

Minimize Burden on Others



The second theme in the Legal pillar is Minimizing Burdens on loved ones. There are several key ways to achieve that goal. Among them are:

1. Finalizing your Estate Plans
2. Selecting your Fiduciaries
3. Creating Manuals of Instruction

Finalize Estate Planning

Beyond Wills and Trusts, there are a host of additional legal documents that are equally significant when planning for your future, including Powers of Attorney, Advance Care Directives and others. Let's learn about the most significant documents to include in your estate plan.

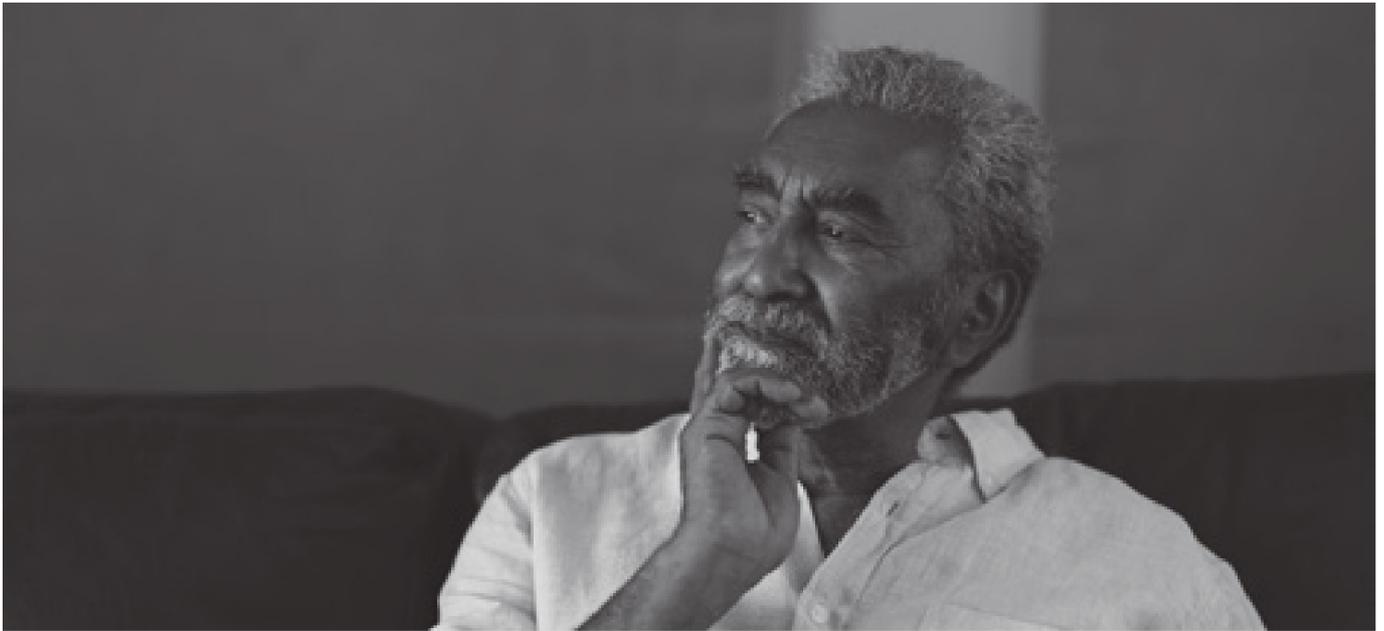
Durable Healthcare Power of Attorney

The person you appoint with this power will make healthcare decisions for you when you are unable to do that yourself. Whether that is due to a coma, dementia, or other illness, when you are incapacitated it is critical to allow someone close to you to manage these choices.

Durable Financial Power of Attorney

As you might guess, this appoints someone the power to act in your stead in matters of banking, taxes, finances, and similar areas. If you are sick, who will pay the bills? Your Power of Attorney for Finances, that's who.

You may have noticed that both of these Powers of Attorney started with the word "Durable." This means that, although you sign the documents while you are well, they have effect even when you are ill, too.



