Legal Readiness

Legal planning answers one question cleanly enough to survive a hospital hallway or a courtroom: who is allowed to make which decisions, and what happens if the person who is supposed to make them cannot. It does not feed anyone or sit with anyone on a Tuesday. Get it done anyway, early, while the person it concerns can still take part.

What these documents are called, what they can do, and how they must be signed and witnessed are set by state law and the rules change. Have an attorney licensed in your state prepare or review anything you intend to rely on.

> **TALK TO AN ATTORNEY ABOUT THIS**
> Every item on this list requires an attorney licensed in your state. Specifically: drafting or updating a power of attorney or advance directive, confirming that an out-of-state document will be honored where you live, deciding whether guardianship is necessary, and any question about Medicaid eligibility or asset planning. Do not rely on a template for any of it. If cost is the obstacle, ask your local Area Agency on Aging about legal aid for older adults.

- [ ] Is there a durable power of attorney for financial decisions, and has anyone read it recently?
- [ ] Is there a healthcare power of attorney, and does the named person know they are named?
- [ ] Is there an advance directive, and does the family know what it says?
- [ ] Is there a HIPAA authorization on file with each provider, not just signed and filed at home?
- [ ] Do beneficiary designations on accounts and policies still name the right people?
- [ ] Is there a power of attorney for the primary caregiver, not only for the person being cared for?
- [ ] Does anyone know where all of it is kept? See the Document Locator.
- [ ] What happens if we wait, and a crisis forces the decision instead?