Funeral and Estate Planning

Trinity Cathedral
November 16, 2025

Dean Bernard J. Owens, with
Marie Curry, Rev. Dr. Eric Funston, Ute Vilfroy, Amy Wentz

Agenda

- Introduction – Dean Owens
- Funeral Planning in the Episcopal Tradition – Rev. Dr. Eric Funston
- Why Every Christian Should Have a Will – Ute Vilfroy
- Trusts: What are they and who should have one? – Amy Wentz
- Advance Directives, Living Wills and Health Care Powers of Attorney – Marie Curry

The Final Celebration of Life

Planning One's Own Funeral in the Episcopal Tradition

About Funerals

The liturgy for the dead is an Easter liturgy. It finds all its meaning in the resurrection. Because Jesus was raised from the dead, we, too, shall be raised.

The liturgy, therefore, is characterized by joy, in the certainty that "neither death, nor life, nor angels, nor principalities, nor things present, nor things to come, nor powers, nor height, nor depth, nor anything else in all creation, will be able to separate us from the love of God in Christ Jesus our Lord."

This joy, however, does not make human grief unchristian. The very love we have for each other in Christ brings deep sorrow when we are parted by death. Jesus himself wept at the grave of his friend. So, while we rejoice that one we love has entered into the nearer presence of our Lord, we sorrow in sympathy with those who mourn.

The Book of Common Prayer 1979, page 507

Write a Letter

- Funeral home: Pre-arrangements?
  - Owned funeral plot or arranged columbarium niche?
- Burial, cremation, or alternative? Pall bearers?
- Fraternity, sorority, other organization?
  - Rituals should be done before the casket is brought to church
- Military honors?
- All those other questions…..

Write a Letter

- Distribute copies of your letter
  - The person most likely to be arranging your requiem
  - Your designated executor or trustee
  - Your lawyer
  - The Trinity Cathedral (or other parish) office
  - Yourself

The Book of Common Prayer 1979

- The death of a member of the Church should be reported as soon as possible to, and arrangements for the funeral should be made in consultation with, the Minister of the Congregation.
- Baptized Christians are properly buried from the church. The service should be held at a time when the congregation has opportunity to be present.
- A priest normally presides at the service. It is appropriate that the bishop, when present, preside at the Eucharist and pronounce the Commendation. It is desirable that the Lesson from the Old Testament, and the Epistle, be read by lay persons.
- The coffin is to be closed before the service, and it remains closed thereafter. It is appropriate that it be covered with a pall or other suitable covering.

Personal Information

- Full legal name, aliases, maiden name
    - Preferred name — How do people know you?
- Dates and places of birth, baptism, and confirmation
- Preferred liturgy

Alternative Funeral Liturgies

- BCP 1979, Rite I, page 469
- BCP 1979, Rite II, page 491
- Enriching Our Worship 3 (2006)
- www.episcopalcommonprayer.org/existing-liturgies1.html

Do you want there to be Holy Communion?

Clergy

- Who do you want to preside or participate?
  - Discuss it with the Dean.
  - Discuss it with that clergy person.

Music & Hymns

Confident, Strong, Hopeful, and Familiar

- Instrumental music — Prelude, postlude, other occasional music
- Soloists
    - Remember that payment is your family's responsibility
- Hymns
    - Entrance hymn (or spoken anthem?)
    - Sequence hymn (before the Gospel reading; alternatively, a Psalm or canticle)
    - Music at the Offertory (hymn, soloist, instrumental)
    - Communion hymns (or instrumental music)
    - Dismissal hymn

Musical Resources

- The Hymnal 1982
- Lift Every Voice & Sing II
- Wonder, Love & Praise
- Voices Found
- Come Celebrate! A Hymnal Supplement
- Songs for Celebration
- El Himnario

"The Member of the Clergy shall have final authority in the administration of matters pertaining to music."