Mental Health Advance Directive

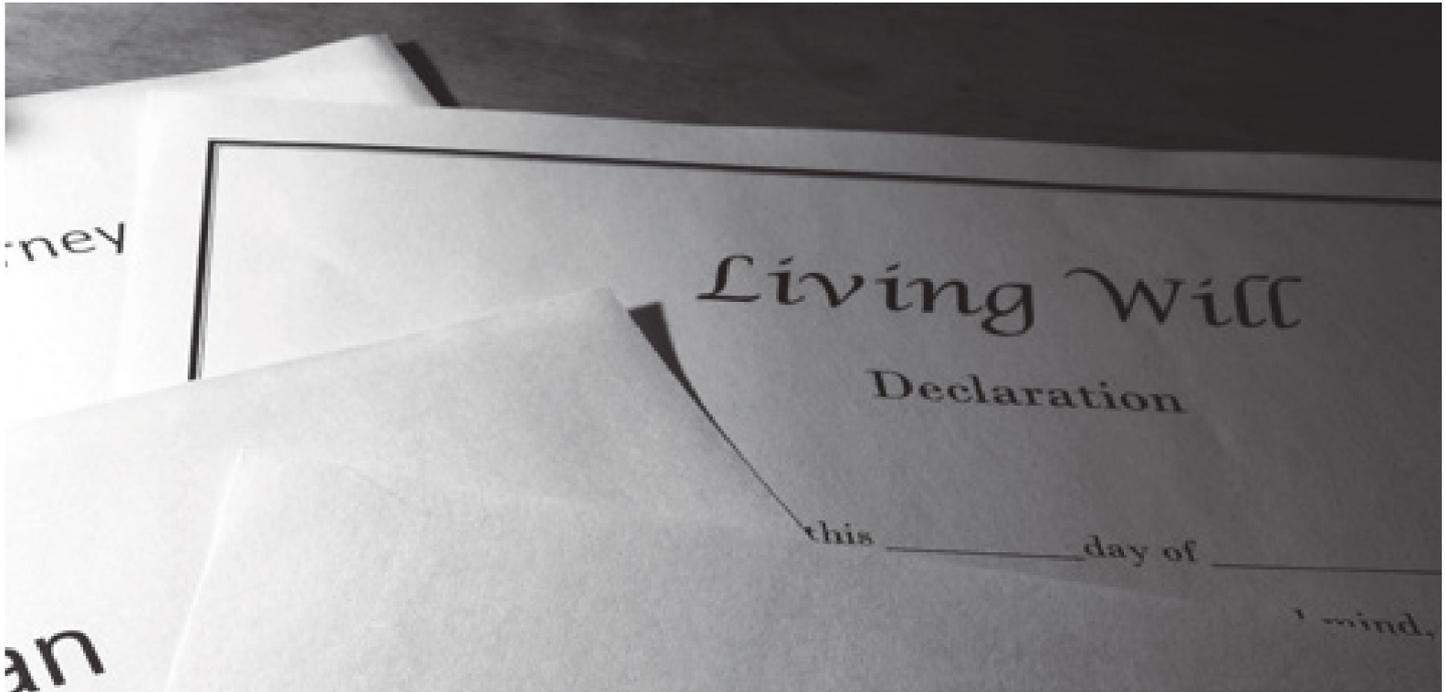
This gives your agent the ability to seek mental health treatment and/or evaluation for you against your objections. While this may sound undesirable, it can make the difference when you yourself are on the cognitive decline and can no longer identify that you need mental help, which is a frequently overlooked issue. Make sure you have discussions with your agents before including this provision, as it can be misused by someone with malicious intent.

Living Will

This provides guidance to your named agents about your wishes in terms of being kept alive by external means. The matter can be more complicated than it sounds, since there are many variables that go into not only your agent's forming their decision, but whether or not their decision matters.

For example, in Texas, if the medical community deems that life support is futile and you will never get better, then it doesn't matter what your agents decide; you will not be given life support.

Since there are different scenarios regarding how and when these Living Wills come into effect, the most important things to keep in mind are: 1) who is your agent, and 2) what are the laws governing life support in your state.



It may also benefit you to understand how a Living Will works in the practical world, not just the legal world, so looking at some high-profile cases on the subject (such as the Terri Schiavo case) may serve to help you make better-informed decisions.

