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your estatematters

Important Considerations for End-of-Life Decisions

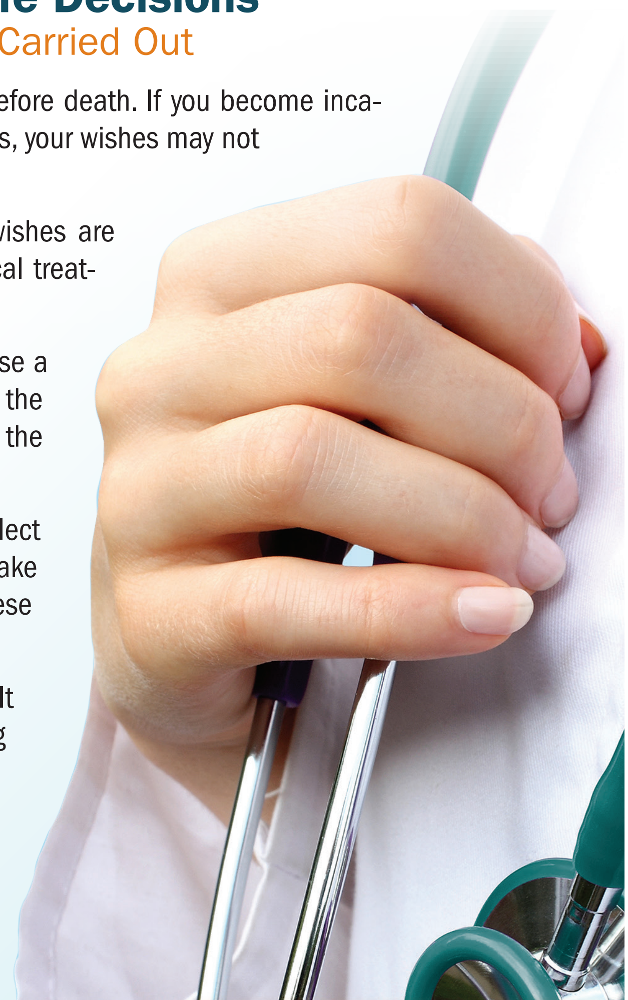
Documents That Help Ensure Your Wishes Are Carried Out

The decisions we make in life ultimately impact our final moments before death. If you become incapacitated and have not properly documented your end-of-life decisions, your wishes may not be carried out.

The following estate planning documents will ensure your specific wishes are documented and carried out, whether you want life-sustaining medical treatment or wish to nominate someone to make decisions on your behalf:

- **Durable Power of Attorney (DPOA):** Gives you the ability to choose a trusted friend or loved one to serve as your "agent." This person has the authority to manage your financial and legal affairs according to the instructions and limits you provide.
- **Durable Power of Attorney for Health Care:** Allows you to select someone you trust who will communicate with your doctors and make medical decisions on your behalf if you are unable to make these decisions on your own.
- **Living Will:** Expresses your wishes regarding end-of-life decisions. It lets doctors and loved ones know whether you want life prolonging treatments (such as feeding tubes, etc.), even when you have no reasonable hope of recovery.
- **Health Insurance Portability and Accountability (HIPAA) Power:** Permits your health care agent, loved ones, and others whom you authorize to access your otherwise confidential health information.
- **Physician's Order for Life-Saving Treatment (POLST):** This form provides instructions and guidance about current versus future medical care, and is therefore ideal for people with serious, progressive illnesses. It is completed by a physician and will be respected by paramedics and other emergency care professionals. The presence of a POLST will ensure paramedics do not attempt to resuscitate you against your wishes. A POLST is not available in every state.

In some states, a DPOA for Health Care and Living Will are combined into one document called an Advance Health Care Directive. A comprehensive estate plan involves more than financial and tax planning. Call our office to create a plan that ensures your end-of-life health care wishes are followed.



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Parkinson's disease, a progressive disorder of the nervous system that affects movement and typically impacts individuals over 60 years old, is the 14th leading cause of death in the United States according to the Centers for Disease Control. Early symptoms include tremors or shaking limbs as well as loss of balance. In later stages, the patient experiences stiffness, difficulty standing and walking, and an inability to complete even simple tasks. In the final stages of the disease, a Parkinson's patient might require constant nursing care.

A number of resources are available if you or someone you love is diagnosed with Parkinson's disease. The National Parkinson's Foundation provides a list of medical institutions, care centers, and support groups at **www.parkinson.org**. The Michael J. Fox Foundation for Parkinson's Research **(www.michaeljfox.org)** is an organization devoted to finding a cure for Parkinson's as well as providing resources and events for friends and families of those who suffer from the disease.

