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A Simple Guide to Wills, Advance Directives, and Powers of Attorney - HELP4TN Blog

The task of planning for the future can seem frightening and complex. With so many different documents, it can be hard to find what best suits your needs. Learning the differences between the most common planning documents is a good first step towards understanding your legal needs.

What is a will?

- A legal document that explains how you want your assets and property split up after your death.
- A will typically describes your estate, the people you want to receive property, and other special instructions such as care for minor children.
- Wills only go into effect after you die and are carried out through probate court- the process of proving a will is valid and enforcing the will's instructions.
- Without a will your property will be distributed based on state law, which can be contrary to your wishes.
- Need a will? Find out more information here- <https://www.help4tn.org/node/456/do-i-need-will-help4tn-blog>

What are advance directives?

Advance directives are a collection of legal documents you can use to state your wishes in advance in case you become too ill or too injured to make them known. These documents help an individual who has become incapacitated to have some influence and control over what medically happens to them. The two most common are medical directives and power of attorneys.

Living will- a medical directive and legally binding document stating a person's end-of-life and after death preferences, such as instructions to your doctor about what types of treatment you do or do not want if you become incapacitated.

Durable Power of Attorney for Healthcare- a legal document giving an individual authority to make healthcare decisions for you when you are unable to do so. Decisions made by the named power of attorney carry the same weight as if the patient had made the decision himself.

Financial Durable Power of Attorney-

- Legal document allowing you to appoint an individual to act on your behalf for financial purposes that can take effect immediately or at some point in the future.
- Unlike a power of attorney for healthcare decisions, your financial power of attorney may act on your behalf even if you are available and not incapacitated.
- You can impose limits when deciding how much power an individual will have and what tasks they can perform.
 - Common tasks include paying your bills, taxes, or medical expenses, accessing your financial accounts, investing, and selling your assets on your behalf.

This blog is general information and is not legal advice. If you need legal advice or have questions, you can talk to one of our free legal helpline attorneys: 1-844-HELP4TN (1-844-435-7486).

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