



**The Catholic Foundation  
of Central Florida**  
Inspire Giving. Fund God's Work.

### **Wills & Estate Planning**

*Key Estate Planning Documents  
Every Catholic American Needs  
to Have*

Presented by:

- Colleen M. Duris, JD  
*Attorney at Law*
- Charlie Van Patten, JD  
*Director of Philanthropy, CFOCF*



## **Legacy Planning Seminar Series**



Hosted by



**BLESSED TRINITY  
CATHOLIC CHURCH**



## **Legacy Planning Seminar Series**



**The Catholic Foundation  
of Central Florida**

# **Welcome**

*Thank you to our partner*



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# The Catholic Foundation of Central Florida

*“The Catholic Foundation of Central Florida is our **best steward of investment and management of the generosity of the many people who participate in the life of this local Church. My hope is that all parishes, missions and schools utilize the breadth of resources and knowledge through **The Catholic Foundation of Central Florida** for any development effort of the Diocese of Orlando. Since my appointment as Bishop of Orlando, I am impressed with its capabilities and rejoice that through the ministry of The Catholic Foundation of Central Florida we are able to fulfill our financial needs.”***

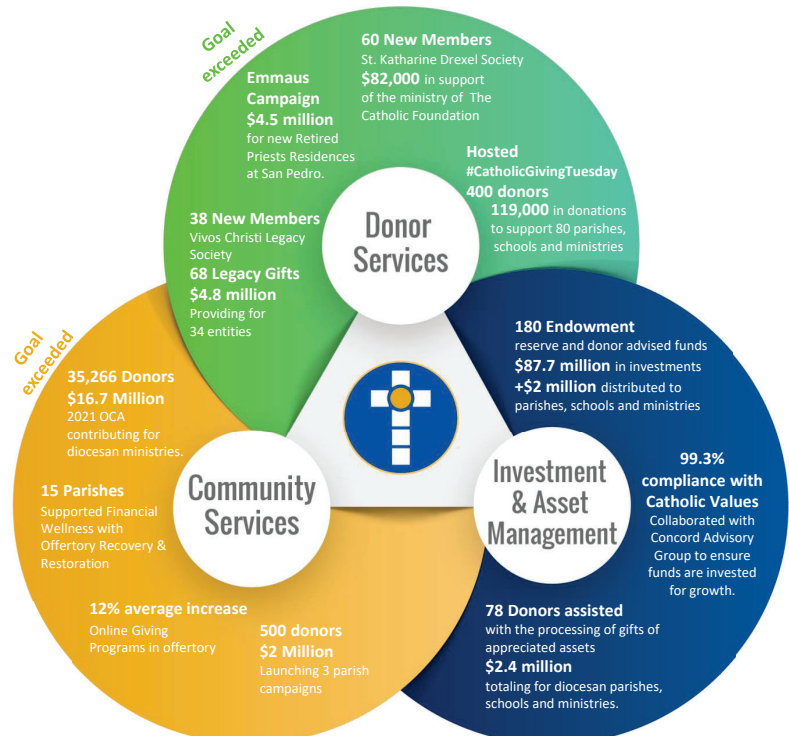
**Most Reverend John Noonan**  
Bishop of Orlando



## How We Serve

The Catholic Foundation of Central Florida’s Mission is to inspire and increase giving, to prudently invest the resources entrusted to us, and to capably steward those charitable gifts to support the spiritual and corporal needs of the community of the Diocese of Orlando.

In 2021 our core services inspired and increased giving providing a great impact on ministries throughout Central Florida.



As a proven trustworthy philanthropic organization to give to and give through, The Catholic Foundation of Central Florida has received the GuideStar Platinum Seal of Transparency.

**Data Management + Communications + Advancement Services + Administration**



# Colleen M. Duris, J.D.

**Colleen M. Duris, JD** is a board-certified elder law attorney with a practice in Ocala, Florida. In addition to elder law, Ms. Duris practices in the areas of probate, estate planning, veterans benefits, special needs support and guardianship.

Ms. Duris earned a Bachelor of Science and Certificate of Gerontology from Florida State University. She earned a J.D. from Nova Southeastern University.

