

# ADVANCE PLANNING GUIDE

*FOR PEACE OF MIND*



**THOMPSON-MARODI**

Funeral Home, Inc.

Burials - Cremations - Advanced Planning

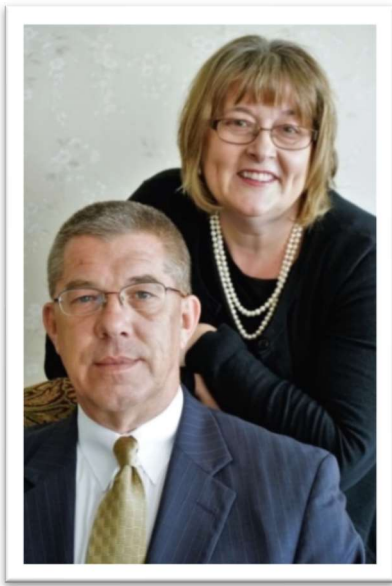
## About Us

In 1862, James Jones, a cabinet maker by trade, entered into the funeral profession in the community of St. Cloud, which is known today as Eighty Four.

Following the death of his father in 1902, James A. Jones formed a partnership with his brother-in-law Harry B. Thompson. The Jones & Thompson partnership continued until the death of Harry B. Thompson in 1921

Three years later, on January 10, 1924, Harry's 21-year-old son, Kenneth V. Thompson received his license from the Pennsylvania State Board of Undertakers and continued the Jones & Thompson partnership. The business was moved to 403 Washington Street, Bentleyville, where it remained for eight years. The funeral home was then moved to 705 Main Street. In 1936, the present building at 809 Main Street was purchased and remodeled for use as a funeral home.

James A. Jones died in 1958 at the age of 92 and at the time of his death he was the oldest licensed funeral director in Pennsylvania. The business then became known as the Kenneth V. Thompson Funeral Home. Kenneth V. Thompson served the area for 54 years and upon his death in 1978, his wife Lanomi Baldwin Thompson became the owner of the business, carrying on the name until her death in July of 1994.



Timothy Marodi became a licensed funeral director in 1986 and joined the Thompson-Marodi Funeral Home in 1991. A native of Marianna, Pennsylvania, he graduated in 1981 from Bethlehem Center High School, attended California University of Pennsylvania and graduated from the Pittsburgh Institute of Mortuary Science in 1984. He is a member of the St. Katharine Drexel Parish, Bentleyville Knights of Columbus Council 5826 and Bentleyville Lions Club. In October of 2015, Tim and his wife Randi purchased the funeral home

The funeral profession has seen many changes, but the funeral home's dedication and commitment to families has never changed. Being family owned and operated for over 155 years, we have never forgotten the way service used to be, when people gave that extra effort and caring went far beyond the expected - because some things should never change.

*"Well done is better than well said." - Benjamin Franklin*

# Why Choose Us

## *Because We Care*

With every family we serve, our goal is to provide professional and dignified service, whether your choice is a traditional burial service or a cremation service.

With your advanced planning, we will guide you through the casket selection to choosing flowers, and through all aspects of the service and make sure every detail is taken care of.

At the time of need, we provide your family:

### **Online Memorials**

We create an online memorial for your family to share with friends. The memorial includes the obituary and any photographs they wish to provide. It will serve as a place for visitors to post condolences, share memories, upload photos, and light candles in honor of you.

### **Assistance with:**

- Notifications to pension agencies to report the death and inquiry of possible survivor's benefits
- Inquire and apply for any veteran's burial benefits from the county and/or federal departments
- Filing of life insurance claims
- Headstone Engraving
- FAX service, no charge

### **We also provide:**

- A facility with a spacious interior to accommodate two visitations simultaneously;
- Ample off-street parking for over 50 cars and;
- Our facility is handicapped accessible.

## Why should you pre-plan your funeral service?

During our lifetime, everyone plans for future life events – vacations, weddings, retirement. We prepare by taking out insurance policies for fires, car accidents, disabilities.

