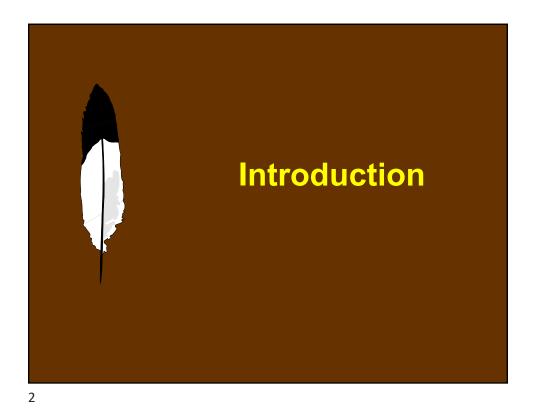


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Objectives; By the end of the session, the participant will be able to:

- 1. Describe the parts that should be included in advance directives and wills, and their value to each of us.
- 2. Identify who should have a will and living will .

3

QUESTION: What are Advance Directives (Living Wills)?

- A person's documented, written notice stating
- What medical interventions they want or do not want
- If they become too ill to speak for themselves.



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QUESTION: What do "Advanced Medical Directives" include? Living Wills Medical Durable Power of Attorney (for health care) CPR (cardiopulmonary Resuscitation) or DNR (do not resuscitate) Directive

5

What is a "Living Will"?

- A Living Will is a document by which a person declares that he or she does or does not want artificial life support systems used if he or she becomes terminally ill.
- Everyone 18 years old and older who is of sound mind should have a living will.



American Concer

How does a "Living Will" work?

- A Living Will states whether or not a person wants artificial life support systems used if he or she becomes terminally ill.
- The doctor and relatives can use the Living Will to make the "hard decisions" when a loved one is close to death.
- If you do not have a living will, your relatives will have to make the decision about when to take you off life support (unplug) you.

NACR's Excerpt from "Native American Palliative Care" Curriculum: Objective 5: Wills & Living Wills

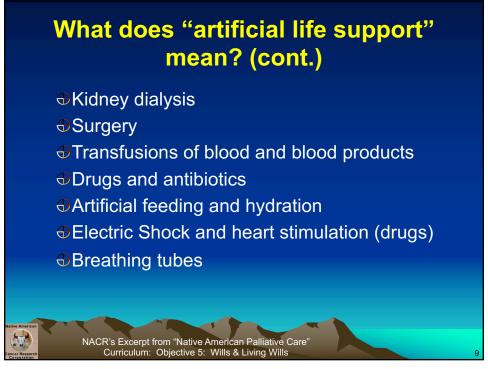
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QUESTION: What does "artificial life support" mean? (cont.)

- Artificial life support can include:
 - Life sustaining procedures including nourishment.
 - It can also include:



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What are Living Wills? A Living Will also states how a person wants to be treated at the end of life or in case of serious accident or illness. A Living Will gives directions to the Agent about important decisions. NACR'S Excerpt from "Native American Palliative Care" Curriculum: Objective 5: Wills & Living Wills



What is "Medical Durable Power Of Attorney"?

Medical durable power of attorney is a document you sign naming someone to uphold your health care decisions when you are unable to represent them yourself. The person that you name becomes your "agent."

NACR's Excerpt from "Native American Palliative Care"
Curriculum: Objective 5: Wills & Living Wills

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QUESTION: Who can be an "agent"?

- Must be at least 18 years or older
 - (Meet State age requirements)
- Someone you trust ■
- Someone who can understand the doctors and nurses and can communicate for you
- Someone who knows you very well
- Someone who can make difficult decisions and can "hold the line".



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Who Shouldn't be an "Agent"? Often a spouse or family member is too emotional to make hard decisions in respecting your wishes. Each person knows best for themselves. NACR's Excerpt from "Native American Palliative Care" Curriculum: Objective 5: Wills & Living Wills

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QUESTION: What is a CPR Directive? A CPR Directive means that if your heart stops beating you want to be left alone with no medical intervention taking place: no breathing assistance or heart shock and stimulation This also is known as a DNR CPR means "Cardiopulmonary Resuscitation" DNR means "Do Not Resuscitate" NACR'S Excerpt from "Native American Palliative Care" Curriculum: Objective 5: Wills & Living Wills NACR'S Excerpt from "Native American Palliative Care" Curriculum: Objective 5: Wills & Living Wills NACR'S Excerpt from "Native American Palliative Care" Curriculum: Objective 5: Wills & Living Wills NACR'S Excerpt from "Native American Palliative Care" Curriculum: Objective 5: Wills & Living Wills NACR'S Excerpt from "Native American Palliative Care" Curriculum: Objective 5: Wills & Living Wills NACR'S Excerpt from "Native American Palliative Care" Curriculum: Objective 5: Wills & Living Wills



How do I make an "Advanced Directive"? A person needs to ask themselves some very hard to answer questions. Some people talk to loved ones when making these decisions. Others talk to professionals in the health care system. Some people talk to their pastor or clergy. Some people talk to all of the above. It is up to each individual.

