

*Staple  
Here*

*Your final touches:*

*The planning everyone  
should do*

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\*Many of the monetary and other guidelines discussed in this booklet change frequently. Please be certain to verify their accuracy before acting based on these numbers.

## *Acknowledgement*

These materials are based on a concept presented by Jeffrey T. Timm, a retired Air Force chaplain. His goal was to provide information that other pastors could use to help their parishioners deal with end-of-life planning.

We hope our updated and modified version serves you well. We will be happy to answer any questions you might have.

## *Your Final Touches*

Planning for the final stages of your life is one of the greatest gifts you can give yourself and the ones you love. Instead of having the events leading up to and immediately following your death be unpredictable and out of your control -- and the control of your loved ones -- your last event should be personal, cause peace, and reflect your desires. It should be a celebration of your life, not a mourning of your death.

Your funeral services in particular are an opportunity for your family to have closure about your passing and for them to reflect on the joy of their relationship with you. The more you prepare for your funeral, the more your loved ones can embrace the occasion and find peace in what otherwise could be an emotionally difficult situation.

In addition to your funeral arrangements, your final touches should include elder law planning, containing legal and medical preparations; legacy planning, involving an ethical will; and estate planning, including the disposition of your estate.

## *Funerals: An Overview*

In making your final preparations, you should consider a number of questions, and below are just a few of the issues you should reflect upon. A good advisor will ensure you consider everything you need to fulfill your wishes.

A funeral is a way for the living to say goodbye. The less stressful that time is for your loved ones, the more they will be able to begin to focus on the healing process. And, although it may seem harsh to look at it this way, financially your heirs will also be much better off. As difficult as it may be for you to look at the bottom line in preplanning your last event, it will be even harder for your family to do so.

Prepaying the expenses of your last act can be one choice to provide certainty in the process. Even if you do not put your money with a funeral home, you can consider the choices involved, make decisions, and then set aside the appropriate amount of funds into a designated account. Naturally, you'll want to be sure that a trusted family member or advisor has access to these funds to pay for the expenses as necessary.

You will also want to put your preferences in writing, separate from your will, and be certain not keep the only copy in a safe deposit box. Wills are

read after your funeral is over, and safe deposit boxes are not accessible on weekends or holidays.

The funeral industry is regulated by state and federal law, and a good elder law attorney will be able to guide you through the myriad of decisions and choices involved.

## *Funerals: Decisions*

The decisions surrounding your final act can be difficult to face. First and foremost is what you would like to have happen to you after you pass away. Aside from the traditional casket and burial, cremation and donation to science are two other possibilities. When considering your options, you might want to keep in mind not only your feelings and preferences, but those of close family members as well. Please visit our website for “Facts about Organ Donation” if this is a possibility for your and your family.

Remember that the events of your final act are really for the comfort of your family. Also remember that some of that comfort is taken away if your loved ones have to face unnecessary decisions during such an emotional time. And, although it is not likely to happen, if two or more family members disagree on what your final act should be like, it will create even more emotional trauma for your loved ones.

Second to consider is the details surrounding your final act. What is the name of the funeral home you wish to use? What type of ceremony would you like to have? What music or hymns would you like to include? Are there any stories or religious or spiritual texts you would like to have read? Who would you like to be your pallbearers?

While these are difficult decisions for you to reflect upon, imagine how your loved ones will feel without any guidance from you, when they are already emotionally distraught.

## *What services can I expect a funeral home to provide?*

You can expect the funeral home to ensure you are brought to the funeral home after your passing, and they will also work out the arrangements with your cemetery, if applicable. They will follow your instructions for the ceremony for your final act and arrange for transportation to the cemetery after the ceremony, if applicable. It is important that they receive a copy of your instructions as soon as possible after your passing, and it might be a good idea to ensure that your chosen funeral home, as well as your family members, have a copy on file.

## *How do I select a funeral home?*

Whether one of the three large national chains in the industry or a sole proprietor running a single funeral home, the most important aspect of selecting a home involves the people you will be relying on to make your final act special, memorable, and healing for your loved ones. You might want to consider how supportive the service coordinator and staff seem to be of your religious beliefs, and if they are familiar with the customs and traditions that are important to you.

Regarding costs, local and individually owned chains offer competitive pricing, yet the national companies can sometimes offer products and services with discounts that result from the economies of scale. You should decide what services are important to you, and then explore your choices based on price, as well as service and compatibility with your wishes.

## *The disposition of your estate: Wills....*

A will can be the most effective and least

expensive means of estate planning. Although many people fear the probate process, the reality is that sometimes even with a will a complicated process is not required, but rather what is needed is just a filing of the will in probate court.

