

BEING PREPARED FOR LIFE AND DEATH IN BAJA

This Primer Includes Information on:

- The Notaria Publica
- The Mexican Power of Attorney
- The Mexican Will
- The Mexican Healthcare Directive
- End of Life Planning
- Mexican Laws, Contracts, and Declarations
- Encountering the Deceased
- Emergency Contact Information
- Legal Services
- List of Hospitals and Medical Facilities
- Palliative Care Resources
- List of Funeral Services
- Information for US Citizens
- Information for Canadian Citizens
- To Do List

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Planning Ahead: Peace of Mind for You and Your Loved Ones

Talking about death isn't easy—but planning for it is one of the kindest things you can do for the people you care about. Without a plan, the responsibility often falls on family, friends, or even strangers, who may already be overwhelmed in the aftermath of loss.

Living abroad adds an extra layer of complexity. Who will handle your affairs? How will expenses be covered? Would you prefer a memorial, burial, or cremation? Can arrangements be made here in Mexico? And what happens if you're unable to make decisions for yourself?

Whether you're a full-time resident, a seasonal snowbird, or simply visiting Baja, this guide is designed to help you prepare. Inside, you'll find a checklist of essential steps and resources to make sure your wishes are clear and your loved ones aren't left struggling during a difficult time.

This booklet is designed to help you through the basics of dying in Baja Sur, Mexico.

Minimally, there are three actions recommended for preparing yourself for either incapacitation or death while living/residing in Los Barriles.

1. Create a Power of Attorney.
2. Create a last will and testament in Mexico.
3. Create a Healthcare Directive* that includes post life wishes.

It is highly recommended that you identify a trusted person that lives in Los Barriles with whom you can share personal/sensitive information including how to contact your family.

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THE NOTARIA PUBLICA

In Mexico, the Notaria Publica is an attorney with at least five years experience who undergoes additional study and apprenticeship before being appointed Notaria Publica status.

Documents produced by a Notaria Publica include, but are not limited to, deeds, power of attorney, wills, and healthcare directives.

Notarias have many areas of specialty, therefore you need to find one that suits your particular needs.

Mexican law dictates which documents must be made by a Notaria Publica to have legal standing. There are two levels of documents that a Notaria Publica produces:

1. *a protocolized document*
2. *a notarized document*

Documents requiring protocolization include: Wills, Power of Attorney, and Deeds. **Though a healthcare directive may not require notarization it is highly recommended.**

The title of a "Notary" north of the border should not be confused with Notaria Publica of Mexico. They are not the same thing.

THE MEXICAN POWER OF ATTORNEY

Under Mexican law, there are several ways to make arrangements so that other people can make decisions on your behalf, represent you when you cannot be there yourself, or when you are unable to make decisions yourself. Each document comes with specific requirements, limitations, and purpose.

The document is highly complex, advice from a professional is highly recommended when contemplating this kind of document.

Any power of attorney document is properly executed by a Notaria Publica.

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THE MEXICAN WILL

Often people think that when a beneficiary is mentioned on a deed or on a bank account, it is sufficient and a Will is not needed. This may be an incorrect assumption. Discuss this with your bank and your Notaria Publica. A Mexican Will enables beneficiaries and rapid process for the selling of properties and access to accounts.

A Will made in Mexico may involve your estate outside of Mexico, but it is possible to have a Will in Mexico for your estate here, and a separate Will for an estate outside of Mexico. Your attorney is the best person to advise you in these important and potentially complex issues. Remember, probate can take years before everything is sorted out. The last will and testament is properly executed by a Notaria Publica.

Executor of a Will (Albacea)

An executor of your last will and testament is the person in charge of the settlement of your estate after your death. An executor must be appointed in a last will and testament. An executor has no access to the estate when the testator is still alive.

In Mexico, if an executor is deceased, and there were no other executors appointed by the testator, the court will be able to assign one to carry on with the testator's Will. Request a percentage of your estate to be paid to the executor. By doing so you create a benchmark from which the court can assign a figure if circumstances require it.

Appoint a spare executor in case the first one is not able to perform the task. In Mexico it is common for an executor to be paid for services rendered.

