



Estate and Advance Care Planning

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Cornell Human Resources

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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



WHY is this essential?



PROTECT BENEFICIARIES
A good estate plan ensures the assets land on the most responsible loved one

PROTECT CHILDREN
Estate planning has a will that indicates your children's godparents

LOWER TAX BURDEN
Estate planning ensures a lower tax burden during inheritance

NO FAMILY FEUDS
No one will fight over your wealth if the heir is clearly indicated

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

ESTATE PLANNING BY AGE

WHAT SHOULD YOU BE DOING RIGHT NOW

18-25 YOUNG ADULT

At this age disability documents are important for you. A financial power of attorney authorizing someone to pay your bills if you become incapacitated and a medical power of attorney for medical decisions.



25-35 YOUNG FAMILY

Now that you're married and with small children, a Will is important in order to nominate guardians of your minor children if something were to happen to you.



35-50 FAMILY AND GROWING ASSETS

Once you own real estate, some growing assets and retirement accounts, a living trust may make sense to manage those assets for the next generation and avoid probate.



50-65 PRE AND POST RETIREMENT

At this point you've built wealth, and your kids are coming in to their own. An estate plan is most effective for you when it is kept current. Families change, laws change and tax codes change but a revocable trust can evolve with you.



65+ ELDER CARE JOURNEY

Planning for long-term care cost and the elder care journey are critical issues to monitor. Enhanced powers of attorney, and potential planning for Veterans Benefits and Medi-Cal are a priority.



- “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)



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>

Finger Lakes Independence Center

Phone: 607-272-2433

Web: www.fliconline.org

Hospicare – Hospice and Palliative Care

Phone: 607-272-0212

Web: <https://www.hospicare.org/>

Health Planning Council for Tompkins County

Phone: 607-273-8686

Web: <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 \(to help my loved ones when I am gone\)](#)

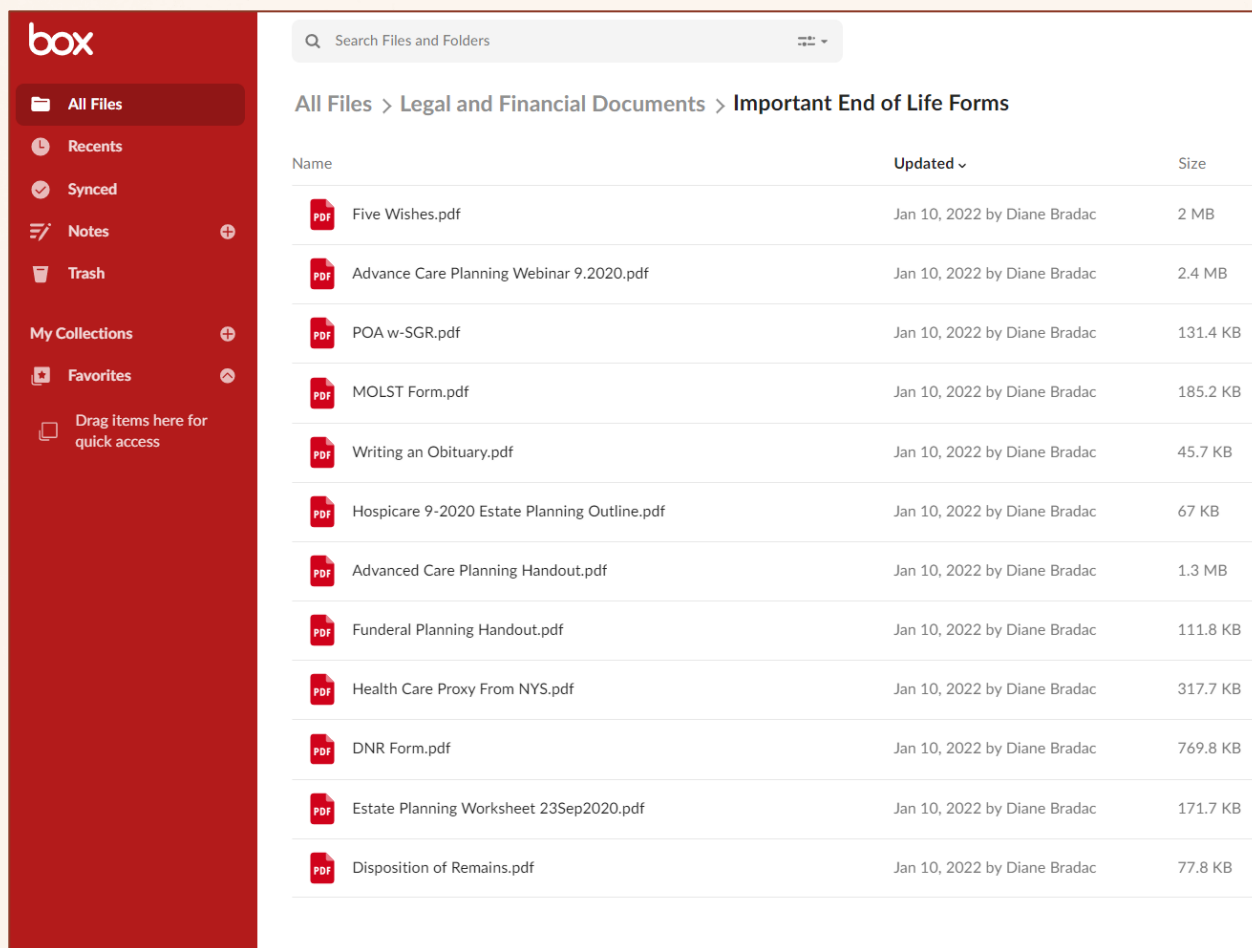
The Big Book of Everything by Erik Dewey – this is what we used to organize life. (PDF or Excel Version)

