



The Importance of Life Planning Documents

VOLS Elderly Project & Veterans Initiative
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Wills, Powers of Attorney, Health Care Proxies, Living Wills, Control of Remains Forms

Seniors/veterans age 60+ who live in the 5 boroughs

Clients have low income and limited resources



Life Planning Documents

Documents that are important during your lifetime:

- The Durable Power of Attorney
- The Healthcare Proxy
- Living Will

Documents that are important after you pass away:

- The Last Will and Testament
- Appointment of Agent to Control Disposition of Remains

Life Planning Documents

A Note about Agents:

- Some of these documents (**Power of Attorney, Health Care Proxy, and Control of Remains Form**) require the appointment of an agent. These documents cannot be obtained or executed unless you have identified someone to act as your agent.
- The **Last Will & Testament** and **Living Will** do not require the appointment of an agent. You can obtain these documents even if you do not have anyone to appoint as an agent for the other documents.

Important Documents During Lifetime: Durable Power of Attorney

A **Durable Power of Attorney** is a very powerful document that gives power to another person (the “Agent”) to make property, financial, and other legal decisions for you (the “Principal”). It allows your Agent to pay bills on your behalf, apply for benefits on your behalf, and engage in other financial transactions.

What happens if I don’t have a POA?

- If you become mentally incapacitated and unable to perform financial transactions, someone may have to petition the court for legal guardianship in order to act on your behalf. This is a long and invasive process that strips you of your legal autonomy if guardianship is granted.
- Bills will go unpaid, leases will remain unsigned, you will be at risk of losing your government benefits, etc. until a guardian is appointed, if one is appointed.

Important Documents During Lifetime: Health Care Proxy

A **Healthcare Proxy** is a document where you (the “Principal”) name another person (your “Agent”) to make medical decisions for you if you cannot make them yourself.

What happens if I don’t have a health care proxy?

- If you become so sick that you are unable to communicate, New York’s Family Health Care Decisions Act (FHCDA) will dictate who should make medical decisions for you. The FHCDA contains a hierarchical list of people in your life who may make those decisions. You will have no choice in who this person would be. If no one listed in the FHCDA is able to make these decisions, your health care providers are under a duty to keep you alive by any means necessary.

Important Documents During Lifetime:

Living Will

In your **Living Will**, you explain what treatment and care you do want or do *not* want at the end of your life. The Living Will does *not* name a person to make decisions.

What happens if I don't have a Living Will?

- Absent clear, written instructions stating otherwise, and in the absence of an agent under any health care proxy who may make end of life treatment decisions for you, the FHCDA will again dictate who may make these decisions. If no one listed in the FHCDA is able to make these decisions, your health care providers are under a duty to keep you alive by any means necessary.

Important Documents After You Pass Away: Last Will & Testament

In your **Last Will and Testament**, you say who you would like to inherit your property – the contents of your apartment, your money, etc. – after your death. In it, you may name a person (an “Executor”) to protect your property until debts and taxes have been paid, and then to ensure that what's left goes to the people who are entitled to it.

“What happens if I don’t have a Last Will & Testament?”

- Not only will the state decide who gets your money and property after you die, but this process (called "administration") could cause problems and delays with respect to things like access to your apartment to retrieve your belongings, etc.
- You will not be able to appoint an Executor of your choosing to be responsible for distributing your money and property in accordance with your wishes.

Important Documents After You Pass Away: Appointment of Agent to Control Disposition of Remains

In the AACDR (“Control of Remains”), you name a person to handle the disposition of your remains – that is, your burial, cremation, or funeral. In this document, you may include very specific instructions and information, such as the location of your burial plot, or the place where you would like your ashes to be scattered.

“What happens if I don’t have a Control of Remains Form?”

- New York’s Public Health law contains a hierarchical list of who may handle your remains. You will not have control over who retrieves your remains, nor will you have control over what that person does with your remains.

Seniors/veterans age 60+ with low income/limited resources

Call, email, or download our intake form:

volsprobono.org/elderly

volsprobono.org/veterans

Jess Penkoff (veterans) – jpenkoff@volsprobono.org – 347-521-5725

Alyssa Villareal (seniors) – avillareal@volsprobono.org – 347-521-5709

