

10 End of Life Legal Documents Everyone Should Have from Senior Services of America

End-of-Life Document Checklist

#1: Living Will

A living will is one of the most common and necessary end-of-life documents.

It is an advance directive that details your desires regarding medical treatment if you are no longer able to communicate your own wishes. A living will would spell out what medical care a person would or wouldn't want such as:

Palliative care

Medications

Tube feeding

Ventilation

DNR order

Resuscitation

Dialysis

Talk with your doctor about what you might expect for end-of-life care to decide what you would like to state in your living will.

It is important to keep your living will readily accessible to your healthcare provider and/or medical power of attorney. If you do not give it to those who can enforce it, your medical treatment will not reflect what is written in your living will.

#2: Last Will and Testament

A last will and testament is a legal document that directs the deposition of your financial and physical assets.

There are four main components of a will:

Naming an executor: The executor of your will is the individual or entity that carries out your wishes as defined in your will. Your executor can be a family member, close friend, accountant, or lawyer.

Leaving assets to beneficiaries: Carefully take an inventory of all the financial and physical assets you want to distribute from your estate and name the beneficiaries (recipients) of those assets.

Nominating guardianship: If you are leaving behind a pet or dependent it is important that you state your choice of guardianship in your will.

Making charitable gifts: You may want to donate a physical or financial asset to a charity or organization. Explicitly stating this in your will ensures that this donation will be made out of your estate.

A last will and testament will grant you control over your estate after you pass. With no last will your assets would be settled by the court during a process called probate.

Be sure to store your will in an easily accessible place inside a fire-proof safety deposit box. You can also have a copy stored at your attorney's office.

#3: Revocable Living Trust

A revocable living trust is a legal document that outlines how you want your financial and physical assets to be distributed.

You, as the 'grantor' would designate a trustee (an individual or entity), to control your assets for the beneficiaries (recipients of the assets). Unlike an irrevocable trust you can make changes to your revocable trusts and you still legally own your assets.

You will be able to make changes to your trust before your passing. Revocable living trusts bypass the probate process.

#4: Durable Financial Power of Attorney

A durable financial power of attorney is the individual or entity you wish to nominate to take care of your financial responsibilities if you were to be incapacitated.

Where the power of an ordinary power of attorney would expire if you were no longer capable of communicating, a durable power of attorney only expires after your passing or if you revoke power.

Some responsibilities your durable financial power of attorney (or agent) will manage include:

Paying your bills

Making bank deposits

Collecting insurance or government benefits

Filing and paying your taxes

#5: Durable Medical Power of Attorney

A durable medical power of attorney is the individual or entity you request to handle your medical decisions if you become incapable of making your own.

They will enforce your living will. If you do not have a living will your durable medical power of attorney will make medical decisions on your behalf. Some examples are:

Surgery

Medication

Palliative care

End-of-life care

Ventilation

#6: Organ Donor Card

An organ donor card is documentation that states whether you would like to donate any viable organs after you pass. Certain States require different documentation, so it is best to check to see what your state requires if you choose to become an organ donor.

Your organ donor status should also be mentioned in your living will and funeral arrangements. Always keep a copy of your organ donor card on your person and ensure your medical power of attorney and healthcare provider have a copy as well.

#7: Do Not Resuscitate Order (DNR)

A DNR, or Do-Not-Resuscitate Order, is a legal medical statement that allows you to choose whether you want CPR in an emergency. There are many reasons why an individual may or may not want a DNR.

Patients with terminal illnesses might sign a DNR to relieve prolonged suffering. Other patients might choose to sign a DNR in the case that resuscitation will cause brain injury or brain death.

Talk with your doctor if you are interested in learning more about a DNR. For a DNR to be valid, it must be written, dated, and signed by a patient and healthcare provider.

#8: Life Insurance

If you do not have life insurance already, you might consider setting up a policy.

Speak to an insurance agency you trust to discuss policy options and different types of life insurance. Certain life insurance policies and add-ons like burial insurance will be useful in delegating funds to cover the cost of your burial or cremation.

#9: HIPAA Release

HIPAA or Health Insurance Portability and Accountability Act is a U.S. law that protects a person's private medical information. HIPAA keeps an individual's medical information secure.

A HIPAA release is a legal document that releases your medical information to your agents and power attorney. Without a HIPAA release your power of attorney will not be able to discuss your medical information with a healthcare team.

This document is an essential form if you choose to have a living will or medical power of attorney. Be prepared to detail exactly what information you would like to disclose to your agent.

#10: Funeral Arrangements

Pre-planning your funeral allows you to make specific requests concerning how or where to wish to rest after your passing. There are many small details that go into a funeral or celebration of life.

How would you like to rest? Where would you like to rest? What kind of service would you like?

By customizing your arrangements, you relieve your loved ones of the stress and grief of planning a funeral, giving them more time to grieve. By customizing your funeral arrangements and adding small personal touches to your service, you can provide sentimental comfort to your grieving loved ones.

Funerals can be costly. You relieve stress from financial planning by creating a budget and financial plan. You do not have to prepay to prepare funeral arrangements so you can allocate funds in your trust, last will, or life insurance policy.