

CONNECTIONS

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I always thought I was too young to begin thinking about end of life issues: Life insurance, wills, living wills, powers of attorney, guardianship of our kids, what happens to our pet if we die, what happens if I don't die but am unable to care for myself or state my wishes, and what the heck is a digital asset!? I knew these topics were important, but they felt so big and overwhelming, especially when looking at them all at once.

Then a couple of years ago my husband and I were invited to a themed party by one of our friends, and needless to say we were intrigued by the title; Subject heading: Get Your \$#!% Together Party! This "party" was an organized pot luck complete with a notary, hired babysitter to watch children if needed, and a list of important documents all available to be completed and notarized. Though by this time we had several important documents completed, it reminded us that we had not updated them after having children, and we had not formally identified who would take care of our children if we were to die. It also made us think about having the conversation with our own parents about end of life wishes and what we should know if something critical happened to them.

Most people don't care for sitting with discomfort. Those nagging back-burner items that keep accumulating or the uncomfortable topics you know you need to discuss are sometimes things we want to push away and avoid. Many times we become so focused on masking or avoiding discomfort that we learn to ignore the natural messages our bodies are trying to tell us: "my head hurts just thinking about this;" "this makes me feel sick;" "I choke every time I try to bring this up to so-and-so;" "Thinking about this keeps me up at night." These signs, though uncomfortable, are often our body's way of telling us that there is something that needs our attention.

As you likely know, our job in the EAP is to assist you and your family with personal and work related stressors, and one thing that we know keeps many people up at night, is thinking about end of life issues, whether that be for yourself, for someone you care for, or for someone you may need to make important decisions for in the future. This newsletter issue, while at times heavy, is packed full of important information that might help you address some of these issues. Some of the documents or practices you'll learn about here you may have had in place for decades, some perhaps you have not ever thought about, or perhaps it is not you, but another family member who needs this information.

We can't possibly cover all of the important things a person could do to be better prepared for death or emergency situations, but if this newsletter does nothing more than to remind you that your life insurance beneficiary is still your ex, we're good with that. If you realize you need to have a difficult conversation with someone as a result of reviewing any of these topics, never hesitate to reach out to us for guidance or other outside resources. We're here if you need us!



Guardianship

One of the most difficult parts of getting my \$#!% together is choosing who is going to take care of my children if my husband and I die. For some, identifying who you would want to be a guardian for a loved one or an estate is easy, but for others, it could involve navigating family dynamics and assessing and coming to terms with things you do or do not need to control. There are different ways someone could be a guardian, and more information on guardianship law can be found at [LegalZoom](#).



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Wills and Estate Planning Q & A

Reprinted with permission from the [State Bar of Wisconsin](#)

The State Bar of Wisconsin is a professional association that provides educational, career development and other services to its 25,000 members. It also provides public services, including attorney referrals, public education and reduced-fee legal assistance for low-income state residents.



The information provided below is available on the State Bar of Wisconsin website but the laws change continually, and it is prudent to seek the counsel of a licensed attorney to discuss your particular situation. The State Bar of Wisconsin Lawyer Referral & Information System is available to help you find a lawyer at (608) 257-4666, 1-800-362-9082, or visit the State Bar [website](#) for more information.

What is a will?

A will is a written document that allows you to designate:

- who will receive your estate (your property that does not pass by beneficiary designation or joint ownership arrangement; see more below) after you die;
- who will raise your children if you die while they're still minors, and your spouse is unavailable to care for them;
- whether your beneficiaries receive their inheritance outright or in a trust; and
- who will serve as your personal representative – that is, the person who will pay your bills and taxes and distribute the rest of your estate to your beneficiaries. (For more on personal representatives, see the State Bar of Wisconsin's pamphlet, [Probate: Answering Your Legal Questions](#).)

When should I write a will?

If you have accumulated some assets, and you care who will receive those assets after you die, it's time to write a will.

Anyone with minor children definitely should have a will. In it, you can name the person you want to raise your children, should something happen to you and your spouse. Discuss this carefully with the prospective guardian, to be sure he or she is up to the job. Also, name an alternate guardian in your will as a backup.

