

Native American Cancer Research Corporation Wills and Living Wills Fact



Manage Your Health
& YOUR LIFE

What is a Living Will?

- 🍵 A Living Will is a document by which a person declares that he or she does or does not want artificial life support systems used if he or she becomes terminally ill.
- 🍵 Everyone 18 years old and older who is of sound mind should have a living will.
- 🍵 A Living Will names who is the Medical Durable Power of Attorney to carry out your Living Will.



- 🍵 Many American Indians and Alaska Natives do not have wills or living wills
- 🍵 You do not need to be sick or dying to prepare these documents. Actually, it is best to draft these documents while you are feeling well.
- 🍵 These documents help reduce the likelihood of your family fighting for feeling badly about your possessions after you walk on / pass.
- 🍵 Now you know. Now you can.

I started to getting ready with everyone telling them what goes to who and who gets this. I wrote ... all my wishes and the house and if something happens to me, they won't have any problems.



Mary P. Lovato
[Santo Domingo Pueblo]
Dx 1987 / 2004 Bone (AML leukemia)
Dx 2006 Kidney

What are Advance Directives?

- 🍵 An Advance Directive can be a Living Will.
- 🍵 A person's documented, written notice stating
 - ⊕ What medical interventions they want or do not want
 - ⊕ If they become too ill to speak for themselves.

What is included in an Advance Directive?

- 🍵 Living Wills
- 🍵 Medical Durable Power of Attorney (for health care)
- 🍵 CPR (cardiopulmonary Resuscitation) or DNR (do not resuscitate) Directive

Reminders about these Documents

- 🍵 Think about how you want to be treated at the end of your life.
- 🍵 Consider whether or not you want to have cardiopulmonary resuscitation.
- 🍵 Make a list of your real personal property, real estate, and bank accounts etc. Be very specific in your descriptions.
- 🍵 Decide who you want to receive each item, or how the item is to be divided among your beneficiaries.
- 🍵 Identify the people you need to help you as Executor and Guardians and witnesses.
- 🍵 Have your Will and Living Will notarized with witnesses.
- 🍵 Make copies and give to your family, the Medical Power of Attorney, and the Executor.
- 🍵 Store the original in a safe place that the executor knows about and can access.

Dedicated to Mary P. Lovato, Santo Domingo Pueblo; diagnosed in 1987; survived and thrived for 21 years following diagnosis; Passed February 2008

How Does a Living Will Work?

- 🍷 A Living Will states whether or not a person wants artificial life support systems used if he or she becomes terminally ill.
- 🍷 The doctor and relatives can use the Living Will to make the “hard decisions” when a loved one is close to death.
- 🍷 If you do not have a living will, your relatives will have to make the decision about when to take you off life support (unplug) you.

What Does Artificial Life Support Mean?

- 🍷 Artificial life support can include:
- 🍷 Life sustaining procedures including nourishment.
- 🍷 It can also include:
- 🍷 Kidney dialysis
- 🍷 Surgery
- 🍷 Transfusions of blood and blood products
- 🍷 Drugs and antibiotics
- 🍷 Artificial feeding and hydration
- 🍷 Electric Shock and heart stimulation (drugs)
- 🍷 Breathing tubes
- 🍷 A Living Will also states how a person wants to be treated at the end of life or in case of serious accident or illness. A Living Will gives directions to the Agent about important decisions.

What is an agent?

- 🍷 Medical durable power of attorney is a document you sign naming someone to uphold your health care decisions when you are unable to represent them yourself. The person that you name becomes your “agent.”

Who Can be an Agent?

- 🍷 Must be at least 18 years or older (Meet State age requirements)
- 🍷 Someone you trust
- 🍷 Someone who can understand the doctors and nurses and can communicate for you
- 🍷 Someone who knows you very well
- 🍷 Someone who can make difficult decisions and can “hold the line”.

What is a CPR Directive?

- 🍷 CPR means Cardiopulmonary Resuscitation.
- 🍷 A CPR Directive means that if your heart stops beating you want to be left alone with no medical intervention taking place- no breathing assistance or heart shock and stimulation.
- 🍷 This is also known as a “Do Not Resuscitate” or DNR.

