require the guardian to post a bond to ensure compliance with rules of the Surrogate's Court and laws regarding the investment of a child's assets. If there are assets, the best scenario is for the guardian of the child to be appointed the guardian of the assets. Both of these processes can be completed in Surrogate's Court. Usually, the funds are turned over to the child on the child's 18th birthday, at which time the guardianship is typically ended.

What if I am responsible for the care of a child who has received funds and I need to spend money on the child's behalf?

With the permission of the Surrogate's Court, as guardian of the child's property you may pay certain expenses on behalf of the child using funds held by you on the child's behalf.

The Court will decide each request based on the best interests of the child. You must petition the Court for approval of each expense in advance or, if the Court deems it to be appropriate, you may be able to obtain a monthly stipend for regular expenses. While Courts approve spending on a case-by-case basis, expenses that are typically approved include education, medical and other support.

Do guardianships apply for adults as well? What if I now have to take care of an adult who is incapacitated?

Yes, under the Mental Hygiene Law in New York, guardianship may also be obtained over an adult when the adult is incapacitated or has become unable to take care of his or her personal needs and property. You can file a petition to become a guardian of an adult and his or her property in Court.

Where do I file the petitions?

If you want to file a petition in Surrogate's Court, a list of addresses for Surrogate's Courts in New York can be found in the Probate section of this Handbook.

If you want to file a petition in Family Court, addresses for the New York City Family Courts are as follows:

Bronx County 900 Sheridan Avenue Bronx, NY 10451 (718) 590-3321	New York County 60 Lafayette Street New York, NY 10013 (800) COURT-NY (268-7869)	Kings County 283 Adams Street Brooklyn, NY 11201 (718) 643-2650/2
Queens County 89-14 Parsons Boulevard Jamaica, NY 11432 (718) 520-3991	Richmond County 100 Richmond Terrace Staten Island, NY 10301 (718) 390-5460	

Where can I get additional information or assistance?

The City Bar Fund September 11th Legal Relief Initiative Hotline at (212) 382-4763 and Law Help, New York's Online Legal Referral & Information System, at www.lawhelp.org.

The Children's Aid Society 105 East 22nd Street New York, NY 10010 (212) 358-8930	Legal Services for New York City 350 Broadway New York, NY 10013 (212) 431-7200	SHIELD Program 42 West 44th Street New York, NY 10036 (212) 626-7383
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I held a joint bank account or a joint brokerage account with a deceased loved one. Will I be able to continue accessing the account?

Yes. The surviving joint owner can and does have immediate access to the assets in a joint bank account as well as joint brokerage accounts. In order to have the name on the account changed, you will need to supply the financial institution with proof of death in the form of a death certificate.

How do I access my deceased loved one's bank accounts if I am not a joint owner?

If a bank account is in the deceased's name only, the bank may require the surviving spouse to go through the collection of personal property by affidavit process. Contact the bank for information on what will be required. A spouse may gain access if he or she is named personal representative in the deceased's will. If the account was a "payable-at-death account," the account owner should have designated a beneficiary who shall receive funds remaining in the account.

Under an executive order issued by Governor Pataki on September 24, 2001, a deceased's spouse, or if there is no spouse, the guardian or care-giver to the deceased's children, will be able to make withdrawals from the deceased's bank accounts and money market mutual fund accounts by submitting affidavits to the financial institutions holding such accounts. Forms of the required affidavit should be available at the deceased's bank or by clicking on "Spouse/Caregiver Affidavit" at www.banking.state.ny.us/il010924.html. These forms must be notarized, so bring photo identification with you. Spouses and guardians/caregivers will be able to withdraw up to an aggregate total of \$15,000 from all such accounts.

My loved one maintained a safety deposit box at a local bank. How can I gain access to its contents?

Each bank has its own rules about safety deposit boxes. Some banks allow a survivor to open a deceased's safety deposit box to look for a will. A bank employee will accompany the survivor to make sure that only the will is removed.