But many people do not pre-plan their funeral service, because it is a topic we do not like to think about.

Pre-planning your own funeral is to spare those you love from experiencing the decision-making process at a difficult time. Those who care about you won't have to guess what you would have wanted and regret that they didn't discuss these matters beforehand. Because there are many decisions that need to be made, it is a good idea to express your preferences about the services and related items you want. This also gives you the opportunity to incorporate their ideas into your plans.



You can choose to prepay your funeral expenses, although this is not required. In most cases, monies invested today in a burial trust account will be sufficient to cover expenses at the time of need. The interest earned by the account helps offset any price increases.

This journal will help you organize your personal affairs and funeral service requests. Although not complete, it lists most of the important information your survivors will need to know. When you meet with us, we will assist you with other decisions and selections to finalize our plans.

## FUNERAL PRE-PLANNING:

*Answers to the most commonly asked questions*

**Q: *What can be pre-planned?***

A: You decide what to pre-plan. Most individuals will make complete arrangements. This includes recording vital statistics needed for the death certificate and obituary, selecting the type of funeral service and merchandise. Also, any special requests that one has concerning the funeral service are recorded. Although not required, many individuals pre-pay the funeral expenses by establishing a burial trust account.

**Q: *What about pre-paying funeral expenses?***

A: Once you have selected the type of funeral service, merchandise and other miscellaneous expenses, you can open an irrevocable burial trust account. You can pay the full amount at today's prices and the expenses are guaranteed for future need. If you are not able to pay the expenses if full, you can make payments. However, the funeral expenses are not guaranteed until the account has sufficient funds to cover all expenses.

**Q: *What happens if payments are being made to the burial trust account and death occurs before the full amount is paid?***


A: The amount in the account will be applied towards the funeral expenses. The unpaid balance will have to be paid by your survivors.

**Q: *Will there be any additional charges at the time of death?***

A: Only if your family requests additional services or merchandise and the burial account is not sufficient to cover all the expenses. Also, if death occurs away from home, the services of an out of town funeral director may be needed. These charges will be billed to your family at cost.

**Q. *What if the funeral home goes out of business?***

A. If the funeral home would go out of business or be sold, you would be notified. At that time, it would be your decision to keep your advanced arrangements with the new owner or transfer your arrangements to another funeral home.



After careful thought, I have prepared this journal of my personal and specific information that may be helpful at the time of my death. I have expressed my preferences on a variety of subjects pertaining to my funeral that, unless changed due to unforeseen circumstances, I hereby request and desire.

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SIGNED

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DATE

**Note: PLEASE DO NOT PLACE THIS PERSONAL JOURNAL IN A BANK SAFETY DEPOSIT BOX. IT MAY BE SEALED UNTIL AFTER YOUR FUNERAL OR MEMORIAL SERVICE. BE SURE TO ADVISE YOUR FAMILY WHERE IT IS LOCATED.**

## Requests & Preferences

- **FUNERAL HOME TO BE CONTACTED**

Funeral Home Name: Thompson-Marodi Funeral Home, Inc.

Address: 809 Main St., Bentleyville, PA 15314 Telephone: 724-239-2255

Date of Pre-Arranged Funeral \_\_\_\_\_ Location of Documents \_\_\_\_\_

- **CEMETERY INFORMATION**

Name of Cemetery \_\_\_\_\_ Telephone \_\_\_\_\_

Address \_\_\_\_\_

Lot Owner \_\_\_\_\_ Location of Deed \_\_\_\_\_

Section Number/Name \_\_\_\_\_ Lot Number \_\_\_\_\_ Block Number \_\_\_\_\_

- **IF YOUR CHOICE IS CREMATION**

Disposition of Cremains \_\_\_ Burial \_\_\_ Return to Family \_\_\_ Other: \_\_\_\_\_

