

## Legal Corner

by Don Eddins, BS, MS, JD

Registered nurses lead busy and important lives helping others. They, however, too often neglect their own needs in areas such as estate planning.

Basically I recommend that every adult consider three documents that could save their loved ones money and a lot of trouble when they die. First, is the Advanced Directive for Health Care.

An advanced directive allows you to determine outcomes relating to your health care. It can relieve the burden that your children or loved ones will face later. An advanced directive will include a "Living Will" in which you decide whether to be connected to life-sustaining measures if you have a condition which cannot be cured.

If you elected not to have such measures (Is that "do not resuscitate" in medical lingo?), then two doctors, including your personal physician, must confirm that you have such a condition before all heroic maneuvers are abandoned.

A Living Will is a very personal matter. Some people just don't want one because of religious or other reasons and that is their perfect right.

Whether you choose to have a living will or not, the Advanced Directive for Health Care allows you to select a health proxy to make medical decisions on your behalf if you are incapacitated. You can give the proxy authority to determine the level of treatment desired, or instruct the proxy to do only those things you include in the Advance Directive. You can also specify the persons to whom you would like nurses, doctors and health care providers to speak about your health.

Lawyers, hospitals and nursing homes generally have Advanced Directives available. If anyone would like a blank Advanced Directive, email me at [doneddins@auburnlaw.us](mailto:doneddins@auburnlaw.us) and I will send you one.

Your estate planning package also should include a General Durable Power of Attorney. In many ways, I consider this document more important than a will.

If you are injured or become incapacitated, the person having your power of attorney can deal with government agencies, such as the Social Security Administration, and private entities, such as banks, on your behalf. If you do not execute a POA, that person likely would have to go through a cumbersome process through the Probate Court to obtain such authority.

A word of caution is don't give a POA to anyone in which you do not have total trust, person, because he/she will have the authority to act on your behalf.

Of course, the third component in the estate planning package is a Last Will and Testament.

If you want to determine how your property is divided at death, you must do it through a will. Otherwise, it will be divided according to state intestacy laws.

The law requires certain formalities in wills, such as witnessing by two parties. If the person wishing to make a will wants to spare heirs from a formal hearing, that can normally be accomplished if the witnesses sign in front of a notary public.

Your lawyer can explain the advantages of making certain devises and gifts prior to death.

Advanced Directive for Health Care, General Durable Power of Attorney, Last Will and Testament – they all are essential components in an effective estate plan.