Although some individuals may maintain legal capacity for some time, as soon as you or a loved one is diagnosed with Parkinson's, it is vital to begin planning for the unique legal and financial situations that may result. For example, you will need to establish powers of attorney and health care directives to cover medical and financial needs. In many cases, Medicaid pre-planning is also important to ensure the individual can take full advantage of all government programs and benefits. Additional planning strategies involve gifting assets to the spouse or children and converting assets which are "available" resources into "exempt" assets. "Available" resources count for Medicaid purposes, while "exempt" assets do not. A Medicaid Trust can put necessary strategies in place to help preserve much of the estate from high long-term care expenses.

Call our office to schedule an appointment to provide for the legal and financial needs of an individual with Parkinson's.

Warm Weather Pet Safety

If an ounce of prevention is worth a pound of cure, taking a few simple steps to get your pet ready for warmer temperatures is definitely worth an immediate trip to the vet. For example, keeping vaccinations up-to-date will not only keep your pet safe but will also make it safer for everyone who comes in contact with your cuddly friend. Speaking of contact, make sure to give them their flea and tick medication and a good spring grooming. Excess fur makes it hard for your pet to stay cool, and fur mats can cause skin irritation or even disease.

Pets can also suffer from heat stroke, so schedule walks for early morning or late evening and don't go too far without providing a drink of fresh water. Watch out for hot pavement; find grassy areas or even consider paw booties. After walks, check your pet for fleas and ticks. Always wash paws thoroughly to remove pesticides or other harmful chemicals. Never leave your pet inside the car; even with the windows down, temperatures can quickly climb to deadly levels.

What's in a Legacy?

As he neared his 3rd birthday, Danny's parents were hopeful that hippotherapy, a therapy involving the movement of horses, could help their child, so they took him to The Children's TherAplay Foundation in Carmel, Indiana. However, because Danny has Down's syndrome they had their doubts. "How could a little boy who could not stand unassisted, let alone walk, ever ride a horse?" his mother wondered.

One day as she sat in the waiting room, she was told that Jen Grillo, the Senior Therapist, wanted to see her. Worried that Danny might have been hurt, she rushed to the stables. But he was fine; Jen simply wanted his mother to see Danny take his first steps ever.

We all hope to make a difference in the lives of other people. Jen Grillo and the unsung heroes on the staff at TherAplay make that difference every day, one person and one step at a time.

What will your legacy be?

To learn more about hippotherapy and The Children's TherAplay Foundation, visit their website at **www.childrenstheraplay.org**.

Estate Planning for Adopted Children and Blended Families

Most people know that adoption is a legal process where the rights and responsibilities of parenting are transferred from the biological parents to the adoptive parent or parents. For estate planning purposes, adopted children have equal legal footing as biological children. For example, if parents pass away without a Will (die intestate), both adopted and biological children are treated the same way under intestate succession laws for inheriting property and assets.

What many people may not know is that adoption also cuts off inheritance rights of the adopted child from his or her biological parents in most states. Generally speaking, the child is no longer legally entitled to any portion of his or her biological parents' estate unless specific provisions are made.

A common adoption scenario involves stepchildren. Stepchildren typically do not receive intestate inheritance rights from their parent's new spouse unless legally adopted by that stepparent. They will only share in the estate if expressly specified in the estate plan. (There can be exceptions. For example, if a child is adopted by a stepparent and still lives with a birth parent, then the child will still inherit from that birth parent in most states.)

The situation is further complicated by divorce and remarriage. Say your spouse and his or her ex-spouse had previously adopted a child. If your spouse passes away, custody of the child will typically be awarded to the ex-spouse and not to you. In addition, if you die intestate, the child will typically not inherit any portion of your estate unless you make a plan to override state law regarding intestacy.

Plus, some states now permit second-parent adoptions, where an unmarried person adopts his or her partner's biological or adopted children without terminating the partner's parental rights. When second-parent adoption is not available, those couples can prepare a co-parenting or custody agreement, spelling out rights and responsibilities regarding financial support, legal inheritance, medical care, and even custody in the event of a breakup.

So, what can you do to ensure you protect and provide for your adopted children or stepchildren? The more complicated your family situation, the more important it is to avoid any unwelcome surprises that may result if you die without a Will, much less a comprehensive estate plan. Creating a plan that incorporates your desired treatment and inheritance rights of adopted children or stepchildren through Wills, Trusts, and other estate planning tools, will ensure that you pass on exactly what you want to each of your children, no matter what the future may bring.