For more information on laws surrounding the subject, speak to a knowledgeable Elder Law Attorney.

POLST: Because Living Wills have no standard, normalized form, it is difficult for medical professionals to quickly review them during a crisis situation. The Physician's Order on Life Sustaining Treatment (POLST) was created to address this issue and to let any and all healthcare providers know your wishes.

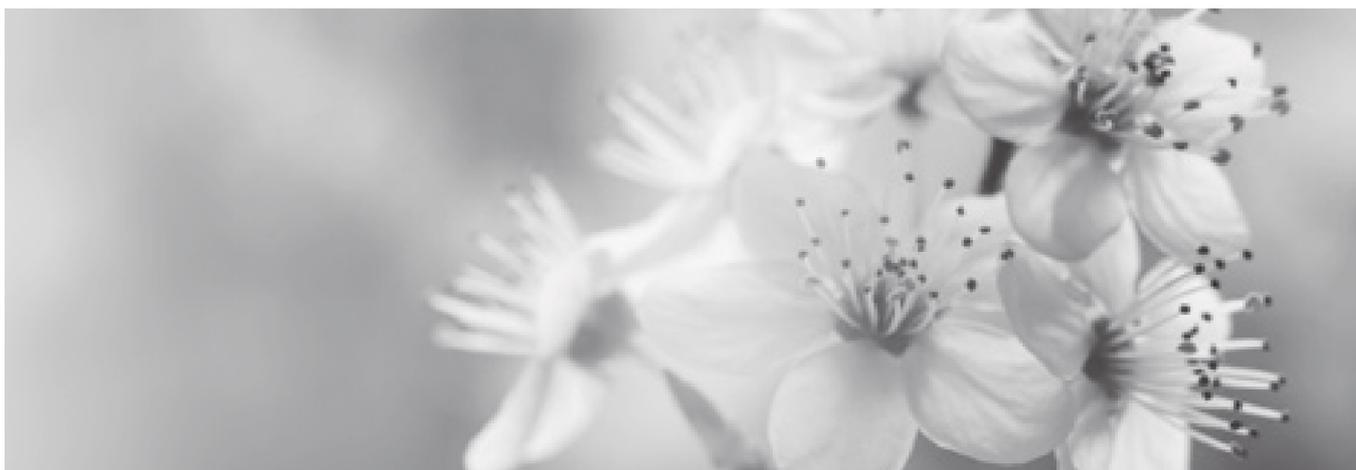
There are some aspects of the POLST to be cautious about, however. Considered a doctor's order, a POLST must be carried out by everyone in the healthcare community, even if the attending physician is unavailable for consultation, which could lead to disastrous results. Because of this, it is worth knowing how a POLST form works, how it can benefit you, how it can negatively affect you, and what to do with your POLST form when you are no longer in a healthcare setting.

Recommendation: While planning your legal affairs, it is typically wiser to rely on a Living Will than a POLST form.

Handling of Remains

The document used to outline your preferences on how you want your remains to be handled—burial, cremation, or another option—may be called Directive for Handling My Remains, Directive of Disposition of Remains, or Disposition Authorization. No matter the name, the document is used to outline your preferences on how you want your remains to be handled, whether it be by burial, cremation, or another option.

Why is this important? In the Financial section, we discussed how prepaying your final expenses helps reduce the financial burden on your loved ones. Creating a legal Handling of Remains document completes the process of easing the burden of your passing. Not only will it clearly express your specific wishes at a stressful time, it will also help prevent disagreements between your family members who may have differing opinions. This step is a precious gift that you can give to those you leave behind.



At this point, pause to consider this topic and make notes about what you'd like to focus on, or cross out anything that you know doesn't apply to you.

Legal: Minimize burdens

I plan to minimize burdens on others by acquiring the following: (Select all that apply)

- Healthcare Power of Attorney
- Financial Power of Attorney
- Mental Health Advance Directive
- Living Will (Advance Directive)
- Handling of Remains

I would like to meet with an Elder Law/Estate Planning Attorney to help me create my estate planning documents:

- Yes
- No
- Undecided

Notes regarding my plan to minimize burdens:
