A Time to Talk

A Jewish Community Conversation about
Advance Care Planning

WORKBOOK

The Jewish Federation of Fort Worth & Tarrant County
Beth-El Congregation
Congregation Ahavath Sholom
Congregation Beth Israel
Congregation Beth Shalom

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Material from this workbook has been borrowed from the following resources, with permission from the institutions that created them. We are grateful for their assistance.

- *Creating a Legacy: CRC's Guide to Living and Ethical Wills*, Central Reform Congregation, St. Louis, Missouri
- *Graceful Exits*, Plaza Jewish Community Chapel, New York, New York
- *Preparation and Consolation, A Jewish Guide to the End of Life*, Congregation Rodeph Sholom, New York, New York

Introduction

We believe that we have a need in our community that must be addressed. Call it "the most important conversation no one wants to have," but it's a crucial and pressing one for all of us. As clergy, it is our responsibility, indeed our sacred task, to help you navigate through all of the various issues surrounding end of life, including pre-planning, time of death, mourning rituals, and post-death family support.

Struggling with the illness or death of loved ones confronts us with the reality of mortality. The fear of death often prevents us from discussing and planning ahead for this reality for ourselves. We should, however, take advantage of the opportunity, while we are physically and mentally able, to give future direction to our loved ones about material, medical, and spiritual matters. Engaging in this sacred process is consistent with Jewish traditions and values, and can lend more meaning to our relationships with those closest to us. By taking care of these matters during our lifetime, we are much more likely to bequeath a legacy of love to those we leave behind and ensure that our wishes will be carried out. Making our wishes known can reduce the guesswork, and thus the potential anguish of those who might one day have to make decisions on our behalf.

Our sages teach us that dealing with death can lead to understanding the deepest essence of life; engaging with such sacred matters can give us a sense of purpose that enriches our days. This Workbook has been prepared to help each of us become more comfortable thinking and talking about death, and more knowledgeable about the life-affirming wisdom of our Jewish tradition. Indeed, this Workbook is not about bringing us down, but about lifting us up. We hope it will serve as a guide to making all of our living days precious and more meaningful.

Please read these pages and know that we are here to continue the conversation. May we as a community move through both the happy times and the sad, from strength to strength.

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Beginning the Conversation: Jewish Values in Decision Making

HEALTH CARE DECISIONS

Our Jewish tradition values the sanctity of human life, and it is this value that also guides us in making choices when death is near. There are three key documents in Texas to help guide a family and the patient when the time for medical decisions is at hand: 1) the Medical Power of Attorney, 2) the Health Insurance Portability and Accountability Act (HIPAA) Release, and 3) the Directive to Physicians.

Medical Power of Attorney/ Health Care Proxy Agent

The Medical Power of Attorney (MPOA) or Health Care Proxy Agent allows the designated person or persons to make health care decisions on your behalf should you become unable to make the decisions, and that fact is certified in writing by your physician. The

MPOA/agent appointed may consent, refuse to consent, or withdraw consent to medical treatment, and may make decisions about withdrawing or withholding life-sustaining treatment when there is no signed Directive to Physicians directing the medical staff otherwise. The agent's authority begins when the doctor certifies that you lack the competence to make health care decisions. The agent has the same authority to make decisions about health care as you would have had.

It is very important to discuss your desires regarding end-of-life decisions and the use of life-sustaining measures with the people you plan to designate to act as your Medical Power of Attorney/ Health Care Proxy Agent and alternate. This way you can be certain your agents know your wishes and understand their obligation to carry them out.

It is not unusual for people to have difficulty choosing an agent. Some people are very clear that they want a spouse or partner or a particular family member or friend to be their agent. Others are not sure they want to put those closest to them in the position of making these difficult decisions. Be sure both you and your agent are comfortable with your choices and that your agent understands and is willing to carry out your wishes.

Finally, the Medical Power of Attorney document also may include a section in which you can designate organ donation if you wish (this can also be indicated on your driver's license). You may want to discuss this issue with your physician, other health care providers, clergy, or loved ones.

Health Insurance Portability and Accountability Act (HIPAA) Releases

The Health Insurance Portability and Accountability Act (HIPAA) Release allows you to designate the individuals to whom your healthcare professional may release information.

Directive to Physicians

The Directive to Physicians (also known as a "Living Will" or an "Advance Directive") is a form created by the Texas legislature. This document allows you to provide instructions to your MPOA/ agent regarding the types of medical treatments that you prefer under certain circumstances at the end of life. Definitions of certain conditions and treatments may be found on the last page of the statutory form that can help guide you in your choices. You should give these decisions some thought prior to initialing the appropriate lines when the documents are signed. You can also list particular treatments not wanted in specific circumstances. In doing this, we protect our loved ones from the burden of making life and death decisions for us; we spare them the immeasurable guilt, pain, and grief that may accompany making a decision for someone without knowledge of his/her wishes.

