

CLARIFICATION OF ROLES AND RESPONSIBILITIES
(Legal and Financial)

Archdiocese of Portland

The Archdiocese of Portland takes an active role in the planning and implementation of a priest's funeral, often serving as a coordinator to honor his work and legacy in the Church.

The Office of the Vicar for Clergy can help to clarify the responsibilities of the legal representative and assist with finding needed resources.

The Office of Finance and HR need an original Death Certificate.

The Office of Divine Worship covers the cost of the funeral worship aids and Cathedral Choir stipends for the funeral. There is no cost for clergy to use the Cathedral or the Cathedral Parish Hall.

The Archdiocese of Portland is not responsible for any funeral related expenses. The estate is responsible for payment of funeral, burial, or related expenses. The Vicar General, or his designee, must approve any payment of funeral related expenses by the Archdiocese of Portland in advance of the priest's death. Any questions regarding the Archdiocese's policies on life insurance, end of life care, etc. may be directed to the Office of the Vicar for Clergy.

Power of Attorney (POA) Types:
General Power of Attorney

A general power of attorney gives broad powers to a person or organization (known as an agent or attorney-in-fact) to act in your behalf. These powers include handling financial and business transactions, buying life insurance, settling claims, operating business interests, making gifts, and employing professional help. General power of attorney is an effective tool if you will be out of the country and need someone to handle certain matters, or when you are physically or mentally incapable of managing your affairs.

<https://www.legalzoom.com/articles/what-is-a-power-of-attorney>

A general power of attorney is often included in an estate plan to make sure someone can handle financial matters if you become incapacitated. The power of attorney is not effective after your death.

In order for your power of attorney to be effective in the event you become mentally incompetent due to illness or injury, the power of attorney must be a durable power of attorney, which is simply a POA which specifies that it continues in effect in the event you become incompetent.

The General POA can be made to either go into effect immediately, or after a doctor certifies that you are mentally incompetent, or after you authorize the POA to go into effect. You can decide this when you have the POA prepared.

Special Power of Attorney

You can specify exactly what powers an agent may exercise by signing a special power of attorney. This is often used when one cannot handle certain affairs due to other commitments or health reasons. Selling property (personal and real), managing real estate, collecting debts, and handling business transactions are some of the common matters specified in a special power of attorney document.

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Health Care Power of Attorney (Health Care Representative)

A health care power of attorney grants your agent authority to make medical decisions for you if you are unconscious, mentally incompetent, or otherwise unable to make decisions on your own. While not the same thing as a living will, many states allow you to include your preference about being kept on life support. Some states will allow you to combine parts of the health care POA and living will into an advanced health care directive.

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Oregon provides for an “Advanced Directive,” in which you will name the health care representative to make medical decisions for you.

Legal Representative for Disposition of Remains

The Oregon statute, ORS 97.130, designates the persons who have the authority to control the disposition of your remains, unless you have designated someone to do so on an “Appointment to Control Disposition” form. (The form is available through Your Catholic Funeral Services and the Office of the Vicar for Clergy. It must be presented to the funeral home and cemetery.) The statute sets out the order of priority of persons eligible for such authority, starting with spouse and then through relatives of various degrees of kinship, then the personal representative of the estate and then the person nominated in the Will to be the personal representative. References in this section to “Legal Representative” refer only to the individual with authority to control the disposition of your remains.

If you have pre-paid cemetery and funeral plans, these arrangements typically cannot be changed by your Legal Representative. Your Legal Representative confirms service logistics and simply signs the authorizations and forms needed to release the prepaid funds. In the absence of pre-paid cemetery and funeral plans, your Legal Representative is responsible for all decisions about your funeral arrangements, such as embalming, cremation, and where your remains will be placed. Your Legal Representative is also responsible for related expenses.

Even if your estate has adequate funds to meet your funeral expenses, those funds may not be immediately available. Your Legal Representative may be required to pay for funeral related expenses and seek reimbursement from your estate later.

If you have not done so, please consider pre-payment plans or discuss your final disposition with both your executor and your Legal Representative. If you do not have a relative available to perform the duties of the Legal Representative, it may be advisable to designate a Legal Representative on the Appointment to Control Disposition form.

The Legal Representative must contact the selected funeral home and the selected cemetery before liturgy times and dates are finalized. This will ensure availability of required facilities for the times and dates selected.

Legal Representative of the Estate (Personal Representative)

The legal representative of a decedent's estate is the personal representative appointed by the court to administer the estate. The Personal Representative is named in the Will. Another name for the Personal Representative is the Executor. If there is no Will, any interested party can file for the probate of the estate and be appointed as the personal representative. An interested party is generally someone who would inherit from the decedent. In some cases, if the assets in the estate are less than certain minimum values, a small estate procedure may be used. In that case a probate is not filed. Instead, an Affidavit is filed by the person named Personal Representative in the Will, or by any other interested party. The person filing the Affidavit is the Affiant, and the Affiant is responsible for distributing the assets of the estate.

The Personal Representative is responsible for dispersing funds from the estate to the extent they are adequate and available. Both the Legal Representative and Archdiocesan staff will seek approval from the Personal Representative before contracting for any related funeral goods or services including: cemetery and funeral home expenses, catering or other related costs.

Funds are often not immediately available from your estate for payment of funeral expenses, so pre-paying these expenses through a funeral home and cemetery trust is recommended to ensure that your wishes are carried out.