In some instances, though, probate can be very costly and should be avoided. We can help you assess the costs and benefits of using a will over other planning devices. Further, wills do not include joint tenancy property, life insurance, trusts, pension, IRAs, and savings bonds, and careful planning can put many of your assets outside of your estate. We thoroughly consider all options to ensure you have the best estate plan for you.

Wills also do not avoid inheritance taxes, which is why it is important to consider trusts as part of your planning.

## *....and trusts*

Trusts come in a variety of forms, including living trusts and irrevocable trusts. Some allow you complete control of assets while you are alive and can be amended, while others cannot. It is important to understand what control you retain and what rights you forgo to protect your assets in the type of trust you are considering. We can help you answer these questions and more about trusts and whether a trust is right for you.

## *Your Long-Term Planning*

Your long-term physical care and legal planning includes documents such as a healthcare surrogate, a living will, and government benefits planning. You will want others to know what type of care you want in case of a catastrophic accident, a long-term, terminal illness or custodial care. What measures do you want taken to prolong your life?

If you have a terminal illness, an end-stage physical condition of an illness such as Parkinson's or Alzheimer's, or are in a persistent vegetative state, what type of care do you want? Although hospice is generally thought to be for the terminally ill who have only six months to live, the reality is that it is used for longer periods, up to even a year and half. The concept of palliative care goes beyond hospice and is for those with a long-term, terminal illness. The idea behind palliative care is not to resolve the illness, but rather to make the patient as comfortable as possible.

Remember that a living will alone is not enough. Living wills come into play with a terminal illness and may contain a clause providing for a living will surrogate who will speak on your behalf to make sure the terms of the document are complied with. If you are in a situation that is not deemed terminal, however, a living will does not apply. Unless you have a health surrogate, an individual you choose to

make decisions on your behalf when you are unable to, your desires will not be carried out. This type of health surrogate is different from the type specified in a living will.

Generally, a 25-year-old in the catastrophic accident would best be served by a health surrogate since the patient's condition is not terminal, yet important decisions need to be made. Consequently, advanced directives are not just for seniors, and many families could be saved years of grief and anguish with the proper planning.

Proper planning will account for a long-term physical disability, hospital stays, nursing home stays and rehabilitation, and planning your final act. Proper planning will also minimize the amount of money you and your family have to pay for your care by maximizing the use of government and other benefits. For more information, please visit our website for additional articles on elder law planning.

## *Why use us?*

An experienced advisor, who is current on the latest changes in the law, is necessary to ensure success. High costs are involved with the poor selection of an advisor, and by the time the mistakes are found, it is difficult and expensive to correct them.

We stay up to date on the latest changes in the law by closely following the legislative session of both Florida and the United State Congress, and by regularly attending and presenting at local, state, and national elder law seminars.

For more information on selecting an elder law attorney, please visit our website for “Selecting an Elder Law Attorney.”

## *Documents You Will Need*

Once you have made an appointment with our firm, you will need to come prepared with the information that will make the most of meeting. Remember to bring any prior wills or trusts, any documents relating to organ donation or funeral instructions, and an inventory of your assets, including all real and personal property.

If you have any questions about what to bring before a visit to our office, please do not hesitate to call us.

## *Jack M. Rosenkranz*

Jack M. Rosenkranz received his law degree from the Walter F. George School of Law at Mercer University and his undergraduate degree from Memphis State University. In college, and again in law school, he used his skills and his knowledge of political science and public surveys to bring much-needed changes to campus policies. As a result of his efforts at college, he was awarded the John W. Burgess Award for Meritorious Achievement in Political Science.

Mr. Rosenkranz now uses his natural abilities and legal training in his Elder Law practice, which includes Medicaid and Medicare planning, estate planning, advanced directives, Veterans benefits (such as Aid and Attendance), probate, supplemental trusts, and other long-term care planning needs. He was the first to receive both the Outstanding Achievement Award for the Florida Chapter of National Academy of Elder Law Attorneys and the Member of the Year Award for the Elder Law Section of the Florida Bar in the same year.

His peers have selected him as a Leading American Attorney in Elder Law, and he has an AV rating, the highest possible, with Martindale Hubbell. He remains active in the Elder Law Section of the Florida Bar, the Florida Academy of Elder Law Attorneys, and the National Academy of Elder Law Attorneys, Inc. Mr. Rosenkranz mentors new elder law practitioners, sharing with them the knowledge he has obtained from attending and presenting at numerous local, state, and national seminars each year since he began his practice in 1991

Mr. Rosenkranz has co-hosted a weekly radio program, “The Informed Elder,” on 570 WHNZ. He regularly gives presentations and other informative talks about elder law to the public and to other attorneys.