

Making Your Wishes Known- Estate Planning

Your estate includes all of your assets, including: properties, vehicles, bank accounts, stocks, bonds, retirement savings, etc. The value of your estate is determined by subtracting all outstanding debts, such as your mortgage, loans, etc., from the market value of your assets. Estate Planning includes what you want to have happen to your estate upon your passing. This includes Will and probate considerations, as well as trusts.

Contact an attorney who specializes in estate planning or Elder Law. Estate Planning also includes making your affairs easier to handle during life, such as health care and financial care documents. If you wish to anticipate the possibility of entering long-term care without impoverishing your spouse, talk to an attorney who specializes in Estate Planning with Medi-Cal provisions in mind. Contact resources include:

**California Advocates for Nursing
Home Reform (CANHR)**
(800) 474-1116.

Advance Health Care Directive

The Advance Health Care Directive (AHCD) replaces the "living will" or Durable Power of Attorney for Health Care (DPAHC). The AHCD allows you to make your own decisions about your medical care in the event that you cannot speak for yourself. You appoint someone as your agent to make your wishes known, and to state specific instructions to your doctor and/or hospital staff. Once completed, provide copies to your agent, your doctor, your hospital, and you can have it registered with the state. You should carry a card in your wallet that states how your agent can be reached in an emergency. Keep in mind, you can change your mind at any time and complete a new, up to date AHCD. For information, contact one of the following helping organizations:

**Humboldt-Del Norte County
Medical Society**
(707) 465-0980

Senior Legal Hotline
(800) 222-1753

Senior Legal Services
(707) 443-9747 ext 245 Humboldt
(800) 972-0002 ext 309 Del Norte

Power of Attorney

You can choose who will handle your finances in the event that you are not able to do so. There are two Durable Power of Attorney (POA) choices:

1. Takes effect only when you become unable to handle your own affairs
2. Takes effect upon the signing of the document so that the person can help you or take over your finances right away.

It is a good idea to name an alternative agent in case the first one cannot serve. Be careful about choosing the right person as your agent(s). The powers given in this document can be misused. Make it well known what your wishes are. Before completing a POA, talk to a licensed attorney about the various aspects of these powers. You have the right to change your mind at any time about having a POA and/or whom you choose to represent you.

Notary Publics

Notary Publics may be found at many banks, real estate offices and title companies, or consult the Yellow Pages under Notary Public.

Appointing a Conservator

You may seek a conservator when you are no longer able to handle your finances, or are unable to choose an agent to handle your finances; when you cannot handle your health care needs, or are unable choose an agent to handle your health care; or when someone else is needed to help manage your personal affairs. A conservator should be designated while you are still capable of appointing someone else to take on these responsibilities. If you are unable to make these decisions and have not yet appointed someone, the court will appoint someone for you (usually a family member, friend, or the public guardian's office). Adult Protective Services (APS) may also seek a conservatorship. A conservator has legal responsibilities. The court oversees the handling of your finances and your person when there is a conservatorship. If you wish to fight a conservatorship, you should contact an attorney or ask the court to appoint an attorney to represent you, such as the county public defender.

County Public Guardians

Del Norte County

880 Northcrest Drive, Crescent City, CA 95531
(707) 464-3191

Humboldt County

23 Fifth Street, Eureka, CA 95501
(707) 445-7343

Legal Forms

Get professional legal advice from an attorney before using any forms, including any forms provided by a legal document assistant. A legal document assistant cannot give legal advice.

Wills

Your Will can be the planning tool to specify how you want your estate distributed. In California, there are several kinds of Wills, and it is important to choose carefully, so that your wishes can be properly carried out. For some people with a home and modest assets, one consultation with an attorney is all that is needed. For others, more legal advice and services are necessary.

Choose the Will that best meets your individual needs:

- The Handwritten [Holographic] Will
- The Statutory Will [a form provided in state probate law]
- A Will drawn up by an attorney especially for you and your particular estate. Do not write a handwritten Will without consulting an attorney.


Be careful when approached by salesmen for living trusts that offer to do a Will for free because while some may be attorneys, most are not. Often, salesman are providing inadequate estate planning.

