
GETTING YOUR AFFAIRS IN ORDER

**A GUIDE DESIGNED TO ASSIST
RESIDENTS
WITH DOCUMENTING THE ESSENTIALS
OF
THEIR ESTATE AND FINAL WISHES**

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and resident pilot groups**

**PROJECT SPONSORED BY:
End-of-Life Concerns Committee
Foulkeways at Gwynedd Retirement Community**

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SECTION A. INTRODUCTION

In this complex world, a significant event in our lives can result in unforeseen complications. This is clearly the case with respect to dying because no one's death is simple. It has been shown time and again that the death experience, especially while loved ones are grieving, can become even more difficult when those left behind have to deal with "unfinished business" of the deceased. Experience has shown that one of the most loving gifts one can extend to surviving family and loved ones is to provide them with some form of written Final Plan to help them fulfill one's final wishes and guide them in the all-important settlement of the Estate.

SECTION B. PURPOSE

The purpose of this Planning Guide is to provide residents with a simple and basic "process" for organizing their own unique final affairs. Residents who participated in the preparation of this Planning Guide evaluated this project at the close of a series of seminars. Suggestions from those evaluations are included in this Guide. These evaluations will also assist the End-of-Life Concerns Committee with developing future programs.

SECTION C. SCOPE

Each and every Final Plan is highly individualized and must be personalized to the individual developing the Plan. Therefore, the scope of this Guide is to provide only the broad outline of what should ideally be included in the individual's Final Plan. The uniqueness of each individual's life will determine, in the end, what will or will not be included in the Plan. This Guide does not pretend to be a definitive authority on this subject, but simply attempts to assist with the initial steps toward developing a Final Plan. In all cases, the best authority for the adequacy and correctness of the Plan is each individual's legal counsel.

SECTION D. DISCLAIMERS

This Planning Guide is not intended to provide legal, financial or tax advice for residents. It is also not intended to deal with individual or confidential estate matters. Residents are advised to consult professionals, i.e. legal counsel, accountants, financial and tax advisors for questions regarding estate matters.

SECTION E: DEFINITION OF KEY TERMS

- Advance Health Care Directive:** a document that legally authorizes an Agent to make decisions, **before passing**, on behalf of the person incapable of making health or medical decisions on his/her own.
- Power of Attorney:** document that legally authorizes an Agent to make decisions **before passing**, on behalf of the person incapable of making financial and/or property decisions on his/her own.
- Agent:** person authorized to make medical and financial decisions, **before passing**, on behalf of the person incapable of making decisions on his/her own.
- Beneficiary:** person, group or organization designated in one's Last Will and Testament to receive specific material and financial assets.
- Designated Funeral Home:** the funeral establishment with whom a Pre-Plan or other documented arrangements have been made specifying the disposition of remains and preferred funeral/burial arrangements.
- Final Plan:** written instructions of what an individual wishes survivors to know and carry out regarding distribution of assets, funeral/burial arrangements and final settlement of the Estate.
- Essential Information:** list with contact numbers of all entities with whom the deceased had a client relationship during his/her lifetime (banks, insurance companies, pension plans, investment firms, etc.), including names and contact information of acquaintances who need to be notified by survivors of the individual's passing.
- Eulogy:** words of remembrance delivered at a funeral or memorial service
- Executor:** person identified in the Last Will and Testament vested with the responsibility, **after passing**, for carrying out the final wishes of the deceased regarding funeral/burial preferences and settling legal and financial matters of the Estate.
- Health Care Representative:** person selected to carry out health care directives for one no longer able to express those directives if there is no available agent or guardian.
- Last Will and Testament:** a written and legally binding document that names beneficiaries, arranges distribution of assets and appoints the Executor to oversee settlement of the Estate.
- Living Will:** a legal document that, **before passing**, has been completed, signed and witnessed and contains specific directives regarding final health decisions. **CAUTION:** Living Wills are regulated by state law and frequently vary from location to location.
- Memorial Service:** event held in a church or other preferred venue to memorialize the life of the deceased. May include a religious ceremony, readings, music and a variety of remarks/tributes of remembrance.
- Obituary:** written public announcement of individual's passing with vital details (i.e. birthplace, age, parents, siblings, etc.) and may be published in local press at time of passing after family reviews text with funeral director.

