

# Communicating Your End of Life Wishes

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A guide to advance care planning,  
health directives, and wills



American Indian  
Cancer Foundation®



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## Worksheet #1: My feelings about my spirit journey

*First consider your thoughts and preferences.*



**What are my thoughts and feelings about the final stage of life? What are my fears? What do I think will bring me the most joy?**

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**If I had only a short time to live, how would I like to spend that time? What will my priorities be?**

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**What information would I like doctors to share with my family and loved ones?**

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**Where would I like to spend my final days? At home? At the hospital?**

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**Are there particular items that I would like to have close to me? Is there particular music I would like played?**

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**If I had a short time to live, who would I like to have notified? Would I like visitors? If so, how many?**

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**Would I like a religious or spiritual leader called to my bedside at my final moments?**

☐ Yes, here is their name and contact information: \_\_\_\_\_

☐ No

**Additional Notes:**

## Advanced Care Planning

A cancer diagnosis is life-disrupting and can generate a lot of questions and concerns. Rarely, if ever, does anyone plan for a serious condition or illness, like cancer, but we can plan for how we would like to be medically treated and who can make medical decisions on our behalf at any time in our lives. Not only will we have to face decisions about our health and what a cancer diagnosis means, but we will also be thinking of our family and loved ones. Early planning can help lessen fears and anxieties about the unknown. It may also provide clarity and allow for more connection to your sacred mental, spiritual, physical, and emotional health.

This resource can be used as a tool for understanding how medical and legal services can help ensure your wishes are honored and accommodated. Brief lessons on advanced directives and wills are included. This resource may also be used as a guide for starting a conversation about your culture, traditions, and beliefs surrounding the meaning of life with your health care providers and loved ones.

Engaging with this tool may be emotionally exhausting and anxiety-inducing. We encourage you to take time to breathe and engage your body through smudging, drinking a traditional medicinal tea (if approved by your provider), connecting to the land, or another activity that helps reconnect you. We also recommend that you complete this tool in increments and with a loved one.

## **What are advance directives?**

Any document that provides instructions for your health care and/or appoints someone to make medical decisions on your behalf is an advance directive. The most common advance directives include:

1. Living wills
2. Durable power of attorney for health care (also known as the medical durable power of attorney)
3. CPR (cardiopulmonary resuscitation) or DNR (do not resuscitate) Directive

## **What is a POLST?**

The Provider Orders for Life Sustaining Treatment (POLST) is a legal document that guides health care professionals on your treatment during emergency medical situations. The POLST includes do not resuscitate orders, and further specifies additional medical interventions that may be performed, such as hospitalizations, hydration, and artificial nutrition. Learn more at [POLST.org](https://www.polst.org)

## **What is a living will?**

A living will is a legal document that states your wishes about life-sustaining medical treatment. It is used when you are unable to state your own wishes because of permanent unconsciousness or terminal illness. Throughout your lifetime, you can update or change your living will.

## **Who should have a living will?**

Everyone 18 years and older should have a living will. It is the best way to ensure that your health care wishes are upheld.

## **How does a living will work?**

After physicians confirm that you are unable to make your own medical decisions, a living will is used to direct your medical care. If you do not have a living will, your relatives will have to make health care decisions on your behalf.

## **What does artificial life support mean?**

Artificial life support can include:

- Life-sustaining procedures including nourishment
- Kidney dialysis
- Surgery
- Transfusions of blood and blood products
- Drugs and antibiotics
- Artificial feeding and hydration
- Electric shock and heart stimulation
- Breathing tubes

## **What is Medical Durable Power Of Attorney?**

Medical durable power of attorney is a document you sign naming someone to uphold your health care decisions when you are unable to represent them yourself. The person that you name becomes your agent, representative, proxy, or surrogate. You are able to provide them with instructions to help them make medical decisions on your behalf. In addition to making decisions, your agent will be able to:

- Access your medical information and review your medical charts
- Confer with your medical team
- Ask questions and receive explanations
- Discuss and explore your treatment options
- Request consultations and second opinions
- Consent to or refuse medical tests and treatments
- Authorize transfer to another physician or treatment facility

## **Who can be an agent?**

Meets state age requirements (typically 18 years or older) and someone you trust to uphold your wishes and make difficult medical decisions on your behalf.