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MEXICAN HEALTH CARE DIRECTIVE

(TRAMITES MEDICOS)

A Mexican Healthcare Directive is the simplest legal instrument you can create in which you state: which person can make decisions about your healthcare when you can no longer do it yourself, and what your specific wishes are for specific situations. A "Do-Not-Resuscitate" statement may be part of your directive as well as provisions for organ donation.

Additionally, post life wishes should be included in a Health Care Directive. You may express your wishes regarding everything that you wish to happen with your body after you die: arrangements for your burial or cremation; who will get your ashes; who will pay for your funeral; who will claim your remains from the authorities in case you die in unnatural death; where you want to be buried, and many things more.

A declaration for cremation, if desired, should also be stated in your Mexican Health Care Directive. This is especially important for someone without a "legal" spouse or local next-of-kin. Without such a declaration a search for next-of-kin has to take place to obtain permission for cremation.

*Mexican Health Care Directive must be properly executed by Notaria Publica

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End-of-Life Planning in Baja California Sur

In Mexico, active euthanasia is illegal nationwide. While Baja California Sur doesn't have a specific state law recognizing *voluntad anticipada* (advance directives or passive euthanasia), **you can create a notarized *voluntad anticipada* through a local notary.** This document allows you to express your wishes to refuse life-prolonging treatments like ventilators or feeding tubes and to prioritize comfort

It's important to complete your *voluntad anticipada* while you are still young and mentally competent. Once you are in a medical emergency or living with dementia or cognitive decline, it's too late — you must be of sound mind and able to legally consent at the time of signing. Think of it like a will: something you do now, not later. Creating it early gives peace of mind to you and your loved ones.

Although advanced medical directives written in B.C.S. Mexico may not be accepted in certain instances, following the precedent of declaring your wishes in a *voluntad anticipada* and will serve a guideline for medical providers, family members, and caregivers, especially in private hospitals.

If you do not speak Spanish well it is advisable to use a certified translator when creating legal documents in Mexico. The documents will be created in Spanish. An English translation may be added to it.

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MEXICAN LAWS, CONTRACTS & DECLARATIONS

1. **Mexican federal law allows for general civil contracts and personal declarations to be notarized**, even when there's no specific local statute about the subject.
 - A **voluntad anticipada** can be written as a **notarized personal legal declaration**—a type of contract expressing your wishes and medical intentions.
 - This falls under **federal civil law principles** related to autonomy, personal rights, and contracts.
2. **Notaries function under state civil codes**, but many of their acts are upheld based on **contractual intent and good faith**, especially when no law expressly prohibits it.
3. Even though BCS has no formal law to register or standardize the format of a voluntad anticipada:
 - A **notarized document is still legally valid** as an expression of a person's wishes.
 - It may be **respected by medical providers, especially private ones**, as a guideline or ethical directive.
 - Some **hospitals or doctors** may use it to justify limiting extraordinary care, especially if the family supports it.

● Limitations

- **No formal legal obligation** exists in BCS for hospitals or doctors to follow a voluntad anticipada.
- **Public hospitals (e.g. IMSS, ISSSTE)** may **refuse to honor it**, citing lack of local legal regulation.
- **In legal disputes**, a judge might view it as **evidence of intent**, but not binding in the same way it would be in states like CDMX or Puebla.

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STEPS TO FOLLOW WHEN ENCOUNTERING THE DECEASED **

1. **Call 911 to report the emergency to the county. If no response, call Proteccion Civil 624-178-6884**
2. When the local police arrive, provide them with Passport. The police will contact the coroner in the county you reside. In Los Barriles, this is in La Paz. In Buenavista, the coroner is located in Los Cabos. This will take several hours.
3. Do not move or touch the body after death.
4. Do not leave the deceased's house unattended.

POLICE

LOS BARRILES (MINISTERIO PUBLICO) 624-314-1265
BUENA VISTA 624-141-0316

When the coroner arrives, the deceased will be removed to the morgue in La Paz. In Mexico, a preliminary death certificate is typically referred to as a "death report" (Acta de Defunción). The official death certificate is issued by the Registro Civil (civil registry) after the death has been confirmed and its causes determined. This certificate is printed on official security paper and includes details like the deceased's name, date and place of death, and cause of death.