SECTION F: CHECKLIST FOR PLANNERS

This checklist is designed to assist with gathering and organizing basic information compiled during the development of a Final Plan.

Expanded commentary on each of these items follows on pgs. 4 - 7.

PREPARATIONS

1. _____ The Last Will and Testament naming the Executor has been updated and filed with the attorney. Copy is in resident's file.
2. _____ The Power of Attorney document naming the Agent is updated and on file with the attorney. Copy is in resident's possession.
3. _____ A Secondary Executor may be named in the Will and can act if the Primary Executor is unable to perform those duties.
4. _____ A lawyer or legal counsel has been engaged to advise on all estate matters.
5. _____ Directives, Living Will and Body/Organ Donation documents are updated/filed in resident's file and Health Care on Main.
6. _____ A designated funeral home has been identified and a Pre-Plan Agreement is in place stating preferences for funeral/burial services. Copy in Health Care on Main and resident's own file.
7. _____ Preferred burial arrangements are written and filed with selected cemetery authorities. A copy is in the resident's file.

WRITING AND ORGANIZING THE FINAL PLAN

8. _____ A brief SUMMARY has been written outlining final wishes regarding funeral/burial arrangements and estate matters.
9. _____ Written Obituary with vital details to be used for publication at time of passing. Copy with funeral home and resident's file.
10. _____ A written description is in the resident's file of preferences for funeral and/or memorial service, such as location, readings, music selections, participants, and other preferences.
11. _____ A written summary of financial provisions for funeral, burial, and final tax obligations is included in the Final Plan.
12. _____ All documents or copies cited in the Final Plan are stored in one location, i.e. Last Will and Testament, Power of Attorney, Directives, Insurance Policies, Armed Service Discharge Papers, written Summary of Final Wishes, location of keys/passwords for Safe Deposit Boxes (if any), and a list of Computer and Technical Devices with account numbers and passwords.

SECTION G: EXPANDED COMMENTARY ON CHECKLIST

(Item Number below corresponds to Number of Checklist item on Pg. 3)

(1) LAST WILL AND TESTAMENT: Two items are critically important: First, the last Will and Testament must be written, witnessed and notarized. Secondly, it should be kept up to date. The Will should be reviewed on a regular basis and updated if any substantive changes take place, i.e., death of a spouse, changes in Executor, assets or beneficiaries. **NOTE:** Original copy of the Will goes to Probate for Estate settlement.

(1) PRIMARY EXECUTOR OF THE ESTATE: Select an individual for this role who can be trusted to responsibly carry out this task (usually a son, daughter, niece, nephew, grandchild or close trusted friend). Make certain the individual is willing to perform this task by securing a verbal agreement. Communicate your choice to all relevant parties. To avoid misunderstandings, name this individual as the Primary Executor in the Last Will and testament. Do not allow it to remain a verbal agreement. For convenience sake, experience has shown that ONE person at a time be designated as Executor, although "Co-Executors" may be named.

(2) POWER OF ATTORNEY: An Agent named in the Power of Attorney document is vested with making health or financial decisions **before** the Principal has passed away. The Agent may/may not be the same person as Executor. It can be convenient to appoint only one Agent under the Power of Attorney. Legal counsel can assist with clarifying this issue.

(3) SECONDARY EXECUTOR OF THE ESTATE: Select an individual for this role who can responsibly carry out this task if the Primary Executor is unable to perform the task. Make certain the individual is willing to perform in this role by securing a verbal agreement. It is important to communicate this choice to all relevant parties. Misunderstandings can be avoided if this individual is named as Secondary Executor in the Last Will and Testament. Do not let it remain a verbal agreement.

NOTE: A Third Executor is sometimes named if there is reason to believe that the First and Second Executors may be unable to perform these responsibilities. If in doubt, legal counsel should be sought as to how many Executors are named.

(4) APPOINTMENT OF LEGAL COUNSEL: Typically, this is a lawyer with whom one is acquainted. If new to the area and the need exists to identify new legal counsel, check references and preferably select a lawyer experienced in Estate practice and, if needed, in Elder Law.