## **Who cannot be an agent?**

State rules for who can be an agent vary, but typically your agent cannot be:

1. Anyone under 18 years of age
2. Your health care provider or the owner of a healthcare facility serving you
3. An employee of your health care facility who you are not married or related to

## **What is a CPR Directive?**

A Cardiopulmonary Resuscitation (CPR) Directive informs health professionals and emergency medical services personnel that if your heart stops beating you want to be left alone with no medical intervention taking place (i.e., no breathing assistance or heart shock and stimulation). This is also known as a “Do Not Resuscitate” or DNR.

## **How do I make an advanced directive?**

To make an advance directive, you will need to ask yourself some very hard questions. Sometimes, talking to your loved ones, professionals in the health care setting, or a spiritual leader may help inform your decisions. Ultimately, you are empowered to make your own medical decisions. Once you have made your decisions, write them down. Document them with the signatures of two witnesses. You can also have them notarized. Keep your advanced directives handy so your loved ones and caregivers will know your wishes.

The [National Hospice and Palliative Care Organization](#) provides free, state-specific advance care directive templates.



## Worksheet #2: My medical, palliative, and hospice care wishes



**Under what conditions do I want to be kept alive?**

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**Is there any condition where I would not want to be artificially alive?**

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**How comfortable do I want to be? Would I like my comfort to be the main priority?**

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**Am I open to treatments that may keep me alive, but significantly affect my daily function (e.g., walking, talking, hearing, reading)?**

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**Whose opinions matter the most to me? My family? My doctors? My traditional healer?**

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**Who would I like my health care agent to consult before making medical decisions on my behalf?**

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**Do I have any religious or spiritual beliefs that should be considered while making decisions about my care?**

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**Would I like to be an organ and tissue donor?**

