

Estate Planning: What Will You Leave Behind?

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Although estate planning can be difficult and overwhelming to think about, it is necessary to ensure your wishes are known and your loved ones have peace of mind. We all want to leave our loved ones with fond memories of time spent together, but failing to plan can unfortunately leave them with heavy decisions, unnecessary legal battles, and can make an already difficult process that much more difficult. Ultimately, these burdens can damage families as loved ones try to effectuate what they think you would want.

It's never too early to plan for the future, but there is a time when it becomes too late. Failure to make arrangements can lead to unforeseen consequences and take the power to make decisions out of your hands. Here are a few examples to consider:

- In the event you pass away and do not have a last will and testament then a Kentucky statute will

establish how your property is divided. This statute is rigid in determining who would receive your property and could lead to your wishes not being fulfilled. For example, you may not be able to leave what you want to your grandchildren, great grandchildren, charities, churches, or friends if you do not define these wishes in your will.

- If you become unable to make decisions and do not preemptively designate someone to make financial and healthcare decisions on your behalf, then your family would have to go through a lengthy court process

that may require a jury trial to determine your competency. This can all be avoided by naming a Power of Attorney or Health Care Surrogate ahead of time.

- If you become unable to direct your medical treatment at the end of life, you need a living will/advance directive to inform medical professionals of your wishes related to life prolonging treatment and artificially provided food, water, nourishment or

fluids. Failure to have a living will/advance directive could leave your loved ones with difficult decisions at a vulnerable time. For example, your loved ones may be forced to make a decision to remove or continue life support.

• If you or your spouse need nursing home care, without the proper planning the assets that took a lifetime to build could be in jeopardy. The failure to plan could force you and your family to face a choice between seeking the healthcare you or your spouse need or maintaining your assets. On average, nursing home care in Kentucky costs approximately \$6,000 per month. Due to the high costs of this care, many rely on Medicaid to pay for these services. However, you must qualify for Medicaid from a financial standpoint. Medicaid has very low asset and income requirements that without proper planning may be difficult to meet. An attorney can help you develop a plan to qualify for Medicaid while protecting your assets. In terms of Medicaid planning, the sooner a plan is developed the more effective it is likely to be.

While estate planning may seem daunting, an attorney can help you navigate the process and develop an individualized plan to protect your assets, document your wishes, and remove any ambiguity for your family. Overall, a properly developed estate plan will allow you to take control of your future and ease the burden for your loved ones.



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Contact Madden & Madden
for all your estate planning needs!