(5) LIVING WILL AND HEALTH DIRECTIVES: The laws which regulate provisions in Living Wills and Health Directives vary from state to state. Therefore, it is strongly suggested that legal counsel be sought when executing these documents. Because the legal provisions governing these documents are subject to change, it is recommended that they be regularly reviewed for updating and placed in the Resident Care file. Also, updating is crucial to allow medical personnel responsible for carrying out these directives to have access to the latest updated information available in the Resident Care file.

(5) BODY/ORGAN DONATIONS: If a resident wishes to make a body or organ donation, he/she needs to document that intent in writing with a preferred Body/Organ donor organization. The resident should place a copy of this donation document in Health Care on Main and a copy should also be placed in the Final Plan. At the time of passing, Foulkeways will notify the Body/Organ Donation organization **before** the local designated funeral home is notified. After the body or organ has been donated, the remains, if any, are transferred to the local designated funeral home by the donor organization. If death occurs in a hospital, the hospital is responsible for notifying the body or organ donation organization. Upon completion of the body/organ donation, the hospital arranges for transfer of remains, if any, to the designated funeral home.

(5) DIRECTIVES: Copies of all Directives are placed in the Final Plan.

Directives to be completed with **LEGAL COUNSEL:**

1. Financial Power of Attorney
2. Advance Health Care Directive

Directives to be completed with **FOULKEWAYS PERSONNEL:**

1. Durable Health Care Power of Attorney
2. Pennsylvania Orders for Life-Sustaining Treatment (POLST)

NOTE: After hours, HealthCare Records at Foulkeways are available from the 1st Floor Charge Nurse in Gwynedd House.

(6) DESIGNATED FUNERAL HOME: At the time of passing, unless a designated funeral home has been identified and documented to carry out one's last wishes, the Executor is faced with an immediate need to search out and arrange for funeral and burial services. Most funeral establishments have pre-planning services for persons who document and prepay their funeral/burial preferences before passing.

(7) PREFERRED BURIAL ARRANGEMENTS: It is enormously helpful to the Executor if the deceased has documented his/her final wishes regarding funeral and burial arrangements, especially if these have been pre-paid by the deceased. Pre-paid funeral and burial plans are readily available at most mortuary establishments and cemeteries.

(8) WRITTEN SUMMARY OF FINAL PLAN: Most Final Plans will necessarily contain extensive details. It is, therefore, helpful to prepare a document (1-2 pgs.) that briefly summarizes the main provisions in the Final Plan and place it in the beginning section of the Plan. Such a summary will be enormously helpful to the Executor and next-of-kin who need quick access to items in the Final Plan.

(9) OBITUARY FOR PUBLICATION: It is most helpful if vital details in the obituary have been documented in advance and included in the Final Plan. It is also advisable to file a copy with the designated funeral home. Final information, i.e. date of death, is added to the obituary at the time of passing and text is reviewed with the family before publication. Cost estimates for local publication of obituaries should be noted in the Final Plan. Also, include a notice in the obituary if there is a preference for a donation to a selected charity in lieu of flowers.

(10) MEMORIAL SERVICES: It is extremely helpful to the Executor and surviving family members if the deceased has documented, in advance, his/her wishes regarding details of the preferred Memorial Service, including location, participants, music selections, readings, presider, and any other preferences. If the preference is that no memorial service take place, that should also be documented and be included in the resident's Final Plan.

EXPANDED COMMENTARY ON CHECKLIST (cont'd) -7-

(11) PAYMENT FOR FUNERAL, BURIAL AND END-OF-LIFE COSTS:

Pre-planning is extremely helpful to avoid creating a financial burden for surviving family members. Wherever possible, some of the costs associated with one's funeral, burial and final expenses could ideally be pre-paid. Those costs that cannot be pre-paid should be listed with best faith estimates. If the resident wishes to set aside necessary funds to be used for final expenses, various financial instruments are available in the marketplace. These include, but are not limited to, burial annuities, burial trusts, special savings accounts, insurance instruments, etc.

(11) TAX OBLIGATIONS AT THE TIME OF PASSING: Income Tax obligations (federal, state, local) at the time of passing are computed from the beginning of the year in which the passing occurs to the date of death. Death Taxes may possibly include Federal Taxes, Estate Taxes and State Inheritance Taxes, if applicable. Often these tax obligations are paid out of the estate of the deceased, but it is important to ascertain just how final tax obligations will be settled and the availability of funds for that purpose. This information should be documented and placed (along with most recent tax filings) in the Final Plan. Legal counsel should be sought if there are questions about final tax obligations.