<https://www.erikdewey.com/bigbook.htm>



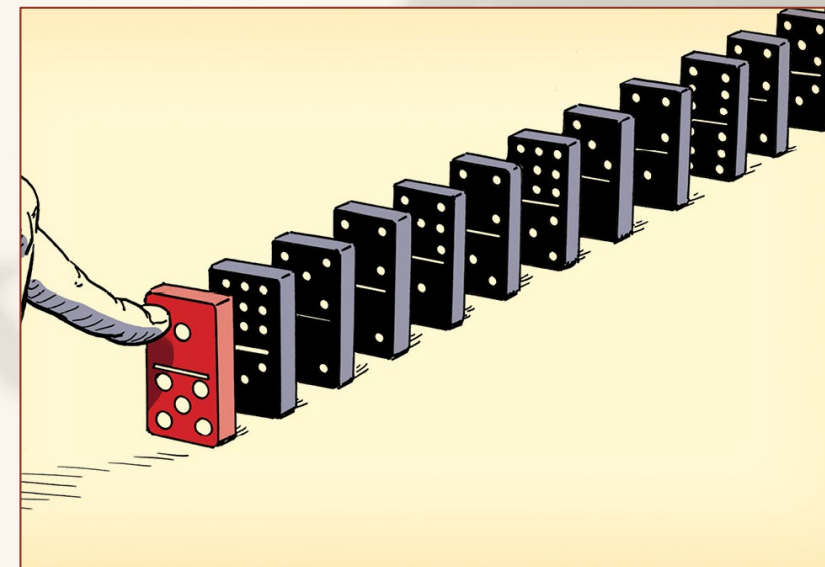
Sample NYS Forms and Articles

[Estate Planning Documents](#)



The screenshot shows a file management interface with a red sidebar on the left containing navigation options like 'All Files', 'Recents', 'Synced', 'Notes', 'Trash', 'My Collections', and 'Favorites'. The main content area displays a search bar and a breadcrumb path: 'All Files > Legal and Financial Documents > Important End of Life Forms'. Below this is a table listing twelve PDF documents, each with a red PDF icon, name, update date, author, and size.

Name	Updated	Size
Five Wishes.pdf	Jan 10, 2022 by Diane Bradac	2 MB
Advance Care Planning Webinar 9.2020.pdf	Jan 10, 2022 by Diane Bradac	2.4 MB
POA w-SGR.pdf	Jan 10, 2022 by Diane Bradac	131.4 KB
MOLST Form.pdf	Jan 10, 2022 by Diane Bradac	185.2 KB
Writing an Obituary.pdf	Jan 10, 2022 by Diane Bradac	45.7 KB
Hospicare 9-2020 Estate Planning Outline.pdf	Jan 10, 2022 by Diane Bradac	67 KB
Advanced Care Planning Handout.pdf	Jan 10, 2022 by Diane Bradac	1.3 MB
Funderal Planning Handout.pdf	Jan 10, 2022 by Diane Bradac	111.8 KB
Health Care Proxy From NYS.pdf	Jan 10, 2022 by Diane Bradac	317.7 KB
DNR Form.pdf	Jan 10, 2022 by Diane Bradac	769.8 KB
Estate Planning Worksheet 23Sep2020.pdf	Jan 10, 2022 by Diane Bradac	171.7 KB
Disposition of Remains.pdf	Jan 10, 2022 by Diane Bradac	77.8 KB



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”*

Examples:

FREE ESTATE PLANNING SEMINAR

01 WHY
What is an estate plan
Why it is important to you
What is going to happen if you do not have one

02 WHAT
What is included in an estate plan
What is not included
Attorney
Proxy

03 HOW
How to make an estate plan that protects you and your family

WORKSHOP INCLUDED
Bring a Health Care Proxy and a Living Will home!

Cornell Law School
ll.edu

IN CASE YOU GET HIT BY A BUS
How to Organize Your Life Now for When You're Not Around Later
ABBY SCHNEIDERMAN AND ADAM SEIFER
FOUNDERS OF EVERPLANS
WITH GENE NEWMAN




Thank you! Questions?

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Determining Need for Will vs. Trust

Know when a Trust is the best fit for you.

 Trust	Yes	Yes	Avoid	Yes	Yes
	OWN ONE+ PROPERTY	POSSES \$200K+ ASSETS	PROBATE COURT	TAXABLE ESTATE	STIPULATIONS ON INHERITANCE
 Will	No	No	Don't Avoid	Enters probate No	No

Source: Trust & Will