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**New Jersey Elder Lawyer**

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## **WILL, LIVING TRUST OR JOINT TENANCY**

For Assistance with Wills, Living trusts or Joint Tenancy in New Jersey

### **LIVING WILL:**

This very important **estate planning document** states someone's views concerning a myriad of medical issues.

This includes, but is not limited to, decisions on life support and other extraordinary measures.

The **Living Wills**, in our law office include a 48-item checklist for the client to complete. In this checklist, we present a client with FOUR DIFFERENT MEDICAL SCENARIOS. Under each scenario, we ask the client to consider TWELVE questions insofar as medical treatment is concerned. They are the same twelve questions, but presented under FOUR different medical scenarios.



Why so much detail?

- It allows the client to clearly state their wishes.
- It may prevent a family argument with regard to what the client wanted (or didn't want).
- It may prevent situations where the medical profession wants to proceed in a manner contrary to the client's wishes.
- The 48-item detail will be more transportable to our sisters states in event the client is traveling or his/her medical specialist is outside NJ.
- It may be brought to the attention of the NJ Adult Protective Services unit if they inquire why such treatment is (or isn't) being authorized.
- It may add substance to any claim for benefits under the client's medical insurance plan or HMO.

### **HEALTHCARE PROXY, HEALTHCARE DIRECTIVE OR HEALTHCARE POWER OF ATTORNEY:**

This instrument refers to any of the above listings.

This document permits someone to bring the Living Will (and the 48-item checklist) forward at the appropriate time.

Said person will be authorized to make healthcare decisions over and above the 48-item checklist. These include, but are not limited to: which hospital, which specialist, which rehabilitation center, etc.

Additionally, under the new Federal HIPAA regulations effective April 14, 2003, this document designates who can receive confidential medical information on behalf of the client.

Our Healthcare Directives includes the requisite language of HIPAA.

In addition to the above, this document allows someone to interface with specialists and receive reports concerning cognitive impairments (dementia, Alzheimer's, depression, anxiety, paranoia, schizophrenia etc.

Failure to name a healthcare agent may invite the time and expense of litigation.

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## **James E. De Martino, Attorney**

**Elder Law and NJ Estate Planning Strategies**

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