Documents to Complete Before a Crisis

General information, not legal or financial advice. Requirements vary significantly by state — witnessing and notarization rules differ, and a document valid in one state may not be honored in another. An elder law attorney is worth the consultation.

If you get only two signed, get these

Together these two prevent guardianship — the slow, expensive, public court process that everything else on this list exists to avoid.

- [ ] **Durable financial power of attorney.** Must be signed while your parent still has capacity. It ends at death.
- [ ] **Health care power of attorney / proxy.** Names who decides when your parent can't — and tell that person they've been named.

The core documents

Document	What it does	Done	Who holds the original	Last reviewed
Advance health care directive	Records medical preferences and usually names a decision-maker. Umbrella document; states structure it differently.			
Living will	Preferences on resuscitation, ventilation, artificial nutrition, and comfort-focused care.			
Health care power of attorney	Names who makes medical decisions when your parent can't. Tell the person they've been named.			
Durable financial power of attorney	Lets a trusted person manage money and property, including during incapacity. **Ends at death.**			
HIPAA authorization	Lets named people receive and discuss medical information. Separate from the health care POA.			
Last will and testament	Directs distribution of probate assets after death; names an executor.			
Living trust (if appropriate)	Successor trustee can manage property during incapacity and distribute after death. **Only controls assets actually transferred into it.**			
Funeral and disposition wishes	Burial or cremation, donation, services, obituary, funeral home, cemetery, and funding.			

Beneficiary designations — these override the will

- [ ] Retirement accounts (401(k), IRA, 403(b))

- [ ] Life insurance
- [ ] Annuities
- [ ] Pensions
- [ ] Payable-on-death bank accounts
- [ ] Transfer-on-death investment accounts

Confirm the current designation with each institution rather than assuming. Rollovers, employer changes, and old forms break these quietly — an ex-spouse named in 1994 still inherits, whatever the will says.

Financial and digital inventory

- [ ] Bank and investment accounts, with institutions
- [ ] Income: Social Security, pensions, annuities, rental income
- [ ] Debts: mortgage, credit cards, loans, medical bills
- [ ] Property and vehicles — and where titles and deeds are kept
- [ ] Insurance: life, long-term care, health, home, auto
- [ ] Automatic payments and subscriptions
- [ ] Advisers: attorney, accountant, financial adviser, insurance agent
- [ ] Where every document physically lives
- [ ] **Digital access:** email, password manager, phone passcode, online-only accounts

Complete or review while capacity exists

- [ ] Powers of attorney — financial and health care
- [ ] Advance directive and living will
- [ ] Will
- [ ] Trust — and confirm it has actually been funded
- [ ] Beneficiary designations
- [ ] Property ownership and titling
- [ ] Funeral wishes
- [ ] Financial access plan
- [ ] Digital access plan

Capacity is decision-specific, not all-or-nothing, and it isn't the same as perfect memory. Where decline is suspected, ask the attorney how they assess and document capacity, and involve the physician — proper documentation is also what protects the document from a later challenge.

If capacity is already gone

- [ ] Search for older documents — the attorney's file, the safe deposit box, county records. Old and imperfect beats nothing.
- [ ] Ask whether capacity exists for **this specific decision**. It fluctuates; mornings are often better.
- [ ] Contact an elder law attorney before starting anything in court
- [ ] Talk to the hospital social worker or patient advocate

- [ ] Look up your state's medical surrogate law — most states name a default health care decision-maker when no proxy was appointed
- [ ] Consider guardianship or conservatorship only as a last resort
- [ ] **Apply separately to Social Security to become representative payee.** Social Security does not recognize powers of attorney. The VA has its own separate process.

Free state-specific advance directive forms: CaringInfo — caringinfo.org/planning/advance-directives/by-state

Guides for anyone managing another person's money: Consumer Financial Protection Bureau — consumerfinance.gov/msem

One more thing. Doing this may bring up more than you expect. Watching a parent specify that they don't want a feeding tube is a strange kind of grief — nothing has happened, and yet something has. What families report afterward is relief. The dread of the unmade decision turns out to be heavier than the decision.

Questions for the attorney