(12) STORAGE ARRANGEMENTS FOR FINAL DOCUMENTS:

When all final documents, agreements and descriptive papers have been completed, they should be assembled together in one location, indexed and labeled for easy access. Given the confidential nature of the material, careful choices should be made regarding who will receive copies of the documents, whole or in part. Recognizing the danger associated with "identity theft", all parties need to exercise upmost caution regarding storage of this material. Some consideration may be given to storing these documents in fire-proof containers. Finally, the Executor(s) should know the location of any and all storage areas containing final documents.

SECTION H: ESSENTIAL INFORMATION FILE

The main purpose for developing a Final Plan is to convey a precious gift to surviving loved ones and to make settlement of the estate a thorough and problem-free process. One of the most important tasks of the Executor, on behalf of the deceased, is to contact all entities with whom the deceased had a client relationship for the purpose of terminating accounts, cancelling policies and contractual agreements. In addition, it is recommended that the resident will have prepared a list of selected friends and acquaintances who should receive written notice of death from survivors. This is an **ESSENTIAL INFORMATION FILE** and would include, but not be limited to, the following items:

- Investment Firms (Investments, Monthly Distributions, etc.)
- Banks (Savings , Checking, Credit Card Accounts, etc.)
- Insurance Companies (Automobile, Home Owners, Medicare, etc.)
- Pension Funds (Social Security, Defined Pensions, etc.)
- Technology Contracts (Internet, phone, TV, wireless devices, etc.)
- Subscriptions (Newspapers, Periodicals, etc.)
- Memberships (National, State, Local, Organizational)
- List of Essential Persons (Lawyer, Financial Advisor, Physician, etc.)
- Expanded Notification List (Selected friends and acquaintances)

As appropriate, addresses and phone numbers are listed for each of the listed entities. Account numbers are added where appropriate.

DEATH CERTIFICATES: Banks, Investment Firms and certain other entities require a death certificate before the Executor can access the accounts of the deceased. The Funeral Home prepares the Death Certificate and the Executor can obtain as many copies as needed from the Funeral Home. Also, additional copies can be ordered from the State Department of Vital Records.

A NOTE OF CAUTION:

To safeguard against identity theft, ESSENTIAL INFORMATION documents containing confidential items such as account numbers should be maintained in a secure location and known by the Executor and if necessary, the Secondary Executor.

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ADDENDUM

FREQUENTLY ASKED QUESTIONS/ANSWERS

- 1. At the time of passing of a Foulkeways resident, what is the dividing line between the responsibilities of Foulkeways and those of the resident and surviving loved ones?**

RESIDENT RESPONSIBILITIES:

- After taking up residence at Foulkeways, the resident is responsible for providing a written list, with contact numbers, of next-of-kin (or designated others) to be immediately notified as well as the name of the designated local funeral home to be notified at the time of passing.
- If a Body/Organ Donation has been documented, a copy of that document is filed in Health Care on Main and Final Plan.
- The resident is responsible for updating documents as needed and placing these updated copies in Health Care on Main file.
- Within 30 days of passing, the next of kin (or Executor) is responsible for removing personal effects from the apartment.

FOULKEWAYS RESPONSIBILITIES:

- At time of passing, Foulkeways is responsible for immediately notifying the next-of-kin (or designated others) as well as the designated funeral home.
- If the resident dies in the hospital, the hospital notifies the next-of-kin and designated funeral home.
- If a Body/Organ Donation has been documented, Foulkeways is responsible for notifying the Body/Organ Donation Center **before** the designated funeral home is notified. After the Body or Organ donation is completed, the Body/Organ Donation Center transfers the remains to the designated funeral home.
- Foulkeways will provide bus transportation for residents who wish to attend a Memorial Service for the deceased outside Foulkeways, provided it is taking place within the local area and the number wishing to attend require the use of a bus.
- If survivors request that a Memorial Service take place at Foulkeways, the Foulkeways Memorial Committee can be available to assist the next-of-kin with planning the event.