(General Canon II.6)

Lessons & Readings

- Old Testament or Apocrypha
- Psalm or Canticle
- New Testament
- Gospel
- Other Reading (poem, meditation, letters)

Who should read them? (Clergy read the Gospel)

Translations of Scripture

- King James or Authorized Version
- Revised Standard Version of 1952
- Jerusalem Bible of 1966
- New English Bible with the Apocrypha of 1970
- New American Bible of 1970
- Revised Standard Version (Ecumenical Edition) of 1973
- Good News Bible (Today's English Version) of 1976
- New International Version of 1978
- New Jerusalem Bible of 1987
- Revised English Bible of 1989
- New Revised Standard Version of 1989 or the Updated Edition of 2022
- Contemporary English Version of 1995 of the Global Edition of 2005
- Common English Bible of 2011
- Revised New Jerusalem Bible (2019)

The Great Thanksgiving

- If the Burial Office is Rite I, use Rite I Holy Communion
  - Eucharistic Prayer I or Eucharistic Prayer II?
- If the Rite II Burial Office or EOW3 is used, use either Rite II or EOW Holy Communion
  - BCP Prayer A, B, C or D
  - Updated Prayer A, B, C or D
  - EOW alternatives

Memorial Donations

- In lieu of flowers…
  - Trinity Cathedral
  - The Diocese of Ohio
  - Another parish
  - A church agency or society
  - Another charity

Why every Christian should have a Will

“We are God’s stewards, entrusted to use God’s gifts wisely for the good of our own family and all of God’s people.”

From The Church of England’s website

Please Note:

This forum is not intended to give formal professional legal or tax advice.

It is intended to provide general information about estate planning options available, but you should always confer with your attorney or tax advisor for details specific to your situation.

Who should have a will? Nearly everyone!

- If you care about how your assets are distributed
- If you have minor children
- If you wish to leave a legacy gift to Trinity or a charity
- Life can be complicated
  - Death of a spouse or beneficiary
  - Divorce or remarriage
  - Birth of children or grandchildren
  - Major shift in assets (real estate, selling/buying a business
  - Changes in the law

Why have a Will or Trust?

- Without one, a Probate Court Judge decides how your assets are distributed
- It allows you to choose your Executor
- It allows you to designate guardianship of minor children
- It provides a vehicle for making a legacy gift to Trinity Cathedral and / or a charity or your choice
- It’s a failsafe or backup plan

Some Helpful Hints

- Two witnesses are required in Ohio (wills cannot be notarized)
- Witnesses cannot be relatives or potential beneficiaries
- Witnesses do NOT need to know the contents of the will
- Acknowledge that it is your Last Will and Testament
- You and the witnesses must sign in each other's presence
- Keep the original in a safe place (NOT in a safe deposit box), or
  - Your county Probate Court will file it for a modest fee
  - You can entrust it to the attorney who drafted it, if applicable

Where do I start?

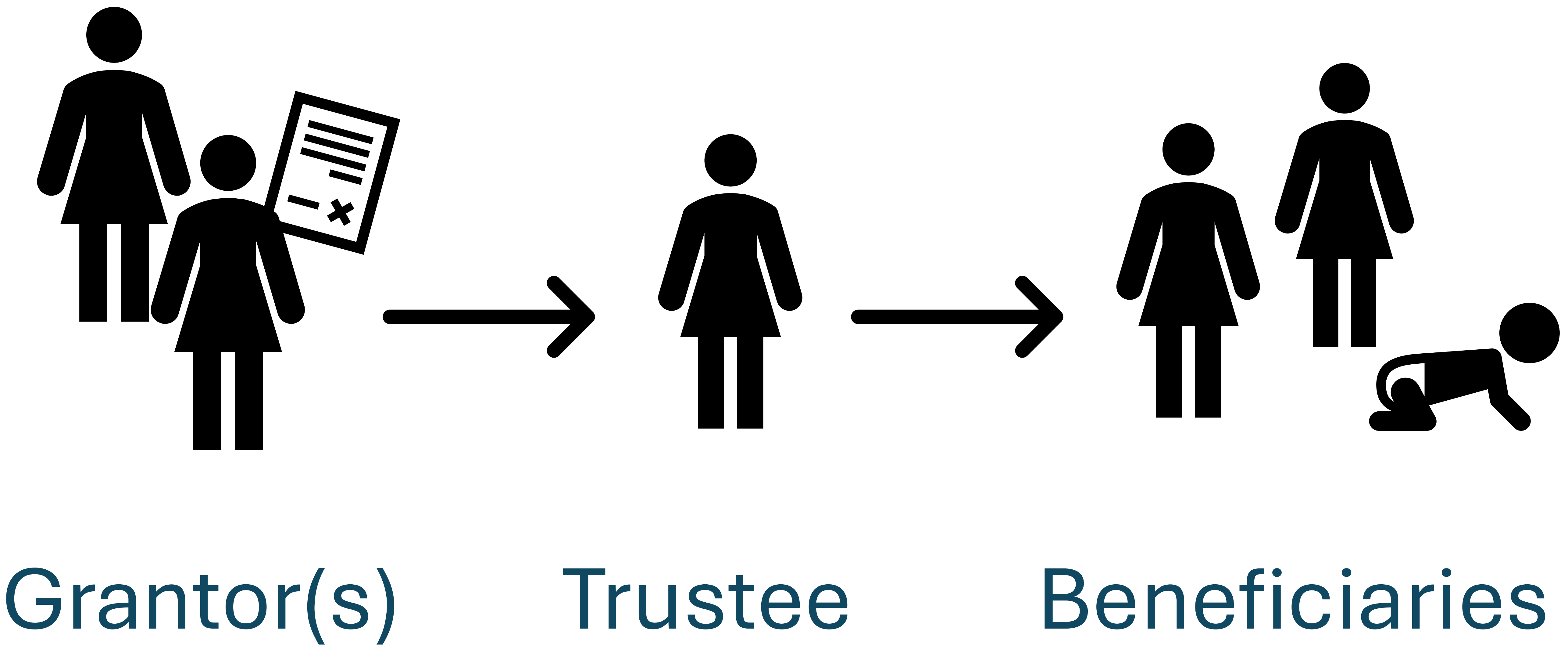
- FreeWill
- AARP – giftplanning.aarp.org
- American Red Cross – https://www.redcrosslegacy.org > willsguide
- Don’t forget your Digital Legacy
  - Computer Password
  - Cellphone unlock code
  - User IDs and passwords
    - Email, bank accounts, credit card
  - Social Media - Facebook / Instagram / X, etc.