The Mexican Death Certificate will be used by the US Consulate to create the "Consular Report of Death", of US citizens abroad. They will issue 10 copies.

The funeral home can now start the procedure of cremation, embalming, burial, or shipping. Authorities require a body to be cremated, embalmed, or buried within 48 hours following death. The funeral home can help you with these arrangements. They can contact the US or Canadian embassy and may take you to the judicial offices in La Paz.

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EMERGENCY CONTACTS

POLICE STATION LOS BARRILES 624-314-1265

Los Barriles Police Department is located in Delegation, top of hill up from Tio's Restaurant

POLICE STATION BUENA VISTA 624 141 0316

AMBULANCE SERVICES

- **Emergency 911**
- Los Barriles – East Cape Health Center 624-160-1997
emergency phone
- Police Station Ministerio Publica Los Barriles 624-314-1265
- Bomberos Los Cabos 624-161-2452
- Proteccion Civil - call 911 but ask for “Los Barriles Ambulancia Publica”

****These instructions are specific to rural B.C.S.** Always call 911 for accidents/emergencies to ensure they are recorded in county records. This helps demonstrate the need for improved emergency services. To file an unofficial complaint about pre-hospital services in the East Cape, email the details to: ambu.reportslb@gmail.com so that this information can be shared with La Paz officials to advocate for better community services.

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Additional Emergency Contacts La Paz

| Institution | Telephone |
|----------------------------|----------------|
| C4 (EMERGENCIAS) | 911 |
| Proteccion Civil Estatal | (612) 124-3765 |
| Proteccion Civil Municipal | (612) 121-3634 |
| Bomberos | (612) 122-0054 |
| POLICIA MUNICIPAL | (612) 122-0477 |
| POLICIA MINISTERIAL | (612) 122-6610 |

Los Cabos

| Institution | Telephone |
|---------------------------------------|----------------|
| C4 (EMERGENCIAS) | 911 |
| Proteccion Civil Estatal | (612) 124-3765 |
| Proteccion Civil Delegacion CSL | (624) 143-5123 |
| Proteccion Civil Municipal | (624) 142-3748 |
| Proteccion Civil Municipal Zona Norte | (624) 218-3718 |
| Bomberos San Jose del Cabo | (624) 142-2466 |
| Bomberos Cabo San Lucas | (624) 143-3577 |
| POLICIA MUNICIPAL | (624) 143-3977 |

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Legal Services

ALARCON SERVICES

Located in: Plaza del Pueblo

Address: Plaza Del Pueblo, Valentín Ruíz González OFICINA 18,
Los Barriles, B.C.S., Mexico 23330

Phone: +52 624 175 3852

BAJA LEGAL SOLUTIONS

Address: Calle 20 de Noviembre, Plaza Guadalupe Local número
9,

Los Barriles, B.C.S., Mexico 23330

Phone: +52 612129404

Tourist protection and information 01 800 903 9200 or 01 800 987
8224,

from the U.S. and Canada 1 800 482 9232 or 1 800 401 3880

US Consulate

Main office in Tijuana 624-977-2000 US 619-692-2154

San Jose/Cabo 624-143-3566

USEmbassy.gov

Immigration Services

La Paz 612-122-0429.

Cabo San Lucas 624-143 -0135

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Hospitals And Medical Facilities

| | |
|--|---|
| East Cape Health Center <i>Emergency, On-site lab, X-ray, Pharmacy</i> Los Barriles - Plaza Libertad 11-15 Phone: +52 624 124 8203 624-160-1997 emergency phone | Hospital Salvatierra Av. de los Deportistas 86, Antiguo Aeródromo Militar, 23085 La Paz, B.C.S., Mexico |
| CLINICA MEDICAL Dr. Enrique Toledo Los Barriles - El Ancón Phone: +52 612 177 4095 cell 624-141-0793 office | Hospital Fidepaz Delfines 110, Col Fidepaz La Paz, B.C.S. 23090 624-124-0400 |
| Hospital H+ San José del Cabo - Koral Center Phone: +52 624 104 9300 Hours: Open 24 hours | AMC Hospital Paseo de La Marina 4116, El Medano Ejidal, El Medano, 23450 Cabo San Lucas, B.C.S., Mexico |
| Hospiten Cabo San Lucas Cabo San Lucas - Condominio Maestro Plaza Carretera Transpeninsular KM 0,5 Open 24 hours Phone: +52 624 145 6000 | Lu Pearson End-Of-Life Doula Email: lu@comfortcare.mx |
| Blue Net Hospital Cabo San Lucas - Plaza del Rey Phone: +52 624 104 3910 Hours: Open 24 hours | |
| IMSS HOSPITAL NO. 6 San José del Cabo - Centro Blvd. Antonio Mijares 41 Phone: +52 624 142 1680 Hours: Open 24 hours | |

