

ESTATE PLANNING

Nancy Norton
Norton Law Office, LLC





DISCLAIMER:

The information in this presentation is not legal advice.

Please seek legal advice about your specific situation from an attorney.

WHAT IS ESTATE PLANNING ABOUT?

- 1) Directing type and quality of care during life**
- 2) Ensuring sufficient resources available for care and housing**
- 3) Appointing a guardian without Court approval**
- 4) Controlling where assets go after death**
- 5) Lessening burden on Loved Ones after death**



COMMON BARRIERS TO PLANNING

- DON'T HAVE AN ESTATE
- TOO EXPENSIVE
- THOUGHTS OF DEATH SCARY
- CAN'T MAKE DIFFICULT DECISIONS
- I WILL DO IT NEXT WEEK/YEAR
- FEAR OF LAWYERS AND LEGALESE



**DEATH
RATES BY
AGE
RANGES**

AGE	MEN	WOMEN
30 to 40	1.6%	.9%
40 to 50	3.2%	2.0%
50 to 60	7.4%	4.4%
60 to 70	14.5%	9.5%
70 to 80	31.5%	26.9%
80 to 90	65.4%	54.8%

LET'S TALK ABOUT DISABILITY / INCAPACITY

- **STRIKE AT ANY AGE**
- **INJURY / ACCIDENTS**
- **COVID-19**
- **DEMENTIA**
- **OTHER**



KEY ESTATE PLANNING DOCUMENTS



DURING LIFE (Life Planning)

- A. ADVANCE HEALTH CARE DIRECTIVE**
- B. WYOMING POLST**
- C. LIVING WILL**
- D. DEMENTIA DIRECTIVES**
- E. POWER OF ATTORNEY FOR FINANCES and LEGAL MATTERS**

POST DEATH

- A. WILL**
- B. REVOCABLE LIVING TRUST**

An elderly woman with short grey hair and glasses, wearing a red dress and a pearl necklace, stands behind a large white sign with a red border. The sign displays the text "LIFE PLANNING" in a bold, dark green, sans-serif font. The background is plain white. On the left side of the image, there is a decorative orange arrow pointing right and several thin, curved lines in shades of green and grey.

LIFE PLANNING



POWERS OF ATTORNEY HEALTH CARE AND FINANCES

□ PRINCIPAL

- Must have 'Capacity'
- Grants authority to Agent: Narrow to Broad

□ AGENT

- Acts on behalf of Principal
- Fiduciary

LEGAL CAPACITY IN WYOMING

A PERSON WHO POSSESSES SUFFICIENT MIND TO UNDERSTAND, IN A REASONABLE MANNER, THE NATURE AND EFFECT OF HIS OR HER ACTIONS OR DECISIONS

PHYSICIAN DETERMINES (IF NOT IMMEDIATE)

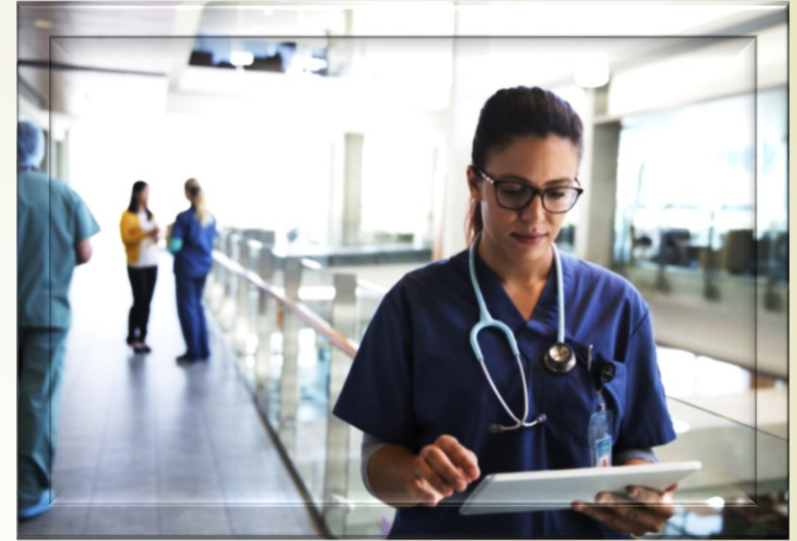
CONTEXTUAL AND SPECIFIC

SPECTRUM- CAPACITY CAN FLUXUATE

FUNCTIONAL IMPAIRMENT \neq LEGAL INCAPACITY

PICKING AGENT(S)

