

Putting Affairs in Order Before Death

Experts explain the steps you should take to make sure your family knows your wishes on everything from funeral plans to end-of-life care.

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WebMD Feature

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They're on almost every list of things you should do before you die.

But what about those things you *really* should do before you die? They may not be fun, but they will bring you peace of mind today, and provide guidance to the friends and family members you leave behind.

"I think there's an emotional obstacle to this kind of planning," says Charles Sabatino, director of the American Bar Association Commission on Law and Aging. "I think the unspoken belief is that death is optional."

Sabatino lists five things that everyone should do before they die:

No. 1. Give someone durable power of attorney to manage your affairs if you become sick and unable to do so yourself.

"Who is going to pay your bills, deposit your checks, manage your financial affairs and your business if you have one," says Sabatino. "We're going to live a lot longer in general, and most of us will live under some chronic condition or disability that will impair us. The goal is to live with as much control and quality of life as possible."

No. 2. Write a will. That may be sufficient estate planning for most people now that estates worth up to \$2 million are tax exempt (in 2009 that will go up to \$3.9 million).

"People tend to create a trust to reduce estate taxes and avoid probate, but taxes are less of a concern these days," said Sabatino. "So is probate, because the procedures have been simplified in many states, so many people find they don't need a trust. A will and durable power of attorney usually will take care of things."

Living Will

No. 3. Write an advanced-care directive or living will, and give someone medical power of attorney to carry out your wishes about medical treatment at the end of your life.

"Name someone you trust totally," says Sabatino.

Without this, you could end up like Terri Schiavo, the Florida woman who triggered a battle between her husband and her parents after a [heart attack](#) left her with massive brain damage. Her husband claimed she would not want to be kept alive in such a condition, but her parents disagreed.

"A durable power of attorney for health care enables you to appoint someone as your proxy to make health care decisions for you," says Sabatino.

Aging With Dignity has prepared a "Five Wishes" document that outlines such personal care decisions in plain English. Go to www.agingwithdignity.org or call 1-888-594-7437.

No. 4. If you have dependent children, name a guardian to take care of them. If you have a disabled child, you may also need to consult a professional who can guide you through the labyrinth of Medicaid and Medicare rules.

"Find a specialist who understands the benefits that may be available under Medicaid and Medicare, and who understands how those benefits can coordinate with asset planning," Sabatino says. "If you leave everything to a disabled child, he or she won't be eligible for aid. They will have to use up the entire estate before they qualify for aid. More thoughtful

planning would allow the estate to complement public benefits. This is a growing specialty called special-needs planning."

Planning a Funeral

No. 5. Ease the trauma of your death for survivors by preplanning your funeral. "Leave instructions on how you want your body to be disposed of," says Sabatino. "Today, when families are so far-flung, how are you going to get your children together for your funeral or memorial service? You can arrange for their travel expenses. You can write your own obituary, or at least a minibiography for death announcements."

Those are the "big five," as Sabatino calls them, but he and other experts suggest a few others:

- **Donate your organs.** Carry an organ donation card in your wallet. Keep a second card with your important documents so it will be found quickly should you have an accident. In many states you can become an organ donor when you renew your driver's license. For information, visit www.organdonor.gov.
- **Make sure you have life insurance** if your spouse or children will need financial support after you die.
- **Think about long-term care.** "Stay out of a nursing home if you can," Sabatino says. "Most people who end up in nursing homes become impoverished and qualify for Medicaid. Don't assume that long-term care insurance will protect you. "You may have a condition that disqualifies you," says Sabatino, "or you may not be able to afford it. Premiums can cost up to \$2,000 a year for a 60-year-old and double each decade after that." You may be able to give some money to your children so they can help you after you can qualify for Medicaid, but you must do that well in advance of going into a nursing home now that Congress has tightened the rules. "If you give your property away, you may be disqualified from Medicaid coverage."

The important thing is to start planning sooner rather than later, according to Dan Taylor, author of *The Parent Care Conversation*. In his book he offers detailed suggestions on how to talk about these issues with your parents and, if appropriate, with your children. "I think that people do not talk with each other about this because they don't know how to begin the conversation," Taylor says.

Taylor wrote the book to help others avoid the problems he encountered after his father developed [dementia](#). Taylor realized that with a few simple conversations, he could have taken much better care of him.

"There needs to be a major dialogue between adult children and their [aging](#) parents about how best to prepare for and how best to be able to spend these extra years, in terms of quality of care and quality of life," Taylor says. "And the dialogue needs to occur *now*." Don't begin the conversation by telling your parents what you want them to do, as though you know what's best, Taylor suggests.

"A better way to begin is by asking your parents what their view of the future is," he says. "Many [adult children] have no idea if parents are OK financially. They don't know where the assets are. Then something happens that forces them to take control, and by then the parent may not be able to tell them."