Estate and Advance Care Planning

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10.2022
Estate and Advance Care Planning is the process of discussing, determining and executing plans and directives - such as a

- Power of Attorney
- Health Care Proxy (POA)
- DNR Not Resuscitate (MOLST)
- Living Will (advance health care directive)
- Organ Donor Directive

Estate Plan Documents and Organizing

- Estate and Asset Inventory

Resources

Disclaimer, 2022
Prevents financial and legal grief to your loved ones

Avoids complications, disagreement, bitterness in the family

Ensures that physical, financial and online assets are passed on to your loved ones

Can provide for a family members or loved one with special needs

Helps prepare for contingencies

Can help your beneficiaries reduce or lower tax burdens
- “Your voice” should you become incapacitated
- Nominate guardians for young children
- Once you own real estate and investments, helps you manage them
- Pre and post retirement asset management
- Planning for long term care and end of life
Benefits of Planning

Planning – operational, tactical and strategic

-Succession Plan - What do you want to leave behind?

-Allows you to determine who will receive assets upon your death

-Allows you to make medical decisions for yourself or for you to decide who can make medical decisions on your behalf

Asset Protection - records and documentation (lists, photos or video)
Important Responsibilities

Do you keep important documents and financial records up to date?
Whether you keep money and documents in a bank, a safe or under the mattress, you need to know where to find important records when you need them. Where are keys or codes to lock boxes or safes located?
Passwords?

Is everything in writing?
Where are specifics on all your accounts? What banks do you use? Who is your mortgage company?
Do you use an investment company or work with a broker?
Do you have an accountant, financial planner or attorney?

Where are your records?
What are monthly expenses and how are bills paid currently?
What is the annual income - Retirement, Pensions, Medicare, Medicaid, Social Security, Benefit Plans, etc.?
Health Insurance?
Long Term Care Insurance?
Getting Help and Assistance

- Elder law attorneys, tax consultant or accountant
- Counselors, Social Workers, Members of the Clergy
- Hospice and Palliative Care Office for the Aging
- Google Advance Planning with NIA (National Institute on Aging)

Planning Ahead for Aging Parents

Helping Parents with Finances

Cornell Legal Services – available to employees during open enrollment
https://www.araglegal.com/individuals/learning-center/campaign/pio

New York Attorneys – listing and contact information
Making a Care Plan

A care plan summarizes a person’s health conditions, medications, health care providers, emergency contacts, end-of-life care wishes, such as advance directives, and other decisions. A care plan may also include your loved one’s wishes after they die, such as funeral arrangements and what will be done with their body. It is a good idea, as much as possible, to have family agreement about the care plan.

Clinicians trained in palliative care often conduct family meetings to help address disagreements around health care decisions.

Regardless, your family should try to discuss the end-of-life care they want with the health care team. In most cases, it’s helpful for the medical staff to have one person as the main point of contact.

Only 37% of individuals have completed advance care planning.

1 out of 3 individuals see 10 or more physicians in the last six months of life.
Values, Beliefs and Preferences

To be most effective, advance care planning needs to be a comprehensive, ongoing process that includes your family and friends, your proxy, and your providers.

Planning should reflect your personal values and beliefs and be adaptable if circumstances change.

Communication is the single most important first step in advance care planning.

It is critical to consider what you want while you have time to think through the options clearly, and then to discuss the options and preferences with family.
Cultural Considerations

Everyone involved in a patient’s care should understand how a person’s history and cultural and religious background may influence expectations, needs, and choices at the end of life. Different cultural and ethnic groups may have various expectations about what should happen and the type of care a person receives.

The doctor and other members of the health care team may have different backgrounds than you and your family. Discuss your personal and family traditions surrounding the end of life with the health care team.

A person’s cultural background may influence comfort care and pain management at the end of life, who can be present at the time of death, who makes the health care decisions, and where they want to die.

Green or sustainable burial
Disposition of Remains / Cremation
Mosque or certain funeral location
Medical body donation
Power of Attorney

A legal document in which one person gives another the authority to make specified health decisions or assume certain financial responsibilities

**Medical POA**

POA for **health care** gives an agent the authority to make medical decisions on behalf of the principal. The health care agent has authorization to make a broad range of decisions ranging from treatment and surgical decisions to future long-term care options. It’s important that the principal discusses all advance health care directives with the agent, since this person is charged with carrying out the preferences and care decisions that have been specified in a DNR or living will.