How Do I Make an Advance Directive?

- 🍷 A person needs to ask themselves some very hard to answer questions.
- 🍷 Some people talk to loved ones when making these decisions.
- 🍷 Others talk to professionals in the health care system.
- 🍷 Some people talk to their pastor or clergy.
- 🍷 Some people talk to all of the above.
- 🍷 It is up to each individual.



**Artist: Dana Tiger,
donated to NACR's
survivorship program 2005**

Ask Yourself these Questions:

- 🗑️ What kind of treatments or extraordinary efforts do I want taken on my behalf?
- 🗑️ Under what conditions do I want to be kept alive?
- 🗑️ Is there any condition when I wouldn't want to be artificially alive?
- 🗑️ How comfortable do I want to be?
- 🗑️ Once you have made your decisions, write them down.
- 🗑️ Document them with the signatures of two (2) witnesses.
- 🗑️ You can also have them notarized.
- 🗑️ Keep your Advance Directives-Living Will and Durable Power of Attorney- handy so your loved ones and care givers will know your wishes.

What is a Will?

🗑️ A will is a document you can use to control:

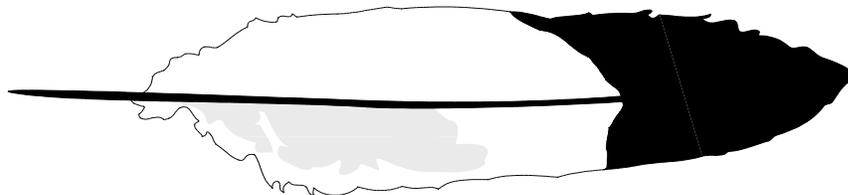
- ⊕ Who gets your property
- ⊕ Who will be guardian of your children and their property, and
- ⊕ Who will manage your estate upon your death

🗑️ Who will be the guardians of your children or your executor?

- ⊕ The guardian is the person who you ask to take care of your children under the age of 18 years old when you are not there to take care of them
- ⊕ The executor is the person who will be in charge of handling your estate.
- ⊕ This may include filing taxes and other forms, gathering your assets and distributing them to your beneficiaries as your will states, and hiring of attorneys or accountants to assist with the implementation of your will.
- ⊕ An executor can be a sister or brother, other family member, friend, or even a bank representative or attorney.
- ⊕ Sometimes it is valuable to have someone outside the family be the executor to avoid favoritism and arguments between survivors of the loved one.

🗑️ What is the American Indian Probate Reform Act of 2004 (AIPRA)?

- ⊕ Limits who the heirs are who can receive Indian Trust Land when the owner passes on.
- ⊕ Determines how Individual Indian Monies (IIM) accounts will be distributed
- ⊕ Very complex
- ⊕ Can be avoided if you have a Will.



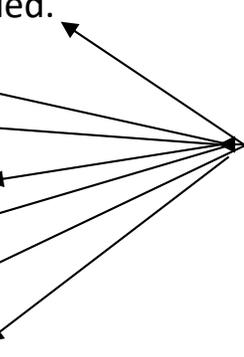
What do you think will happen if you don't have a Will?

- 👛 If you have no will, the laws of the state you live and die in will determine who receives the property that you own and your children.
- 👛 If you have Trust Land or an Individual Indian Monies account (IIM), under a new American Indian Probate Reform Act (AIPRA), your property and rights will only pass to a limited group of heirs unless you have a will.

Probate [pro-bate]

- 👛 (Law) the act or process of officially proving the authenticity and validity of a will
- 👛 (Law) a. the official certificate stating a will to be genuine and conferring on the executors power to administer the estate
- 👛 When a person passes on the probate process is used to determine heirs, the validity of the will, itemize the property in the estate and distribute it according to the will

If you do not have a Will, the following is the Typical Sequence of who would receive your valuables or estate.

1. Spouse if legally married.
 2. Children
 3. Parents
 4. Brothers and Sisters
 5. Grandparents
 6. Aunts and Uncles
 7. Nieces and Nephews
- All blood relatives.
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