



# NEW JERSEY FOUNDATION FOR AGING

## RENAISSANCE MAGAZINE

VOLUME 17 NUMBER 2

AUGUST/SEPTEMBER 2010

### SURVIVAL TOOLS IN THIS ISSUE

Geriatric Care Management  
SWOT and Your Independence  
Senior Survivor Interviews  
NJ Masters Swimmers  
Senior Housing Options

# THE SENIOR SURVIVAL KIT

## KIT CONTENTS:

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HEALTHY HABITS  
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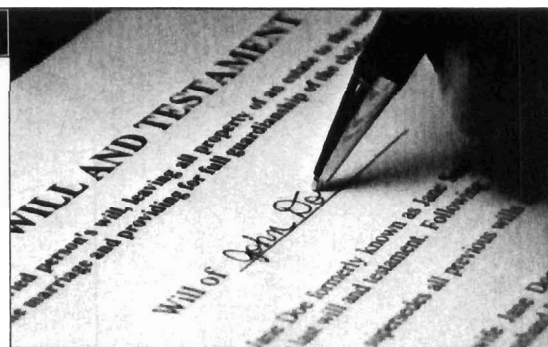
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# Estate Planning Tools

What's available? By Donald D. Vanarelli, Esq. [dvanarelli@dvanarelli.com](mailto:dvanarelli@dvanarelli.com)

**D**eciding how you wish your affairs to be handled as you age, and upon your death, is never an easy task. For this and other reasons, people are often hesitant to address their estate plan. However, to ensure that your affairs are managed and that your estate ultimately passes in accordance with your wishes, it is important to take steps now to prepare your estate plan. Understanding some basic estate planning tools may assist you toward reaching this goal.

## LAST WILL AND TESTAMENT

The Last Will and Testament ("will") is often considered the cornerstone of an estate plan. Without a will, property that is not otherwise disposed of upon death passes by the statutory laws of intestacy,<sup>1</sup> sometimes with unexpected (and undesired) results.

A will enables you to direct who will ultimately receive your estate, and in what manner. It also allows you to appoint fiduciaries, such as executors, trustees and guardians, and to accomplish tax planning.

## POWER OF ATTORNEY

A power of attorney is a simple tool that allows you to provide for the management of your financial affairs, even in the event that you later become incapacitated. A financial power of attorney is a legal instrument by which an individual (the "principal") authorizes another person or persons (the "attorney(s)-in-fact" or "agent(s)") to act on behalf of the principal with respect to specific financial matters.<sup>2</sup> Through the use of a "durable" power of attorney, an agent may act on the principal's behalf from the time the power of attorney is executed, even after the principal's disability or incapacity. Through the use of a "springing" power of attorney, an agent may begin acting on the principal's behalf at the time the principal becomes disabled or incapacitated.

## ADVANCE DIRECTIVE

An "advance directive" is a document that provides direction concerning an individual's future health care issues. It consists of two parts: a "living will" and a "health care proxy." A living will is a document providing direction regarding medical treatments that you wish to accept or refuse under various circumstances.

The preferences specified in a living will may be made within the context of various hypothetical medical scenarios, such as if the individual is severely impaired cognitively, has a terminal condition, or is permanently comatose. In such scenarios, an individual may indicate preferences regarding such various issues as nutrition and hydration, life-sustaining treatment, do-not-resuscitate or do-not-hospitalize orders, pain management, or compliance with a particular religion. The living will may express the preference to be cared for at home instead of in a hospital or institution. It may also cover issues such as organ donation, autopsy, burial or cremation, and memorial services.

## HEALTH CARE PROXY

A health care proxy is a document designating an agent to act on your behalf with respect to medical decisions. A health care proxy may be written to give the agent limited or broad authority over your medical affairs, and it need not be restricted to decisions concerning end-of-life. Though issues surrounding aging and end-of-life decisions are seldom easy, establishing an estate plan will allow you to control the management of your affairs and the ultimate disposition of your estate.

Footnotes: 1-N.J.S.A. 3B:5-2; 2-N.J.S.A. 46:2B-8.2.

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