For a small estate of up to \$25,000, an affidavit for collection of personal property should permit access to the safety deposit box. Some banks have forms that serve the same purpose as the affidavit. Other banks require the appointment of a personal representative before allowing access to the safety deposit box.

Access to safety deposit boxes jointly held in the deceased's and surviving spouse's names depends on the bank. Some permit free access; others seal the box and restrict access to the personal representative.

I think I might be the beneficiary of a lost loved one's securities and assets held in a brokerage account. Can I get access to these assets prior to going through probate?

Probably not, if the brokerage account is maintained in New York State. Many states allow "payable-on-death" brokerage accounts whereby the owner of an account may designate a beneficiary for such assets upon the death of the owner, but New York has

not passed such legislation. If, however, the financial institution is not based in New York State, it may be possible that a payable-on-death account was established. You should call the financial institution to determine if a beneficiary was allowed and named.

If I owned real estate in New York jointly with a deceased individual, do I need to do anything in order to retain ownership of the property?

If you owned real estate with your spouse and were married at the time of purchase, you probably owned the property as Tenants in the Entirety and you are now the sole owner. No action is required to maintain your rights to the property, but you should contact the City Bar Fund September 11th Legal Relief Initiative Hotline at (212) 382-4763 to be certain.

If you owned property with the deceased as "Joint Tenants with Rights of Survivorship," which should be clearly set forth on your deed (a copy of which should be available from the County Clerk in the county that the property is located), then you are now the sole owner and no further action is necessary. Again, you should contact the City Bar Fund September 11th Legal Relief Initiative Hotline at (212) 382-4763 to be certain.

If you and the deceased were not married and your deed does not specify that you are Joint Tenants with Rights of Survivorship, then you are a Joint Tenant and own the property jointly with the deceased. If you and the deceased once owned property as Tenants in the Entirety and you subsequently divorced, you are probably a Joint Tenant as well. Being a Joint Tenant means that the deceased's share of the property will pass to one or more beneficiaries (which may or may not be you) by a will or by operation of law (see the Probate Section of this Handbook).

Transfer of ownership to the beneficiary of a Joint Tenant must be legally transferred by filing a new deed and completing other necessary documentation after the probate proceeding. You will not be able to transfer property without probate letters and a death certificate. Certain property transfers will require taxes to be paid. You should start this proceeding prior to any contemplation of sale, as the proceeding may take time and could delay a sale. A delay in the transfer from the deceased to his or her beneficiary could also result in certain penalties.

Please note that if you are the owner of a co-op, you must look to your proprietary lease and stock certificate to determine your ownership status as described above. There is no deed for a co-op. In any event, you should continue to pay the mortgage and real estate taxes on your property or you risk losing your property in a foreclosure action or tax sale.

What if my apartment lease was in the name of a member of my household who died in the WTC disaster?

A landlord cannot evict you, change your locks, or cut off your utilities without proper legal proceedings. If any of these things occurs, especially if you receive a notice of eviction, you should go to the clerk at the Housing Court with the papers you received to get the appropriate relief.

If you live in a rent controlled or rent stabilized apartment, you may be deemed as successor to the deceased individual if you are a family member and have lived with the deceased individual for some time. In NYC Public Housing, however, gaining succession rights is much more difficult and subject to particular regulations. If you believe your landlord is unfairly attempting to increase your rent, you should report it to the Housing Court.

For more information, see the Tenant's Rights Guide prepared by the NY State Attorney General's office at www.oag.state.ny.us/realstate/tenants_rights_guide.html. For directions, hours and information about the New York City Housing Court go to www.courts.state.ny.us/NYCHousingCT/Housing_Court_Home_Page.htm.

Because of the WTC disaster, I may not be able to pay off some or all of my bills on time or make mortgage or other loan payments, especially in the short term. What should I do?