She is a member of the Florida Bar, the Marion County Bar Association, and the National Academy of Elder Law Attorneys.



ELDER LAW



## Benefits of Estate Planning



- Peace of Mind – knowing that important and difficult decisions have been made to care for you and your loved ones.
- Provision – provide for you and your loved ones.
- Protection – Protect you as you age. Designate someone to carry on tasks for you and look after your care.



# Results Without Estate Planning

- Property passes via Intestate Law
- Guardianship may be necessary during your lifetime
- Your wishes may not be known and carried through
- Negative impact on your beneficiaries' lives



# Basic Steps in Estate Planning

## Where to Start?

- Write Down What You Own
- Work With Advisors
- Know How Property is Transferred
- Complete and Execute your documents



# Estate Planning Documents

- Last Will & Testament
- Durable Power of Attorney
- Designation of Health Care Surrogate
- Living Will
- Revocable Trust
- Will Substitutes



## Lifetime Documents



- Durable Power of Attorney
  - Written document in which the principal, a competent adult, designates another as his or her attorney in fact (agent)
    - Can name "CO" or alternate agents
    - Effective when signed
    - Authority to handle property matters
    - Out of state document





# Durable Power of Attorney

- Nondelegable powers
- Effective immediately unless “springing” (executed between 1/1/2002 and 9/30/11)
- Effective until principal
  - Dies
  - Revokes authority
  - Determined incapacitated and Court revokes authority



# Durable Power of Attorney



- Applies to any interest in property of principal
- Specific inclusion of homestead
- Inclusion of health care surrogate provision
- Expressly authorized powers



# Durable Power of Attorney

- Unauthorized acts
  - Perform contractual personal services
  - Make affidavit as to personal knowledge
  - Vote in public election
  - Act in principal's place as trustee or court-appointed fiduciary
  - Execute or revoke will or codicil



# Durable Power of Attorney

- If authorized, MAY
  - Create, amend or revoke any disposition effective at principal's death
  - Transfer assets to existing trust created by the principal
  - Create trust (i.e. Medicaid QIT)
  - Gifting
  - Borrow funds
  - Access safe deposit box



# Durable Power of Attorney

- If authorized, MAY
  - Handle tax matters
  - Change pension and insurance beneficiaries
  - Collect and make loans
  - Manage business
  - Apply for benefits
  - Make elections or disclaimers



# Lifetime Documents

- Designation of Health Care Surrogate (Medical Power of Attorney)
  - Written document designating a surrogate to make health care decisions for the principal when he or she is determined incapacitated
    - Can name "CO" or alternate surrogates
    - Effective upon incapacity
    - Medical and end of life decisions





# Health Care Surrogate



- **Authority**

- Make all health care decisions
- Consult with providers
- Make decisions as principal would have (substituted judgment)
- Make informed consent
- Access to medical records (HIPAA)



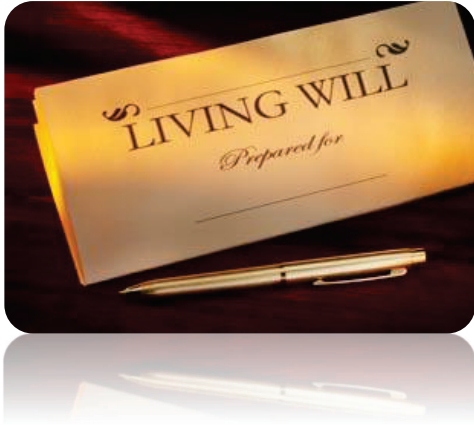
# Health Care Surrogate

- **Authority**

- Apply for public benefits
- Authorize admission, discharge or transfer from facility
- Appointment of guardian does not affect authority except as Court designates
- Amendable or revocable by writing, act or orally



# Lifetime Documents



- Living Will Declaration

- Written declaration which directs the providing, withholding or withdrawal of life prolonging procedures in the event the principal has a terminal condition, an end-stage condition or is in a persistent vegetative state
- Catholic living will – allows the rejection of life prolonging procedures that are insufficiently beneficial or excessively burdensome.



