

# ESSENTIAL DOCUMENTS

## For Life Planning and Standby Guardianship

By the Cancer Advocacy and Elderlaw Projects

It is important for everyone to prepare their life planning documents to ensure their wishes will be carried out in the future. The purpose of each life planning document varies, and this guide is intended to assist you in determining which one is appropriate for you. In particular, the Standby Guardianship document allows you to appoint someone to care for your minor children if you cannot do so yourself. This guide is meant to encourage parents of minor children to prepare these essential documents as a priority, especially if a parent has been diagnosed with a serious illness, such as cancer.

### WILL

Designate where your property will go and who will carry out your wishes upon passing.

### POWER OF ATTORNEY (POA)

Choose someone to handle financial and other matters on your behalf if you are unable to do so for yourself.

#### To prepare a will, you will need:

##### 1 AN EXECUTOR



Name someone as the "executor" of your Will. That person will start the estate administration process in the Surrogate's Court and carry the wishes stated in your Will.

##### 2 BENEFICIARIES

The beneficiaries in your Will are the people who will receive your money/property upon your passing. It can be your family, friend, charity, etc.

#### Think About



- What property, including money do you own?
- Who do you want to give that property to?
- Who shall you ask to can serve as your executor?
- If you have a spouse, even if living apart, they may be entitled to a share of your property, even if not included in your Will.

#### To prepare a POA, you will need:

##### 1 AN AGENT



The agent(s) named in your POA should be someone you can trust to handle non-medical matters for you if you cannot do so yourself. That includes handling your banking and other matters.

#### Think About



- Who is responsible/trustworthy?
- Have I asked this person about taking on this responsibility?
- Should I name an alternate agent in case the first agent cannot assist?
- If you do not have someone you can name as an agent, you cannot prepare a POA.

## HEALTHCARE PROXY (HCP)

Choose someone to make medical decisions on your behalf if you can no longer do so.

## LIVING WILL

Document your wishes regarding the use of emergency medical procedures if the doctors determine you are unlikely to recover

## DISPOSITION OF REMAINS (DOR)

Choose someone to carry out your funeral and burial wishes

To prepare an HCP, you will need:



### 1 AN AGENT

The agent(s) in your HCP must be someone you can trust to make medical decisions for you. They will only do so if you are unable to make your own decisions.

#### Think About



- Who is responsible/trustworthy?
- Have I asked this person to be my agent?
- Have I discussed my wishes with this person?



This document does not require you to name anyone.

#### Think About



If there is little chance of recovery...

- Do you want doctors to take emergency measures such as feeding tubes or ventilators? Or just keep you pain free?
- Do you want doctors to try to prolong your life?
- Any wishes about hospice care, blood transfusions, etc.?

To prepare a DOR, you will need:



### 1 AN AGENT

The agent(s) for your DOR should be someone you can trust to carry out your funeral and burial wishes.

#### Think About



- What are my funeral and burial wishes?
- Have I discussed my wishes with my agent?
- Do I want to name an alternate agent?
- Should I purchase a pre-paid burial plan?

## STANDBY GUARDIANSHIP

Name someone to take care of your minor children if you are unable to do so.

### To prepare a Standby Guardianship, you will need:



#### 1 A GUARDIAN

The Standby Guardian can step in at short notice to temporarily care for your minor child/children if you become unable to do so yourself.

### Think About



- Is the other parent involved your child's life?
- Does your child have a relationship with the proposed Standby Guardian?
- Have you discussed this with the person?
- Do they have the resources to care for your child?

## NEED LEGAL HELP?

ELP aims to maintain the dignity and independence of elderly people by providing clients with end-of-life planning assistance. ELP also provides community education on areas of law that are important to seniors. If you need assistance, apply for help [here!](#)



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