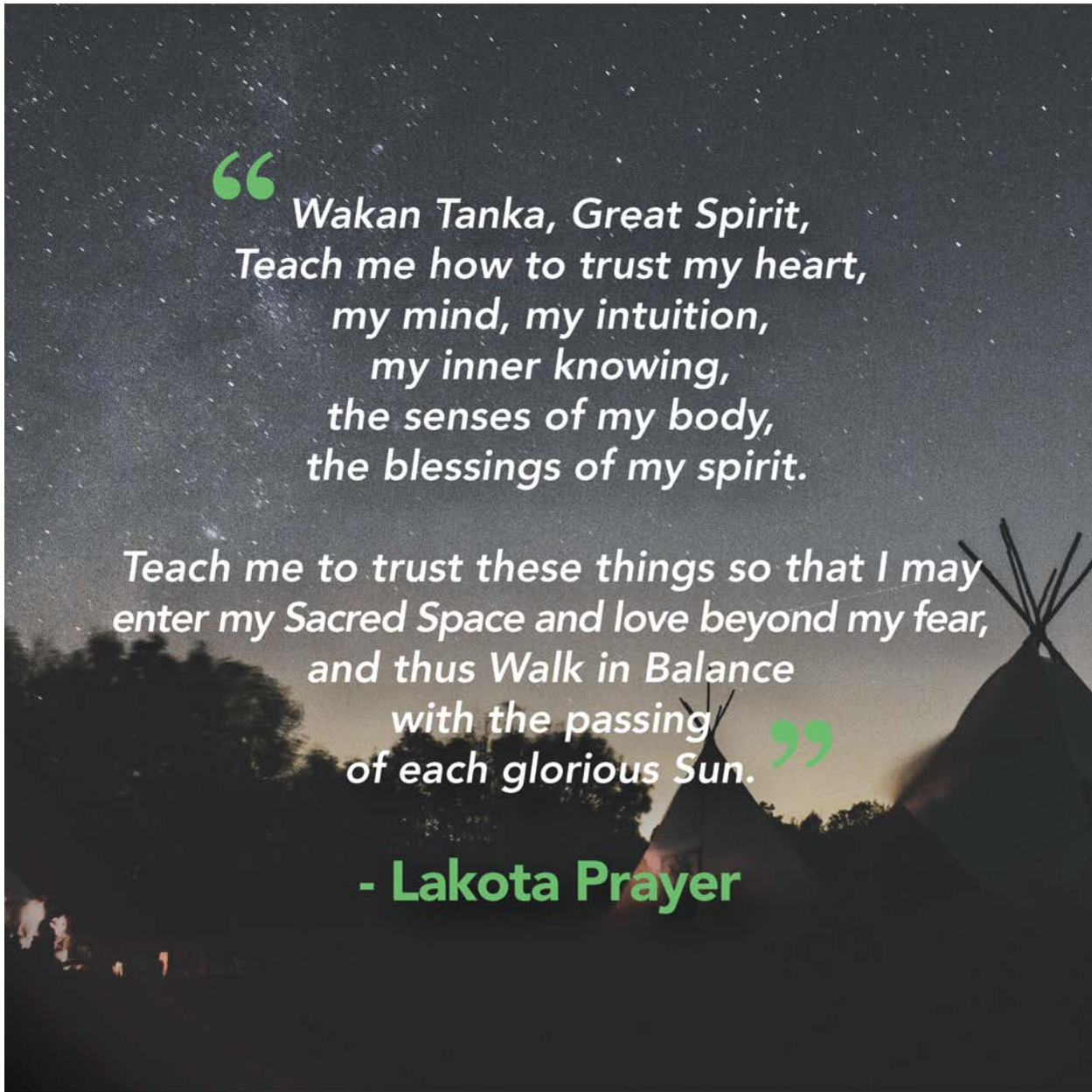
- ☐ No, I do not wish to donate organs or tissue.
- ☐ Yes, I would like to donate any organ and tissue.

☐ Yes, I would like to donate the following organs or tissue:

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**If I am an organ and tissue donor, I would like my donation to be used for the following purposes:**

- ☐ Transplant or research
- ☐ Transplant only
- ☐ Research only



“ Wakan Tanka, Great Spirit,  
Teach me how to trust my heart,  
my mind, my intuition,  
my inner knowing,  
the senses of my body,  
the blessings of my spirit.

Teach me to trust these things so that I may  
enter my Sacred Space and love beyond my fear,  
and thus Walk in Balance  
with the passing  
of each glorious Sun. ”

- Lakota Prayer

*Now would be a good time to smudge, say a prayer, or invite a loved one as you answer difficult questions about your funeral and burial wishes*

## Worksheet #3: My funeral and burial wishes

*We understand there are many different ways people pay respects to their loved ones. Here are a few things to consider in carrying out your individual funeral and burial plans.*



I would like my funeral to be:

- ☐ Simple
- ☐ Grand
- ☐ Something else:

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I would like my funeral service to be held at \_\_\_\_\_

I would like my funeral to include the following rituals, music, poems, readings:

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**I would like the following people to attend my funeral:**

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**I would like the following people to speak at my funeral:**

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**I want an:**

- ☐ opened casket
- ☐ closed casket

*There are several types of burial: in-ground burial, above ground burial (i.e., Mausoleum), cremation, and natural burial (no-embalming, steel or cement used)*

**I would like an**

- ☐ In-ground burial
- ☐ Above ground burial (i.e., mausoleum)
- ☐ Natural burial (no-embalming, steel or cement used)
- ☐ to be cremated and my ashes should be
  - ☐ scattered
  - ☐ kept at/with \_\_\_\_\_

**Additional Notes:**

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## Part II: Wills

### What is a will?

A will, also known as ‘a last will and testament,’ is a document used to control:

- Who gets your property
- Who will be guardian of your children and their property, and
- Who will manage your estate upon your death

### Who are beneficiaries?

Beneficiaries are the people (relatives and/or friends) or organizations who receive specific personal items, property, and/or money according to your will. You can say who gets what in your will.