- **VISITATION/VIEWING HOURS** Public or Private

Time Period \_\_\_\_\_

Funeral Home, Church, Other \_\_\_\_\_

- **FUNERAL SERVICE TO BE HELD AT** Public or Private

Funeral Home, Church, Other \_\_\_\_\_

Other \_\_\_\_\_

- **CLERGY REQUESTED**

Name \_\_\_\_\_ Telephone \_\_\_\_\_

Church \_\_\_\_\_

- **OTHER REQUESTS**

Clothing \_\_\_\_\_

Jewelry \_\_\_\_\_

\*To be returned to \_\_\_\_\_

Music Selection \_\_\_\_\_

Scripture/Reading Selections \_\_\_\_\_

Flowers \_\_\_\_\_

Memorial Contributions Yes or No - Name of Charity \_\_\_\_\_

Pallbearers \_\_\_\_\_

Lodge, Fraternal or Military Service Yes or No - Name \_\_\_\_\_

Obituary to be Published in: Observer-Reporter Mon Valley Independent Other: \_\_\_\_\_

## Vital Statistics & Biographical Information

Social Security Number \_\_\_\_\_

Full Legal Name \_\_\_\_\_

Address \_\_\_\_\_  
Street and/or PO Box                      Town- State- Zip   Boro/Twp.                      County

Date of Birth \_\_\_\_\_ Place of Birth \_\_\_\_\_

Father \_\_\_\_\_ Mother's Maiden Name \_\_\_\_\_

School(s) Attended \_\_\_\_\_

Highest Level Education \_\_\_\_\_

Occupation \_\_\_\_\_

Employer \_\_\_\_\_

If Veteran, Name of War, Branch and Rank *(a copy of the DD214 is need by the funeral home)*

\_\_\_\_\_

Church Membership or Affiliation \_\_\_\_\_

\_\_\_\_\_

Memberships in Clubs, Organizations \_\_\_\_\_

\_\_\_\_\_

Other Information for Obituary \_\_\_\_\_

\_\_\_\_\_

Marital Status *(check one)* \_\_\_ Married \_\_\_ Widowed \_\_\_ Never Married \_\_\_ Divorced

Spouse's Name (for wife, give maiden name) \_\_\_\_\_

Date of Marriage \_\_\_\_\_ Place of Marriage \_\_\_\_\_

If Deceased, Date of Death \_\_\_\_\_

# Family

Surviving Children w/Spouse's Name

City & State

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Grandchildren (number or names) -

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Great-Grandchildren (names or number) – \_\_\_\_\_

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Surviving Siblings w/Spouse's Name

City & State

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Several Nieces and Nephews    Yes - No

DECEASED RELATIVES

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# Record of Personal Affairs