**Financial POA**

POA for **finances** gives an agent the authority to make legal and financial decisions on behalf of the principal. An individual appointed as financial POA is authorized to act on behalf of the principal when conducting business, paying bills, completing real estate transactions or signing legal contracts.
Power of Attorney for Health Care

Power of Attorney is a legal document that appoints a particular person as a health care proxy or health care agent to make health care decisions for you if you are unable to do so yourself (not just during a terminal illness).

Your proxy, also known as a representative, surrogate, principle or agent, should be familiar with your values and wishes. This means that he or she will be able to decide as you would when treatment decisions need to be made. A proxy can be chosen in addition to or instead of a living will.

The [New York health care proxy form](#) requires two witness signatures. Neither witness can be the agent(s) you designate in the document.
Health Care Proxy

Appointing a health care proxy decision maker for care in the event that a person is not able to make medical decisions for him or herself. Make sure they are comfortable with this responsibility.

The person you choose as a proxy needs to be able to make decisions based on understanding and respecting values and beliefs about care. It's a good idea to also name an alternate proxy.

Select someone who will understand and be able to carry out wishes even if they include denying life-sustaining treatments. Some parents have inadvertently put their families through agony by avoiding the subject. Of course, check with those you choose as your health care proxy and alternate before you name them officially.

If there is no formally appointed health care proxy, in order of priority:
- Court-appointed guardian (if there is one)
- The spouse or domestic partner
- An adult child
- A parent
- A brother or sister
- A close friend
Do Not Resuscitate (DNR) is a physician's order that is written in a person's medical record indicating that health care providers should not attempt life-saving measures such as cardiopulmonary resuscitation (CPR) in the event of a cardiac arrest, a heart attack, or respiratory arrest.

The order tells medical staff in a hospital or nursing facility that you do not want them to try to return your heart to a normal rhythm if it stops or is beating unsustainably using CPR or other life-support measures.

A request for a DNR can be included in your planning documents or communicated directly to your physician. Also, most health care facilities have a Do Not Resuscitate order policy and forms that a hospital professional can help you with if you choose this option after being admitted to a hospital.
Organ and Tissue Donation & POLST/MOLST

Organ and Tissue Donation allow organs or body parts from a generally healthy person who has died to be transplanted into people who need them. Commonly, the heart, lungs, pancreas, kidneys, corneas, liver, and skin are donated. There is no age limit for organ and tissue donation. You can carry a donation card in your wallet. Some states allow you to add this decision to your driver's license. Some people also include organ donation in their advance care planning documents.

POLST and MOLST forms provide guidance about your medical care preferences in the form of a doctor's orders. Typically, you create a POLST (Physician Orders for Life-Sustaining Treatment) or MOLST (Medical Orders for Life-Sustaining Treatment) when you are near the end of life or critically ill and know the specific decisions that might need to be made on your behalf. These forms serve as a medical order in addition to your advance directive. They make it possible for you to provide guidance that health care professionals can act on immediately in an emergency.
Living Will

Planning document (written instructions) which allows you to convey the type of care you want if you cannot speak for yourself including the extent to which you want life-sustaining medical treatments, and who should make those decisions if you cannot.

Advance directives are not only focused on what treatments you don't want, they also should include all of the treatments you do want.

Consult with an eldercare attorney regarding specific state laws or regulations.

Will: A legal document used to divide assets and property after death.
Resources with Legal Issues and Aging

**Sharing Your Wishes**
is a program designed to make older adults aware of the importance of planning in advance for their health care in the event that they are unable to make or communicate their decisions.

