

Action Item Checklist About Your Estate Plan

- Have you updated your estate plan (Trust, Will, Advance Health Care Directive, Durable Power of Attorney) in the past 3-5 years?
- Do you have an Advance Health Care Directive? Was it done before or around 2004? HIPAA (privacy law between the doctor and the patient) came into law in 2004 and AHCDs around that time do not include them. This means that your health care agent can make decisions but the doctor isn't allowed to provide any information, legally. You must have a HIPAA waiver.
- Do you have anyone in your life who wants a DNR? If so, you need a POLST.
- Do you have a Durable Power of Attorney (DPOA) for Finance?. It needs to have specific authorities so that your agent can properly take care of your financial and legal affairs if you are incapacitated. Many are missing these key provisions and once you become incapacitated and your agent tries to use the document, it's too late to fix it.
- Is your AHCD/DPOA immediately effective or based on incapacity. It should be the former not the latter. Otherwise, your agent must wait for the doctor(s) to get involved in the process of deeming you incapacitated. Sometimes they are busy and this is very delayed, thus preventing your agent from helping.
- If you have named multiple people as Co-Agents or Trustees, this should be discussed. It can lead to a lot of conflict and wasted money, time and emotion.
- Do you have a Trust Protector?
- If you have minor kids, do you have a temporary guardian listed?
- If you have pets, who will take them and are you leaving money for their care?
- Do you know if your trust is funded (not what the trust says but what the deed, owner of accounts, etc.)?