Trusts

“Trust” is a term that includes many different kinds of documents for different purposes. A highly publicized kind of trust is the “living trust.” Some businesses have found that they can make a lot of money by convincing senior citizens that they must have living trusts even if it is not to their advantage. For some people, a living trust is private and useful. Find out whether you need a living trust by consulting a licensed attorney, especially if your estate consists of your home and modest assets.

Attorney Complaint Hotline

The State Bar of California

 **(800) 843-9053**

What You Can Do Without An Attorney

There are other options available if you are involved in a dispute with your neighbor or you feel that someone owes you money. Private mediation services are listed in the Yellow Pages.

Mediation

Humboldt Mediation Services

517 Third Street, Suite 3, Eureka, CA 95501
(707) 445-2505

E-Mail: humboldtmediation@reninet.com

Web Site:

www.humboldtmediationservices.org

Cost-effective alternative to litigation. Disputes or conflicts are mediated by a panel of three trained mediators. This non-profit mediates disputes or conflicts with spouse, teen, neighbor, landlord, tenant, etc. Fee based on income; may be waived for hardship.



Since 1983
we've been providing cost-effective
"Community Mediation"
to seniors

- Elder care or caregiver disputes
- Conflicts with siblings, children, heirs
- Visitation rights of grandparents
- Landlord-tenant or neighbor conflicts

CALL FOR A FREE, NO-OBLIGATION CONSULTATION
(707) 445-2505

www.humboldtmediationservices.org

Small Claims Court

Small Claims Court Offices

450 H Street Rm 209
Crescent City, CA 95531

(707) 464-8115 **Del Norte**

825 5th Street, Eureka, CA 95501
(707) 445-7256 **Humboldt**

Web Site: www.courtinfo.ca.gov

Handles disputes involving deposits, monetary debts or damages less than \$5,000. Attorneys are not allowed to represent either side at the hearing.

Small Claims Advisor

707 K Street, Eureka, CA 95501

(707) 441-1185

E-Mail: curmetzger@aol.com

Brief free consultation regarding required documents. Call for phone appointment.

When You Do Need An Attorney

Choosing an attorney who will best meet your needs is very important. The following are suggestions for how to go about finding the right attorney for you:

- Talk to informed friends
- Ask the attorney for references
- Find out what the attorney's specializes in
- Ask how many cases, in your area of concern, he or she has handled in the last year
- Make sure you have a good rapport and can communicate with the attorney

In addition, it is important to have a written fee agreement with your attorney which specifies their hourly rate and what other fees may be involved in their service. The Yellow Pages of the telephone book lists attorneys alphabetically, and by area of practice.

Lawyer Referrals

American Bar Association

740 15th Street, NW, Washington, DC 20005
(202) 662-1000

E-Mail: abaelderly@abanet.org

Web Site: www.abanet.org/elderly

Makes referrals and maintains a listing of legal aid offices where older people can get free or low-cost legal assistance.

Lawyers Referral Service/ Humboldt County Bar Association

123 Third Street, Eureka, CA 95501
(707) 445-2652

Will arrange for 1/2 hour consultation with an attorney for a nominal fee. Client decides whether to retain the attorney and to negotiate further fees that might be necessary. For basic questions the half hour consultation is often sufficient to resolve the problem.

State Bar of California

180 Howard St., San Francisco, CA 94105
(866) 442-2529 Toll Free
E-Mail: lrs@calbar.ca.gov
Web Site: www.calbar.ca.gov

California Bar Association. Regulates and supervises attorney licensing and activity.

Legal Services: Low-Cost and Free

Several local agencies provide free or low-cost legal services to clients in specific legal subject areas. These programs serve Humboldt and Del Norte County residents.

California Indian Legal Services

324 F Street, Eureka, CA 95501
(707) 443-8397
(800) 347-2402 Toll Free

Specialize in Native American law. Defend and enhance special legal rights of California Indians and Tribes.

Del Norte Family Court Facilitator

Traffic Court at 5th and G Streets
(707) 465-1896

Legal consultations for divorce, custody, property settlements, legal separations, and child support. Self-help resource library available.

Legal Services of Northern California

123 Third Street, Eureka, CA 95501
(707) 445-0866 Humboldt

(800) 972-0002 Del Norte
E-Mail: eureka_office@lsnc.net
Web Site: www.lsnc.net

Free legal services to those with low-income and limited assets regarding tenant rights, family law, Medi-Cal, Food Stamps and other public benefits.