**The Conversation Project**
Sharing your wishes for end-of-life care

**Five Wishes** user-friendly advance directive

**National Institute on Aging**
Advance care planning articles and sample Documents, frequently asked questions are very helpful

**Advance Care Planning**
Step by step process for success with advance care planning

**Office for the Aging**
Phone: 607-274-5482
Web: [http://tompkinscountyny.gov/cofa](http://tompkinscountyny.gov/cofa)

**Finger Lakes Independence Center**
Phone: 607-272-2433
Web: [www.flconline.org](http://www.flconline.org)

**Hospicare – Hospice and Palliative Care**
Phone: 607-272-0212
Web: [https://www.hospicare.org/](https://www.hospicare.org/)

**Health Planning Council for Tompkins County**
Phone: 607-273-8686
Web: [https://hsctc.org/](https://hsctc.org/)
Additional Resources (local and national)

**TC Estate Planning Council**
**Legal Assistance of Western New York or NY LAW**
**Elderlaw Attorneys**

**American Bankers Association**
**American Bar Association**
**American Institute of Certified Public Accountants**
**Financial Planning Association**
**National Association of Estate Planners & Councils**
**National Association of Insurance and Financial Advisors**
**New York State Bar Association**
**New York State Insurance Department**
**Society of Financial Service Professionals**
**Tompkins County Bar Association**
COUNSELING, HEALTH, MENTAL HEALTH & SUPPORT

Office for the Aging
Hospicare
NY Connects/FLIC
211/HSC Health Insurance Navigators
Lifelong HIICAP
Love Living at Home
The Independent Consumer Advocacy Network

CU Caregiver Support and Education Network
Faculty and Staff Assistance Program
Wellness Healthy Living Program

Long Term Care Ombudsman Program
Cornell Cooperative Extension

COFA Alzheimer's Support Unit
Cancer Resource Center Cancer Support Group
Family and Children's Services
Tompkins County Mental Health
Mental Health Association
Aging with Dignity
Suicide Prevention and Crisis Service
Brain Injury Support Group
Cayuga Addiction Recovery Services/Alcohol & Drug Council of TC
National Alliance on Mental Illness (NAMI)
Keeping Organized

Keep your planning documents easily accessible and in multiple places. Consider carrying a wallet card. Give copies to family members, friends, the physician's office, and/or lawyer if appropriate.

It is critical that the health care proxy has a copy, or can access a copy quickly, if there is an unexpected emergency.

Review your plans periodically to be sure you are still satisfied with the decisions, and the health proxy and POAs are still able and willing to be responsible for carrying out plans.
Digital Estate Plan

My Family Estate Legal Document Kit

Peace of Mind Planner

I’m Dead, Now What?

Putting Things in Order (to help my loved ones when I am gone)

The Big Book of Everything by Erik Dewey – this is what we used to organize life. (PDF or Excel Version)
https://www.erikdewey.com/bigbook.htm
I’ve now pulled sample documents together in a Cornell Box location (for easier management). There are twelve documents for use. And growing...
Financial Information and Final Wishes

Financial Information and Final Wishes, Cornell Academics and Professors Emeriti

A Guide to Financial Information and Final Wishes for my Family/Advocate/Executor provides guiding information detailing your assets and liabilities to ease the process in handling your estate.

• These are not legally binding documents, but guidance for those who would handle your estate.
• Let your primary contacts or lawyers know where to find the documents.
• This publication and is not a substitute for a will unless an attorney incorporates the document within the will.
• Keep the forms up-to-date; either as things change or set a fixed time to annually check to be sure it is up-to-date.
• Please take security precautions as suggested in the document.
Cornell Law School Free Estate Planning Seminars (Spring)

CAPE – Retirement Support and Mentorship (Cindy Robinson)

Hospicare Webinars – How to Make a Death Binder

Mariette Geldenhuys for providing Basic Estate Planning (previously recorded session with TC Community Foundation)

Digital Accounts?

Why You Need a Digital Estate Plan and How to Make One - Advice from the authors of “In Case You Get Hit By a Bus”
Thank you!
Questions?

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## Determining Need for Will vs. Trust

Know when a Trust is the best fit for you.

<table>
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<th>Trust</th>
<th>Yes</th>
<th>Yes</th>
<th>Avoid</th>
<th>Yes</th>
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<tbody>
<tr>
<td>Own One+ Property</td>
<td>Yes</td>
<td>POSSES $200K+ Assets</td>
<td>PROBATE COURT</td>
<td>TAXABLE ESTATE</td>
<td>STIPULATIONS ON INHERITANCE</td>
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<td>Will</td>
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<td>No</td>
<td>Don’t Avoid</td>
<td>Enters probate No</td>
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Source: Trust & Will