

An estate plan directs how you want your personal and financial affairs to be handled if you become incapacitated, meaning that you cannot manage your affairs on your own, or your death, and requires creating legal documents necessary to accomplish your goals.

Everybody needs an estate plan! Life planning decisions are some of the most important ones you can make, and if you don't spell out your wishes in legal documents, those decisions will be made by someone else, a court or possibly even the state!

Generally, the basic documents that comprise an estate plan include a Power of Attorney, Advance Medical Directive and Will. CancerLINC prepares these documents for free to cancer patients who meet our income guidelines.

Power of Attorney

A POA appoints an "agent" to engage in financial transactions on your behalf during your lifetime. A POA is very useful if you need somebody to, for example, liquidate some assets to pay your bills, complete a real estate purchase, pay your life insurance premiums, go into your safety deposit box, etc. Without a POA, family members may be unable manage your affairs, possibly resulting in missed life insurance premiums, unpaid rent and other bills, etc.

Your agent has strict fiduciary responsibilities – they are not legally permitted to combine or commingle your funds with theirs, or to operate in self-interest to your detriment. You should select somebody you trust completely. If there is no one you feel you could trust to manage your finances, 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.

A POA is signed during life and can be effective immediately or only if you become incapacitated, and terminates on death. A POA should be drafted by a lawyer, witnessed by two people and it must be notarized.

Advance Medical Directive

An AMD works much like a POA – except that it addresses medical decisions specifically. An AMD allows you to name an "agent" who will speak for you if 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 other life-sustaining procedures if you have an incurable or irreversible condition but, because of your condition, you cannot say so yourself. If you do not have an AMD, these difficult decisions will fall to your next of kin and may result in difficult family disputes, or if you have no next of kin, these decisions may be made by your physician or in some cases a court.

Your agent 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, but it should be signed in the presence of two people, who sign it as witnesses. After signing, it is important that you give a copy to your doctors so it can be made part of your medical record. You can change it at any time.

Will

A Will is a document that gives your estate to the heirs of your choice. It names who you would like to serve as guardian of any minor children after you die, and also allows you identify an "executor", which is the person who makes sure your estate is handled how you want after your death.

If you die without a will, state law will determine who gets any property you owned at the time of your death. For example, your estate could ultimately pass automatically to your spouse, children, siblings or parents. If you don't leave behind any relatives, the state will keep your money for itself! Dying without a will may also contribute to costly and bitter family disputes after your death. It is far preferable for you to choose people or organizations who you wish to have your assets than leaving this to chance.

A typed will should be signed by the principal and two witnesses, and it should be notarized. In Virginia, handwritten or "holographic" Wills are valid, but have strict requirements and should only be used in emergency situations.

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No one should have to face cancer alone.