

Catholic Estate Planning and End-of-Life Planning

Catholic Estate Planning and End-of-Life planning, seeks as a goal, to guide a Roman Catholic or Eastern Catholic, in opening his heart to the call of the gospel and teachings of the magisterium as applied to one's estate planning in the following ways: (1) passing on an inheritance, (2) making health care decisions in conformity with pro-life teachings, (3) sharing one's faith through proper planning, and (4) leaving a legacy as a steward for the common good.

(1) Passing on an Inheritance.

Our material wealth is important because it helps us to live, sustain our family's needs, and that of our community. Accordingly, it is necessary that as planning is done, one takes into consideration the type of planning that is appropriate to his or her state in life or vocation.

For example a father and mother who have five children, one of whom is a minor, may see the great need to use both a Will and Trust. A Will can include a nomination of a guardian for a minor child. By contrast, a Trust selects a fiduciary in advance who would manage trust assets and guide the children or spouse in making sound financial decisions upon the death of the first or second spouse. Or, if one is a religious, the rule of the particular order may require a vow of poverty which therefore can mandate that a person's assets (temporal goods) upon his death, pass to the order. But, a Will may still be needed to state that all inheritance a religious may receive, goes to her order as well.

From a different perspective, generally a pre-nuptial agreement is considered to be a contract that is immoral as it promotes divorce. But, there is an exception where there is no moral impediment --- a married couple could include pre-nuptial language in a Trust which states that the assets representing a deceased spouse's estate, could not be transferred to anyone other than the surviving spouse (assuming she does not remarry) or to the surviving children. And, if the surviving spouse remarries, then the decedent's estate would not be available to the new spouse.

No matter the circumstances, it is necessary to review a person's specific needs before moving forward with planning.

(2) Making Health Care Decisions in Conformity with Pro-Life Teachings

This area of Catholic Planning truly focuses on "end-of-life" planning and the decisions that will be made when one is sick or dying. In order to live the gospel in a "culture of death", one must seek to make the morally right advanced decision through (1) a Health Care Power of Attorney; (2) a Mental Health Care Power of Attorney; (3) a Living Will (if used); and, (4) a HIPAA Authorization.

Special emphasis must be considered when it comes to respecting the sanctity of human life when a person is incapacitated or terminally ill. For this reason, a Living Will may not always be the best legal document because facts necessary to make a health care decision are rarely known in advance. So, the use of a Health Care Powers of Attorney becomes a required estate planning document that can authorize an Agent to make decisions on a sick or incapacitated person's behalf. Also, if one has been institutionalized, there is no legal (and very few health reasons) why one should not continue to receive the Holy Eucharist. This type of request however must be made in a Mental Health Care Power of Attorney. Finally, if one elects to use a Living Will, language should be considered that requests both palliative care and that does not deny nutrition or hydration except and unless certain requirements are met. By doing this, one can avoid the error of euthanasia and physician-assisted suicide.

(3) Share one's faith through proper planning

When a person dies, a U-Haul truck does not follow him to the grave. But, the way in which one lives a life of faith in thoughts, words, action and inaction, is indeed the real legacy. (See <http://www.wayfirm.com/estate-planning/9-your-faith-is-part-of-your-legacy/>)

Using therefore an Ethical Will to communicate forgiveness or love can be a powerful tool to share one's faith after death. Or, with proper funeral planning, (which could include cremation and organ donation) one can state how the funeral mass is to occur with specificity. Finally, consideration can be given to keeping a brief journal of the moments when God transformed one's life in faith that resulted in action. <http://www.wayfirm.com/estate-planning/13-estate-planning-should-capture-your-life-changing-moments-for-generations-to-remember/>

(4) Leaving a Legacy as a Steward for the common good

If the first 10% of our wealth belongs to God while we are living, then doesn't 10% of our estate belong to God when we die? As thought provoking as this might be, not all of us seek to tithe or give for the common good. Why not? We give to our children...we give to our loved one's...why not give to the Church?

With thoughtful prayer and reflection, consider whether you want to give a percentage of your estate or a specific gift to the Church. This can be done generally to a charity or specifically to a foundation where you can leave instructions as to how you want your contribution to be used.

What will you do now?

If you have not thought about your estate planning from this perspective, then perhaps consider it now. The call of Christ is for each person to be a light to all the world (Matt 5:13-16) --- why not bring your faith into all you do, including your estate planning.

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Additional Resources

The Catholic Foundation for the Diocese of Tucson
<http://www.cathfnd.org/>

The Way Law Firm, P.C.
1990 N. Kolb Road, Tucson, Arizona 85715
(520) 445-6556
<http://www.wayfirm.com>

The Holy See (The Vatican)
<http://www.vatican.va/>

Eternal Word Television Network
<http://www.ewtn.com>

Catholic Tuition Scholarship Organization
<http://www.ctso-tucson.org/>

The Diocese of Tucson
<http://www.diocesetucson.org/>

The Diocese of Phoenix
<http://www.diocesephoenix.org/>