

18 and on Your Own

Legal Documents
for Grads and Young Adults



Probate. Wills. Trusts. Planning.



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Written by:
Mary Merrell Bailey, Esq. CPA MBA MSTaxation MSAccounting

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407.622.1900 **www.YourCaringLawFirm.com**

*This book is not intended to be legal advice.
The information contained within this book is for
educational purposes only. Before making any legal
decisions, you first should consult a qualified attorney.*

Why Do You Need Estate Planning Documents?



You have a medical emergency and are unable to communicate regarding your medical care.



You physically or mentally are unable to perform routine financial affairs such as paying your rent or car loan.



You have a terminal illness and do not want to be kept alive artificially.



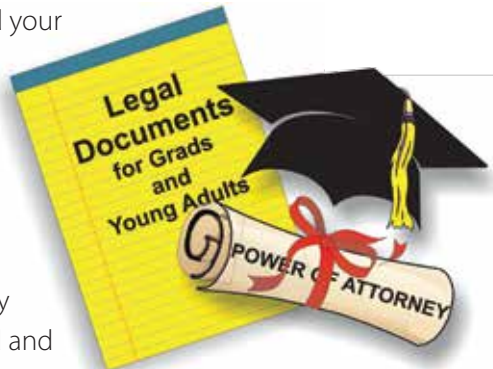
You are estranged from your parents and prefer they not inherit your worldly possessions.



You become mentally incapable of controlling your own affairs and want to designate your significant other to make important decisions for you.

Now that you have turned 18 ...

Once you reach the age of majority—18 in most states—your parents no longer are considered your legal representative and are not entitled to see your medical and financial records. As you head off to college or otherwise leave home to pursue your own life, you cross over the threshold into legal adult territory where all the rules have changed and your parents have very little authority.



Healthcare Power of Attorney

Health Care Surrogate



What if you have been in an auto accident and are unable to communicate with medical staff regarding your medical treatment?

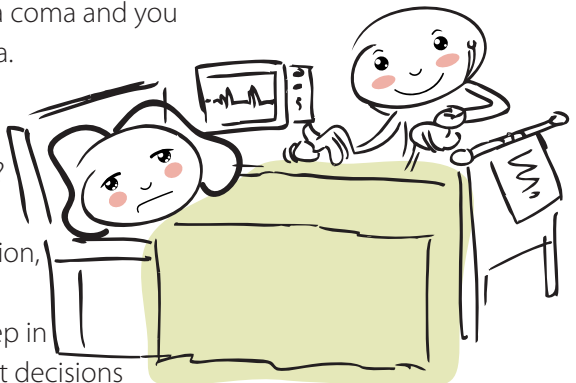
Situations involving automobile accidents are all too common among young adults. If you are seriously injured and not able to make your own decisions regarding your medical care, you will need a Health Care Surrogate to step in on your behalf.

Your Health Care Surrogate document is a legal document that authorizes a trusted adult to make informed consent medical care treatment decisions for you if you are unable to express your wishes or make decisions for yourself.

Hypothetical Example: Recovering from a Coma

Imagine you are in a coma and you contract pneumonia. Who would tell the doctor that you are allergic to penicillin?

In this type of situation, your Health Care Surrogate would step in and make important decisions regarding your medical treatment.



Durable Power of Attorney



What if you are ill and unable to handle tasks such as paying rent, authorizing withdrawals from your savings account, applying for financial aid, filing health insurance claims, and generally managing your own financial affairs?

Your General Durable Power of Attorney document will allow you to authorize a parent or another adult to act on your behalf. Having this document in place before an emergency arises can prevent young adults from defaulting on car loans, ruining their credit ratings, or missing the deadline to apply for student housing.



Hypothetical Example: Claiming a Settlement

Imagine you are injured in a car accident after graduation and you sue the other driver. Negotiating with the insurance company requires all parties to sign a set of legal documents, but you are not able to sign your name.

The person you named as your Agent in your Durable Power of Attorney would have the authority to step in on your behalf, sign legal documents without delay, and enable you to claim your share of the settlement.

Preneed Guardian



What if you were to become mentally incapable of handling your personal affairs? Would you want your significant other, a sibling, or your parents to step in and take control?

If you are in a committed but unmarried relationship and you want your partner to have legal rights over you if you become incapacitated, you need a written Advance Directive naming him or her as your preneed guardian. Your guardian is the person appointed by the court to be in charge of your person and your money should you ever become incapacitated.



True Life Example:

Pop star Britney Spears publicly melted down when she was in her early 20s. She shaved her head, attacked a photographer with an umbrella, and locked herself in a bathroom with her son. Her family was afraid for her safety. Her father, Jamie Spears, was appointed by the court to be Britney's guardian. This means that Britney's father has complete legal authority over Britney, who is known as the "ward." Mr. Spears (the guardian) decides, with a judge overseeing everything, where Britney (the ward), lives, what she does every day, who her friends are, and how much and on what she can spend of her own money.

Living Will



What if you were not expected to recover from a medical emergency and your family was uncertain about what your views were on being kept alive artificially?

A Living Will is an advance medical directive that specifies if you want artificial life-prolonging measures continued or removed if there is no reasonable medical expectation that you will recover.

Under Florida law, you have the option to make these difficult decisions in advance while you have the mental and physical capacity to do so. If you do not name whom you want to be in charge of your end-of-life decisions (pulling the plug), the State of Florida will decide.

