

ESSENTIAL ADVANCED PLANNING DOCUMENTS

It is best to discuss care decisions as early as possible, especially with a progressive illness that is expected to cause cognitive decline, (e.g., a decline in thinking, learning, remembering and reasoning). Anyone recently diagnosed with any form of memory loss should review and update both their health care and financial legal documents as soon as possible.

The legal documents listed below are essential to ensure one's health care wishes and financial directives are executed appropriately. These legal documents should be signed while the person is still able to make decisions on their own.

ADVANCED DIRECTIVES FOR HEALTH CARE

Advanced directives are documents that communicate a person's health care wishes. These documents go into effect when it has been medically determined that a person is unable to make their own health care decisions, meaning they can no longer understand the decisions and what they might mean. These documents must be prepared while the person is legally able to execute them. These directives may include the following:

- **Durable Power of Attorney for Health Care** - This allows a person to designate another person, sometimes called an agent or proxy, to make health care decisions on their behalf.
- **Living Will** - This is a person's wish for medical treatment near the end of life or if the person becomes temporarily or permanently unconscious.
- **Do Not Resuscitate Order (DNR)** - This instructs health care professionals not to perform cardiopulmonary resuscitation (CPR) if a person's heart stops or if he or she stops breathing. A DNR must be signed by a doctor and put in a person's medical chart.

ESSENTIAL ADVANCED PLANNING DOCUMENTS *(continued)*

ADVANCED DIRECTIVES FOR FINANCIAL AND ESTATE MANAGEMENT

Advanced directives for financial and estate management must be created while the person has the legal capacity to make decisions on their own, meaning they can still understand the decisions and what they might mean. These directives may include the following:

- **Durable Power of Attorney for Finances** - This names someone to make financial decisions on a person's behalf. It can help avoid court actions that may take away control of financial affairs.
- **Will** - This outlines how a person's assets and estate will be distributed upon their death. A will should be reviewed and updated as needed, especially following a diagnosis that will eventually lead to cognitive decline.
- **Living Trust** - This designates another person (trustee) with the authority to hold and distribute another person's property and money. A living trust can avoid the time and expense of probate, in which courts establish the validity of a will.

If a person has not signed their advanced directives and then becomes unable to make their health care and financial decisions, legal guardianship will likely be required. Obtaining guardianship can be a tedious process and will require an elder law attorney to navigate the legal process.