- **ATTORNEY**

Name \_\_\_\_\_ Telephone \_\_\_\_\_

Address \_\_\_\_\_

Location of Original Will \_\_\_\_\_ Location of Copy \_\_\_\_\_

Date Will Prepared \_\_\_\_\_ Executor of Will \_\_\_\_\_

- **INSURANCE AGENT for Home & Auto Insurance**

Name \_\_\_\_\_ Telephone \_\_\_\_\_

Address \_\_\_\_\_

- **ACCOUNTANT**

Name \_\_\_\_\_ Telephone \_\_\_\_\_

Address \_\_\_\_\_

- **STOCKBROKER/FINANCIAL ADVISOR**

Name \_\_\_\_\_ Telephone \_\_\_\_\_

Address \_\_\_\_\_

Location of Stock Certificates and/or Investment Documents \_\_\_\_\_

- **BANK ACCOUNTS**

1. Bank Name \_\_\_\_\_ Telephone \_\_\_\_\_

Address \_\_\_\_\_

Account Type – Checking Savings Other Account Number \_\_\_\_\_

Name(s) on Account \_\_\_\_\_

2. Bank Name \_\_\_\_\_ Telephone \_\_\_\_\_

Address \_\_\_\_\_

Account Type – Checking Savings Other Account Number \_\_\_\_\_

Name(s) on Account \_\_\_\_\_

- **BANK SAFETY DEPOSIT BOX**

Name of Bank \_\_\_\_\_ Telephone \_\_\_\_\_

Address \_\_\_\_\_ Key Location \_\_\_\_\_

- **DEBTS**

1. Lender \_\_\_\_\_

Description \_\_\_\_\_ Loan Number \_\_\_\_\_

2. Lender \_\_\_\_\_

Description \_\_\_\_\_ Loan Number \_\_\_\_\_

# Record of Personal Affairs

- CREDIT CARDS**

Type of Card – MasterCard VISA Discover American Express Other: \_\_\_\_\_

Issuer \_\_\_\_\_ Account Number \_\_\_\_\_

Type of Card – MasterCard VISA Discover American Express Other: \_\_\_\_\_

Issuer \_\_\_\_\_ Account Number \_\_\_\_\_

- LIFE INSURANCE**

*\*It is important that your beneficiary(s) are up to date. If not, contact the company to obtain a change of beneficiary form. If you do not, a certified copy of the death certificate is required for each deceased beneficiary.*

1. Name of Company \_\_\_\_\_ Policy Number \_\_\_\_\_

Face Amount \$ \_\_\_\_\_ Beneficiary \_\_\_\_\_

Location of Policy \_\_\_\_\_

2. Name of Company \_\_\_\_\_ Policy Number \_\_\_\_\_

Face Amount \$ \_\_\_\_\_ Beneficiary \_\_\_\_\_

Location of Policy \_\_\_\_\_

- PENSION, UNION BENEFITS, 401K, IRA & RETIREMENT PLANS**

*\*These plans may offer a death benefit to a designated beneficiary. It is important that your beneficiary(s) are up to date. If not, contact the company to obtain a change of beneficiary form. If you do not, a certified copy of the death certificate is required for each deceased beneficiary.*

1. Name of Company \_\_\_\_\_ Telephone \_\_\_\_\_

Address \_\_\_\_\_

Account Number \_\_\_\_\_ Location of Plan Documents \_\_\_\_\_

2. Name of Company \_\_\_\_\_ Telephone \_\_\_\_\_

Address \_\_\_\_\_

Account Number \_\_\_\_\_ Location of Plan Documents \_\_\_\_\_

3. Name of Company \_\_\_\_\_ Telephone \_\_\_\_\_

Address \_\_\_\_\_

Account Number \_\_\_\_\_ Location of Plan Documents \_\_\_\_\_

- OTHER INFORMATION**

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# Record of Personal Affairs

- PROPERTY OWNED**

*\*If the property deed lists other owners who are deceased, a certified copy of death may be needed for each deceased owner when the property is transferred.*

Property Address \_\_\_\_\_

Mortgage Company \_\_\_\_\_ Account Number \_\_\_\_\_

Address \_\_\_\_\_

Telephone \_\_\_\_\_ Location of Deed \_\_\_\_\_

<b>• UTILITIES</b>	<b>PROVIDER</b>	<b>ACCOUNT NUMBER</b>
ELECTRIC		
WATER/SEWAGE		
GAS		
TELEPHONE		
CABLE TV		
INTERNET		
CELL PHONE		

<b>• SOCIAL MEDIA</b>	<b>USERNAME/LOG IN</b>	<b>PASSWORD</b>
COMPUTER		
CELL PHONE		
EMAIL		
FACEBOOK		
TWITTER		
OTHER		

<b>• IMPORTANT DOCUMENTS</b>	<b>HAVE</b>	<b>DON'T HAVE</b>	<b>LOCATION</b>
LIVING WILL			
AUTOMOBILE TITLE(S)			
BIRTH CERTIFICATE			
MARRIAGE LICENSE			
VETERANS DISCHARGE DD214			

## Traditional Burial Service

Whether you're planning for yourself or for a loved one, the funeral service is one of the most important elements of a person's final arrangements.

The funeral service takes on an important role. It can honor, recognize and celebrate the life of a deceased, provide closure after the loss of a loved one and allow friends and family to say their last goodbyes.

