Dedra Jize – 9.24.23 Caregiver Discussion Group

Legal Documents

Dedra Jize is a Geriatric Care Manager.

First call….Mom’s in hospital, what do I do now?

First question: Do they have any estate documents? Where are those documents?

**This is the foundation for being able to offer care.**

**Terms to know:**

Will: What happens when you die (if you don’t have a Trust)

Trust: Could protects assets for heirs, prevents Probate

Power of Attorney(POA): Comprehensive one helps greatly during incapacity if document done well (Dies with you, as this document is for while you are alive)

Healthcare POA or healthcare Directive: Both state your healthcare wishes and appoints someone to make decisions for you if you can’t make them yourself. POA is more comprehensive than a directive and allows you to admit a person to assisted living and even determine mortuary plan.

Estate Planning Documents: Anyone over 18 should have documents (POA for finance and healthcare at the very least)– who can speak on their behalf? (Car accident, etc)

**Trust:**

-Big Document – must have trustee status to do anything (rent house or sell it or get access to accounts)

-House/and real estate held in it, banking accounts

-Trustee manages the trust – husband and wife often co-trustees, can be with a child

-Successor trustee in place once get documents of incapacity or resignation of initial trustee

Documents of incapacity – defined by doctors in writing– your Trust should state what it takes to be deemed incapacitated. A diagnosis of dementia – does not necessarily mean incapacitation, there are various stages of dementia.

**Power of Attorney:**

(Cannot be used access accts in the trust– Trust accounts are managed by trustees.)

-Power of attorney agent effective\_\_\_\_\_\_\_ (can be “immediately” or when “incapacitated”)

- Helping with things outside of trust: utility/phone bills, checking acct/bank, 401(k)/IRA’s, Life insurance policy

- POD/TOD form – pay on death/transfer on death form means bank acct. will not go through probate and just pass to person named upon death. A Trust allows for a more comprehensive beneficiary plan.

**When is the right time to step into someone else’s shoes?** No set answer but peace of mind by preparing ahead of the need.

**POLST form** –place on fridge – needs physicians’ signature to be used, copies of the POLST are just a valid as an original.

(Physicians Order of Life Sustaining Treatment)

Healthcare power of attorney does NOT allow you to say no to CPR from EMTs at home, you can only stop CPR with a POLST because it is an order from a physician.

Story: Grandma non-responsive at home at family gathering – paramedics come…**must** do CPR unless have POLST to say otherwise. Your family should know where your documents are should an emergency occur.

POLST can be used at restaurants or out and about – you must keep a copy with you.

Can have picture of power of attorney on phone (copy is valid but financial institutions may want originals)

Keep originals in safe deposit box and keep copies at home.

Healthcare POA – can pre-do documents for mortuary and to check out body if they die in a hospital.

HIPAA release – must be signed - does NOT authorize the person to direct the doctor – allows the doctor to talk to you. For a full conversation between a doctor and your healthcare agent, both a HIPAA and Healthcare POA are necessary.