

THE B&B ALERT

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ADDING YOUR ESTATE PLANNING TO YOUR VACATION CHECKLIST

Plane Tickets ✓ Bathing Suit ✓ Living Will.....?

By Christopher D. Reedy, Esquire

Just last month my older brother told me that he and his wife were going on a cruise to Alaska. They were never able to go on a honeymoon when they first got married, so I was happy for them. I was less happy when my phone rang on the day they were supposed to leave and he began asking me questions concerning what he could do to make sure that his children would be taken care of if something happened to him and his wife while they were on vacation. I began telling him about various options that he could pursue to straighten his affairs, only to find out that he was in the car on the way to his mother in laws house with the kids. Nothing like waiting until the last minute. Fortunately, the vacation went off without a hitch and my brother and his wife made it safely home to their children. I have since urged him to update his estate planning documents to make sure that this does not happen again.

The situation with my brother brings up a couple of points. Now that summer is in full swing, many people will begin taking their vacations. Before heading out the door to go on your vacation, you should think about your current estate plan.

Two main elements should be addressed, (1) Does your current estate plan meet your current needs?, and (2) Should you bring your health care directives with you when you travel.

While it is generally a good idea to for you to review your estate plan every three to five years, when you are going on vacation with your spouse, you want to make sure that everything is taken care of in the event that you and your spouse were to die in a common disaster.

If you have minor children, the primary thing you should ensure is that there is a plan in place to appoint a guardian of the children. If your will does not provide for legal guardianship of your children, you should update your will to include for this. If you have appointed a guardian in your will, make sure that your choice is still appropriate.

Additionally, if you are married, you should make sure that your will contains a “common disaster clause”. This clause will assume one spouse predeceased the other in a common disaster. This is a common technique used for estate purposes.

Lastly, you should look over all of your current documents, (Will, Power of Attorney, Living Will, etc.), to make sure that they still represent your wishes. Common things to look for are:

- Is the Executor/Agent correct?
- Are there backup Executors/Agents?
- Does your will dispose of your property in the way that you want?

- Does your living will still express your current opinion on whether or not to withhold life-sustaining treatment?
- Does your General Durable Power of Attorney give your agent all powers necessary to maintain your current standard of living?

Furthermore, prior to leaving for vacation, you will want to make sure that you have brought a copy of your living will with you. If you are seriously injured while on vacation and need to be placed in a hospital, it will be important to have access to a copy of your living will.

Here at Begley & Bookbinder, we have begun offering clients a DocuBank membership as part of their estate-planning package. DocuBank maintains a copy of your Healthcare Power of Attorney/Living Will and will fax it to any hospital that requests it. By utilizing DocuBank, our clients will not have to carry copies of their Healthcare Power of Attorney/Living Will's with them at all times. They will simply have to present their DocuBank membership card to the hospital, and they will always have access to their Healthcare Power of Attorney/Living Will.

Vacation is all about relaxation, so ensure your peace of mind and get your affairs in order before you go on vacation. Preferably, before you are in the car on the way to the airport.



Begley & Bookbinder, P.C. is a law firm that specializes in Elder & Disabilities Law. We are based in Moorestown, NJ, with offices in Stone Harbor & Lawrenceville.

If you have any comments, e-mail us at ccaruso@begleylawyer.com

Our web site contains a library of firm newsletters, articles, on-line forms for Medicaid, Estate Planning and Guardianship, as well as our upcoming speaking engagements, our products, and other relevant information.

If you are interested in having an Elder & Disabilities Law Attorney from Begley & Bookbinder speak at an event, please contact Colleen Caruso at (856) 787-4237.

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