15

Ask Yourself Questions ... What kind of treatments or extraordinary efforts do I want taken on my behalf? Under what conditions do I want to be kept alive? Is there any condition when I wouldn't want to be artificially alive? How comfortable do I want to be?



QUESTIONS: How do I Make "Advanced Directives"?

- Once you have made your decisions, write them down.
- Document them with the signatures of two (2) witnesses.
- You can also have them notarized.
- Keep your Advance Directives-Living Will and Durable Power of Attorney- handy so your loved ones and care givers will know your wishes.



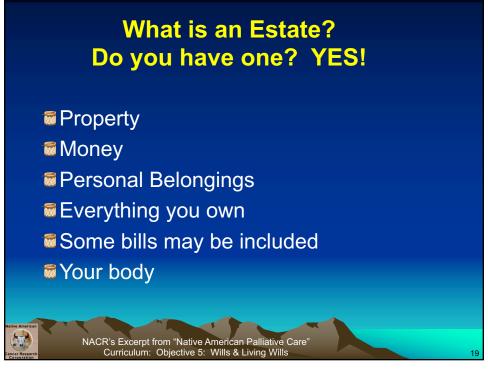
17

QUESTION: What is a "Will"?

- A will is a document you can use to control:
 - Who gets your property
 - Who will be guardian of your children and their property, and
 - Who will manage your estate upon your death

NACR's Excerpt from "Native American Palliative Care" Curriculum: Objective 5: Wills & Living Wills





Estates Property: Land, Stock, Bonds, Bank Accounts (checking and savings), Life Insurance, Trust Fund, Home, Retirement Plan, IRA, Pension Plans, Investments Money: Cash Personal Belongings: Jewelry, Pets, Clothes, Ceremonial Articles, Art, Craft Objects, Pictures, Pottery, Dance Outfits, Knick Knacks NACR'S Excerpt from "Native American Palliative Care" Curriculum: Objectve 5: Wills & Living Wills

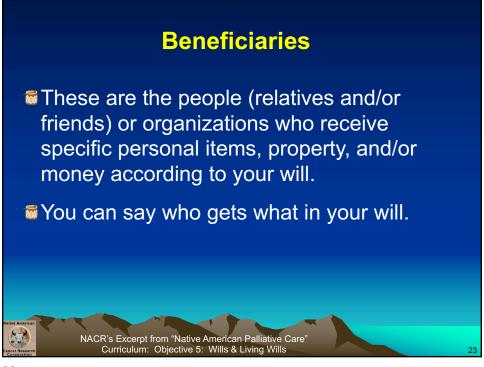


Everything you own: Anything that is yours and you value; not in joint ownership Some bills may be included: Some bills are paid out of the estate, and some are not. NACR's Excerpt from "Native American Palliative Care" Curriculum: Objective 5: Wills & Living Wills

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QUESTION: What is a "Will"? A Will is the document that transfers certain kinds of property to people and organizations when you pass on. The maker of a will decides who will get their property, the responsibility for their children, if any, and who will make certain their wishes are followed. NACR'S Except from "Native American Palliative Care" Curriculum: Objective 5: Wills & Living Wills









What about my children? (cont.) You can appoint a guardian for your minor children in your will. Minor children are those under 18 years old You can also appoint someone to take care of the property or money that you leave to your children. These can be different people!

25

QUESTION: Who makes sure my wishes are followed? The executor is the person who will be in charge of handling your estate. This may Include: Filing taxes and other forms Gathering your assets and distributing them to your beneficiaries as your will states, Hiring of attorneys or accountants to assist with the implementation of your will



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NACR's Excerpt from "Native American Palliative Care Curriculum: Objective 5: Wills & Living Wills

QUESTION: Who can be an "Executor"?

- An executor can be a sister or brother, other family member, friend, or even a bank representative or attorney.
- Sometimes it is valuable to have someone outside the family be the executor to avoid favoritism and arguments between survivors of the loved one.

NACR's Excerpt from "Native American Palliative Care"
Curriculum: Objective 5: Wills & Living Wills

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QUESTION: What do you think happens if you don't have a will?