You should immediately contact creditors, financial institutions and any other parties to whom you owe or will owe money in the short term. Discuss your specific circumstances with each creditor and request that payments be reduced or delayed while you attempt to work things out. In all events, you should follow up any conversation with a letter which reiterates your conversation and any agreements reached during the conversation. In addition, you can contact the National Foundation for Credit Counseling at (800) 388-2227, www.nfcc.org, or the Budget & Credit Counseling Service at (212) 675-5070, (800) 475-1994 (Outside the NY area) or www.buccs.com. The New York State Banking Department can assist with financial or banking questions. Contact them at (800) 522-3330 for general consumer questions or at (800) 334-3360 for questions about your mortgage.

I may not be able to pay off my student loans. Is there relief available for me?

The U.S. Department of Education directed lenders to grant "mandatory administrative forbearance" to borrowers who live or work in New York City. The procedure allowed affected borrowers to postpone or reduce the amount of monthly payments from September 11, 2001, through January 31, 2002 due to changes in their financial circumstances resulting from the attacks. Default collection activities were also on hold until January 31, 2002. The relief was provided to borrowers who are repaying loans received under the Federal Family Education Loan (FFEL), the William D. Ford Federal Direct Loan (Direct Loan), or the Federal Perkins Loan Programs.

Forbearance beyond January 31, 2002 will require documentation and a written forbearance agreement between the lender and the borrower. If you have questions about the U.S. Department of Education's announcement, you may call (800) 4-FED-AID (433-3243) or visit www.ed.gov.

My loved one passed away, and he or she usually handled our credit cards and bills. What can I do?

If you have a joint account with your spouse, the law prohibits a creditor from automatically closing the account or changing the terms because of the death of your spouse. Most likely, the creditor will ask you to update your application or reapply in your own name and then will decide whether to continue to extend credit to you or

change your credit limits. The creditor must let you continue to use the account without new restrictions while the application is being reviewed.

What do I do if I am denied credit?

Find out exactly why you have been turned down for credit, and take whatever steps are necessary to reverse the situation. If necessary, consider getting someone to cosign for you. The Fair Credit Reporting Act requires that anyone denied credit based on information contained in a credit report must be notified in writing. A credit report is a record of your credit payment history stored in a database at a consumer reporting agency. You can obtain a copy of your credit report by contacting a credit reporting company such as:

Equifax
P.O. Box 740241
Atlanta, GA 30374
(800) 685-1111
www.equifax.com

Trans Union
P.O. Box 1000
Chester, PA 19022
(800) 888-4213
www.transunion.com

Experian
P.O. Box 2002
Allen, TX 75013
(888) 397-3742
www.experian.com

Can I file for bankruptcy?

Generally, bankruptcy allows you to get rid of most of your debts, but it also requires you to use almost all of your assets (bank accounts, cars, stocks, etc.) to pay off as much of your debts as possible. Other bankruptcy options currently include keeping your assets but paying off your debts over time. Additionally, bankruptcy may make it more difficult to get a mortgage, and it usually does not wipe out fines, certain taxes, and most student loan obligations. Bankruptcy is a serious decision and should only be made after careful consideration, preferably with the help of a lawyer. If you want to talk to an attorney about bankruptcy, call the City Bar Fund September 11th Legal Relief Initiative Hotline at (212) 382-4763.



Should tax returns be filed on behalf of my missing relatives?

A delay in obtaining a death certificate may have important tax consequences. If your missing relative has not been officially declared deceased, consult a professional tax advisor. If your missing relative were to be treated as living, regular tax returns might be required on his or her behalf.

Should tax returns be filed on behalf of my deceased relatives?

Yes. If not filing a joint return, a final tax return should be filed by the “executor” or the “personal representative” or other administrator of the estate of the deceased person, appointed by the Court. Such administrator may seek professional assistance, such as that offered by the September 11th Legal Relief Initiative Hotline at (212) 382-4763.

Can I file a joint tax return with my missing or deceased spouse?

Yes. However, you should identify on the top of the return that you are doing so.

What income taxes are my deceased relatives required to pay?