True Life Example:

Bobbi Kristina Brown, Whitney Houston and Bobby Brown's 22-year-old daughter, suffered severe brain damage and lost the ability to communicate. Her live-in boyfriend had no legal authority to make decisions for her. Her grandmother, Cissy Houston, and her father reportedly are estranged and at odds as to Bobbi Kristina's care. What would Bobbi Kristina want? She had no Living Will saying if she would like to be kept alive artificially or naming whom she wants to be in charge. Clearly, a decision as important as end-of-life care and final wishes should be made known by individuals of all ages.

Last Will and Testament



Did you know that, without a Will, your parents most likely each would inherit 50% of your wealth?

But what happens if you are estranged from one or both of your parents and you would prefer that the balance in your savings account go to the animal shelter at which you volunteer?

A Last Will and Testament (Will) is a legal instrument that dictates where you want your riches, known as your Estate, to go after your death. In your Will, you are known as the Testator.

The person you name to make sure your

instructions are followed after your death is known as the Personal Representative or Executor. The people you name to inherit your wealth are called your Beneficiaries. If you have no Will, you are considered "Intestate," and the State of Florida decides who gets your money.

True Life Example:

Think you don't need a Will because you have no money?

A South Florida man reportedly paid a \$46 million wrongful death settlement to the estate of a 23-year-old UCF engineering graduate who was killed when the man's Bentley knocked the UCF graduate's Hyundai into a roadside canal.

The UCF student's divorced parents are believed to have split the money.



Statement of Authority to Make Funeral Arrangements



Would your parents (who may be divorced) argue over how and where to bury you?

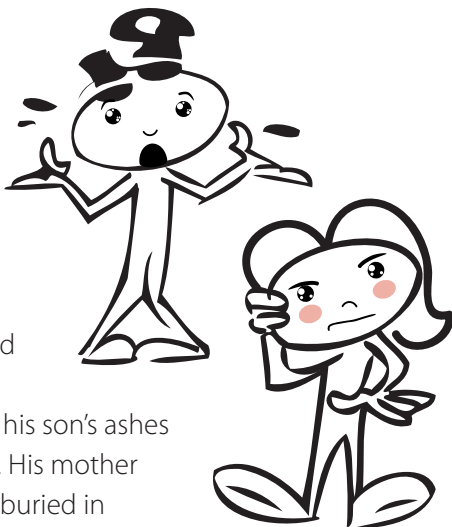
Funeral arrangements and the disposition of human remains can be an incredibly hurtful, contentious topic to grieving loved ones. Is there someone other than your parents whom you would prefer to take care of this for you?

If you want to control the disposition of your remains, you must do so in writing with a Statement of Authority to Make Funeral Arrangements.

True Life Example:

A 23-year-old Florida man was killed in an auto accident. His divorced parents argued in court for five years about who had the right to decide where his cremated remains would be buried.

His father wanted to bury his son's ashes in a family plot in Georgia. His mother wanted her son's remains buried in South Florida, where her son grew up. The Florida Judge ruled that the young man's ashes could not be divided.



Access Your Legal Documents On Your Smartphone!



How would you or your parents get to your legal documents in an emergency?

Your important legal documents should be readily available when you need them the most. The My Health Care Wishes phone app, created by the American Bar Association, is designed to give you and your loved ones the ability to store your and their advance directives, key health information, and health care contacts on your Apple or Android smartphone. The app also allows you to send your advance directive documents directly to health care providers by e-mail or Bluetooth connectivity. To learn more, visit [www. MyHealthCareWishes.org](http://www.MyHealthCareWishes.org).



About the Author



**Mary Merrell Bailey,
Esq. CPA MBA MSTaxation MSAccounting**

Founder & Managing Partner
Your Caring Law Firm
Maitland, FL 32751
Merrell@YourCaringLawFirm.com

Merrell Bailey is a recovering CPA who crossed over to the dark side in 2001 to practice solely as an attorney in the areas of estate planning, probate, trust administration, guardianships, business succession planning and asset protection.

Merrell holds six college degrees, including a J.D. from Barry University (Valedictorian of graduating class; Law Review; Faculty Professionalism Award); M.S. Accounting; M.S. Taxation; M.B.A.; (all University of Central Florida).

As a Trustee of the National Endowment for Financial Education, Merrell is deeply committed to spreading awareness that financially informed individuals are better able to take control of their circumstances, improve their quality of life, and ensure a more stable future for themselves and their families.

Merrell's achievements include a 10.0 (highest) peer rating by AVVO, the nation's leading online legal marketplace. She has been rated a Five Star Wealth Manager by Orlando Home & Leisure Magazine, a Rising Star by SuperLawyers Magazine, and named among the Legal Elite in Florida Trend.

Merrell's other accomplishments include having been selected as an Honoree in the 2015 Orlando Business Journal's "Women Who Mean Business" competition. She is also proud to serve as Chair of the Community & Corporate Engagement Committee of the Dean's Advisory Council at the UCF College of Business, and is a 2012 inductee into the College's Hall of Fame. Merrell is an alumna of Pi Beta Phi sorority, rowed for UCF women's varsity crew team, and currently rows at the Orlando Rowing Club.



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Founded by long-time local attorneys Merrell Bailey and Hallie Zobel, Your Caring Law Firm offers personalized service and individual attention to clients of all ages and lifestyles. From young adults and college students to retiring baby boomers and older seniors, our clients know they can trust us with their estate planning challenges and that we will address them in a caring and compassionate manner.

Practicing in the areas of probate, estate planning, asset protection, guardianship and elder law, Your Caring Law Firm is committed to spreading awareness that financially informed individuals are better able to take control of their circumstances, improve their quality of life, and ensure a more stable future for themselves and their families. We encourage you to learn more about us by visiting www.YourCaringLawfirm.com.

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