On the other hand, if you're a young adult, have no children, and own few possessions, you probably don't need a will yet. The state would distribute your possessions to your parents. But if you'd rather leave your car to your girlfriend, or your prized Spider Man comic book collection to a favorite nephew, then a simple will is a good idea.

Where should I keep my will?

Place your will where it's safe from theft, fire, or other damage. A safe-deposit box is one possibility, although it may be difficult for your personal representative to access your safe-deposit box after your death. You also may deposit it with the register in probate for your county.

Be sure your personal representative knows where your will is. Some people also give a copy to their personal representative. You'd want to do this, for instance, if you include funeral preferences in your will. Usually the reading of a will doesn't happen until after a funeral. So you'd want your personal representative to have a copy on hand, to be able to carry out your funeral wishes.

What is a trust created by a will?

You can use your will to create a trust upon your death. The trust holds your property for another person's benefit. For example, a trust may provide an income for your spouse, or be used to minimize or eliminate estate taxes. Or it can hold property for your minor children until they become adults.

You name a trustee to oversee the trust. The trustee can be either a trusted individual (a friend, relative, or professional advisor) or a financial institution (a bank, brokerage firm, or trust company). The trustee is responsible for protecting the assets, paying out income earned, and terminating the trust as your will instructs.

What is a living trust?

You can create a living trust to control your property while you are alive. The trustee then would control your property after you die. Under this arrangement, you sign documents to give your property to the trust. As long as you're living, you are usually your own trustee and your property is treated the same for tax purposes as if you still own it.

An advantage of a living trust is that property can pass to heirs after you die without going through probate. A drawback is that buying, handling, or selling assets held in a living trust may be more cumbersome while you're alive. Ask your attorney how a living trust would affect your property.

For more information, see the State Bar of Wisconsin's pamphlet, [Revocable Living Trusts: Answering Your Legal Questions](#).

FIRST RESPONDER FOCUS

Wills for Heroes

Through the Wisconsin's Wills for Heroes

program, volunteer

attorneys and support personnel participate in clinics scheduled at the request of first responder organizations around the state. At these events, volunteer lawyers prepare simple wills and other basic estate planning documents at no charge for eligible first responders and their spouses or domestic partners.

Madison's Fire and Police departments both offer Wills for Heroes clinics periodically and upcoming events can be found [here](#).



Life Insurance

The City of Madison offers optional life insurance. Employees may enroll in coverage upon starting employment with the City. After this initial 31-day enrollment period, an employee will be required to either experience a qualifying life change event (marriage, divorce, birth, adoption, etc.) or provide evidence of good health through the underwriting process to enroll or to increase the amount of coverage. Click [here](#) for more information.

Do you need to make a change to your beneficiary? Follow the instructions on the [Life Insurance Enrollment/Change form](#).

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What is a durable power of attorney?

This authorizes another person, called an agent, to act for you in financial matters. The agent's rights to act on your behalf depend on what you say in your durable power of attorney document. These rights might include the authority to sign legal documents, pay bills, buy and sell real estate, and take other actions on your behalf. Choose a person you trust absolutely.

A durable power of attorney can take effect in one of two ways. If you wish, it can take effect immediately. Your power of attorney may provide that it becomes effective at a later date or if you become incapacitated. A doctor, a judge, or some other person may be named to determine whether you are incapacitated. The latter is called a "springing" power of attorney.

A durable power of attorney ends at your death. Your agent retains no further authority to handle your finances. If you want your agent to settle your financial affairs after you die, you need to name that person as your personal representative in your will.

What is a durable power of attorney for health care?

This authorizes another person to make health care decisions for you when you're unable to make them yourself. Not even your spouse or domestic partner can make health care decisions for you without written authorization. This is a heavy responsibility for anyone to assume. Be sure you discuss your health care preferences with your agent, so he or she knows what you'd want. This makes the agent's job much less difficult during what may already be a stressful time.