### Funeral Service Options

A formal or informal ceremony prior to burial often provides a sense of closure to family and friends. Although your faith or culture may dictate some elements of a funeral service, you may want to personalize other elements of the service, such as:

- **Visitation:** Typically, this is held one day with the service to follow the next day, or a brief period prior to the funeral service on the same day. The visitation, also called a viewing, provides a way for friends and acquaintances to pay their respects and offer condolences to your family.
- **Funeral Service:** At a funeral or memorial service the casket is usually present. The service can be formal or informal, religious or non-religious. The decision is up to you. Although your faith or culture may dictate some elements of a funeral service, you may want to personalize other elements of the service. At a funeral service, the casket can be open or closed.
- **Graveside Service:** Traditionally after the service, a procession takes place to the cemetery and consists of final prayers, remarks or memories.

### Cemetery Property

If you do not own cemetery property but will be buried on a family plot, we suggest you contact the cemetery and be certain that your burial is permitted on the family plot and so recorded in the cemetery records.

### Outer Burial Containers

Commonly referred to as the burial vaults, these are the outside containers into which the casket is placed. The containers are designed to protect the casket and are made of concrete. It is not a state law that you have to purchase an outer container, but may be a cemetery requirement. Most cemeteries have regulations that require the use of an outer burial container so the grave will not sink over the years and to protect the casket from the cemetery's heavy equipment.

# Cremation Service

Cremation is an alternative to in-ground burial or entombment, however it does not limit the funeral or memorial service options in any way. Should you choose cremation you will still have the same memorial options as someone who is chosen the traditional burial.

## What Is Cremation?

Cremation is the process of reducing the body to fragments by applying intense heat for a period of two to three hours, after which the remains are removed from the cremation chamber. They are then processed into finer fragments and placed into an urn or temporary container.

## Do I Need To Purchase A Casket?

No. You are not required to purchase a casket for any type of cremation service. For a cremation service that includes a viewing or visitation, a ceremonial casket is used and is not part of the cremation process.

## Does There Have To Be A Service?

Most families choose to have a traditional viewing and a funeral service before cremation takes place. Others choose to have a service following the completion of the cremation process. Some decide not to have any viewing or service. Either option is available to you and is completely up to your personal preference.

## Is Embalming Required?

Embalming is not required by law, except under certain circumstances. If you prefer an open casket with a viewing, embalming is required.

## Is An Urn Required To Be Purchased?

The purchase of an urn is not required. This is a personal preference, depending on what type of cremation service is chosen.

## Options After Cremation

**Burial:** The urn or temporary container may be buried in an existing cemetery plot, existing grave or a new plot may be purchased.

**Inurnment:** The urn or temporary container may be placed in a niche in an above-ground structure called a columbarium at the cemetery. This could be located outside or inside.

**Scattering:** It is important to remember the scattering of the remains are irretrievable. Properties that are not dedicated to scattering may be bought and sold over time, which could make it impossible to visit the site in the future. Keep in mind scattering on public property may offend some people and that there may be laws prohibiting scattering in certain areas. Be sure to check your local municipal laws concerning scattering in non-designated scattering areas.

**Keeping:** Some families prefer to have the urn at home. However, it is possible that the urn could be overlooked or lost in generations down the road. Some families have kept the urn at home and eventually placed the urn in the casket of a family member who chose not to be cremated. The cemetery needs to be informed of this decision to be recorded in the cemetery file and there may be an additional cemetery fee.

# Veterans Service

The basic Military Funeral Honors (MFH) ceremony consists of the folding and presentation of the United States flag to the veterans' family and the playing of taps. The ceremony is performed by a funeral honors detail consisting of at least two members of the Armed Forces and, if available, the Honor Guard from a local American Legion or other armed service group.

## Who Is Eligible For Military Funeral Honors?

- Military members on active duty or in the Selected Reserve.
- Former military members who served on active duty and departed under conditions other than dishonorable.
- Former military members who completed at least one term of enlistment or period of initial obligated service in the Selected Reserve and departed under conditions other than dishonorable.
- Former military members discharged from the Selected Reserve due to a disability incurred or aggravated in the line of duty.