The Victims of Terrorism Relief Act of 2001, signed into federal law on January 23, 2002, forgives the federal income tax liabilities of individuals who died as a result of the WTC disaster for 2000 and 2001 (both the tax year in which death occurs and the previous tax year). If the victim did not pass away until 2002, income tax is refunded for the years 2002, 2001 and 2000. The Act provides each such victim with a minimum total refund of \$10,000. The relief applies only to income that belonged to the victim. Please consult IRS Publication 3920, *Tax Relief for Victims of Terrorist Attacks*, or a tax advisor to determine the relief available to a surviving spouse filing a joint return.

Surviving spouses or executors filing tax returns on behalf of individuals who died as a result of the WTC disaster may file amended tax returns for 2000 until April 15, 2004, and may claim the tax relief for 2001 when they file the decedent's return. If you are claiming this relief for a deceased victim, mark “Killed in Terrorist Attack (KITA) - 9/11” on the top of any amended or original tax return and send them to the IRS, P.O. Box 4053, Woburn, MA 01888. If using a private delivery service, send the returns to the IRS, 310 Lowell St., Stop 661, Andover, MA 01810. For more information, contact the IRS at (866) 562-5227.

IRS Publication 3920, *Tax Relief for Victims of Terrorist Attacks*, also sets forth provisions for claiming refunds. This publication is available from the IRS at (866) 562-5227 or at www.irs.gov/pub/irs-pdf/p3920.pdf.

I received monetary relief for my losses in the WTC disaster. Is this money taxable?

The Victims of Terrorism Relief Act of 2001 treats the following types of income as tax-free: (1) payments by charitable organizations made because of the death, injury, wounding or illness of an individual that resulted from the WTC disaster; (2) debt cancellations, in whole or in part, made on or after September 11, 2001, and before January 1, 2002, but only if the debt was cancelled because the individual died as a result of the WTC disaster; (3) qualified disaster relief payments covering personal, family, living or funeral expenses or

covering the repair of a personal residence (but relief provided by a federal, state or local government or agency is tax-free only to the extent that any expense for which it is used is not covered by insurance or otherwise); (4) certain disability payments received in tax years ending after September 10, 2001, for injuries sustained in the WTC disaster; and (5) certain death benefits paid by an employer to the survivor of an employee who died as a result of the WTC disaster, whether paid in installments or in a lump sum and even if the payments were made to self-employed individuals.

What estate taxes are my deceased relatives required to pay?

The Victims of Terrorism Relief Act of 2001 reduces the estate tax of individuals who died as a result of the WTC disaster. The Act effectively exempts the first \$8.5 million of an estate from federal estate tax and the first \$3 million from state estate tax.

When should estate tax returns be filed?

You should consult a professional tax advisor regarding applicable deadlines. Generally, federal and New York State returns for the estate of a deceased person are due nine months after the date of death. Thus, for an individual who died on September 11, 2001, returns would be due by June 11, 2002. Extensions for filing are generally available, although taxes should be paid on time to avoid interest and penalties. Estate tax returns should be filed by the person administering the estate of the deceased.

When should personal income tax returns be filed?

Most employees are required to file their federal, New York State and City personal income tax returns for the calendar year 2001 by April 15, 2002. Extensions are generally available upon timely request. However, you may be required to file and pay estimated taxes earlier (for example, if you are self-employed or your employer did not withhold income taxes throughout the year).

Have federal income tax return filing deadlines been extended?

Soon after the WTC disaster, the IRS extended certain filing deadlines for “affected taxpayers,” who are defined as victims of the WTC disaster (including missing individuals), individuals whose principal residence or place of employment is located in the five boroughs of New York City, relief workers assisting in the five boroughs of New York City, individuals whose records are unavailable due to the disaster and spouses of any of the above “affected taxpayers,” but only with regard to the filing of a joint return. Most of these extended deadlines, which related to filing deadlines for 2000 tax returns on extensions or payments of installment taxes for 2001, have already expired.