To create a durable power of attorney for health care, you can use the standard state form. Or, an attorney can create an individualized document for you. Either way, a durable power of attorney must meet specific requirements for it to be valid.

What is a living will?

A living will is a separate legal document, not a part of your will. It is not the same as a durable power of attorney for health care. The latter allows your agent to make health care decisions for you. A living will, on the other hand, allows you to state in writing your preferences about life-prolonging medical treatment.

In a living will, you can declare that you wish medical professionals to withhold or withdraw life-sustaining procedures or non-orally ingested food and water – if you are in a terminal condition, or you're near death, or you're in a persistent vegetative state.

Your living will takes effect only when you cannot speak for yourself, and there's no hope for your recovery.

Your durable power of attorney agent also can make these sorts of end-of-life health care decisions for you, if you grant that power. If you have both a living will and durable power of attorney for health care, the latter rules if there is any conflict between the two.

The Gift of Five Wishes

www.fivewishes.org

Five Wishes is an advance directive document meant to guide your family members and doctors on important medical care decisions if you are unable to make those decisions for yourself. Created by the national non-profit organization, **Aging with Dignity**, *Five Wishes* is a legal document written with the help of the American Bar Association's Commission on Law & Aging. It meets the legal requirements of 42 states but is widely used in all 50 states.

According to Aging with Dignity, only one in five Americans have completed an advance directive or living will. One reason is that the subject of illness and dying is difficult to discuss and many of us prefer to avoid thinking about it. Another reason may be that many advance care planning documents are confusing and don't cover what's really important to people.

Five Wishes was created to address people's concerns about maintaining their comfort and dignity if they become seriously ill. While other living wills may only specify your preferences for medical care in the event of a medical emergency, *Five Wishes* gives you the opportunity to communicate your personal, emotional, and spiritual needs in case you are ever unable to express your wishes verbally.

