



JUSTIN SATIACUM & JANIECE RUSTIN

Uncomfortable Truths

Proactive Planning in an Unpredictable World

Welcome

Uncomfortable Truths: Proactive Planning in an Unpredictable World
National CTER 2019 | Las Vegas



JUSTIN SATIACUM

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Husband, Father,
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The importance of choosing and securing your wants and wishes

Uncertainty

REPLACING QUESTIONS LIKE:

"WHAT WILL WE DO?"

Peace of Mind

WITH STATEMENTS LIKE:

"WE KNOW WHAT TO DO.
WE HAVE A PLAN."

To create a proactive planning culture that encourages TERO staff and clients to establish critical life documents to protect their family and loved ones.

2020 GOAL

Presentation Outline

TODAY'S AGENDA

- Part One
 - The Hazards of Construction
- Part Two
 - The Pilot Program
 - Goals of Estate Planning
 - Review the Basic Documents

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The TERO Mission

**EMPLOYMENT AND
BUSINESS OPPORTUNITIES**

SELF-SUFFICIENCY

COMMUNITY

We in TERO dedicate ourselves to providing employment and business opportunities where our end goal is to change people's lives; to improve lives.

We work tirelessly to ensure that our people:

- can succeed
- become self-sufficient, and;
- provide for themselves and their families.





CONSTRUCTION IS DANGEROUS

What if your TERO client experiences an unexpected fall or is tragically killed on a job site?
Will their families be taken care of?
Do they have plans in place?



A photograph of two construction workers on a job site. The worker in the foreground is wearing a white hard hat, a red long-sleeved shirt, and a safety harness. He is looking down and to the left. The worker in the background is wearing a blue long-sleeved shirt and a white hard hat. The background shows a construction site with scaffolding and pipes.

5,147 workers died on the job

-- IN 2017 --

Averaging 99 people/week
More than 14 people per day.

971 of those deaths were
construction related

* OSHA



Recent Tragedies

**A WALL COLLAPSED IN
NEW YORK CITY**

(1 FATALITY, 1 INJURED)

**BUILDING COLLAPSE AT THE
HARD ROCK HOTEL PROJECT
IN LOUISIANA:**

(2 FATALITIES, ++ INJURIES)



Recent Tragedies (cont)

**A CONSTRUCTION COLLAPSE
IN SAN DIEGO**

(1 FATALITY, 4 INJURED)

**CRANE COLLAPSE IN
SEATTLE**

(3 FATALITIES, 4 INJURIES)

The Pilot Program

**THEORY, PRACTICE
AND APPLICATION**

- Launched in January 2019; Puyallup TERO
- Created to inspire in you the curiosity and interest in the idea of creating a proactive and comprehensive estate planning program within TERO as a way of ensuring our TERO Client's and their family's needs are met in the event of an unlikely passing or injury.
- Services include: the execution of wills, trusts, health care documents and ongoing support in the execution of the documents.



What is Estate Planning?

LEGAL AND PERSONAL

Estate planning is about getting the right assets to the right people at the right time (with the least possible erosion from taxes). It is a type of proactive planning that can help to reduce time, loss of money, and heart ache when someone close to us takes their journey. And, yet, it is so much more.

- Emergency Plan
- An instruction manual (for the court and your loved ones).
- It is unique.
- Estate planning is an important and everlasting gift that you can give your family



Benefits of an Estate Plan

FOR YOU | FOR YOUR FAMILY

- Prepare future generations for the wealth they will receive
- Understand how assets are to be distributed
- Understand the implications of the American Indian Probate Reform Act
- Enhance peace of mind for yourself and your loved ones



An Estate Plan achieves the following goals:

- Distributes assets to the desired person(s) when and how you prefer.
- Determines who will serve as guardian to any minor children.
- Determines who has the power to handle individual and family finances.
- Provides appropriate people with access to medical records and documents.
- Communicates healthcare decisions to family members and healthcare providers.



65% of people do not have a Will

MANY PEOPLE THINK OF DRAFTING A WILL, CREATING A TRUST, OR HIGH-PRICED ATTORNEYS WHEN THEY THINK ABOUT ESTATE PLANNING.

An estate plan involves making crucial decisions now before it is too late to make them later. An estate plan includes a set of core documents that will protect and communicate your financial and healthcare wants and wishes.

Reasons Some Delay Planning

FOR YOU | FOR YOUR FAMILY

- Expense of attorney fees
- Lack of trust in others
- Group speak - other people's horror stories
- Lack of knowledge or understanding
- Fear of death
- Fear of loss of control and of doing the wrong thing
- Belief that this type of planning hastens the inevitable





A DEEPER LOOK

The Basic Documents

A COMPREHENSIVE PLAN

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What Documents Make a Basic Estate Plan?