In Publication 3920, *Tax Relief for Victims of Terrorist Attacks*, the IRS has indicated that it may further postpone filing tax deadlines for “affected taxpayers” for up to one year. If such further postponements are offered, they will be publicized by the IRS. For more information, consult IRS Publication 3920 and IRS Notices 2001-61 and 2001-68 at www.irs.gov.

How should I mark documents I send to the federal tax authorities?

If you qualify for an extended federal deadline, you should (a) mark in red ink

“WTC - September 11, 2001 — Terrorist Attack” at the top center of any late filed return, extension, estimated tax voucher or other document, and (b) include a brief explanation of the circumstances affecting your ability to meet the normal tax deadline.

Have New York State tax return filing deadlines been extended?

The New York State Department of Taxation and Finance, the agency that administers both New York State and New York City personal income tax, has issued notices (Important Notices N-01-14 and N-01-16) which extend, for eligible individuals, all NY State and City personal income tax filings, payments and other deadlines. Many of these deadlines have already expired.

When should I file my New York State tax return if the corresponding federal tax return is due later?

The IRS and the New York State Department of Taxation and Finance disaster relief programs provide different extended filing dates. Your New York State personal income tax return may be due earlier than your federal income tax return, but your federal return contains information you need to complete your New York State return. In Important Notice N-01-19, the New York State Department of Taxation and Finance announced penalty relief for late filings and late payments of income tax under these circumstances, but did not extend the deadlines for filing and payment of income tax. If you are not eligible for the relief provided in Important Notices N-01-14 and N-01-16, but are eligible for the penalty relief described in Important Notice N-01-19, mark “WTC – Federal Extension” on the top center of the front page of any late filed return. If you are eligible for the relief provided in Important Notices N-01-14 and N-01-16, mark “WTC” on the top center of the front page of any late filed return and include a brief explanation of how the WTC disaster affected your ability to meet tax deadlines.

Is there any additional tax relief for which I might qualify if my property has been damaged or lost?

If you suffered property losses because of the WTC disaster you may get a quick tax refund by claiming your losses on an amended Federal income tax return for the year 2000. By amending the 2000 return (rather than waiting to file a return for 2001), you can get a refund in a few weeks. You must reduce the amount of loss by any insurance or other reimbursements received or expected. Tax forms and publications with additional details about this are available through www.irs.gov or by calling (866) 562-5227.

Where can I get more tax related information?

The IRS handles inquiries from taxpayers whose ability to meet their federal tax obligations has been affected by the WTC disaster by phone at (866) 562-5227, Monday through Friday in English (7 a.m. to 10 p.m.) and Spanish (8 a.m. to 9:30 p.m.). Other sources of information include the following:

- The IRS: www.irs.gov/relief/index.html or (866) 562-5227;
- New York State: www.tax.state.ny.us or (800) 225-5829;
- New York City: www.ci.nyc.ny.us/html/dof/html/fm_wtc.html or (718) 935-6000/9500.



How did the WTC disaster affect federal immigration policies?

The WTC disaster caused many people to be concerned that their immigration status might be lost due to the death of a family member or loss of the employment on which their status was based. In response, the Immigration and Naturalization Service announced on October 10, 2001 that it would “exercise its discretion in a compassionate way toward families of victims.” Since that time, various changes in relevant law and regulations have been adopted, primarily through the provisions of the USA PATRIOT Act of 2001, in order to preserve immigration status and benefits for WTC victims and their families. While a full discussion of these issues is beyond the scope of this Handbook, you should be aware that many aspects of immigration law and regulation now include exceptions for persons affected by the WTC disaster.

I was in the process of becoming a permanent resident based on a family relationship with a victim of the WTC disaster. How will the WTC disaster affect my immigration status?

The USA PATRIOT Act grants special immigrant status to people who were in the process of securing permanent residency through a family member who is deceased or disabled or unemployed as a direct result of the WTC disaster. To qualify, you must file a petition and otherwise be eligible to receive an immigrant visa. The spouse and children of a WTC victim are eligible for such special immigrant status if they were in the United States on September 10, 2001 or were “following to join” a WTC victim in the United States not later than September 11, 2003.