ADDENDUM

FREQUENTLY ASKED QUESTIONS/ANSWERS (cont'd)

- 2. What should be documented to expedite the ACCESS AND CLOSING of computer files, hard drives and other technical devices used by the resident during his/her lifetime?**
- A. Identify/maintain a list of online accounts and passwords.
Review periodically and update when necessary. Examples:
--Email: GMAIL, Verizon, Yahoo, etc. --Apple/Google Services
--Social Media: Facebook, Twitter, etc. --Cell Phone Service
 - B. Identify/maintain list of electronic devices/passwords. Examples:
---Tablets (IPAD, Android, Kindle, etc.)
---Phones (IPHONE, Android, etc.)
---Computers (MAC, PC, etc.) Include Carrier information.
 - C. Identify other key storage areas of information. Examples:
---USB, CDs, DVDs, Online Storage, etc.
- 3. What instructions should be documented for the Executor to follow regarding the DISPOSAL OF ELECTRONIC AND MEDICAL devices following the passing of the resident?**

ELECTRONIC DEVICES:

- A. Tablet: Factory Reset: --Donate to Family or preferred Charity
--Recycle at preferred Electronic Store
- B. Phone: Factory Reset: --Donate to Family or preferred Charity
--Recycle at preferred Electronic Store
- C. Computers: --Wipe clean and/or destroy hard drives
- D. USB or other storage devices: --Format USB devices
- E. Final Steps: --Cancel Cell Phone Service
--Cancel Email Service

NOTE: For Verizon Email, contact Foulkeways IT for assistance.
For other Email providers, disable/delete the accounts directly from online access.

- F. **MEDICAL EQUIPMENT:** To dispose of wheel chairs, walkers, hearing aids, glasses, etc., call Health Care Assistance Office (7061).

**GETTING YOUR AFFAIRS IN ORDER
ADDENDUM**

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FREQUENTLY ASKED QUESTIONS/ANSWERS (cont'd)

- 4. What preparations and precautions are advisable for residents who travel abroad, independently or with an organized tour?**
- A. When traveling within the United States or abroad, residents should carry documentation with the following information: Names, addresses and email addresses for Foulkeways and next-of-kin to be contacted in case of an accident or death.
 - B. If there is a medical issue, the resident should carry information alerting professionals to the nature of the medical issue and what is to be done in the event of a medical emergency.
 - C. If traveling to a foreign country, it is recommended that the resident alert the local American Embassy to his/her arrival in the country. In any case, if an accident or death occurs while traveling within the country, the American Embassy should be notified and may, as necessary, assist with repatriation arrangements.
- 5. What is the difference between an obituary and a eulogy?**
- An **obituary** lists vital details (i.e. birthplace, survivors, etc.) regarding the deceased and is used for publication at the time of passing. A **eulogy** is a statement of remembrance about the deceased and is normally delivered at a funeral or memorial service.
- 6. What arrangements should be made for the care of pets that survive the death of the owner?**
- Pet owners at Foulkeways are required to file a completed standard form with the Foulkeways Admissions Office that includes details about the pet, i.e. who should be contacted if the owner becomes ill and is unable to care for the pet and who is to take possession of the pet should the owner pass away. The resident is responsible for updating this form when necessary and placing a copy in the Foulkeways file. This document will inform the Executor of the owner's wishes regarding the pet and a copy should be included with the resident's Final Plan.

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ADDENDUM
FREQUENTLY ASKED QUESTIONS (Cont'd)

7. Explain the use of the terms “death” and “passing”.

Both terms mean the same, i.e. death. It is a matter of preference as to which term is used. In conversation and public notices, the terms are used interchangeably according to preferences and circumstances.

8. What is a death certificate and what entities are allowed to issue Death Certificates? Why are death certificates necessary??

A death certificate is a legal document which states the following regarding the deceased:

1. the date and time of death
2. the cause of death
1. the nature of death (natural or otherwise)

To be legally valid, the attending Physician or Nurse Practitioner must complete and sign the death certificate. In Pennsylvania, copies of death certificates are issued by LICENSED funeral homes and those donor agencies licensed as funeral homes. They are also available from the PA. DIVISION OF VITAL RECORDS. Death Certificates are legally necessary for survivors to access financial assets and to settle other matters of the Estate.