## Living Will

To proceed with directive it must be determined that:

- Principal does not have reasonable medical probability of recovery
- Principal falls under condition
- Any limitations or conditions expressed have been considered and satisfied



# Living Will



- Proxy

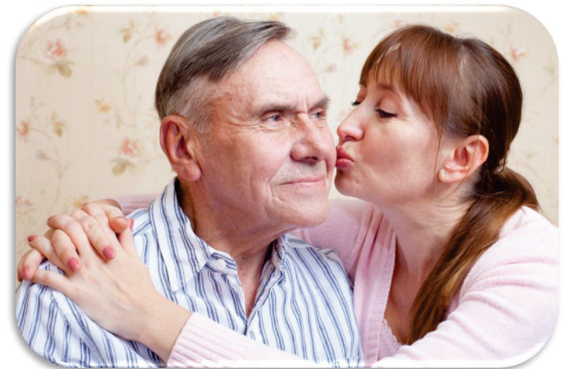
- Judicially appointed guardian authorized to consent to end of life decisions
- Patient's spouse
- Adult child
- Parent
- Adult sibling



# Living Will

- Proxy

- Adult relative
  - Exhibited special care and concern
  - Maintained regular contact
  - Familiar with activities, health, religious and moral beliefs
- Close friend



# Wills

- Will: Document directing administration of your estate
  - Applies to solely owned property/non beneficiary designated
  - Designates beneficiaries
  - Designates Personal Representative
  - Provides for payment of debts
  - Provides for distribution of property



# Probate Administration

- Judicial process of distribution of assets upon death
  - Required if property is in your sole name
  - Provides for a creditor's claim period
  - Court supervised administration
  - Attorney required



# Revocable Trust



- Document directing handling of assets during lifetime and upon death
  - Successor Trustee can take over during lifetime or upon death, as needed
  - Extend benefits or protection to beneficiaries (Special Needs, Minors, Spendthrifts)
- Avoids Probate
- Privacy



# Will Substitutes

- POD/TOD accounts
- Jointly held property
- Life Insurance
- Beneficiary Designated (IRA/Annuities)







## Questions



# Passing Your Values Along to Future Generations

**Your life is the legacy that you are already creating.**

It's who you are.  
What you stand for.  
Where you came from.  
How you've lived your life.  
***Your beliefs. Your values. Your story.***

Would you like those things  
to continue to have  
meaning to your  
**loved ones?**



**Impact**

***Don't delay. Engage your family. Tell Your Story.  
Have the conversation.***



# CFOCF Legacy Resources

- **Planning Your Catholic Legacy – A Wills Guide**
- **Create a Family Mission Statement**
- Opportunities to Leave Your Legacy of Faith
- Create Your Catholic Legacy Video
- Catholic Legacy Letter/Journal



[www.cfocf.org/legacy](http://www.cfocf.org/legacy)



CFOCF  
Planned Giving Advisory Council  
[www.cfocf.org/advisory-council](http://www.cfocf.org/advisory-council)



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## Create a Family Mission Statement



# Questions for Reflection

- What inspires you?
- Why is your faith important to you?
- What values are important to you?
- How has your family impacted your community through charity?
- How do you want to make an impact in the future?
- Who/what are you already giving to?
- How are you transitioning your values to your children and grandchildren?



# Family Research on Storytelling

- Shared sense of purpose and values help families come together
- It establishes ideals to strive for in the future
- Assists when making choices
  - Individually
  - As a Family
- Assists parents with decision making