### What is an estate?

- **Property:** land, stock, bonds, bank accounts (checking and savings), life insurance, trust fund, home, retirement plan, individual retirement account, pension plans, investments
- **Money**
- **Personal Belongings:** jewelry, pets, clothes, ceremonial articles, art, craft objects, pictures, pottery, dance outfits
- **Everything you own:** Anything that is completely yours and that you value
- **Some bills:** Some bills are paid out of the estate, and some are not
- **Your body**

### What about my children?

You can appoint a guardian for your minor children in your will. Minor children are those under 18 years old. You can also appoint someone to take care of the property or money that you leave to your children. These can be different people!

### Who makes sure my wishes are followed?

The executor is the person who will be in charge of handling your estate. This may include filing taxes and other forms, gathering your assets and distributing them to your beneficiaries as your will states, and hiring of attorneys or accountants to assist with the implementation of your will.

### Who can be an executor?

An executor can be a sister or brother, other family member, friend, or even a bank representative or attorney.

## What happens if I don't have a will?

If you have no will, the laws of the state you live and die in will determine who receives the property that you own and your children. If you have Trust Land or an Individual Indian Monies account (IIM), under a new American Indian Probate Reform Act (AIPRA), your property and rights will only pass to a limited group of heirs unless you have a will.

In most states, if your bank account or real estate is jointly held, it will pass to the joint owner with or without a will. Any property in your name alone would go to the persons named by the state law. If you do not have a will, and your Tribe has a Probate Code and Court, it may take jurisdiction over your belongings. Any property in your name alone would go to the persons named by the Tribal law.

Every state has different laws but they typically sequence for transferring property is as follows:

1. Spouse, if legally married
2. Children
3. Parents
4. Brothers and Sisters
5. Grandparents
6. Aunts and Uncles
7. Nieces and Nephews

- If you have a spouse and children, the property is divided among them.
- If you have a spouse and parents or siblings but no children, some states give it all to your spouse while others also give a share to your parents and siblings.
- If you have children and no spouse, everything is divided between the children.
- If you have no children or spouse, your parents would get your property, unless a share was given to your siblings.
- If you have no spouse, children, or parents, your brothers and sisters would share your property.
- If you have no spouse, children, parents, brothers, or sisters, your property would go to your grandparents, aunts and uncles, or nieces or nephews in that order.

And it may not be divided evenly!



## **What is probate?**

Probate is a legal process used to determine:

- Heirs
- The validity of the will
- Itemize the property in the estate
- Distributes property according to the will

When a will goes through probate, the will is made public to the court as a public record that is available to anyone. A probate inventory is also filed and may be available to the creditors and possibly the public.

For most American Indian and Alaska Native people, the probate involves the Bureau of Indian Affairs (BIA) or a tribal probate office, the Office of Hearings and Appeals (OHA), and the Office of the Special Trustee for American Indians (OST). The BIA or the tribal probate office creates your probate file, and the OHA presents the file to a judge for a decision. The BIA and OST distributes your property to heirs in accordance with the final probate decision from the judge. This probate process may vary by state and tribe. Contact your state, tribe, or local BIA office for more information and direction.

You can avoid probate and have more authority in your property transfer by having a living trust or by putting the names of the people that you would like to inherit your property with title, on the title before you begin your journey to the spirit world. Then it can be transferred without interference from the courts.

## **American Indian Probate Reform Act of 2004 (AIPRA)**

AIPRA limits who the heirs are who can receive Indian Trust Land when the owner passes on. It also determines how Individual Indian Monies (IIM) accounts will be distributed. This act does not affect restricted lands or trusts that are located in Alaska or that are outside of a trust (e.g., checking or savings accounts and vehicles). You can avoid the AIPRA if you have a will.