LAST WILL & TESTAMENT

REVOCABLE LIVING TRUST

PET TRUST

DURABLE POWER OF ATTORNEY

ADVANCED DIRECTIVE

MEDICAL POWER OF ATTORNEY

HIPAA AUTHORIZATION

A close-up photograph of a hand with a detailed black tattoo on the forearm, holding a pen and writing on a document. The document has cursive handwriting, with the words "being of sound and" and "not acting under" visible. The background is a dark, textured surface.

Last Will and Testament

A WILL IS THE INSTRUCTION MANUAL FOR THE PROBATE COURT (AND YOUR LOVED ONES).

BASIC INFORMATION

- Your Last Will and Testament is a legally executed document (it gets signed, witnessed and notarized).
- It directs how you want your property/assets distributed at your death and names your Executor – who will be in charge of ensuring your wishes are carried out.
- Your estate passes through the probate process regardless of whether you have a valid will or not.
- If you do not have a will, the state will have one for you, it is called dying “intestate”.



AIPRA

* SARAH ROUBIDOUX LAWSON

** [HTTP://WWW.TRIBAL-
INSTITUTE.ORG/LISTS/UNDERSTAN
DING.HTM](http://www.tribal-institute.org/lists/understanding.htm)

BASIC INFORMATION

* In 2006, Congress passed the American Indian Probate Reform Act (AIPRA), which was intended to overhaul Indian probate and fix flaws found in previous Indian probate legislation. Among the many provisions of AIPRA, the law also established new rules for intestate succession of trust property, and required that trust property descend according to tribal law (if any).

** AIPRA creates a new nation-wide probate code that changes how your trust property will be distributed among your heirs if you die without a will. By writing a will, you can designate how your trust land will be transferred in trust to any Indian person or to your descendants even if they are not tribal members. You can control how your trust property is passed by creating an estate plan, such as a will or deed. There are also new provisions on wills. If you have already written a will, you should review it to make sure the will says what you currently want.



LIVING TRUST
&

Living Trust (Revocable Trust)

This document (also known as a “probate avoidance trust”) is similar to a Will in that it can distribute your assets and settle your estate, but it does so in a private way. Assets owned by a Trust are not subject to the court process known as probate, which is a public process. All probate cases are a matter of public record, meaning anyone can have access to those documents, including your Will. By setting up a Revocable Living Trust and re-titling assets (bank accounts, real estate, vehicles, investment accounts, etc.) in the name of the Revocable Living Trust, it allows those re-titled assets to avoid probate and the costs associated with the probate. To avoid probate is to avoid the government getting involved in your personal family affairs.



Power of Attorney (POA)

BASIC INFORMATION

- This document appoints an individual (an “Agent”) to act on a your behalf with regard to your financial affairs.
- A Financial Power of Attorney gives you the power to choose someone you trust to make decisions about your financial affairs now and in the future, if you are unable to do so.
- It takes effect immediately.



Advance Directive

BASIC INFORMATION

- This document allows you to make known your wants and wishes concerning life support.
- This document prompts many personal and spiritual discussions that should be taken very seriously.



Medical Power of Attorney

BASIC INFORMATION

- This document names an individual (called an “Agent” or “Surrogate”) to make healthcare decisions for you when you no longer can make these decisions on your own.
- Typically, this allows the agent to consent to treatment on your behalf.



HIPAA REQUIREMENTS

HIPAA Authorization

Health Insurance Portability and
Accountability Act, 1996

BASIC INFORMATION

- This document works hand-in-hand with your *Medical Power of Attorney*, allowing the Agent/s the ability to speak freely with your doctors and medical providers, so that the agent/s can make informed decisions on your behalf.
- REF: (HIPAA), Public Law 104-191, included Administrative Simplification provisions that required HHS to adopt national standards for electronic health care transactions and code sets, unique health identifiers, and security.



Moving Forward What to do next?

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IDENTIFY YOUR VALUES, DESIRES, WISHES

Values are our life's priorities. They represent the things that are most important to us. Values set the boundaries within which we choose to live our lives.

COMPLETE THE QUESTIONNAIRE (SEE HANDOUT)

This series of questions will help you gauge where you are in the planning process. Some of the answers will come quickly, others will take some time. That is okay, just keep working through this and make sure you complete your plan.

CONSIDER BRINGING THIS SERVICE TO YOUR TERO STAFF AND CLIENTS

In Summary - THANK YOU!

EXPLORE YOUR VALUES AND THINK ABOUT THE POSSIBILITY.

What lies at the intersection of our finances and current state of health and the unpredictability of life are legal, personal and spiritual complexities that no one can adequately prepare us for until the time arrives. I help people navigate these conversations. I was doing this before law school, throughout law school; and I will continue to do so well beyond graduation. We can help ourselves meet the complexities of an unpredictable world through honest and open conversation starting with ourselves and then with our loved ones.

I made a commitment to myself that I would be a loud and caring voice to help ensure families are protected in this way. I want to thank everyone who has been part of this journey and who have offered so much of their time, energy, input and collaboration.

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