In preparing an Advance Directive you will need to consider how you feel about end-of-life decisions and the use of life-sustaining measures such as artificial nutrition and hydration. In Jewish teaching, each person has intrinsic dignity and value, whatever the level of one's physical or mental abilities. At the same time, rabbis and other spiritual leaders have widely interpreted Jewish teachings both to allow for and reject life-sustaining measures when there is little hope for recovery. Consider what various life-sustaining measures mean to you and your loved ones, and make your own decisions about what you want your Advance Directive to specify. Clergy are always available to assist you in having these conversations.

ETHICAL WILL

An ethical will ensures that our personal values, our stories, and our essence can live on in generations to come. We give a great gift to our loved ones—family, friends, and community—when we make our legacy known. They, in turn, can take comfort from their efforts to follow in the spirit of that legacy.

Ethical wills go back thousands of years in our history, to our teacher Moses. In his final speech to the Israelites (Deuteronomy 32:1-47), he expresses his wishes for the people. He warns them, instructs them, and encourages them to carry on, even as he anticipates his own death. Ethical wills are a tradition throughout the millennia, from Moses until this day, in Midrash, Talmud, and ethical Jewish literature. An ethical will differs from a Last Will and Testament in that it bequeaths spiritual values instead of material goods. It may also include the reason(s) for a bequest of an item of sentimental value, or even instructions regarding funeral arrangements.

You do not need to be a professional writer to prepare an ethical will. The style is open: it can be in the form of a letter, a poem, or anything else you might imagine. Judaism teaches, "Words that come from the heart enter the heart" (Rabbeinu Tam, Sefer HaYashar).

IMPORTANT DOCUMENTS TO DOWNLOAD

Five Wishes

The 5 Wishes document is a valuable resource as you get started in filling out your living will, helping you to prioritize your wishes when it comes to quality of life (i.e., what kind of treatment you want/do not want depending on what the outcome would be for the future).

It is not a legal document in Texas, but the questions can be used to review and pass on your answers to your Medical Power of Attorney and other family members/caregivers.

www.agingwithdignity.org/forms/5wishes.pdf

Advance Directive

An Advance Directive form can be found on the Texas Hospital Association site:

www.tha.org/GeneralPublic/AdvanceDirectives/WhatareMyOptionsfor09C0

There are two other Advance Directive forms included on this site:

- ***Out of Hospital Do-Not-Resuscitate*** form: allows anyone treating you outside of a hospital to withhold lifesaving treatments.
- ***Declaration of Mental Health Treatment*** form: allows a court to determine when you become incapacitated, and when that declaration becomes effective.

Organ Donor Form

If you wish to be an organ donor, you can register online at the Donate Life Texas site: **www.donatelifetexas.org**

Vial of Life Form

The Vial of Life form is a vital document for first responders. It lists all medical information that they need to know so that they can properly treat you. It is kept on your refrigerator so they know where to find it if you are unable to tell them. You can find out more about the Vial of Life project and download forms at: **www.vialoflife.com**

Notes

Continuing the Conversation: Practical/Logistical Decisions

If a householder dies without leaving a son, you shall transfer his property to his daughter. If he has no daughter, you shall assign his property to his brothers. If he has no brothers, you shall assign his property to his father's brothers. If his father had no brothers, you shall assign his property to his nearest relative in his own clan, who shall inherit it. This shall be the law of procedure for the Israelites in accordance with God's command to Moses.

Numbers 27:8-11

ESTATE PLANNING

Thinking about estate planning can be daunting. This section only highlights certain key components of estate planning choices. For more details, please discuss these issues with an attorney. Talking to

a trusted friend, confidant, rabbi, or spiritual counselor can be very helpful as well when making decisions about how you want your affairs handled when you die and what legacy you wish to leave for your family.

Last Will and Testament

The purpose of a Last Will and Testament is to direct how your personal property and real property are to be distributed after your death. If a person dies without a will, the law specifies which relatives are to receive the estate; there is no flexibility. It is to your benefit to direct in a will how and to whom your estate should be distributed. This is particularly important for persons who are not legally married to their partners or who have blended families or families from multiple marriages.

Keep in mind that a will only disposes of assets in your individual name. For example, it does not affect assets that have a named beneficiary. Those with young children may consider speaking with a lawyer about selecting a guardian and establishing trusts.

