

POWER OF ATTORNEY: a legal document that gives someone you choose the power to act in your place.

What Is Power of Attorney?

A written legal document where one person (the principal) appoints another to act as an agent on his or her behalf is called a power of attorney. Powers of attorney stay in effect until the principal dies or revokes the power of attorney. It gives authority to the agent in the following kinds of transactions:

- Executing a stockpower
- Handling a tax audit
- Maintaining a safe-deposit box

Types of Powers of Attorney

A special type of power of attorney is called a “durable” power of attorney.

A durable power of attorney differs from a traditional power of attorney because it continues if the principal is incapable of making decisions. There are two types of durable power of attorney:

- Immediate: taking effect as soon as the document is executed
- Springing: taking effect as soon as a specified event takes place (such as coma or disability)

Durable powers of attorney are typically

In case you ever become mentally incapacitated, you'll need what are known as “durable” powers of attorney for medical care and finances.



executed to handle decisions over property management or health care in a prescribed legal manner. Taylor Law Offices treats them as important and cost-effective tools. Before the durable power of attorney was created, affairs of an incapacitated person were handled by a guardianship process. It frequently required complex and costly court proceedings.

Prepare for your future and visit Taylor Law Offices for a review of your needs or your loved ones' legal needs.

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1 = 7 3/4 inches tall

LIVING WILL: a document that lets people state their wishes for end-of-life medical care in case they are unable to communicate.

What Is a Living Will?

A living will is sometimes confused with a last will and testament. It is a legal document wherein you express your wishes with regard to what medical procedures you want (or do not want). It is triggered when you are incapable of expressing your wishes, such as during an irreversible coma and are not expected to fully recover. Essentially, it covers how you will be treated medically when it comes to supportive care versus life maintaining procedures.

Living Wills and Advance

Directives

Living wills are typically incorporated into something called an advance directive (or advance medical directive). This document spells out who and when a person you designate can make health care decisions on your behalf. This document guides doctors and caregivers on the medical intervention you want and can reduce confusion or disagreement between remaining family members about the treatment choices you would have made, if you were able.

Advance directives aren't just for older adults. Unexpected end-of-life situations can happen at any age, so it's important



These documents speak for you when you're not able to speak for yourself.

for all adults to prepare these documents. A living will has no power after death.

Living Trust

A living trust covers situations while you're alive and well, while you're dealing with serious medical issues, and after your death. So it is more comprehensive than a living will, which only covers what happens to you if you are if you're terminally ill, seriously injured, in a coma, in the late stages of dementia or near the end of life.

If you need assistance in crafting a living will or interpreting one, please contact Taylor Law Offices.



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LIVING TRUST: one of the two main ways to avoid probate. The other is joint tenancy or survivorship.

Living Trust Versus Wills

A living trust is essentially a will that takes effect while you are still living. A will is triggered only upon your death. Both documents are legal tools Taylor Law Offices can create for you and help you or your loved ones execute.

Living trusts have become more common in recent years. They are a simple and relatively inexpensive way to do your estate planning, but they do not unilaterally solve all your problems. As Idaho has simplified our probate procedures, many of the advantages of living trusts have become unnecessary. Until you research your situation with an attorney, you won't know whether a living trust is right for you. We will review the size of your estate, what kinds of assets it contains, and what plans you have for your family before recommending a living trust.

Living trusts place your assets into an account you can access during your lifetime, and then transfer those assets to your designated beneficiaries upon your passing. All this is carried out by you when you are alive and by the person you chose to be your successor trustee upon your death.

A will is a legal document spelling out how your assets will be distributed when you pass away. You name an executor of the will, and this person oversees the process of distributing your assets.

Advantages of the Living Trust:

Speed: One advantage of a living trust is that it does not have to go through probate the way a will must. This typically speeds up the process of asset distribution.

Privacy: A will is a public document, a living trust is not. So if privacy regarding your

assets is important to you, creating a living trust is the route you should take.

Please visit Taylor Law Offices in Boise, Idaho, for more information on how a living trust can benefit you.



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We Care About Your Health Care Rights

The truth about life is that it's unpredictable. When it comes to health care, this unpredictability needs to be met with solid planning – something the attorneys at Taylor Law Offices can provide through advance directives, durable powers of attorney and other legal tools.

Illness or injury may render you unable to talk to a doctor and make decisions about your treatment. Preparing these legal forms can help to ensure that your health care wishes are followed and your health care decisions stay in the hands of people you trust.

The law grants you rights concerning your medical treatment. Some invasive procedures prolong life without improving the quality of life.

What Are Your Health Care Rights?

The law grants you certain rights concerning your medical treatment. You have the right to accept or reject medical treatment, including life-prolonging procedures, such as:

- Mechanical respiration
- Tube feeding
- Intravenous feeding

Studies show aggressive medical intervention leaves nearly two million Americans “confined to nursing homes, and over 1.4 million Americans remain so medically frail as to survive only through the use of feeding tubes.” Many more persons are kept alive in permanently vegetative states.

Cost burdens to individuals and families are considerable. A national study found that: “In 20% of cases, a family member had to quit work;” 31% lost “all or most savings” (even though 96% had insurance); and “20% reported loss of [their] major source of income.” Studies indicate that 70-95% of people would rather refuse aggressive



medical treatment than have their lives medically prolonged by use of heroic measures.

As more and more Americans experience the burdens and diminishing benefits of life-prolonging medical treatment – either directly (themselves) or through a loved one – the legal and medical community were forced to work together to address these issues.