Trusts:
What are they and who should have one?

Trust:

What is it?

- A trust is a legal entity under which an individual (the Grantor) gives another individual (the Trustee) the right to hold title to property or assets for the benefit of third parties (the Beneficiaries).



Trust:

What's in it?

- Property: any type of asset with a title or other proof of ownership

- Funding: transferring ownership of property to the trust

Trust:

How does it work?

- A trustee can spend trust assets while the grantor is alive, but only under the terms of the trust document.
- The trustee's ability to spend is typically restricted to expenses related to managing the trust, such as paying for property management, investments, or the grantor's debts.
- The trustee must act in the best interest of the beneficiaries and the grantor, maintain detailed records, and avoid using trust funds for their personal benefit unless the trust specifically allows it.

Will v. Trust

Will

Provides instructions for how you would like your assets – money, personal property, real estate – transferred after your death.

Names an executor (the person who follows your instructions in the will) and beneficiaries (the person(s) who receive your assets).

Subject to probate – a court oversees the distribution of assets and gives the executor the authority to collect and distribute assets.

Outlines end of life wishes.

Can provide for guardianship of children and pets

Trust

Provides instructions for how you would like your assets – money, personal property, real estate – transferred on a date or event (such as death).

Names a trustee (the person who follows your instructions in the trust document) and beneficiaries (the person(s) who receive your assets.)

No probate – trustee is trusted to distribute assets in accordance with trust, and some assets automatically transfer upon certain dates or events.

Protects assets from creditors if trust is irrevocable.

Tool to assist individuals to become eligible for Medicaid.

Will v. Trust

Who should have a will

- Anyone who has real estate, money, or stuff and wants to ensure these assets are distributed to chosen beneficiaries after their death
- Parents of minor children to set up guardianship

Who should have a trust

- Anyone who has real estate, money, or personal property and wants to ensure these assets are distributed to chosen beneficiaries before or after their death
- Individuals with larger, complex estates (own a home(s), substantial financial resources)
- Parents of minor children – ensure guardians have access to assets immediately upon death (do not have to wait for probate)
- Individuals concerned about incapacity or who have adult children with long-term special needs

Key Considerations

- Wills and trusts are not mutually exclusive. You can have both. Many people with a trust also have a will to name a guardian for children and cover any assets not included in the trust.
- Wills are generally simpler and less expensive to create, but they must go through probate, delaying the distribution of assets.
- Trusts are more complex and expensive to set up, but they can offer more control, privacy, and a simpler transfer of assets outside of court.
- A trust not only identifies who may benefit from trust resources but also defines "how and when", including in cases of incapacity.
- A major limitation of wills is they don't go into effect until you die. If you're incapacitated, a will has no legal effect.

Advance Directives

Marie B. Curry

Trinity Sunday Forum

November 16, 2025

An advance directive is a type of legal document that details what an individual may or may not want in the event that they cannot advocate for themselves

The most widely used types of advance directives are:

- Living Wills
- Powers of Attorney
  - for healthcare decisions
  - for financial decisions

What is a Living Will?