The Estate Plan

Legal and financial advisors can help you develop an overall estate plan that is consistent with your wishes and the current and future needs of your family. The estate plan also takes account of current estate, gift, and income tax laws. A few examples of other estate planning tools are trusts, which can be used to direct the distribution of your assets and income during your lifetime, as well as upon your death; life insurance policies and designation of beneficiaries of the proceeds; ownership of bank accounts and other assets, such as real estate, as joint tenants with right of survivorship and 'payable on death' designations; and outright gifts. All of these have tax implications and should be discussed with an attorney or tax advisor.

Power of Attorney for Financial Matters

A Power of Attorney for financial matters, also known as a Statutory Durable Power of Attorney, appoints someone you trust to act as your agent and act on your behalf for a wide variety of matters, including banking, during your lifetime. The Power of Attorney should be 'durable,' which means that it will remain valid if you become incapacitated. It can serve as an inexpensive and effective means for the management of your assets and income if you become unable to manage your own affairs. A lawyer can explain the implications of the different types of Power of Attorney and help you determine which, if any, is right for you.

Declaration of Guardian Form

The Declaration of Guardian form allows you to designate who will serve as the guardian of your person and of your estate if one ever needs to be appointed. You may also declare that you do not want a particular person to serve. Hopefully, you will never need to make use of this document, but if you do, the judge will be aware of your thoughts and desires.

The following pages are here for the sole purpose of helping you to organize all your important documents and contacts. [1] If the need ever arises, your loved ones will have any and all of your necessary life data, as well as the ability to access important documents. We recommend that you share this with your family, but take appropriate security measures to protect this highly sensitive information.

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[1] Questions in the following pages adapted from:

Rabbi Richard F. Address, ed. *A Time to Prepare: A Practical Guide for Individuals and Families in Determining One's Wishes for Extraordinary Medical Treatment and Financial Arrangements*, (New York: UAHC, 1994), 1-13.

Plaza Jewish Community Chapel: Graceful Exit Packet http://www.plazajewishcommunitychapel.org/a-graceful-exit/

LIFE DATA

Name_____

Hebrew Name_____

Residence_____

Telephone Number(s)_____

_____

_____

Email(s)_____

_____

Birthplace and Date_____

Spouse or Next of Kin_____

Conversion (Date/Place/Under the Auspices of)_____

_____

Children (Names and Social Security Numbers)_____

_____

_____

_____

_____

_____

_____

_____

Mother's Name (Maiden Name)_____

Mother's Hebrew Name_____

Father's Name_____

Father's Hebrew Name_____

Grandparents Maternal_____

_____

Grandparents Paternal_____

_____

Grandchildren_____

_____

_____

_____

_____

_____

Grandchildren, continued_____

Social Security Number_____

VA Claim Number_____

Military Service Serial Number_____

Date and Place of Discharge_____

Length of Residence in Present Location_____

Blood/Genetic Information_____

Other Information_____

IMPORTANT CONTACTS

Primary Contact Persons

This is immediate family, closest friends, caregivers, executor.

Name **Relationship** **Phone** **Email**

Contacts for Spiritual/Emotional Care and Funeral Needs

Name **Phone** **Email**

Clergy

Social Worker

Therapist

Funeral Home/Director

Contacts for Medical and Personal Care

Name **Specialty** **Phone**

Physician(s)

Medical Power of Attorney (Health Care Proxy Agent)

Dentist

Visiting Nurse Service

Home Health Agency

Hospice

Other

Contacts for Legal and Financial Advisors and Insurance Agents

Name **Phone** **Email**

Attorney(s)

Guardian/Conservator_____

_____

Power of Attorney_____

Accountant_____

Financial Advisor(s)_____

_____

Stockbroker(s)_____

_____

Insurance Agent(s)_____

_____

Contacts for Property and Home

Alarm Company_____

Alarm Password Location_____

Other_____

_____

Additional Contacts

_____

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LOCATION OF IMPORTANT DOCUMENTS AND HOW TO ACCESS THEM

Will _____

Advance Directive, Do Not Resuscitate (DNR), Organ Donation Card_____

_____

Burial and Interment Wishes *(see page 23)*_____

_____

Life Insurance Policy *(if payable to beneficiary other than the estate)* _____

_____

Jointly Owned Property

Deed to Home _____

Deeds to Other Properties _____

_____

Trusts_____

_____

Stock/Securities Certificates_____

_____

Bonds_____

_____

Real Property of the Deceased Not Held Jointly

_____

_____

Other Assets, i.e., royalties, patents, etc.