# Where to Begin?

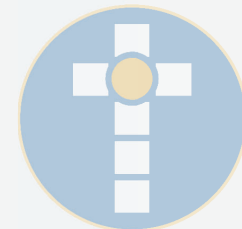


## Call a Family Meeting



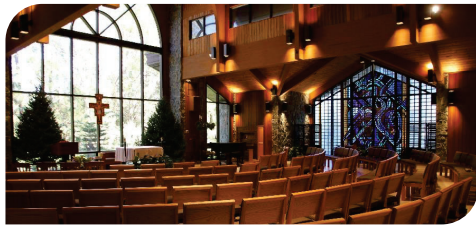
# Identify Your Family's Core Values

Authenticity	Determination	Hopeful	Patience	Thoughtful
Achievement	Dignity	Humble	Peace	Tolerant
Adventure	Diligence	Humor	Perseverance	Trustworthiness
Authority	Discipline	Imagination	Pleasure	Truthful
Authentic	Dream	Influence	Poise	Wealth
Autonomy	Dutiful	Inner Harmony	Popularity	Wisdom
Balance	Empathy	Integrity	Purposeful	Work Ethic
Beauty	Ethical	Innovation	Recognition	
Belief	Excellence	Intellectual	Religion	
Boldness	Fairness	Joyful	Reputation	
Caring	Faith	Justice	Resilience	
Catholic	Fame	Kindness	Respect	
Community	Family	Knowledge	Responsibility	
Compassion	Forgiving	Leadership	Security	
Courteous	Friendship	Learning	Self-control	
Challenge	Fun	Life	Self-Respect	
Citizenship	Generous	Long-suffering	Service	
Cleanliness	Gentleness	Love	Solidarity	
Committed	Giving	Loyalty	Spirituality	
Community	Gracious	Meaningful Work	Stability	
Competency	Goodness	Merciful	Strong	
Confident	Gratitude	Mildness	Success	
Contribution	Growth	Moral	Status	
Courageous	Happiness	Obedient	Teachable	
Creativity	Helpful	Openness	Tenacity	
Curiosity	Honesty	Optimism	Tenderhearted	

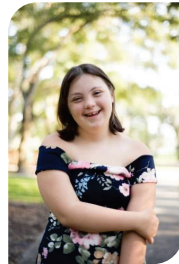


# Family Mission Statement

*“The mission of our family is to create a nurturing place of faith, love and service. We show respect for one another and ourselves. To return the blessings our family received from the San Pedro Retreat Center, we will provide scholarships for children to attend the summer camp retreats.”*



*“We are a family that loves and looks out for one another and our neighbors. We commit to always be there for each other. We know we have been abundantly blessed and will volunteer and contribute as a family to help our brothers and sisters in Christ who are in need.”*



*“We pray everyday, tell the truth, practice forgiveness and choose to live with joy in our heart. To honor our loved one who has Down syndrome and who God created perfect, we support ministries that empower people with disabilities including Morning Star School and Bishop Grady Villas.”*



# Family Giving Mission Statement

## In this family...

we are real,  
we make mistakes,  
we say: “I’m sorry.”  
*We believe in God and in each other.*

We have fun,  
we love each other,  
we give hugs, we forgive.  
*We are generous to our family and to others with our time, talent and treasure.*



## In our family...

we are strong and courageous – 1 Corinthians 16:13  
we trust in God’s plan – Jeremiah 29:11  
we let our light shine – Matthew 5:16  
we pray for one another – James 5:16  
we are joyful in life – Ecclesiastes 8:15

*We trust in the Lord with all our hearts*  
Proverbs 3:5 – 6

*We believe all things are possible with God*  
Matthew 19:26





# Consider a Tagline

A tagline could also be considered a motto.

**It's one sentence that encapsulates your family culture.**

Examples:

*"Our family is built on faith, hope, and love."  
1 Corinthians 13*

*"Always do your best, and your best is always good enough!"*



# Legacy Planning – Family and Beyond

- After you remember your family in your legacy plans, consider your legacy to your spiritual family.
- Your parish, school, or ministries.
- Engage your family and an expert team including a financial planner, estate attorney, and other professionals.
- Join the Vivos Christi Society.
- We are here to help you achieve your philanthropic goals!



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VIVOS CHRISTI SOCIETY



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Join us for our next Legacy Planning Session  
*Financial Planning: Protecting Your Family and Planning Today for a  
Better Tomorrow*

**Wednesday, Nov. 9 at 11:00 AM**

[www.cfofc.org/leavealegacy](http://www.cfofc.org/leavealegacy)



# Thank You



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