- A living will is a legal document that instructs **healthcare providers** of what **medical treatments** an individual may or may not want **to keep them alive** in the event **they cannot advocate for themselves.**
- It may also include other details of care preferences, such as pain management methods, CPR, and organ donation.

Who Can Make a Living Will?

- Any adult (18+) who has capacity may create a living will. There is no requirement that a person be ill to create a living will.
- It may also include other details of care preferences, such as pain management methods, CPR, and organ donation.
- If a person has a living will and their wishes change, they may update the living will.

How to Create a Living Will – The First Step

- Before creating a living will, the individual should first consider what their ultimate goals are in the event that they are incapacitated
  - (ie. Life preservation at all costs v. No futile medical treatment)

- Once the individual has a better idea of their goals, they can narrow their living will to contain specific provisions with directions of what to do in a more particularized situation
  - (ie. Intubation, organ donation, etc.)

How to Create a Living Will (cont.)

- In Ohio, you can fill out a form,* which contains definitions and information that will aid in completing the living will.
- The living will must be notarized OR witnessed by 2 eligible people
- Witness cannot be agent in a Healthcare Power of Attorney, family, healthcare provider, guardian, or nursing home administrator.
- A person may provide their healthcare provider with a copy of the valid Living Will to be put in their medical file.

- *Fill in the blank form is in handout packet. It can also be found on ProSeniors website: https://www.proseniors.org/advance-directives-toolkit/

What is a Healthcare Power of Attorney?

A healthcare power of attorney (HCPOA) is **a person** who acts as an authorized **agent** to receive the principal's health information and make healthcare decisions for the principal when they are no longer able to themselves.

A person can have both a healthcare power of attorney and a living will.

The healthcare POA can use the living will to aid in decision making

Who Can Serve as a Healthcare POA?

- Most often, healthcare POAs are related to the principal in some regard (spouse, parent, child, etc.); however, this is not required.

- Generally, any competent adult may serve as a healthcare POA, but it is imperative that the HCPOA is aware of the principal's wishes.

Duties of a Healthcare Power of Attorney

- A Healthcare POA has the duty to make healthcare decisions on the principal's behalf when they cannot do so for themselves.
- The Healthcare POA is expected to act in accordance with the principal's wishes, not their own.
- There are no filing requirements for a Healthcare POA; the agency does not take effect until the principal is no longer able to make those choices on their own (through physical or mental incapacity).

How to Create a Healthcare POA

- In Ohio, you can fill out a form,* which contains definitions and information that will aid in completing the Healthcare POA.
- The HCPOA must be notarized OR witnessed by 2 eligible people
- Witness cannot be agent in the POA, family, healthcare provider, guardian, nursing home administrator.
- A person may provide their healthcare provider with a copy of the valid living will to be put in their medical file.

- *Fill in the blank form is in handout packet. It can also be found on ProSeniors website: https://www.proseniors.org/advance-directives-toolkit/

Summary

Living Will

MUST BE NOTARIZED OR WITNESSED BY 2 ELIGIBLE PEOPLE

DESCRIBES THE WISHES OF THE PERSON SIGNING FOR WHAT KIND OF MEDICAL TREATMENT THEY WANT IF THEY ARE INCAPACITATED (UNABLE TO CONVEY THOSE WISHES THEMSELVES)

Healthcare Power of Attorney

- Must be notarized OR witnessed by 2 eligible people
- Names someone to make healthcare decisions on behalf of the person signing, in the event that person is unable to make decisions, in accordance with the wishes of the person signing.

In the event of a conflict, the VALID living will supersedes the HCPOA.

A quick glimpse at the forms

Designated vs. Restricted Gifts

- ***Designated:*** a charitable donation that the donor earmarks for a purpose or program established by the donee organization rather than for the organization's general use; designation is not legally binding. Generally tax deductible.

Designated vs. Restricted Gifts

- ***Restricted:*** a charitable donation to which the donor attaches stipulations requiring the donation to be used for a specific purpose; restrictions are legally binding. May not be tax deductible.
- ***Principal distinction is the extent of donor control.***

Designated vs. Restricted Gifts

- ***IRS Revenue Ruling 62-113 1:*** "The test … is whether the organization has full control of the donated funds, and discretion as to their use, so as to insure that they will be used to carry out its functions and purposes."