## Who Is Not Eligible For Military Funeral Honors?

- Any person separated from the Armed Forces under dishonorable conditions or whose character of service results in a bar to veteran's benefits.
- Any person who was ordered to report to an induction station, but was not actually inducted into military service.
- Any person discharged from the Selected Reserve prior to completing one term of enlistment or period of initial obligated service for reasons other than a disability incurred or aggravated in the line of duty
- Any person convicted of a Federal or State capital crime sentenced to death or life imprisonment.

## Veterans Headstones

The Department of Veterans Affairs (VA) furnishes upon request, at no charge to the applicant, a Government headstone or marker for the unmarked grave of any deceased eligible veteran in any cemetery around the world, regardless of their date of death.

Note: There is no charge for the headstone or marker itself, however arrangements for placing it in a private cemetery are the applicant's responsibility and all setting fees are at private expense. Niche markers are also available to mark columbaria used for inurnment of cremated remains.

## Veterans Burial Flag

If eligible, a United States flag is provided, at no cost, to drape the casket or accompany the urn of a deceased veteran who served honorably in the U. S. Armed Forces. It is furnished to honor the memory of a veteran's military service to his or her country.

## WILLS

- **Why Do I Need a Will?**

A Will is a legal document that helps you put your affairs in order when you die. Every adult should have a Will to outline his or her intentions regarding home, finances and other assets and possessions upon death. Your Will should identify who will handle your estate, how your assets will be divided and who will serve as guardian for your minor children. If you die without a Will, your money and possessions will be distributed according to a formula fixed by law, which means that your spouse may have to share assets with other family members not of your choosing. It also could create lengthy delays in the final distribution of assets. Additionally, dying without a Will could result in your minor children being placed in the care of a court-appointed guardian rather than with people you would have chosen to care for them.

- **What If I Change My Mind About the Contents of My Will?**

In Pennsylvania, a Will is not filed (or probated) until after a person dies. As a result, you can change or update your Will at any time throughout your life, as circumstances require.

- **Isn't It Expensive to Have a Will Prepared?**

There is no set price attached to the preparation of a Will. The fee to prepare a Will that addresses your specific needs will depend upon the complexity of your situation and intentions. Most lawyers offer an initial consultation through which they are able to review your needs and then estimate the cost for your Will.

- **What Is Probate?**

The probate or estate administration process is when someone dies owning assets in his or her name alone and an estate must be started by a personal representative to handle the decedent's assets and settle his or her affairs. The personal representative is called an Executor if appointed in the decedent's Will. If the decedent has not designated an Executor in a Will, the court appoints an "Administrator," which can be an individual or corporation such as a bank or trust company. The Executor or Administrator is the only person or entity legally authorized to deal with the

assets of the estate and handle matters of estate administration.

- **Why Is There a Probate Process?**

Probate is a process required by state law. The probate process in Pennsylvania is an efficient way to protect beneficiaries and creditors and to assure proper distribution of estate assets. Assets held in a trust are governed by the terms of the trust rather than the decedent's Will and pass outside the probate process. But ... even if assets are not subject to probate, they may still be subject to all of the same death taxes as probate assets.

- **What Are the Costs of Probate?**

In Pennsylvania, the costs of probate include filing fees for opening the estate, advertising the estate, filing an inventory of estate assets and other papers to complete the administration process. Legal fees are paid to the attorney handling the estate work, which may include preparation of various death and income tax returns. Obtaining appropriate legal advice about the administration of the estate can help contain costs and taxes. Talk to your lawyer to find out whether services will be based on an hourly fee, a flat rate or on a percentage of the estate assets, and what would work best for you.

- **Is Probate a Lengthy Process?**

In Pennsylvania, probate need not and normally does not take long in comparison with other states. Executors or Administrators are accorded broad powers to accomplish the administration of estates in a quick manner. They are empowered to handle most details without seeking court approval for each and every transaction, such as the liquidation of assets and the paying of debts and expenses.