I was in the process of becoming a permanent resident based on employment which was lost as a result of the WTC disaster. How will that affect my application?

The USA PATRIOT Act also grants special immigrant status to persons who were in the process of securing permanent residency through employment which was lost due to disability or as a result of the damage or destruction of a business. To qualify, you must file a petition and otherwise be eligible to receive an immigrant visa.

I am an immigrant who is the spouse or child of a U.S. citizen or lawful permanent resident who is deceased as a result of the WTC disaster. How does my relative's death affect my immigrant status?

The USA PATRIOT Act permits the spouse and children of a U.S. citizen who died as a result of the WTC disaster to petition for permanent resident status, so long as the petition is filed within two years of the date of the citizen's death (and prior to any remarriage). The spouse and children of a lawful permanent resident who were included in a petition for classification as a family sponsored immigrant filed by the lawful permanent resident may maintain that petition with the same priority date. If the spouse or child of a permanent relative who died as a result of the WTC disaster was present in the U.S. on September 11 but had not yet been petitioned for, they may self-petition for permanent residence.

Has the WTC disaster affected the length of my visa?

If you were in lawful nonimmigrant status on September 11 and were disabled as a result of the WTC disaster, you and your spouse and children may remain lawfully in the U.S. and receive work authorization for one year or, if later, until your visa status would otherwise terminate. The nonimmigrant spouse and children of a person who died as a direct result of the WTC disaster are also entitled to the one-year period and work authorization.

What happens if I am unable to meet an INS deadline?

The USA PATRIOT Act granted extensions for nonimmigrants who may have been unable to meet various deadlines, such as visa waivers, diversity lotteries, immigrant visas and advance parole, as a direct result of the WTC disaster. Note, however, that many of these extended deadlines have already expired. For more information on these deadlines or for legal assistance, contact one of the organizations listed below.

Where can I find more information?

Additional information is available from the INS at (800) 375-5283 or at www.ins.gov. Individuals with immigration-related questions are encouraged to consult an attorney since this is a complicated area of law. You can obtain legal advice by contacting the City Bar Fund September 11th Legal Relief Initiative Hotline at (212) 382-4763. In addition, free legal services for individuals who cannot afford private attorneys may be obtained through the following organizations:

Legal Aid Society
Immigration Unit
(serves all boroughs of New York City)
166 Montague Street
Brooklyn, NY
(718) 722-3100

Catholic Charities
9/11 Relief Efforts
1011 First Avenue, 12th floor
New York, NY
(212) 371-1000 ext. 2401

Safe Horizon
Immigration Legal Services
Jackson Heights Community Office
74-09 37th Ave., Suite 308
Jackson Heights, NY
(718) 899-1233 ext. 129

**Who can help me better understand all of these legal issues?**

The following organizations are among those offering legal assistance and/or referrals:

- City Bar Fund September 11 Legal Relief Initiative at (212) 382-4763;
- The American Bar Association Disaster Legal Services at (866) 606-0626 (www.abanet.org);
- New York State Bar Association help line at (877) HELP-321 or (518) 487-5709 (www.nysba.org);
- The Legal Referral Service of the New York City and County Bar Associations at (212) 626-7373;
- Queens County Bar Association Lawyer Referral & Information Service at (718) 291-4500;
- Law Help, New York's Online Legal Referral and Information System at www.lawhelp.org;
- The Legal Aid Society in New York City at (718) 722-3100;
- Legal Services for New York (LSNY) at (212) 431-7200; or
- Trial Lawyers Care at (888) 780-8637.

Where can I get legal assistance in person?

Legal Services for New York has neighborhood offices throughout the boroughs of New York City. To get more information, you can reach their Manhattan office at 350 Broadway, 6th Floor, New York, NY, or call (212) 431-7200.