- ✓ TRUSTWORTHY
- ✓ KNOWS YOUR WISHES & VALUES
- ✓ ORGANIZED
- ✓ ONE OR TWO AGENTS?
- ✓ NO NEED TO APPOINT GUARDIAN IN COURT



ADVANCE HEALTH CARE DIRECTIVES

(a/k/a “Durable Power of Attorney for Health Care”)

- ~ **Appoint your Health Care Agent(s) to make decisions for incapacity (“substituted judgment” of another)**
- ~ **Effective: immediate or springing (pros & cons of each)**
- ~ **Agent can make decisions about health care for you**
 - **select health care providers**
 - **medical tests and treatments**
 - **residential placement: home or assisted living facility**



ADVANCE HEALTH CARE DIRECTIVES

Focus on Health Care Treatment if Medical Issue

Talk to Health Care Agent!!!!





- what's important to you**
- quality of life**

Document Wishes in Writing if You Cannot Communicate






ADVANCE HEALTH CARE DIRECTIVES

-  **Legacy Documents (“Ethical Will”)**
-  **Organ Donation**
-  **Memorial Service / Funeral**
-  **Final Disposition / Burial**



A WORD ON “LIVING WILLS”

- ❑ Not a ‘Will’ or a WY POLST or the same as Code Status**
 - ❑ Supplement to Advance Health Care Directives**
 - ❑ Limited to End-Of-Life Care Decisions (terminal illness or permanent unconsciousness)**
 - ❑ Agent can withhold medical treatment; order no extraordinary life-saving medical care / comfort measures only**
 - ❑ Communication is key: ‘The Conversation Project’**
- 



Dementia Directives

- **Standard Living Wills not Sufficient for Dementia**
- **Cognitive Decline / Dementia- longer course (5 to 20 years); average time from mild to severe is 8 years**
- **1 in 9 people over age 65, and 1 in 3 people over age 85 have dementia (Alzheimer's Assn data)**
- **Often Accompanied by Physical Decline**
- **Many wait too long to shift to comfort focused care only**



Dementia Directives (Cont'd)

- (1) Identify goals and wishes if living with progressive dementia (while person has capacity)**
- (2) Align care consistent with goals and wishes**
- (3) Serves as instructions to Caregivers – important role of the health care agent as individuals lose capacity and ability to direct their care**

Dementia Directives (Cont'd)

Nutritional Support when problems with chewing, swallowing, aspiration

- Assisted Hand Feeding
- Tube Feeding
- Voluntary Stopping of Eating and Drinking
- Comfort-Focused Feeding

Dementia Directives – Cont'd

Level of Care Options at Different Stages of Dementia

- Full Effort to Prolong Life
- NO CPR / NO Breathing Tube
- NO ER / Hospital
- Comfort-Oriented Care only (alleviate pain & anxiety)

(Dementia-Directives.org)

Other Considerations:

- Treatment of Aggressive Behaviors
- Driving- when to take keys away and who should do it
- Intimate relationships

(End of Life Washington)

Related Health Care Documents

HIPAA RELEASE

- Agent access to medical records and conference with physicians and other health providers
- Stand alone or in Advance Health Care Directive

MEDICAL FOLKS NEED TO KNOW IT EXISTS

DO NOT RECUSCIATE (DNR)
ORDERS

WYPOLST- DR. MUST SIGN IT!

The greatest satisfaction is knowing that if anything happens to you, you have provided a valuable gift to your family and friends.



QUESTIONS?

Norton Law Office, LLC

Nancy@NNortonLaw.com

(307) 203-2413