Senior Legal Hotline

444 North Third Street, Ste. 312
 Sacramento, CA 95814
(800) 222-1753

Web Site: www.seniorlegalhotline.org

Residents of CA 60+ eligible to receive free, confidential legal assistance by phone in probate, wills and trusts, consumer law, housing, debt collection and bankruptcy, powers of attorney, foreclosures, contracts, Medicare, Medi-Cal, other health care, family law, elder abuse, age discrimination, and grandparent rights.

Senior Legal Services

1910 California St., Eureka, CA 95501
(707) 443-9747 ext 245
(800) 972-0002

E-Mail: eureka_office@lsnc.net

Web Site: www.lsnc.net

Senior legal services regarding entitlement program assistance, Medi-Cal, Social Security Income, In Home Support Services, Supplemental Security Income. Provides information regarding financial abuse of elders. Sponsors Elder Law Clinics.

Victim Witness Programs

County District Attorney's offices can help provide court orientation, support and information to victims of violent crimes.

See page 30 in **Emergency Services** chapter for more information.

Do You Need a Para-legal?

Completing applications, forms and other semi-legal documents can often be done with the assistance of a trained para-legal. The Yellow Pages of the telephone book lists people who provide this service. When in doubt, contact an attorney for advice.

ESTATE ORGANIZING CHECKLIST

AN ORGANIZATIONAL CHECKLIST FOR ADULTS OF ALL AGES

COMPLETED BY: _____

UPDATED: _____

- COPIES OF IDENTIFICATION CARDS AND NUMBERS...**
 - Driver's License/State ID
 - Social Security Card
 - Medicare and Medi-Cal/Medicaid cards
 - Other Medical Insurance cards
- NAMES, ADDRESSES AND PHONE NUMBERS OF...**
 - Doctors, dentists and other medical providers, such as optometrists, hearing aid suppliers and pharmacists.
 - Lawyers, financial advisors, accountants, insurance agents, real estate agents.
 - Banks and other financial institutions.
 - The Executor of the estate.
- LEGAL DOCUMENTS**
See "Three Crucial Documents" below
- THE KEYS...**
to safe-deposit boxes and post office boxes.
- THE LOCATION OF ANY HIDDEN VALUABLES**
- INSURANCE POLICIES...**
including life, health, disability, mortgage or loan, homeowner's, accident, auto and credit card policies.
- ANY RENTAL AGREEMENTS...**
or other business contracts.
- A COMPLETE LIST OF ASSETS...**
 - Savings, checking and money market accounts.
 - Stocks, bonds and other securities.
 - Deeds to all real estate.
 - Titles to automobiles, boats, etc.
 - Business ownership and partnership agreements
 - Profit-sharing and pension plans
 - Retirement accounts (IRA, Keogh, SEP, etc.)
- A LIST OF DEBTS...**
including mortgages, loans, credit card debts, outstanding bills and other liabilities.
- A LIST OF ROUTINE HOUSEHOLD BILLS...**
such as utility bills and insurance premiums.
- ANY APPRAISALS OF PERSONAL PROPERTY**
- COPIES OF FEDERAL AND STATE TAX RETURNS...**
from the past three to five years.
- RECEIPTS FROM PROPERTY TAXES...**
other large recent payments.
- RECORDS OF ANY PERSONAL LOANS...**
loans made to family members, business associates, or others.

THREE CRUCIAL DOCUMENTS

Above all else, it is wise to at least have, or have considered:

- **An Updated and Valid Will**, which ensures that your belongings (no matter how extensive or minor) will be allocated as desired. A current Will reduces the likelihood of family conflict and an extended and complicated probate process.
- **A Durable Power Of Attorney**, which allows a designated person to make legally binding decisions, from signing checks to making housing choices, in the event of incapacitation. Having power of attorney means the family can avoid the harrowing process of going to court to have a guardian named to oversee your care and finances.
- **An Advance Health Care Directive** (previously known as a durable power of attorney for health care) which specifies your wishes concerning medical care and names someone to make decisions in case you are unable to do so yourself.

Remember to plan ahead. This checklist applies to everyone, not just older adults.