



End-of-Life Planning

Action now, peace of mind for the future

What is end-of-life planning?

- **Considering what you want** to happen if you are unable to make your own decisions, or when you pass away.
- **Creating legal documents** that express your wishes so that they can be carried out when you are incapacitated or after you pass away.
- **Appointing a person** (or people) to be in charge of your medical care, finances, and property when you are no longer able.
- **Sharing your wishes** with your loved ones and health care providers.



Why do it?

- Get what you want!
- Help loved ones make decisions.
- Avoid disputes.
- Include chosen family.
- Peace of mind.

Who can benefit from end-of-life planning?

Everyone!

- 18 years or older
- Able to make decisions

When is the best time to start planning?

Now.

- Or as soon as you can. These documents are only useful if they are created *before* you need them.
- You can always change or update your documents if your wishes change.



COMMON LEGAL DOCUMENTS



- 1. ADVANCE HEALTH CARE DIRECTIVE (AHCD)**
- 2. POWER OF ATTORNEY (POA)**
- 3. WILL**

BUT FIRST - YOUR “AGENT”



- **Person you appoint to act on your behalf.**
 - “Executor” of your will
 - “Agent” for a POA or AHCD
- Someone you know and trust.
- Does *not* have to be a relative.
- Must be least 18 years old and of “sound mind.”
- You should appoint an “alternate” agent (or agents) as a back-up.
- You may appoint multiple agents and decide if they must work together or on their own.
- Discuss your wishes with them *as soon as possible*.

ADVANCE HEALTH CARE DIRECTIVE (AHCD)



- Document that says what kind of **medical care** you want in the event that you can no longer express your wishes.
- Names an **agent** to make medical decisions for you and carry out your wishes regarding health care.
- **Takes effect:** when a doctor says you are no longer able to make your own decisions OR immediately.
- **Must be notarized OR signed by two witnesses.**
- After your AHCD is complete:
 - Keep the original, give copies to your agent(s) and your health care provider.
 - You can revoke your AHCD, change your agent, or change your medical wishes at any time.

ADVANCE HEALTH CARE DIRECTIVE (AHCD)



- Important Questions to Consider for your AHCD:
 - Who do I want to make medical decisions on my behalf?
 - What kinds of decisions can my agent make for me?
 - What kinds of medical care do I want to receive if I can no longer make the decision myself?
 - Who is my primary doctor?
 - Do I want to donate my organs?
 - ✦ As of 2016, HIV+ people can be organ donors!

POWER OF ATTORNEY (POA)



- Document that names an **agent** to handle your **financial matters.**
- **Takes effect:** immediately OR when a doctor says you are incapacitated.
- **Must be notarized.**
- After the POA is complete:
 - Keep the original, give copies to the agent(s) listed and to any appropriate agencies (e.g., your bank).
 - You can revoke your POA, change your agent, or change your financial wishes at any time.

POWER OF ATTORNEY (POA)



- Important Questions to Consider for your POA:
 - Who do I want to designate as my agent?
 - What kinds of authority do I want to give my agent?
 - ✦ Legal
 - ✦ Financial
 - ✦ Real Estate
 - ✦ Government Benefits
 - ✦ Taxes
 - Do I want this to take effect now?
 - Do I want it to continue if I cannot make decisions myself?

(SIMPLE) WILL



- Document that says *who* you want to control your assets and *what* you want to happen to your property *after* you die.
- **Executor** = the person you put in charge of managing your affairs after you die.
- Provide specific instructions about certain items and what you want loved ones to do with them.
- Name a guardian for minor children.
- **Must be signed by two witnesses.**
- **Takes effect:** when you pass away.

WILL



- Important Considerations for your Will:
 - Who do you want to leave your property to?
 - ✦ Do you want to leave everything to one person?
 - ✦ Do you want to give certain people specific gifts?
 - ✦ Do you want to leave things to a charity or organization?
 - Who do you want to be your executor?
 - ✦ The person in charge of carrying out your wishes
 - ✦ Can be anyone – if you don't appoint someone, the court will
 - Are you married or have you ever been married?
 - ✦ There may be community property your spouse/former spouse is entitled to receive
 - What would you like to do with your remains?

WITNESS OR NOTARY?



- AHCD – two witnesses* OR notarized
- POA – MUST be notarized
- Will – MUST have two witnesses*

Get Assistance:



If you have a legal problem or question, or want assistance with end-of-life planning documents, please call:

Bay Area residents with an HIV/AIDS diagnosis:

AIDS Legal Referral Panel

(415) 701-1100

1663 Mission Street, Ste 500

San Francisco, CA 94103

www.alrp.org

SF residents who are over 60 or disabled adults:

Legal Assistance to the Elderly

(415) 538-3333

1663 Mission Street, Ste 225

San Francisco, CA 94103

www.laesf.org



Thank you!

