

Essential Legal Documents for Every Adult

Elder Law of East Tennessee

Whether you are young or old, it is likely that at some point in your life you will become temporarily or permanently unable to manage your own affairs. By planning ahead, you can ensure that everything is managed according to your wishes. Through an Estate Plan, you can line up all the legal documents necessary to ensure that your wishes are fulfilled during your life and after your death. A custom-fitted Estate Plan benefits you and your loved ones by planning for incapacity during life and organizing and distributing your assets at death.

Last Will and Testament

What does it do? Your Will appoints and instructs a Personal Representative to settle your debts and expenses and distribute your property after you pass away.

What if I don't have one? Without a Will in place, state laws govern who is in charge and how your assets are handled after your death.

Is a Will the only document I need? No! Your Will *only goes into effect after your death*. For financial and medical decisions made during your lifetime, you need Powers of Attorney and Advance Directives.

Durable Powers of Attorney (POAs)

What do they do? Your financial and health care Durable POAs empower a trusted person (or people) of your choice to manage financial and health care matters for you during your lifetime in the event that you become unable to handle them for yourself.

What if I don't have them? At some point you may become unable to think clearly about your assets, manage your money effectively, or make sound medical decisions for yourself. In that situation, without a valid Durable POA, you may be subject to a court-controlled conservatorship, lose your rights, and incur great expense. You may also fall victim to financial predators or make unsound decisions that threaten your financial and medical well-being.

How do my POAs help my family? By establishing POAs, you reduce the risk of contention among family members or other loved ones regarding who has the right to make decisions on your behalf.

Advance Directive

What does it do? Your Advance Directive (sometimes called a “Living Will” or “Advance Care Plan”) tells your medical provider, health care decision-maker(s), and loved ones what treatments you choose or refuse, including life support and other extraordinary measures, under specific circumstances. It does not cover every possible circumstance, which is why establishing a POA is also essential.

How does my Advance Directive help my family? In case you become unable to clearly communicate your wishes, your Advance Directive tells your loved ones how you wish to (or not to) be treated. It relieves them of the emotional burden of making decisions on your behalf. They will not have to worry about making a decision that would go against your wishes.



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