



Giving Direction In Uncertain Times



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We all face and probably experienced first hand, the uncertainties that present themselves with the death, injury or illness to a loved one. For those who must deal with the events, knowing what to do for the lost or stricken loved one inevitably brings the questions, "What would he or she want in these circumstances?"

The hardest part to planning

ahead for these events is to realize that our loved ones will have to deal with these issues for us, individually. Women especially see themselves as care givers who will always be there to take care of their loved ones. Women will statistically outlive their male partners. So, when it comes time for others to take care of you, direction in the form of Last Will and Testament, Durable Power of Attorney and a Living Will and Medical Directive are necessary and vital instruments to have in place. We can examine each of these briefly to discuss the importance each of these documents plays in achieving your specific goals and to provide guidance for your loved ones.

Perhaps the most obvious need and desire is to provide for children and grandchildren. A couple with young children want to provide, in the case of a joint death, to name guardians for their children, provide a trust

arrangement so that the assets they pass will be used for the benefit of the children during their minority. Later in life, providing for grandchildren by specifically designating assets to pass to them or for their benefit can assist with education or assist in the purchase of a first home.

Other areas of interest for women are to provide for a favorite charity or foundation which may have been of assistance to a family member in a time of need. A Last Will and Testament gives you the power to direct the distribution of your assets to those closest to you and under what conditions and by whom they will be distributed. Without a Will, State Intestacy Laws naturally favor immediate family, but do not allow the provision for charitable bequests and the like. Additionally, you will avoid the necessity of a loved one petitioning the Courts for appointment to administer your estate and avoid the necessity of posting bond, the expenses of which would be paid by your estate before your beneficiaries receive your assets.

During your lifetime, an individual may need the assistance of a trusted friend or loved one in managing or just in preserving their assets and personal property. This may require occasional assistance or every day oversight and control. Powers of Attorney can be crafted to specifically meet the needs of an individual. They can be as broad or as specific as circumstances require.

They can be effective immediately and survive any period of disability by the maker, called a Durable Power of Attorney, or be effective only upon the disability of the maker.

What direction can be given in a medical crisis when you cannot



understand or communicate your wishes? Prior planning tells your loved ones your desires in these difficult situations. An Advance Directive or Living Will allows for the designation of a medical decision maker who can authorize the provision or withholding of certain medical treatment and assistance. This person may obtain specific medical services for you and can give physicians full access to your medical records. This document along with a frank discussion of your desires with your immediate family and your primary physician will help to alleviate your family's suffering and anxiety at these crucial times.

The documents I have briefly discussed are best prepared in consultation with an attorney who will take the time to discuss your needs and work with you to achieve the most practical solutions. At Basile & Testa, P.A., we pride ourselves on giving our clients the individual time and attention that these matters require.



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ROBERT J. CASELLA was born in Vineland, New Jersey. Robert is a graduate of the Widener University School of Law and was admitted to the New Jersey Bar in 1977. He is also admitted to practice before the United States District Court to New Jersey and the United States Supreme Court. He has represented and counseled clients in Municipal Court, Superior Court, and Federal District Court. Mr. Casella concentrates his practice on the areas of Wills, Estates, Probate, Real Estate, Zoning and Planning, Bankruptcy and Corporations. Prior to joining the law firm of Basile & Testa, PA, Robert was a partner in the law firm of Casella & Casella from 1977-2003. Mr. Casella's professional associations include Cumberland County Bar Association and the South Jersey Business Association.