



## Stake Self-Reliance & Emergency Preparedness

Quarterly Newsletter



### Estate Planning

By Andrew Felker

Who needs estate planning? I'm sure this is not the question you wake up asking every day. (At least, I hope it's not!) But if you are wondering how to answer that question or even what estate planning is, what follows below (and in a few more articles) is an attempt at an answer.

So, to the question "Who needs estate planning?" There are many ways to answer this question, but simply put, the answer is . . .

**EVERYONE!!!**

In some form or fashion, everyone should do some estate planning. There might be some exceptions, e.g., your minor child or a disabled person can't "do" his or her own estate planning, but even with those precious souls, there are some things others can do to assist them. For this article, I'd like to focus on the most basics elements of estate planning that everyone should put in place: the power of attorney and a healthcare directive.

Why does someone need a power of attorney? Keep in mind that while death is certain, disability is a possibility. The Social Security Administration indicates that 25% of both men and women have a chance of becoming disabled. When a person is disabled in such a way that he/she can't act for him/herself, someone needs to have legal authority to act for the disabled person and to control the disabled person's assets. If you are disabled, who will pay your bills, direct your medical care,

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### Spiritual Insights

- Preparation, both spiritual and temporal, can dispel fear
- "...if ye are prepared ye shall not fear " (Doctrine and Covenants 38:30).
- "The need for preparation is abundantly clear. The great blessing of being prepared gives us freedom from fear" (Elder L. Tom Perry)

make sure your tax return is filed, open your mail, make sure you are housed and clothed, etc.? You might think that the law just lets you do that if you're a family member (and you can for your minor children), but it's not that simple, and actually the law protects against that kind of involvement.

So, how does someone step in to help the person who is disabled? One way is for a person to petition the probate court to be the **guardian** of the disabled person and conservator of her assets. This way is **the hard way** because of court costs, time involved, and attorneys' fees. Alternatively, when a person is a disabled someone **already appointed** under a power of attorney can then act for the disabled person. This is, well, **much easier**: there is no court involvement and consequently less delay and attorneys' fees. I recommend the easier way.

For our purposes, let's say that there are generally two kinds of powers of attorney: **FIRST**, a power of attorney that deals with finances, property, and legal decisions, and **SECOND**, a power of attorney that deals with healthcare decisions.

### **General Durable Power of Attorney**

The first is what I'll call a general durable power of attorney. Under this document, the attorney-in-fact (i.e., the person you appoint under the general durable power of attorney to act for you) can handle all business, legal, financial, tax-related, etc. affairs on your behalf. It's usually best to appoint one

person as their attorney-in-fact with at least one alternate. When naming someone, I believe the primary question is "Whom do you trust?" You usually grant broad powers to your attorney-in-fact broad powers so that he or she can do anything that is necessary and when needed. I like to ask "Would you trust [insert name of proposed attorney-in-fact] with a blank, signed check to do what is in your best interest?" If the answer is "Yes, absolutely!" then I think you've identified a person who can fulfill this role under your general durable power of attorney.

### **Durable Power of Attorney for Healthcare Decisions**



You'll want to have the second power of attorney as well, to cover healthcare decision-making. With this power of attorney, you'll be asking a similar question, "Whom do I trust with making your healthcare

decisions?" This power of attorney grants the attorney-in-fact for healthcare decisions the authority to inquire/access information regarding your healthcare but the power to make decisions rests with you, the patient, until you cannot make those decisions herself; only then could the attorney-in-fact for healthcare decisions make decisions for you.

Whenever someone executes a power of attorney for healthcare decisions, it's also important that to execute a Healthcare Directive as well. (NOTE: some may also mention a "living will" or "advance directive" as being essential.

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This column doesn't give me the space to describe the nuances between these three terms, but please rest assured that when I write about a Healthcare Directive, I'm "checking the box" for what you might need with a "living will" or "advance directive.")

The Healthcare Directive is your way of providing notice to the world of your wishes re: your healthcare when you can't make them known yourself. Importantly, this document indicates whether you do/don't want heroic or life-prolonging procedures when you are terminal with no reasonable chance of recovery from the illness or returning to a meaningful cognitive state. Often on this document, you also note whether you wish to be an organ or tissue donor.

How do you get these documents? Of course, you could work with a lawyer who specializes in the area of estate planning. (You might guess I'd make that recommendation!)



However, if you prefer to do something on your own, there are several online options you can find. Also, the Missouri Bar (the state's lawyer association) and the Kansas Judicial Council have provided forms for the public to use. I'll note here that I can't find a "General Durable Power of Attorney" form among those provided by the Missouri Bar and the Kansas Judicial Council doesn't have a form for a Durable Power of Attorney for Healthcare Decisions; hospitals in Kansas sometimes provide those forms.

[Durable Power of Attorney for Health Care \(Missouri\)](#)

[Statutory Durable Power of Attorney \(Kansas\)](#)

I'll close with a story that illustrates just why

EVERYONE needs estate planning:

Several years ago, a mother came to me while her adult son, barely 18 years of age, was at college in the state of Washington. Unfortunately, he had experience significant emotional health issues and had been hospitalized for his own safety. His very own mother was not just limited by the distance between, but also because son hadn't named her to act for him under a power of attorney, she was unable to advocate for her son's care. Frankly, she was not even legally permitted to know about his care or talk to doctors about how he was or was not recovering. To her relief, her son's health improved enough for him to not only contact her but also leave the hospital setting. As you can imagine, one of his first stops with her, when he came back to town, was to put a power of attorney in place so that he had someone (in this case, his mother) who could act for him if a similar situation ever

occurred again.