- If you have no will, the laws of the state you live and die in will determine who receives the property that you own and your children.
- If you have Trust Land or an Individual Indian Monies account (IIM), under a new American Indian Probate Reform Act (AIPRA), your property and rights will only pass to a limited group of heirs unless you have a will.

NACR's Excerpt from "Native American Palliative Care Curriculum: Objective 5: Wills & Living Wills

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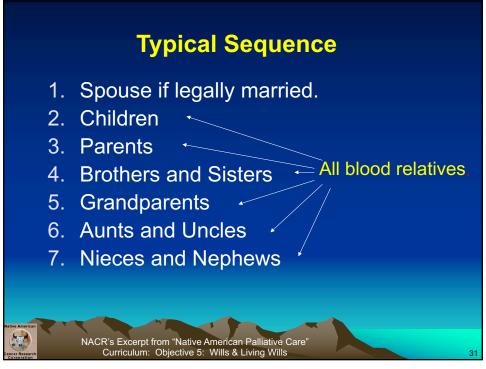


QUESTION: What if I have no Will? In most states, if money (bank accounts) and or real estate is jointly held, it will pass to the joint owner with or without a will. Any property in your name alone would go to the persons named by the state law. NACR'S Excerpt from "Native American Palliative Care" Curriculum: Objective 5: Wills & Living Wills

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What if I have no Will? (cont.) If you do not have a will, and your Tribe has a Probate Code and Court, it may take jurisdiction over your belongings. Any property in your name alone would go to the persons named by the Tribal law. NACR'S Excerpt from "Native American Palliative Care" Curriculum: Objective 5: Wills & Living Wills





What if I have no Will? Every state has different laws but they typically provide for the following: If you have a spouse and children, the property is divided among them. If you have a spouse and parents or siblings but no children, some states give it all to your spouse while others also give a share to your parents and siblings. MACR'S Except from "Native American Palliative Care" Curriculum: Objective 5: Wills & Living Wills

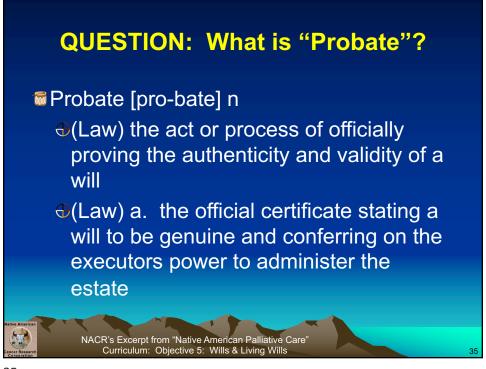


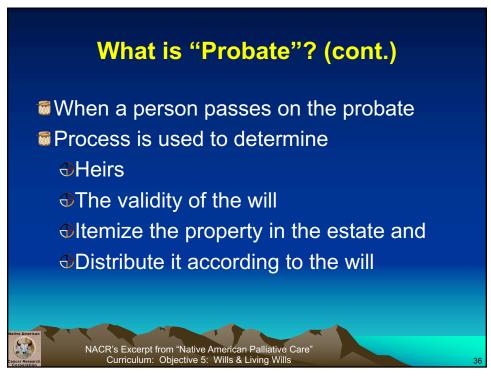
What if I have no Will? If you have children and no spouse, everything is divided between the children. If you have no children or spouse, your parents would get your property, unless a share was given to your siblings. NACR'S Excerpt from "Native American Palliative Care" Curriculum: Objective 5: Wills & Living Wills NACR'S Excerpt from "Native American Palliative Care"

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What if I have no Will? If you have no spouse, children, or parents, your brothers and sisters would share your property. If you have no spouse, children, parents, brothers, or sisters, your property would go to your grandparents, aunts and uncles, or nieces or nephews in that order. And it may not be divided evenly! MACR'S EXCEPT From "Native American Palliative Care"









What is "Probate"? (cont.)

- When a will goes through probate, the will is made public to the court as a public record that is available to anyone. A probate inventory is also filed and may be available to the creditors and possibly the public.
- ▼ You can avoid probate by having a living trust or by putting the names of the people that you want to inherit your property with title, on the title before you die. Then it can be transferred without interference from the courts.

NACR's Excerpt from "Native American Palliative Care' Curriculum: Objective 5: Wills & Living Wills

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Probate (cont.)

- States and Tribes have their own procedures that must be followed as part of the Probate Process. Contact the State or Tribe to get information.
- lt can take six months.
- Not all Tribes have Probate Codes.