At present, the Legal Aid Society's Lower Manhattan and Brooklyn Neighborhood Offices can be reached at 166 Montague Street, Brooklyn, NY, 11201; (718) 722-3100. For people in other areas, contact the following Legal Aid offices:

Harlem Neighborhood Office
(serves Lex. to Riverside Dr. /
W. 110th St. to 169th St.)
2090 7th Ave., 8th FL.
New York, NY 10027
(212) 663-3293

Rockaway Neighborhood Office
(serves zip codes 11414, 11416-17, 11420,
11422, 11691-95, 11697)
1600 Central Ave.
Far Rockaway, NY 11691
(718) 337-4900

Staten Island Neighborhood Office
(serves all of Staten Island)
60 Bay St.
Staten Island, NY 10301
(718) 273-6677

Nassau/Suffolk Law Services Committee, Inc.
(East end of Long Island/Suffolk County)
313 West Main St.
Riverhead, NY 11901
(631) 369-1112

Bronx Neighborhood Office
(serves all of the Bronx)
953 Southern Blvd.
Bronx, NY 10451
(718) 991-4758

Queens Neighborhood Office
(serves all of Queens)
120-46 Queens Blvd., 2nd Fl.
Kew Gardens, NY 11415
(718) 286-2450

Nassau/Suffolk Law Services
Committee, Inc. (Suffolk County)
1757 Veterans Highway, Suite 50
Islandia, NY 11749
(631) 232-2400

Nassau/Suffolk Law Services
Committee, Inc. (Nassau County)
1 Helen Keller Way, 5th Floor
Hempstead, NY 11550-3903
(516) 292-8100

Community Law Offices
(serves all of Upper Manhattan above 96th Street)
230 East 106th Street
New York, NY 10029
(212) 426-3070

Who can help me with the non-legal issues?

There are currently three centers in Manhattan where you can obtain information and assistance (including notary service and legal referrals) from a number of agencies in a single site. For a limited time, you can also apply for benefits from Safe Horizons, Red Cross, and the Salvation Army in one interview at one of these sites. All centers are open 9:00 a.m. to 7:00 p.m. M-F and 9:00 a.m. to 2:00 p.m. Saturday.

Families of victims receive service at the Family Assistance Center, at 575 Lexington Avenue. Others can go to the Disaster Assistance Service Centers located at 51 Chambers Street and 141 Worth Street (also known as 80 Centre Street).

For further information, see www.safehorizon.org or call (800) 621-HOPE (4673), (800) 247-8035 or (212) 577-7777.

Safe Horizon provides support, crisis counseling, practical assistance and emergency compensation to cover immediate expenses (rent, utilities, groceries, etc.), burial and funeral expenses, and longer-term counseling at nine community offices. This effort is supported by the New York State Crime Victims Board in the Manhattan Family Center, with whom Safe Horizon has developed procedures to expedite payments, and the United Way/NYCT September 11th Fund.

Manhattan—Upper West Side
166 West 75th Street
New York, NY 10023
(212) 874-0724

Queens—Jamaica
90-14 161st Street
Jamaica, NY 11432
(718) 291-2555

Staten Island
130 Stuyvesant Place, 5th floor
Staten Island, NY 10301
(718) 448-3118 x 21

Manhattan—Harlem
2090 Seventh Avenue, 10th Floor
New York, NY 10027
(212) 316-2100

Queens—Jackson Heights
74-09 37th Avenue, Room 412
Jackson Heights, NY 11372
(718) 899-1233

Bronx—Claremont
1460 Washington Avenue
Bronx, NY 10456
(718) 538-9382

Manhattan—Washington Heights
336 Fort Washington Avenue
New York, NY 10033
(212) 740-7446

Brooklyn
3021 Atlantic Avenue
Brooklyn, NY 11208
(718) 827-4700

Bronx—Kingsbridge
2530 Grand Concourse
Bronx, NY 10458
(718) 933-1000

Where can I get other assistance?

