

What Should I Do After I Have My Basic Estate Planning Documents Drafted?

Talk to your chosen agent(s) and family! It is one thing to simply name an agent to make important decisions for you. But do they know what your wishes are? It is important to speak to your family from time to time about what you would like to happen in certain circumstances, should you ever find yourself there.

After you have your estate plan drafted, it is important that your documents can always be found by your family. **Vickstrom Law** will maintain copies of your documents on your behalf.



Do not keep your Will, and other documents, in your safe deposit box, unless someone other than yourself can legally access it. A better alternative may be a fire/water proof safe in your home. Be sure to give your named agent(s) a copy of each of your **Durable Power of Attorney** and **Health Care Proxy**. Also be sure that your primary care physician and any specialty doctors have a copy of your **Health Care Proxy**. You may also bring this form with you anytime you undergo surgery or are admitted to the hospital.



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What Is a Basic Estate Plan?

- ✔ Will
- ✔ Durable Power of Attorney
- ✔ Health Care Proxy

Will: A **Will** is a legal document containing your instructions and wishes regarding how your property and assets are to be distributed after your death. It also names a Personal Representative to ensure your wishes are met and names Guardians for your children.

Durable Power of Attorney: A **Durable Power of Attorney** is a legal document that names an agent(s) to make FINANCIAL decisions on your behalf. In most cases the chosen agent is only able to act if/when you are otherwise unable to make these decisions for yourself due to mental and/or physical incapacity.

However, in some instances clients choose to grant financial decision making power to their agents immediately if they want assistance with managing their affairs, but are not incapacitated.

Health Care Proxy: A **Health Care Proxy** is a legal document that names an agent(s) to make MEDICAL decisions on your behalf. This chosen agent is only able to act if/when you are otherwise unable to make decisions for yourself due to mental and/or physical incapacity. These medical decisions include medications, placement in facilities, and end of life planning.

What About a Trust?

There are many different types of **Trusts** that are used for various estate planning and elder law purposes, including avoiding probate, protecting an inheritance for a special needs child or grandchild, or for Medicaid/MassHealth, nursing home planning. A **Trust** can be revocable, meaning you are free to make changes at any time, or irrevocable, meaning changes cannot be made to the **Trust**. The use of a **Trust** depends on your individual situation and they may not be necessary for everyone.

Contact **Vickstrom Law** today to find out if a Trust (and what kind of Trust) is right for you and your family.



What Should I Do If I Have More Questions?

Please contact **Attorney Kristina Vickstrom** at **508.757.3800** or by email at kristina@vickstromlaw.com.

Also online at www.vickstromlaw.com.

What Happens If I Don't Have a Will?

If you don't have a properly drafted **Will**, the courts will decide what happens to your property, through intestate succession. This may not be how you would want your estate divided, especially in the case of second marriages. A **Will** is the only way you can ensure your assets are distributed according to your wishes after your passing.



What Happens If I Don't Have a Durable Power Of Attorney & Health Care Proxy?



Your family will be forced to petition the courts for a **Guardianship** and/or **Conservatorship** if you don't have a properly drafted **Durable Power of Attorney** and a **Health Care Proxy** and you become physically and/or mentally incapacitated. At the very least, EVERYONE over the age of 18 should have a **Health Care Proxy** in place.

What Is a Guardianship? What Is a Conservatorship?

Guardianship and **Conservatorship** are the legal means of protecting incompetent adults who cannot take care of themselves, handle their own assets, or make decisions that are in their own best interest. When the court determines a person is not able to handle their personal affairs, including medical decisions, a **Guardian** is appointed. When the court determines a person is not able to handle their financial affairs, a **Conservator** is appointed.

If you become the subject of a **Guardianship** or a **Conservatorship** you will have likely lost control over whom you would like to serve as your agent. You can keep that control by nominating your own agent(s) through a properly drafted **Durable Power of Attorney** and **Health Care Proxy**.

The **Guardianship** and/or **Conservatorship** process is time consuming and expensive. The services of an attorney will be necessary to navigate the complex court system and privately paid doctors must prepare paperwork on your behalf. The whole process can take up to nine months to complete! For a fraction of the cost and the aggravation of these proceedings, you can have a **Health Care Proxy** and a **Durable Power of Attorney** drafted.

Please contact **Vickstrom Law** today for more information on the **Guardianship/Conservatorship** process, or how it relates to adult children with special needs. You can also visit our blog at www.vickstromlaw.com/blog.