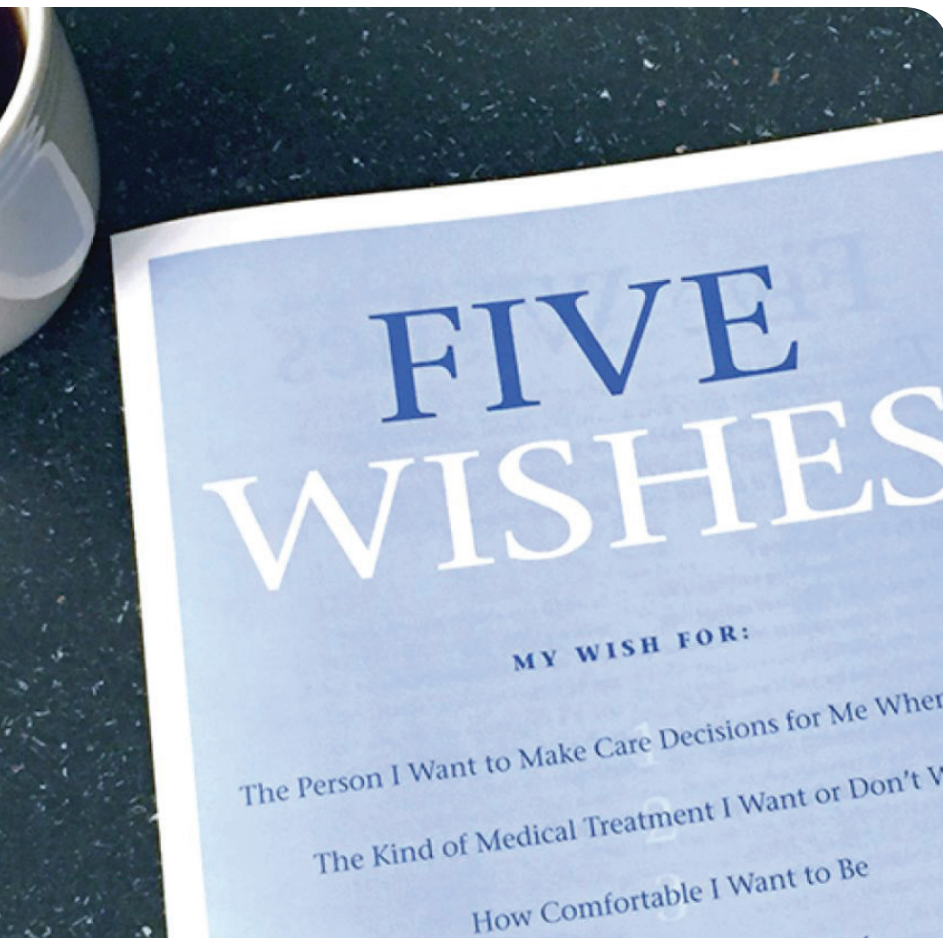
Leave a Legacy

There are times in most people's lives when they contemplate the meaning of their existence and the purpose of their actions. Many wonder what it is they can leave behind after their death, or how it is they will be remembered. More and more people are tying their legacy to memories, personal attributes, traditions at home or at work, creativity or skills, or causes they have volunteered for or contributed to. It is never too late to think about the type of legacy you want to leave behind, or how you hope to be remembered. Consider reading more about leaving a legacy in your **personal life** or **at work**.

What are the fives wishes?

1. The person I want to make care decisions for me when I can't
2. The kind of medical treatment I want or don't want
3. How comfortable I want to be
4. How I want people to treat me
5. What I want my loved ones to know

There is a small charge to download the *Five Wishes* document at www.fivewishes.org. Once completed and signed, you are encouraged to discuss it with your family and medical providers and provide them with a copy of your completed form. It is a good idea to keep your original signed and witnessed copy of *Five Wishes* with your important papers and to keep the wallet card (included in the document) with you at all times.



Estate Planning for Your Digital Assets

By Natalie Banta, The Conversation (Used by permission of the author)

What will happen to your Facebook account when you die? What about all your photos shared on social media, your texts with loved ones, or documents on cloud-storage systems? In just the two-year period from 2012 to 2014, humans produced more data than in all of human civilization before that – and the pace is only accelerating.

It's not clear what people's digital presences will look like in years to come, but it's sure that an increasing number of people will be creating and accumulating growing reams of data until the day they die. But then what?

The law is very clear about handling paper documents and other physical property when someone dies. But as a law professor at Drake Law School who has been studying property transfers for years, I've seen that laws, regulations and court rulings are only recently trying to figure out how to handle the ever-changing realm of digital technology. So far, in most cases the information is controlled by the companies that store it – regardless of what users want or direct to happen after their death.

Law Catching up with Technology

Many people have had email and other digital accounts for decades, some stretching back to the early pioneers in the 1960s. But large numbers of average people really only began creating significant digital footprints in the early part of the 21st century. Facebook and Gmail began operations in 2004; YouTube started in 2005; Twitter launched in 2006; the iPhone came out in 2007.

Almost a decade later, a group of lawyers from around the country developed a draft uniform law they encouraged all 50 states to adopt, which would allow people to specify in their wills that the executor of their estate can access their email and social media profiles. So far, 39 state legislatures have adopted it and seven more are considering it this year (2018).

The uniform law doesn't specify – and courts have not yet been asked to rule on – exactly how that access should happen. So for the moment, a dead person's executor must contact the company behind each digital platform to determine how to get into the person's accounts.

In states that haven't passed this law, companies themselves can decide whether to allow loved ones access to a late relative's digital assets. Yahoo, for example, is notorious for terminating an account upon a user's death and forbidding access afterward.

The company's refusal to grant access to surviving family members is being challenged in Massachusetts, a state that has not adopted the uniform digital assets law. In October 2017, the Massachusetts Supreme Judicial Court ruled that an executor could consent to the disclosure of emails on behalf of the dead person whose estate was being managed. The case is back before a lower court to decide on other issues, including whether the estate will be able to access the account despite Yahoo's terms of service agreement.