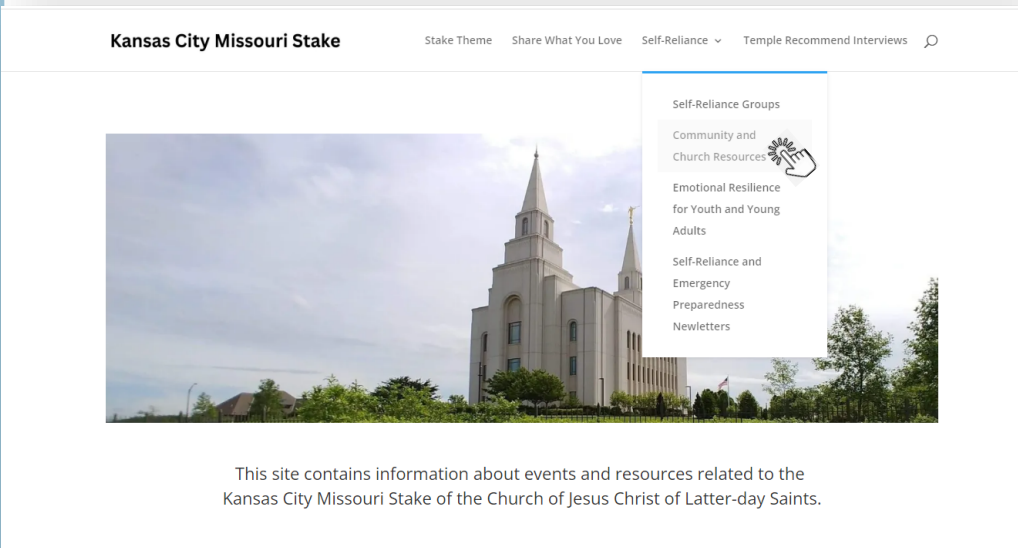
This kind of instance with a teenage (but ADULT!) child is something of the exception, but it's something anyone could experience. More often, the person in need of representation is an older person who has lost the ability to manage day-to-day affairs. A spouse or well-meaning child, without a power of attorney, would have to go through a court-proceeding where a person's capacity is put on trial before being able to help the older person. As with the 18-year old, a power of attorney, executed in advance, will help avoid a host of headaches.

So, yes, EVERYONE does need estate planning, especially of this most basic type.

~Andrew Felker

## LOOKING FOR MORE GREAT RESOURCES?

Head over to the [kcstake.org](https://kcstake.org) webpage and click on the “Community and Church Resources” link shown below! Or click [HERE](#).



This site contains information about events and resources related to the Kansas City Missouri Stake of the Church of Jesus Christ of Latter-day Saints.



**See additional resources not listed here? Know of services that could benefit someone?**  
 ⇒ *Contact your Ward Leadership or a member of the Self-Reliance Committee and let them know!*

## Don't forget about BYU—PathwayConnect!



[Informational Brochure \(click here\)](#)

[Request personalized information specific to your needs \(click here\)](#)

Website (sign up): [byupathway.org](https://byupathway.org)

**BENEFITS**

- Tuition prices are *significantly less* than other schools
- Certificates & degrees are offered *completely online*, from anywhere in the world
- Increased spiritual learning by incorporating teachings from the scriptures as well as modern prophets and apostles

EVENT	FALL 2024 (SEPT. – DEC.)
<b>Application Deadline</b>	Aug. 27
<b>Last Day to Accept Offer of Admission</b>	Sept. 11
<b>Courses Start</b>	Sept. 16

## Self-Reliance Services

### What is Self-Reliance?

“Self-reliance is the ability, commitment, and effort to provide the spiritual and temporal necessities of life for self and family” (Handbook 2: Administering the Church[2010], 6.1.1).

President Thomas S. Monson has counseled, “[Self-reliance] is an essential element in our spiritual as well as our temporal well-being.” (“Guiding Principles of Personal and Family Welfare,” Ensign, Sept. 1986, 3)

## 12 Principles of Self-Reliance

The Lord has declared, “It is my purpose to provide for my saints” (D&C 104:15). This revelation is a promise that the Lord will provide temporal blessings and open the door of self-reliance. He has also declared that “it must needs be done in [His] way” (D&C 104:16). To receive the blessings of self-reliance, we must accept and live the principles of self-reliance, which include the following:

Exercise Faith in Jesus Christ (D&C 104:15)

Use Time Wisely (Alma 34:32)

Be Obedient (D&C 130:20–21)

Manage Money (D&C 104:78)

Work: Take Responsibility (D&C 42:42; 2 Nephi 2:16, 26)

Solve Problems (Ether 2:18–19, 23; 3:1, 4)

Become One, Work Together (Moses 7:18; D&C 104:15–17)

Communicate: Petition and Listen (D&C 8:2)

Persevere (Hebrews 12:1; D&C 58:4)

Show Integrity (Mosiah 4:28; Job 27:5; Articles of Faith 1:13)

Seek Learning and Education (D&C 88:118–119)

Stay On Task, Receive Ordinances (D&C 84:20; D&C 136:4; 1 Nephi 18:2–3)

## Kansas City Stake Self-Reliance Committee Members

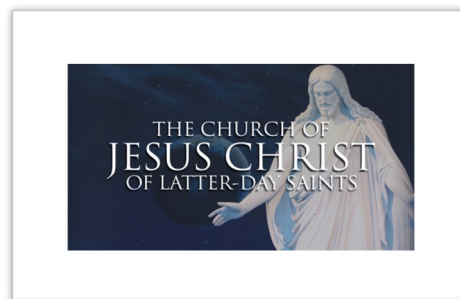
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