



## ***Understanding Life Planning Documents***

Many of us do not think about life planning documents until something jars us into action. Sometimes it is recognizing the responsibility of being a parent; or facing a difficult diagnosis like cancer; or the presence of a danger like COVID-19. Our team at CancerLINC has helped thousands of cancer patients for more than 25 years with life planning documents. Our years of experience have prompted us to create this information sheet for our cancer care partners who are considering putting these documents in place.

### **Power of Attorney**

A Power of Attorney (POA) is a document that names a person (referred to as an "Agent") who can act for you in any financial or legal matter. It can be written to say that it only becomes activated when accompanied by a letter from a physician saying that you are unable to take care of these matters yourself. This is a very powerful document, allowing your agent to represent you to the IRS, to buy and sell property, take out loans, access your investments, or empty your bank account. *Why would anyone give another person that much authority over their finances and other personal matters?* A POA is extremely useful if you are incapacitated, and you need somebody to liquidate some assets to pay your bills, complete a real estate purchase, or go into your safety deposit box, etc.

Your agent under this document has strict fiduciary responsibilities – they are not legally permitted to commingle your funds with theirs, or to operate in self-interest to your detriment. However, you should select somebody you trust completely. If there is no one you feel you could trust to manage your finances at a time when you are hospitalized or helpless, you should not sign a POA. Instead, plan ahead as carefully as you can, by putting every bill, every insurance and tax payment on auto-pay.

If you do create a POA, it should be drafted by a lawyer, witnessed by two people and it must be notarized. Please do not obtain a POA form from the Internet and presume it will be sufficient and legally sound! You know from your own experience that some information from the Internet is not always reliable.

## Advance Medical Directive

As a health care provider, you probably best understand the Advance Medical Directive (AMD). An AMD allows you to name a person who will speak for you in the event that you cannot speak for yourself about your wishes for medical treatment. It allows you to say, for example, that you do not want CPR, or that you do want to be a “full code” in an emergency. It gives guidance for your treatment, easing the burden on your named agent. Your agent does not have to be a family member – it should be a person who knows your wishes, and who is able to make difficult informed decisions that reflect those wishes.

An AMD does not need to be notarized. It should be signed in the presence of two people, who sign it as witnesses. After signing, the AMD should be submitted to be part of your medical record. You can update or change it at any time.

## Will

Finally, most people are somewhat familiar with Wills. A Will is a document that conveys your estate to the beneficiaries of your choice. It names an executor who will see that your assets are transferred to the beneficiaries. Often, a complete estate plan has the objective of moving assets beyond the reach of the probate court. This is done by naming beneficiaries of stock accounts and insurance plans, putting Transfer on Death documents on file with banks and on real estate deeds, or setting up a pour-over into a Trust. A typed will should be signed by the principal and two witnesses, and it should be notarized.

Preparing a Will is another case where the Internet is not a good source. The more complex your financial picture, the more important it is for you to have a good lawyer create your estate plan.

If you have questions about these documents, or you want to talk to a lawyer about your options, please contact us at [clientservices@cancerlinc.org](mailto:clientservices@cancerlinc.org) or (804) 562 -0371.

## Legal Requirements

Document	Needs 2 Witnesses	Attorney Necessary	Notary Necessary
AMD	X		
POA	X	X	X
Will	X*	X*	X*

\*In special circumstances, a Will can be probated that has not been notarized. CancerLINC can answer your questions about drafting this type of will in emergencies.