What Is an Advance Directive?

Your advance directive is a legal document that will speak for you when you are unable to speak for yourself. There are three basic types of advance directives:

Health Care Proxy – appointing a person to act on your behalf when you are incapable to do so

Living Will – a legal document spelling out your wishes, to be used when you are incapable of doing so.

Do Not Resuscitate Order (DNR) – a legal document stating that you do not want resuscitation measures to be carried out when you are not breathing or pumping blood under your own power.

Call Taylor Law Offices to create the documents to make your wishes clear.



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Planning for End of Life

Facing the idea of your demise is never easy. But dealing with the consequences of not planning for the end of your life is even more difficult. By deciding now what end-of-life care best suits your wishes, you can help your loved ones make the choices you want them to. This not only respects your values, but also allows those closest to you the comfort of feeling as though they can be helpful. Taylor Law Offices can help guide you through this process.

Types of End-of-Life Decisions

Dying persons and their families are faced with many issues that can be made more manageable when consulting with an attorney. Taylor Law Offices can help guide you and/or create legal documents in the following matters:

- What kind of caregiver help a person wants (at home or in an institutional treatment setting).
- Degree of family involvement in caregiving.
- Degree of family involvement in decision-making.
- Legal decisions about wills.
- Legal decisions about advanced directives.
- Legal decisions about durable powers of attorney.

Other End-of-Life Questions

Who do you want to make decisions for you if you are not able to make your own, both on financial matters and health care decisions? The same person may not be right for both. Discuss the following with your family and document your wishes.

- What medical treatments and care are acceptable to you? Are there some that you fear?
- Do you wish to be resuscitated if you

stop breathing and/or your heart stops?

- Do you want to be hospitalized or stay at home, or somewhere else, if you are seriously or terminally ill?
- How will your care be paid for? Do you have adequate insurance? What might you have overlooked that will be costly at a time when your loved ones are distracted by grieving over your condition or death?
- What actually happens when a person dies? Do you want to know more about what might happen? Will your loved ones be prepared for the decisions they may have to make?

affect your family, sometimes bringing financial burdens. Millions of dollars may be spent during the last year of one's life, including heroic measures that some patients neither understand nor desire.

When discussing end-of-life plans, families and physicians should know whether these decisions are legal in the states in which they practice. Taylor Law Offices can help you navigate these issues as well as help you stick to the directives spelled out in a living will.

Decisions about supportive care and life-maintaining care are sometimes mutually exclusive.

Supportive Care vs. Life-maintaining Care

It's important for people making end-of-life care decisions to think about those decisions in two separate, and sometimes mutually exclusive, ways.

Supportive care is primarily aimed at providing comfort and dignity to a patient. Life-maintaining care focuses on diagnosis and rehabilitation. Decisions and choices you make about this time in your life will



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WILLS: the most common way for people to state their preferences about how their estates should be handled after their deaths.

What Is a Will?

A will is a legal declaration by which a person names one or more other persons to manage his or her estate and provide for the distribution of his or her property after they die. Often the document is called a “last will and testament.” Its provisions are triggered by the death of the testator (the person whose will it is).

What Is Probate?

In most cases, during probate, at least one witness is called upon to testify or sign a “proof of witness” affidavit to help determine the validity of the will or wills that the testator may have created. If the will is ruled invalid in probate, then inheritance will occur under the laws of intestacy as if a will were never drafted. Often there is a time limit, usually 30 days, within which a will must be admitted to probate. As you can see, the consequences of a poorly written will or a lack of a will are severe. So obtaining the assistance of an attorney in writing a will is critical.

Settling an Estate without a Will

If you’re settling the estate of a deceased relative or friend who has no will, remember that many kinds of assets aren’t passed by will, such as:

- Life insurance proceeds
- Real estate, bank accounts, and other assets held in joint tenancy, tenancy by the entirety, or community property with right of survivorship
- Property held in a living trust
- Funds in an IRA, 401(k), or retirement plan for which a beneficiary was named.

The co-owner or beneficiary inherits these types of property.

To find out who inherits other assets -- generally, solely owned property for which no beneficiary has been formally named, such as a house -- you’ll need to consult state law. Every state has “intestate succession” laws that parcel out property to the deceased person’s closest relatives.

Instead of letting the State divide up your property, let Taylor Law Offices provide will-writing services that are thorough, and thoughtful. We can create last will and testament documents of any kind:



Nuncupative (non-culpatory) wills: This type of will is orally dictated.

Holographic wills: Written by the testator.

Self-proved: Written by the testator with affidavits of subscribing witnesses to avoid probate.

Mystic wills: A will that is sealed until the death of the testator.

Reciprocal wills: Sometimes called mirror, mutual, husband-and-wife wills. The documents make similar or identical provisions with one another.

Solemn form wills: Signed by the testator and witnesses

Last Will and Testament Terms You Should Know

Administrator: The person appointed to carry out the will

Beneficiary: Anyone receiving a gift or benefit from the will.

Bequest: A gift of personal property (not monetary).

Codicil: An amendment to a will.

Decedent: A term for the person who is deceased.

Executor/executrix or personal representative [PR]: Person named to administer the estate, generally subject to the supervision of the probate court, in accordance with the testator’s wishes in the will. In most cases, the testator will nominate an executor/PR in the will unless that person is unable or unwilling to serve.

Intestate: A person who has not created a will, or who does not have a valid will at the time of their passing.

Probate: Legal process of settling the estate of a deceased person.

Testate: A person who has a valid will at the time of their passing.



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