The Role of Privacy

With so many legal issues yet to be decided, people should be sure they include digital assets in their estate planning and encourage their loved ones to do the same.

Access to the email of a person who has died may be the most important to unlock: Messages and images are likely to be emotionally important. In addition, banking, utilities and other accounts are often linked to an email address; gaining online access to those can help administer a person's estate.

Of course, it's important to protect the privacy of a person who has died – despite the general legal assumption that a dead person no longer has privacy that needs protecting. The uniform state law does this by requiring a person to have left specific written permission for an executor to access an email account.

Get your digital ducks in a row...

The folks at www.gyst.com have many good tips that will help you to organize your end of life plan. GYST stands for Get Your \$#!% Together!

As long as you aren't offended by the name, check out this web site. EAP staff found a lot of helpful information here and especially recommend checking out the **GYST Digital Details Checklist**. Please don't download the document on your work computer and be aware that there are many affiliate links on their website.



Making Plans for Yourself

To prepare yourself for a digital afterlife, the first task is to state, in writing, what you want to happen to your digital assets. Create a list of the accounts in your name, and determine which ones you want your executor to access – and which should be deleted.

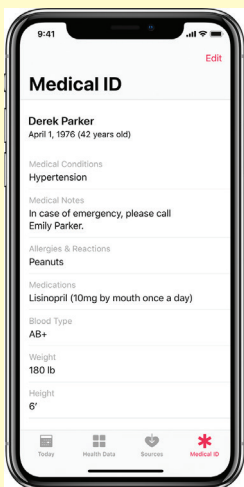
Crucially, do not list usernames or passwords in your will, because a person's will becomes a public document upon their death. Instead, consider recording access information for these accounts in a safe place – like password management software – and leave instructions for your executor to find them.

It's not yet clear whether credits and purchases with digital media accounts (like the Google Play Store or iTunes) or online reward account points can be transferred when their holder dies. The only solution for now may be to leave your executor with instructions on how to access the value stored in those accounts – and back up the media on external hard drives stored in a safe place.

Finally, check with the companies whose online services you use to see if they provide their own method to transfer assets at death. For example, Google has pioneered a method for its users to indicate what they want to have happen to their account if they don't access it for several months.

By engaging in some simple estate planning, you can protect your privacy as well as ease the management of your estate after your death. Plan for your digital assets in the same way you would any other valuable tangible or intangible asset. After all, digital assets are today's shoeboxes of photos, letters and other mementos. Planning can preserve your legacy in its digital form.

Medical ID on your Smartphone



Several apps are available that will enable your emergency contact information to appear on the lock screen of your smartphone. The best of these apps should also allow you to enter medical information that first responders could access if you are unresponsive and in need of medical care.

Check with the manufacturer of your smartphone for information about which apps are suitable for your phone.

Minimizing your Possessions at any Stage of Life

Decluttering is a hot topic these days, but once you have decided which items to part with, it's time to research where to take them. A google search will give you some good tips but we will get you started with a few tricky ones:

Take Old Medications to MedDrop

Medicines collected at the **MedDrop** locations are incinerated and disposed of in the most environmentally safe method currently available. **MedDrop** disposal reduces the amount of improperly disposed medicine that can eventually contaminate area rivers, lakes, and streams.

Firearms

The Madison Police Department will take unwanted firearms if you want them to be destroyed. If you wish to sell a firearm, it is a good idea to work with a federal firearms dealer so that the proper background check is conducted on the buyer.

Photographs

The American Library Association offers some excellent advice on preserving your photographs, whether they are **printed photos** or **digital photos**.



Family Heirlooms

Gone are the days of cherished family treasures being handed down through the generations. In these modern times, many are starting to recognize the value of experience over excessive consumerism. Great advice from **The Family Curator** is to enjoy the memories that certain items evoke and to get those stories written down so that it will be easier to let go of the stuff you can't use.

Why Swedish Death Cleaning Is the Right Way to Go

By Susan K. Perry, Ph.D., *Psychology Today* (Used by permission of the author)

Decluttering is all the rage, but this “Swedish” slant rocks.