For financial assistance, contact:

- Salvation Army (800) SAL-ARMY (725-2709) or www.salvationarmy.org;
- Red Cross (877) 746-4987 or www.redcross.org;
- Brooklyn Bureau of Community Service (718) 310-5600. Offers job training and placement assistance;
- Catholic Charities of the Archdiocese of New York (212) 371-1011 ext. 2401. Offers temporary shelter, child care and medical attention;
- Catholic Charities of the Archdiocese of Brooklyn and Queens (718) 625-7800. Offers support groups and day care services;
- Community Service Society of New York (212) 614-5566. Specializes in helping families learn what public benefits they are eligible for and helps with funeral and burial expenses;
- Children's Aid Society, in conjunction with the New York Times (212) 358-8930, provides food, clothing, housing, furniture, child care, legal information and referral and funeral expenses; and
- National Association of Realtors has established the Realtors Housing Relief Fund (800) 874-6500 or www.relief.realtor.org, to help pay the mortgage and rental costs of the families devastated by the WTC disaster.

For information about disaster assistance loans for businesses of all sizes, nonprofit organizations, homeowners and renters, contact:

- U.S. Small Business Association at (800) 659-2955 or visit the website at www.sba.gov/disaster;
- New York State Business Assistance Center at (800) STATE-NY (782-8369);
- New York City Economic Development Corporation Hotline at (866) 227-0458, (718) 403-2220 or visit the website at www.newyorkbiz.com; or
- New York State Department of Labor, Employment Services Offices (layoff aversion grants) at (212) 621-9343.

Several organizations solicit donated food and grocery products from the nation's food and grocery industry and distribute it to people in need. You can contact the following:

- America's Second Harvest: www.secondharvest.org/aboutash/disaster.html; (800) 771-2303;
- New York City Harvest: www.cityharvest.org; (917) 351-8700;
- Food for Survival, Inc.: www.foodforsurvival.org; (718) 991-4300;
- Food for Survival Hotline: (718) 991-4300 Ext. 20; or
- Emergency Assistance 24 hour Hotline: (800) 994-6494.

In addition, Food Stamp benefits have been expanded for New York residents and other individuals (regardless of their immigration status) who need food assistance as a result of the WTC disaster due to:

- loss of food;
- damage to or destruction of the household's home or self-employment business;
- disaster-related expenses not expected to be reimbursed during the benefit period (e.g. home or business repairs, temporary shelter expense, etc.);
- loss or inaccessibility of income for half the benefit period; or
- inaccessible liquid resources (e.g. banks closed due to the disaster).

For information on whether you are eligible and how to apply, call the NY City Human Resource Administration information line at (877) 472-8411 (English/Spanish) or (718) 557-1015 (Russian, Vietnamese, Chinese language). Also, see www.wnyc.net/pdf/misc/foodstampinfo.pdf.

Where can I get help with funerals?

If your loved one died while at work, New York State Workers' Compensation Death and Funeral Benefit may pay funeral expenses of up to \$6,000 in metropolitan New York counties and up to \$5,000 in all other counties. Call (800) 580-6665, (800) 697-4878, or (800) 877-1373.

Where can I get more information?

The Federal and NY State governments are continuing to allocate new resources in an effort to assist victims of the WTC disaster. Recommended sources for keeping up to date and learning about new programs are:

NY City Help Line: (212) 560-2730 or (212) 221-8635;
New York City Central Labor Council: (800) 509-0036;
www.firstgov.gov;
www.labor.state.ny.us;
www.nyc.gov;
www.ny1.com;
www.nypl.com or www.nypl.org/branch/services/emerginfo.html;
www.nypost.com or www.nypost.com/news/regionalnews/wtchelpinfo.htm;
www.nytimes.com or www.nytimes.com/national/resources/index.html; and
www.september11fund.org/grief.html.

If you or any of your family members belong to a labor or trade union or are an employee of NY City, NY State or the U.S. Government, specific resources and procedures may be available to you. You should follow up with those organizations or agencies.