## **How do I make a will?**

1. Make a list of your real personal property, real estate, and bank accounts etc. Be very specific in your descriptions.
2. Decide who you want to receive each item, or how the item is to be divided among your beneficiaries.
3. Identify the people you need to help you as Executor and Guardians and witnesses.



## “ The Beauty Way Prayer

All day long may I walk.  
Through the returning seasons may I walk.  
On the trail marked with pollen may I walk.  
With grasshoppers about my feet may I walk.  
With dew about my feet may I walk.  
With Beauty may I walk.  
With Beauty before me, may I walk.  
With Beauty behind me may I walk.  
With Beauty below me may I walk.  
With Beauty all round me, may I walk.  
In old age wandering on a trail of Beauty, living again,  
may I walk.  
It is finished in Beauty.  
It is finished in Beauty.  
It is finished in Beauty.  
It is finished in Beauty.”

- Navajo Prayer

## Worksheet #4: My asset inventory

	Value	Joint or Marital Property	Your Separate Property	Your Partner's Separate Property
Home				
Other Real Estate				
Checking Accounts				
Savings Accounts and Certificates				
Credit Union Accounts				
Annuities				
Oil, Gas, or Other Minerals				
US Saving Bond				
Other Bonds				
Stock				
Accounts Receivable				
Rents Receivable				
Notes Receivable				
Automobiles and other				
Interest in any business				

## Worksheet #4: My asset inventory

	Value	Joint or Marital Property	Your Separate Property	Your Partner's Separate Property
Jewelry				
Dance Regalia				
Blankets				
Pottery				
Family Heirlooms				
Artwork-Paintings				
Artwork-Sculptures				
Ceremony items (ceremony pipe, smudge bowls, eagle feathers)				

## Worksheet #4: My asset inventory

## Special Provisions for Family Heirlooms, Jewelry, or Other Items

[illegible]



## What next?

1. Have your will notarized with witnesses.
2. Make additional copies and give them to your family and executor.
3. Store the original document in a safe place that the executor knows about and can access.

## You **CAN** leave someone out of your will

When making your will, you can include a section where you name a person(s) and leave them completely and forever from receiving anything from your estate.

## What if someone contests my will?

When making your will you can complete a “Self-Proved Will Affidavit” which is signed by a notary and two witnesses. This document is attached to the will and helps to prove that you stated your wishes in your will and that witnesses can attest to its validity.

## Witnesses to your will

Witnesses should be adults who are not mentioned in the will as executor, trustees, guardians, or beneficiaries.

## Sample Will

The following is a sample excerpt that can be used to help you write your own will.

### **I want my assets to pass to my spouse and children as follows:**

- To spouse, if surviving.
- If my spouse predeceases me, my assets will be divided in equal shares among my children.
- If any of my children predecease me, that child’s share shall be distributed to his or her children in equal shares.

### **In the event that my spouse and all of my children and descendants fail to survive me, I want my assets to be distributed as follows:**

- 50% to my friend, [Friend’s name]
- 30% to my local tribal council, [Name of tribal council]
- 20% to [Name of your favorite charity or non-profit organization]

Adapted from the Native American Cancer Research Corporation’s Excerpt from “Native American Palliative Care”  
Curriculum: Objective 5: Wills & Living Wills

The **American Indian Cancer Foundation** (AICAF) is a 501(c)3 nonprofit organization established to address the tremendous cancer burden faced by American Indian and Alaska Natives. Its mission is to eliminate the cancer burdens on American Indian and Alaska Native people through improved access to prevention, early detection, treatment and survivor support. AICAF strives to be a partner trusted by tribes and organizations working toward effective and sustainable cancer solutions based on the cultural teachings and wisdom. [www.americanindiancancer.org](http://www.americanindiancancer.org)



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