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American Indian Probate Reform Act of 2004 (AIPRA)

- Limits who the heirs are who can receive Indian Trust Land when the owner passes on.
- Determines how Individual Indian Monies (IIM) accounts will be distributed
- Can be avoided if you have a Will.

NATIVE AMERICAN

NACR'S Excerpt from "Native American Palliative Care"

Curriculum: Objective 5: Wills & Living Wills

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QUESTION: What do I do first?

- Make a list of your real personal property, real estate, and bank accounts etc. Be very specific in your descriptions.
- Decide who you want to receive each item, or how the item is to be divided among your beneficiaries.
- as Executor and Guardians and witnesses.

NACR's Excerpt from "Native American Palliative Care" Curriculum: Objective 5: Wills & Living Wills

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NACR's Excerpt from "Native American Palliative Care" Curriculum: Objective 5: Wills & Living Wills

			Assets	5	
		Value	Joint or Marital Property	Husband's Separate Property	Wife's Separate Property
	Home				
	Other Real Estate				
	Checking Accounts				
	Savings Accounts and Certificates				
	Credit Union Accounts				
	Annuities				
	Oil, Gas or Other Minerals				
	US Savings Bonds				
Native .			ve American Palliat 5: Wills & Living V		41

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	Value	Joint or Marital Property	Husband's Separate Property	Wife's Separate Property
Jewelry				
Dance Regalia				
Blankets				
Pottery				
Family Heirlooms				
Artwork-paintings				
Artwork-sculpture				
Photographs				
ontan NACP's Favor		ve American Pallii	Nine Court	



NACR's Excerpt from "Native American Palliative Care" Curriculum: Objective 5: Wills & Living Wills

			Assets	5	
		Value	Joint or Marital Property	Husband's Separate Property	Wife's Separate Property
	Other Bonds				
	Stock				
	Accounts Receivable				
	Rents Receivable				
	Notes Receivable				
	Automobiles and other				
	Interest in any business				
	Other Bonds				
Native .			ve American Palliati 5: Wills & Living V		43

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What next? Have your Will notarized with witnesses. Make copies and give to your family and executor. Store the original in a safe place that the executor knows about and can access. NACR'S Excerpt from "Native American Palliative Care" Curriculum: Objective 5: Wills & Living Wills



You CAN leave someone out of your Will!!!

When making your will you can included a section where you name a person(s) and leave them completely and forever from receiving anything from your estate.

NACR's Excerpt from "Native American Palliative Care"
Curriculum: Objective 5: Wills & Living Wills

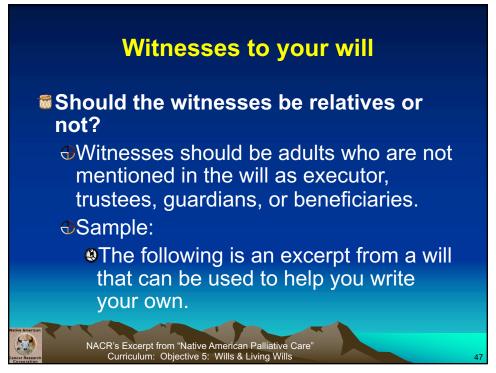
What if someone contests my will?

- When making your will you can complete a "Self-Proved Will Affidavit" which is signed by a notary and two witnesses.
- This document is attached to the will and helps to prove that you stated your wishes in your will and that witnesses can attest to its validity.





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Sample Will

- Please indicate, by checking the appropriate option, how you want your assets to pass when you die
- Option A. I want my assets to pass to my spouse and children as follows:
 - To spouse, if surviving.
 - →If my spouse predeceases me, my assets will be divided in equal shares among my children.
 - →If any of my children predecease me, that child's share shall be distributed to his or her children in equal shares.





Sample Will (cont.) In the event that my spouse and all of my children and descendents fail to survive me, I want my assets to be distributed as follows: Option B. I am unmarried with children and want my assets to pass Option C. I am unmarried and have no children. I want my assets to pass in equal shares as follows: NACR's Excerpt from "Native American Palliative Care" Curriculum: Objective 5: Wills & Living Wills

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jewelry, or other items				
ITEM	SPECIAL IDENTIFYING FEATURES	RECIPIENT		
Traditional Regalia		Rosanne (sister)		
Native rugs	4 with turquoise	Mary Lou (daughter)		
Concho belt				
Diaries/journals	Notice the lock on the cover!!!	Cathleen (sister)		
Pottery				
Jewelry				
Eagle feather fan				
Sacred pipe				



