

MEDICAL/LEGAL DOCUMENTS – A MUST!

CINDY/BOB

Medical Power of Attorney, Directive to Physician, Durable Power of Attorney and a Last Will and Testament are documents needed by everyone 18 years and older. These state specific forms can be found on line and free of charge or at a nominal cost. An attorney may also be enlisted to help with more complex situations. All forms must be witnessed and notarized to be valid. An Out of Hospital Do Not Resuscitate must be executed by your doctor.

Medical Power of Attorney - is a legal document that designates a trusted person to make healthcare decisions on your behalf if you are unable to do so. This individual could be your spouse, a relative or a close friend. This authority only comes into play when you are incapacitated, whether due to an accident, illness or another medical condition. In Texas, being married does not automatically make your spouse your Medical Power of Attorney. While spouses are often considered the default decision-makers in emergencies, this authority is not guaranteed without a legal document in place. You can appoint one person or have several individuals share this responsibility. Sharing this responsibility can be cumbersome and cause delays in care as all parties have to be reached for their input and all agree on the direction of care. **It is imperative that the person or persons you designate (including the alternate agent) are given a copy of this document.**

Directive to Physician and Family or Surrogates (Living Will) - is a written document to help you communicate your wishes about medical treatment at some time in the future when you are unable to make your wishes known because of illness or injury. **It is imperative that the person/s who you designate as holding Medical Power of Attorney (including the alternate agent) are given a copy of this document.**

Out of Hospital Do Not Resuscitate - instructs emergency medical personnel and other health care professionals to forgo resuscitation attempts and to permit the patient to have a natural death with peace and dignity. This order does not affect the provision of other emergency care including comfort care. This order applies to health care professionals in out-of-hospital settings, including physicians' offices, hospital clinics, care facilities or the individual's home. **If the person is living alone, it should be posted in a highly visible location. If caregivers are present, they need to be made aware of its location in order to present it to any emergency medical staff. NOTE: An Out-Of-Hospital DNR is not valid in a hospital. A separate In-Hospital DNR must be requested.**

Durable Power of Attorney - A durable power of attorney gives someone else the ability to act on your behalf, regarding your financial matters, if you become unable to do so for yourself. Choose someone that you trust and is able to handle your financial affairs. You can choose more than one person to share this responsibility. This can be cumbersome as they have to be easily reached and agree on all financial matters. Their authority continues until (1) you die or you revoke their power; (2) your agent resigns, is removed by court order, or is unable to act for you; (3) or a guardian is appointed for your estate. Your agent/s will need a copy of this document or at least know the where it is kept. It would be prudent to discuss your finances with this person/s, at least to some extent, so they can easily step into this role if needed.

Last Will and Testament (after a person's death) - A Last Will and Testament is a legal document that outlines how a person's assets and property should be distributed after their death. It allows individuals to specify their wishes regarding inheritance, name guardians for minor children, and potentially make arrangements for

assets that might otherwise be handled through probate. Without a will, state laws determine who inherits, potentially leading to a situation where an individual's wishes are not followed.

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TRUST (while the person is still alive) - A trust is a legal arrangement where a person (the settlor) transfers assets to a trustee to be held and managed for the benefit of one or more beneficiaries.

- **Trustee:** The person or entity responsible for managing the trust assets according to the terms of the trust document.
- **Purposes of Trusts:** Trusts can be used for various purposes, including estate planning, asset protection, tax planning, and charitable giving.
- **Revocable Trusts:** The settlor can make changes or revoke the trust during their lifetime.
- **Irrevocable Trusts:** The settlor cannot make changes or revoke the trust after it has been established.
- **Living Trusts:** A trust that is created during the settlor's lifetime

IN-HOME CARE (with or without outside help), SENIOR LIVING, ASSISTED LIVING, NURSING HOME -

In-home care – Finding the right person is a must. Can be expensive but allows the individual to stay home.

Senior Living – May be over 55 apartment or similar with no meal plan. Determine on site medical folks.

Asst Living – Medical folks on site that distribute meds. Meals provided. Daily activities.

Nursing Home – Patient mostly remains in their room.

CINDY/BOB

LEGACY LETTER - A letter outlining location of important documents, accounts, investments, policies, deeds, contact information, passwords. See attached handout.

SALE OF PROPERTY; CLEANING OUT OF PROPERTY; ESTATE SALE vs DONATION – See attached handout

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AFTER DEATH (funeral planning; Memorial service)

RESOURCES –

The 36 Hour Day: A Family Guide for Caring for People who have Alzheimer Disease and Other Dementias by Peter Rabins and Nancy Mace.

Who Care for You? By Marissa Bondurant

Preparing For Glory by Elizabeth Turnage

Making Good Return by Kathleen Nielson

Caring for an Aging Parent by Byron Peters

PCANET.ORG – CDM; Older Adult Ministry; Resources