## TRUSTS

- **What Is a Trust?**

A trust is a legal entity to which your assets (bank accounts, securities, house, etc.) can be transferred for management by a trustee. Trusts can be created while you are living to manage your assets while you are alive or to help your heirs manage their inheritance after your death. There are a number of types of trusts, each with its own set of benefits. As such, trusts can be complicated, so it is important that you contact a lawyer to make sure that you understand all of the issues about trusts.

One form of trust that has been aggressively marketed by some financial planners and lawyers is a "Living Trust." Be aware that although a "Living Trust" could be right for you, you should review any trust with a lawyer experienced in estate planning before making a commitment. Trusts can ensure flexibility in your asset management and may have tax benefits, but you should be sure that you really need one and that it fits your needs.

- **What Are the Common Myths About "Living Trusts?"**

I do not need a Will. *False* - Even if a "Living Trust" is right for you, you still should have a Will. If some of your property is left out of the trust, or if any portion of the trust is invalid, a Will can ensure your assets are transferred consistent with your wishes.

My estate will not pay attorney's fees. *False* - Because transferring assets under a "Living Trust" will require accumulating assets and distributing them (and since taxes may be due), it is usually necessary to hire a lawyer to help administer the "Living Trust" after death. In addition, there are legal fees associated with preparing the trust document.

The assets will not be considered mine if I need to go to a nursing home. *False* - Because "Living Trusts" usually are revocable (meaning you can alter them during your lifetime), they will be considered your assets if you apply for nursing home benefits.

My estate will not pay inheritance or estate taxes since my estate won't need to "go through probate." *False* - Generally speaking, any transfer of assets as a result of

death will result in inheritance and possibly estate taxes being due. Thus, in most cases, property passing by a "Living Trust" will be subject to tax. Certain trusts, referred to as irrevocable trusts, may have tax advantages that other trusts can't provide.

My assets automatically will be part of it and my Will will not have to be probated. *False* - Only property that you specifically list as part of the trust will be part of it. If you own property individually and don't include it in the trust, your Will still must be probated. Unfortunately, some "Living Trusts" are marketed to senior citizens through high-pressure sales pitches that prey on the fear that assets will be tied up indefinitely or that estates are prone to heavy taxes and fees if a "Living Trust" is not in place. These marketing schemes try to convince consumers that a "Living Trust" is right for them even though many of the complex rules and fees that can complicate estate distribution do not exist in Pennsylvania. Victims can be sold self-help "kits," costing several thousand dollars that are nothing more than standard forms that may not be valid under state law.

- **Why Shouldn't I Do My Own Estate Planning?**

Estate planning involves judgment and skills acquired only through professional training and experience. Standardized Wills and trusts, such as those produced using kits or computer software may not be drafted to comply with Pennsylvania laws. A Will or trust that is not properly drafted could result in your estate being distributed in a manner contrary to your wishes. Your family also may incur unnecessary legal costs should the Will or trust be challenged.

## Living Wills/Health Care Powers of Attorney

Most people believe, if they stop to think about it, that we should have the right to control our own medical treatment, especially when we are seriously ill. However, most people do not want to think about end-of-life decisions, either for themselves or for their loved ones. On the other hand, many have witnessed someone who seemed to have experienced unnecessary suffering because no one had any documentation of his or her wishes. It is important that every person in Pennsylvania over the age of 18 have some form of advance directive so that if a medical situation arises in which the process of dying is being needlessly prolonged, his or her advocate will follow his or her previously stated wishes as to end-of-life medical care.