I, and I suspect many others, have been doing a form of so-called “Swedish Death Cleaning” all along. While some folks spend time and money on home organizers, and on books about minimalism and decluttering, many never complete the job. If you’re tossing or giving away a massive hoard of collected stuff just so you have room for more, or to make cleaning easier, or because you’re moving and simply have to, your motivation may dim before you finish.

Whereas if your motivation is to lighten the load on your family and other beneficiaries of your piles of stuff, you may keep working at it longer. That’s one of the main points suggested by *The Gentle Art of Swedish Death Cleaning: How to Free Yourself and Your Family from a Lifetime of Clutter*, by Margareta Magnusson.

Overwhelmed by “Stuff”

When my mate Stephen died half a year ago, I had quite a task ahead of me. After a 34-year marriage, every item in the house was a stark reminder of him and the shared life that was utterly gone now. I was a “keeper” all along: I saved masses of things from my kids “for my future grandchildren,” and also every now-heart-wrenchingly poignant Valentine’s Day card Stephen ever gave me. And he had no interest in cutting down his own collections (a box of LPs, thousands of books, every piece of paper from his many years of teaching, every letter and email ever written and received, including printouts of many emails, and so on).

Then it became all mine to deal with. And this, after having helped him dispose of his father’s and then his mother’s obsessively collected souvenirs and clothes and slides and albums. (My own parents are quite elderly, and I’m an only child, so the eventual task of dismantling their home looms large in my mind too. They have no desire to make my task easier, as that would be admitting that they could die someday.)

The fact is that we never know how much time we have left. Therefore, it is a good idea to take a few hours, far ahead of old age, to rethink our relationship with things. Such thinking ahead is truly a kindness to others. In a closed Facebook group to which I belong called Grief Beyond Belief, members often express deep emotional pain about the process of going through a loved one’s belongings, using words like “torturous” and “grueling.” Swedish Death Cleaning can reduce that down at least a little bit.

What I especially liked about the book is that Magnusson uses a folksy tone, never commanding nor making the reader feel like a jerk for needing to be given this advice. Also, she includes a lot of specific advice on items we tend to collect without even realizing.

NOTE: I’d include more tips but the e-galley I was given by Scribner’s has self-destructed (as promised). Anyway, I recommend you buy and read the book, which has good ideas for dealing with all your collections, cookbooks, photographs, kids’ clothes, pet items, and much more. The benefits to you and yours will outweigh any sadness you may be fearing.

5 Tips for Swedish Death Cleaning

1. Do not begin with photos and personal mementos acquired through a lifetime. The reasoning: Your emotions will be unleashed, and you will have a very hard time deciding what to keep and what to ditch. Leave the intensely personal memory-laden pictures, cards, and personalized souvenirs for last, suggests Magnusson.
2. Winnow down your cache of erotic aids, and any old letters or journals you don’t want your progeny or others to see. According to Magnusson, why save things that your family will be shocked or upset by after you’re gone? Clothing or nightwear you don’t want to be caught dead in: get them out of the house. Now.
3. Try not to get sidetracked. Every so often when I visit my parents, I bring back bags of their unneeded greeting cards, books, old maps, and outdated notes, thinking I’ll get a head start on the eventual cleaning up I’ll have to do. But that takes time and energy from my own death cleaning efforts, so I need to stop myself.
4. Now is the time to make decisions about all those books. After all, whoever comes after you shouldn’t have to carry endless heavy boxes to a thrift store. If there are some valuable or signed editions, deal with them now or risk them being lumped in with the dross.
5. Be generous. Offer items you don’t want anymore to family and friends before selling or donating. If the item comes with a story, share the story. Everyone likes something free, and they will remember you by the things you give them. But don’t foist junk on anyone!

Planning for your Pets

The ASPCA offers some good information on how to plan for your pets' needs if you are ever unable to do so.

Complete a **Pet Alert card** to keep in your wallet or include information about your pet(s) in your Medical ID app on your phone.



Thanks for reading,

we hope you found the information useful!

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