9. What further information can be shared regarding organ and body donations?

First, it is CRITICAL for residents who wish to make an organ or body donation to make all arrangements and sign required agreements IN ADVANCE with the selected donor agency. Secondly, it is essential that the resident place a copy of these arrangements in Health Care on Main so Foulkeways is prepared to carry out the resident’s wishes. A copy should also be given to the family, especially person(s) selected as Executor and/or Power of Attorney. Suggested source:

HUMANITY GIFTS REGISTRY: This is a non-profit donor agency affiliated with State of Pennsylvania. Donors must be pre-registered with this agency. Contact information: HUMANITY GIFTS REGISTRY

P.O. BOX 835

Philadelphia, PA 19105-0835

Phone: (215) 922-4440 or (215) 925-7469

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ADDENDUM
FREQUENTLY ASKED QUESTIONS (cont'd)

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10. Foulkeways requires that each resident name a “designated” funeral home to claim the remains at the time of death. Why is this necessary?

The resident is required to name a “designated” funeral home that is authorized to claim the remains immediately following death. Reason: Foulkeways is not licensed, nor does it have the facilities to hold deceased remains within its facility. Furthermore, Foulkeways will not intervene or oversee any arrangements BEYOND initial transfer of the remains to a designated funeral home or donor agency, regardless of the type of funeral and burial the resident has selected.

11. There is increased interest in “GREEN” or “NATURAL” burials. How should a resident plan for a green burial? Resources?

A “green” or “natural” burial seeks to return one’s remains to the earth, as directly and simply as possible. It avoids embalming (and its toxic chemicals), metal caskets and burial vaults that are standard features of the modern funeral. (Source: GRAVE MATTERS by Mark Harris). Regardless of the type of funeral and/or burial selected by the resident, the following procedures should apply:

- A. Funeral and burial arrangements are to be planned in advance, placed in writing and shared with the next of kin, the Executor or Power of Attorney.
- B. Foulkeways must be informed in writing as to where remains are to be taken from Foulkeways immediately after death (to a designated funeral home or donor agency).
- C. Details regarding the Death Certificate are prepared in advance, specifying where it is filed and where copies are available.

SUGGESTED RESOURCE FOR GREEN BURIALS:

Funeral Consumers Alliance of Greater Philadelphia

P.O. Box 246

Philadelphia, PA 19105

Phone: (267) 712-9695

GETTING YOUR AFFAIRS IN ORDER **-14-**
ADDENDUM
MOST FREQUENTLY ASKED QUESTIONS (cont'd)

12. How was this FINAL GUIDE developed? How is it being disseminated? How is it accommodating revisions?

DEVELOPMENT: In November, 2016 the End-Of-Life Concerns Committee asked Frances Rhodes to develop a final planning guide for Foulkeways residents. In December 2016, three PILOT seminars, each composed of 12 volunteer residents totaling 36 residents, participated in the development of the basic Final Planning Guide. At the end of the third and final seminar, the Guide was written in its FINAL form and submitted to the End-Of-Life Concerns Committee for review and subsequent approval.

DISSEMINATION: The End-Of-Life Concerns Committee elected to offer residents the opportunity to participate in a series of four seminars (12 residents each). Frances Rhodes conducted the initial seminar and the remaining three seminars were conducted by three trained committee members. These seminars were conducted in May and June, 2017 and residents voluntarily signed up for participation. In total, 50+ residents participated in these seminars and received a copy of the approved Final Guide, "GETTING YOUR AFFAIRS IN ORDER". Because the response has been so positive, residents have shared this Planning Guide with families, friends and organizations outside of Foulkeways.

REVISIONS: Because of broad resident participation in the pilot development of the Guide, it was determined that no changes will be made at this time to the **BASIC** section (**Pgs. 1-8**) of the Guide. However, the section entitled **MOST FREQUENTLY ASKED QUESTIONS (Pgs. 9-14)** was designed as an **ADDENDUM** to the **BASIC** section. The purpose of this Addendum is to provide new information for residents as and when questions emerge. This process allows us not only to respect the work of the pilot participants on the Basic Section, but also respond to emerging needs for additional information through a question-answer process. Going forward, the End-Of-Life Concerns Committee will process future revisions to this document based upon seminar evaluation results and other emerging needs.

Updated: June, 2017