- **What is a Living Will (Also Known as an Advance Directive)?**

In Pennsylvania, a living will is a set of written instructions expressing your wishes related to medical treatment in the event of an end-stage medical condition or permanent unconsciousness. What do you want to have happen if you are no longer able to express your wishes in meaningful way or to understand what is being stated? What, if any, action by the medical community has been determined as merely prolonging the process of your dying, since there is no way to cure you? We Americans are living longer and healthier lives, but medical conditions still intervene, or accidents occur that result in death. Well-meaning intervention due to advances in medical care can result in suffering that could have been prevented or curtailed. With a living will, you can inform your agent or agents as to what you want to happen regarding the initiation, continuation, withholding, or withdrawal of life-sustaining treatment if your medical condition warrants such action. If you have not expressed your wishes in writing and in advance, your life may be prolonged because no one knew what your wishes were and therefore cannot honor them.

- **Who May Make a Living Will?**

Any individual who is able to understand the purpose of the document and is at least 18 years of age (or who has graduated from high school or is married) may and should sign a living will. Two adults must

witness the signing; notarization is not necessary but may be desirable.

- **When Is a Living Will Used?**

Your living will becomes effective and can be used only after your attending physician makes a diagnosis that you are unable to comprehend the situation and are either in a terminal condition or in a permanent state of unconsciousness. The diagnosis should be confirmed by a second physician.

- **Must a Physician Comply?**

If a physician cannot comply with the terms of the living will, he or she must make every effort to assist in transferring the responsibility to another physician or health care provider who will comply. Be sure to provide copies of your living will to all of your physicians and named agents.

- **Will My Insurance Be Affected?**

Under the law, a living will cannot affect any life insurance policy or health care insurance coverage. You cannot be required to write a living will, although health care facilities are required to offer you the option if you do not have one on admission. You cannot be required to write a living will to buy or keep insurance, and it cannot affect your insurance rates.

- **What If I Am Pregnant?**

Life-sustaining treatment, including nutrition and hydration, must be given to a pregnant woman despite the presence of a living will, unless the attending physician and obstetrician find that such treatment will not ensure a live birth, is physically harmful to the pregnant woman or will cause pain that cannot be alleviated by medication.

- **How Can Someone Else Make Decisions for Me?**

Although the actual document is extremely important, these types of decisions should be made after self-reflection and discussions with your agent or agents. Carefully choose agents who will agree to honor your wishes, not their own. It is part of a process - one that should be taken

seriously - since we cannot know what the future holds for us. As long as we are able to make our own decisions, we should be permitted to do so. But the value of guidance for our family members and other trusted persons, which should include your primary physician, as well as meaningful discussions with them, cannot be overestimated. This guidance is best communicated in a written document.

- **What is a Health Care Power of Attorney?**

In addition to a living will (or it might be included in the same document), Pennsylvanians can execute a health care power of attorney. A living will only addresses specific end-of-life situations. However, there are many medically related scenarios where a person might not be able to direct his or her own medical care and for which he or she might wish to name an advocate. This named advocate can make decisions for you that you would if you could. The Health Insurance Portability and Accountability Act of 1996, known as HIPAA, can block even spouses and other family members from discussing your condition with medical personnel and insurance companies. A health care power of attorney can give trusted agents access to medical personnel, insurance companies and insurance records when you need that assistance. This type of document also allows trusted agents to make decisions related to your medical care when you cannot meaningfully communicate, and a delay could have adverse results.

- **Can I Change or Revoke My Documents?**

Most people would still want the ability to make their own medical decisions, but sometimes that proves impossible. It is far better to have someone who has been part of your process of reflection and discussion make decisions rather than have judges and courts, or family members that are not as trustworthy, be involved. You can change or revoke your documents at any time, in writing or by telling the health care providers that are treating you. It is best to notify your agents under your health care power of attorney in writing of a change of agent and to destroy all original documents.

- **What Should I Do With my Signed Documents?**

Copies of the signed and witnessed living will and health care power of attorney should be given to your

physicians, agents, family and health care institutions upon admission.

Source: Information provided here for Estate Planning and Living Wills Health Care Powers of Attorney is provided by the Consumer Legal Information Pamphlets by the Pennsylvania Bar Association. Special Note: This pamphlet has been issued to inform and not to advise. It is based on Pennsylvania law. The statements are general, and individual facts in a given case may alter their application or involve other laws not referred to here.