

Three Legal Documents That Everyone Needs While They are Alive

While the creation of Wills and Trusts are time-honored traditional ways to do estate planning to take care of events after death, there are three legal documents that every person should have while they are alive:

1. **Health Care Power of Attorney.** This document specifies the person or persons whom you would wish to act as your agent upon your incapacity. This document gives your designated agent the power to hire and fire doctors and make medical decisions on your behalf. Everyone who is an adult (over the age of 18), regardless of whether they have an estate plan, should have this document prepared by an attorney for their benefit. In Missouri, this document is a "springing power of attorney" requiring the certification of two physicians before it becomes effective. The time to create this document is before the need arises. Without a Health Care Power of Attorney, a judge would decide who will make those decisions for you which is a much more expensive alternative.

2. **Living Will.** A Living Will is a document that expresses your intent regarding how you want to be treated when your condition becomes terminal. A Living Will, if nothing else, can relieve the person who is acting as your agent under the Health Care Power of Attorney from the stress and strain of wondering what you would like to have done when that situation arises? Only a Health Care Power of Attorney can authorize someone to withdraw artificially supplied nutrition and hydration. However, directions in your Living Will to your agent regarding your wishes can express your wishes and desires. A simple Living Will can avoid those extraordinary situations where families battle over what to do when the time comes to make the tough decisions on how to continue someone's medical care at the end of one's life. If you want to weigh in on your own decision making process, your Living Will is extremely important.

3. **Durable Power of Attorney.** A Durable Power of Attorney is a contract authorizing someone as your agent whom can act on your behalf when you are deemed to be disabled or incapacitated. This document allows an agent to deal with your property during your lifetime. It can authorize someone to pay your bills, to sell or liquidate property or to transfer property in accordance with your wishes. It is important to remember, however, that upon the death of the maker of the Power of Attorney, the agent's authority immediately ceases. Thus, a Power of Attorney is only good during the lifetime of the one who makes the Power of Attorney. We like to use Powers of Attorney in conjunction with a Living Trust. However, even clients who do not have a Living Trust can still benefit from having a Durable Power of Attorney setting forth their wishes.

These three documents are a must for every adult. If we can help or assist you in creating these documents for you or your family, please give us a call.

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