

Disability Rights Legal Center

CLRC

Cancer Legal Resource Center

Cancer Legal Resource Center

919 Albany Street • Los Angeles, CA 90015

Toll Free: 866.THE.CLRC (866.843.2572)

Phone: 213.736.1455

TDD: 213.736.8310

Fax: 213.736.1428

Email: CLRC@LLS.edu

Web: www.CancerLegalResourceCenter.org

The CLRC is a joint program of the Disability Rights Legal Center & Loyola Law School

ESTATE PLANNING GLOSSARY

The Cancer Legal Resource Center has designed this information sheet to answer commonly asked questions. However, this information may be just a starting point for you to find out additional information. Please feel free to contact the Cancer Legal Resource Center at [866] THE-CLRC if you need additional information or to answer other questions you may have.

Advance Directives

Advance directives vary significantly by state. Consult an attorney to determine the legal requirements in your state.

Advance Health Care Directive

The Advance Health Care Directive is a California law, which replaced the Durable Powers of Attorney for Health Care and the Natural Death Act Declaration. However, if you completed one of these forms before July 1, 2000, it is still valid now. The Advance Health Care Directive is a written document in which you authorize another person to make health care decisions on your behalf if you are unable to give medical consent. The form helps people focus on decisions such as: 1] whether or not to prolong life; 2] whether or not to withhold or withdraw artificial nutrition and hydration; 3] instructions concerning CPR; 4] relief from pain; and 5] donation of organs at death. The use of this form is not mandatory for an enforceable advance health care directive in California. An individual who chooses to use this form may complete or modify all or any part of it. The form is available at California Probate Code section 4701 or <http://ag.ca.gov/consumers/pdf/CAHCDS2.pdf>.

Attorney-in-Fact

The person named in a Durable Power of Attorney to act as an agent. This person does not need to be an attorney.

Beneficiary

An individual who receives income or assets from a trust, life insurance policy, a will, etc.

Community Property

Generally, income or property acquired by either spouse during a marriage, except by gift or inheritance, in community property states only. Contact an attorney to determine whether the state in which you live is a community property state.

Conservatee

The incapacitated person for whom a conservatorship has been established.

Conservator

An individual who is appointed by the court to act on behalf of an incapacitated person.

Conservatorship

A court proceeding in which the court supervises the management of an incapacitated person's finances and/or personal care.

Durable Power of Attorney for Asset Management/Financial Affairs

A document in which you appoint an agent to conduct financial transactions on your behalf. This document can be either "springing," which means that it is effective only when and if you become incapacitated, or "fixed," which means that the document becomes effective when it is signed, and stays effective after you become incapacitated.

Durable Power of Attorney for Health Care (See Advance Health Care Directive)**Estate**

The property that is the subject of a trust or probate proceeding.

Guardian of the Person

A person appointed by the court to take care of a child under 18 years old.

Guardian of the Estate

A person appointed by the court to manage the assets and finances of a child under 18 years old. This person can be the same person who is appointed the Guardian of the Person.

Health Care Agent

A person appointed by you to make your health care decisions if you are unable to do so.

Life-Sustaining Medical Treatment

State definitions may vary; however, life sustaining treatment is typically considered any type of medical treatment that prolongs and sustains life, including CPR, mouth-to-mouth resuscitation, a ventilator or respirator, medications, artificial hydration or nutrition, dialysis, and certain surgical procedures.

Patient Self-Determination Act (PSDA)

The 1990 Patient Self-Determination Act encourages all people to make choices and decisions now about the types and extent of medical care they want to accept or refuse should they become unable to make those decisions due to illness. The PSDA also requires that all hospitals, long-term care facilities, and home health agencies that receive Medicare and Medicaid reimbursement to ask you whether you have an advance health care directive and requires them to recognize it.

Probate

The court proceeding which oversees the administration of a will.

Trust

A trust is created when a person (the "Trustor"), transfers property to another person, (the "Trustee"), with instructions to hold or distribute the property for the benefit of a designated person or persons (the "Beneficiary(ies)").

Will

The legal declaration you sign, which explains how you want your estate administered and distributed upon death.

This publication is designed to provide general information on the topics presented. It is provided with the understanding that the author is not engaged in rendering any legal or professional services by its publication or distribution. Although these materials were reviewed by a professional, they should not be used as a substitute for professional services.

Copyright 2008 Cancer Legal Resource Center