_____

_____

_____

Other Insurance Policies

Health_____

Disability_____

Long Term Care_____

Homeowners_____

Umbrella Liability_____

Auto_____

Bank Accounts

Savings_____

Money Market(s)_____

Checking_____

Certificate(s) of Deposit_____

_____

Records of IRA(s)_____

_____

Debts/Monthly Obligations

Mortgage: Home_____

Mortgage: Office_____

Home Improvement Loan_____

Others_____

Income Tax Papers/1040 Returns_____

_____

Records of Purchase/Sale_____

_____

Business Agreement/Partnership Contracts_____

_____

Pension Information_____

_____

Military Discharge/VA Papers_____

Credit Cards and Account Numbers_____

_____

Title to Automobiles and Auto Registrations_____

_____

Marriage Certificate_____

Birth Certificate/Adoption Papers_____

_____

Naturalization Papers_____

Change of Name Papers_____

Previous Marriage Certificates _____

Divorce Papers_____

Get_____

Birth Certificates of Children_____

Passport(s)_____

Other Important Documents

FUNERAL AND BURIAL PLANS

And when the time approached for Israel to die, he summoned his son Joseph and said to him, "Do me this favor, place your hand under my thigh as a pledge of your steadfast loyalty: please do not bury me in Egypt. When I lie down with my fathers, take me up from Egypt and bury me in their burial-place."

Genesis 47:29-30

Just as advance directives provide a structure for the way in which we wish to pass from this world to the next, so too do advance preparations for funeral services and interment provide a structure for how we understand the concept of kavod ha-meit *(honoring the dead)*. The Torah provides the basis for many of the Jewish customs surrounding death and mourning. From Genesis, (3:19) we learn that we will return to the earth, "for from it you were taken, for dust you are, and to dust you shall return."

Therefore, out of respect for tradition and in an effort to relieve loved ones of uncertainty, some people leave precise instructions regarding the details of their funeral. Some of the questions to consider include where to be buried, and whether you wish to be in a family plot. Many people buy plots in advance so that loved ones do not need to be concerned with this in their time of grief. Once you have decided what your wishes are, we urge you to share them with the people closest to you.

The following section will help you get started:

My Burial and Interment Wishes

Location of the Service:

_____Funeral Home

_____Synagogue

_____Graveside

_____Other

Things I would like to be buried with *(i.e., soil from Israel, Tallit, etc)*

_____

Casket:

_____Wooden

_____Other (specify)_____

I would like to have Taharah *(ritual washing and purification of the body)*

_____yes

_____no

I would like to have Tachrichim *(dressing the body in traditional shrouds)*

_____yes

_____no

I would like to have a shomer *(guard)* with me during the time between death and burial

_____yes

_____no

I have made funeral preparations

_____yes,

at_____

_____no

Other wishes *(i.e., preferred places for donations, obituary details, etc.)*

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

Notes

From Conversation to Coping: Jewish Ritual in Death, Mourning and Beyond

As we came forth, so shall we return.

Ecclesiastes 5:14

ATTENDING THE DEATH

It is a sacred privilege to be present when someone passes from life into death. Beyond the Viddui *(confessional prayer)* and Shema, there is no prescribed practice for this moment. What is most important is to be respectful of the needs and desires of the dying person, as much as they can be ascertained, and not to force conversation, or try to control the situation, or create distractions. The simple presence of another human being can be a great source of

comfort. At the same time, it is thought that people who are dying sometimes wait for their loved one or caretaker to leave the room in order to die; they may even see it as an act of kindness. Although being present at the moment of death can be deeply significant, not being there does not diminish the relationship that you may have shared, nor does it mean that the deceased felt alone at the moment of their death.

WHOM TO CONTACT WHEN A LOVED ONE DIES

Have your contact sheet handy.

The first thing to do when a loved one dies is make sure you have emotional support. Call a family member, friend or someone else who can help you, particularly in the hours immediately following the death.

You can also call a funeral home and your Congregation. They in turn will call Chevre Kadisha *("Holy Society")*, the group of Jews who will ritually wash and prepare the body for burial, if that is desired.

Funeral homes are open twenty-four hours a day. You are encouraged to call the clergy soon after the death and let them know of your loss, so that the congregation can support you in your grief. The clergy will assist you in making the difficult decisions that need to be made, particularly with regard to the funeral home, the funeral service, and the transitional Jewish rituals and customs that can provide meaning and comfort following the death. For information about ritual practices surrounding death and mourning, your clergy can answer any questions and assist you with your needs.

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Advance Care Planning Committee of Fort Worth & Tarrant County

For more information, contact:

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