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Publication Offers Legal Guide for Seriously Ill People

From the December 28, 2009, issue of Elder Law FAX, a free newsletter published by the Elder Law Practice of Timothy L. Takacs.

The American Bar Association Commission on Law and Aging has released a publication to assist people who are seriously ill in getting their legal affairs in order. Titled “Legal Guide for the Seriously Ill: Seven Key Steps to Get Your Affairs in Order,” the 50-page guide may be downloaded the Web site of the National Hospice and Palliative Care Organization, which supported the development of the publication.

“The onset of a serious illness or injury can affect much more than a person’s health,” says the Guide. “Knowing what steps to take to get your financial and legal affairs in order is often vitally important not only to you, but to your loved ones.

“This guide provides you information on several steps to consider if you face serious illness or injury. Specifically, this guide explains ‘seven key steps’ in short and simple terms and provides tips and resource links that will give you much more detailed information and guidance, as needed.”

Here are the seven steps:

- Step 1. Plan How to Pay for the Health Care You Need
- Step 2. Make a Plan to Manage Your Health and Personal Decisions
- Step 3. Make a Plan to Manage Your Money and Property
- Step 4. Plan for the Care of Dependents
- Step 5. Know Your Rights As a Patient
- Step 6. Know Your Rights As an Employee
- Step 7. Get Your Legal Documents in Order

For example, at Step 7, in addition to advising seriously ill people to get their estate planning documents – will, trust, power of attorney – in place, the Guide also offers this list of important documents that should be collected and retained in a safe and accessible place:

- adoption papers;
- birth certificate;
- citizenship papers, if not born a U.S. citizen;
- death certificate of a spouse;



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- designation of guardian;
- divorce papers;
- do-not-resuscitate orders;
- health care advance directives (health care power of attorney and living will);
- marriage certificate;
- durable power of attorney;
- prenuptial agreements;
- trust documents;
- veteran's discharge documents; and
- will.

The original legal documents, says the Guide, should not be kept in a bank safe deposit box, which is accessible only when the bank is open and only to people who are authorized to access the box.

A checklist of some household records (or copies of records) that are best kept in a safe deposit box is available online at: <http://www.caringinfo.org/index.cfm?page=540>.

The Guide emphasizes that the arrangement of the steps in the Guide does not reflect either the importance of any particular step or the sequence that the steps should be carried out.

The "Legal Guide for the Seriously Ill" may be downloaded at no charge, here: http://www.caringinfo.org/UserFiles/File/PDFs/AdvanceCarePlanningLegalIssues/Legal_Guide_for_Seriously_Ill.pdf.

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