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PALLIATIVE CARE

Palliative Care for Seniors: Enhancing Quality of Life in Later Years

As people age, they often face a range of complex health challenges that affect not only their physical condition but also their emotional and spiritual well-being. For seniors dealing with serious or life-limiting illnesses, palliative care offers a compassionate, patient-centered approach to improve quality of life — not just for the individual, but also for their family and caregivers.

Palliative care provides specialized medical care focused on providing relief from the symptoms, pain, and stress of serious illness. It is appropriate at any age and at any stage in a serious illness and can be provided alongside curative treatment.

Home healthcare assistance is available in Los Barriles and surrounding communities. You may wish to consider palliative care as part of your medical directive.

PALLIATIVE CARE RESOURCES

East Cape Home Health Barriles Wellness Center

Brittany Ochoa, Director Address: Don Antonio Verdugo, Don Miguel Carril, 23330 Los Barriles. +52 624 184 6953

Geriatricians

| | | |
|----------------------|--------------------------|--------------|
| Dr. Mauricio Mercado | Los Barriles, San Jose | 624 142 2711 |
| Dr. Oscar Prado | La Paz | 612 170 2014 |
| Dra. Yazmin Camez | San Jose, Cabo San Lucas | 668 480 661 |

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Funeral Services

| | |
|---------------------------------|--|
| <u>San Jose del Cabo</u> | |
| FUNERARIA SALAS | Km 34.1 Carretera, Carr. Transpeninsular, San José Viejo, 23437 San José del Cabo, B.C.S., Mexico Hours: Open 24 hours. Phone: +52 624 146 0983 |
| <u>Cabo San Lucas</u> | |
| FUNERARIA RIVERA | English/Spanish Address: Av. Reforma s/n, Ejidal, 23470 Cabo San Lucas, B.C.S., Mexico Phone: +52 624 105 1333 What's app 624-121-9364 Hours: Open 24 hours |
| PENINSULA FUNERAL CARE | English/Spanish Calle Ignacio Zaragoza 1711, Xol. Matamoros, Cabo San Lucas, B.C.S., Mexico 23468 |
| <u>La Paz</u> | |
| FUNERARIA ESPINO | Address: E/Sonora y Sinaloa 3055, Blvd Margarita Maza de Juárez, Flores Magón, 23056 La Paz, B.C.S., Mexico Phone: +52 612 196 1598 OFFICE 24 hours 612-288-9881 Hours: Open 24 hours |
| Cremation Services | |
| MOREH | Address: Mariano Abasolo 465, Barrio Manglito, 23060 La Paz, B.C.S., Mexico Hours: Open 24 hours. Phone: +52 612 122 1191 (no English, use Google translate) |

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INFORMATION FOR US CITIZENS

The U.S. embassy or consulate American Citizens Services (ACS) unit can assist family and friends in the event of the death of a U.S. citizen in Mexico to:

- Confirm the death, identity, and U.S. citizenship of the deceased.
- Attempt to locate and notify the next-of-kin.
- Coordinate with local funeral homes contracted by next-of-kin or legal representatives.
- Coordinate with the legal representative regarding the disposition of the remains and the personal effects of the deceased.
- Issue a Consular Mortuary Certificate in accordance with instructions from next-of-kin or legal representative to ensure orderly shipment of remains and facilitate U.S. Customs clearance. The certificate is in English and confirms essential information concerning the cause of death.
- Issue a Consular Report of Death of an U.S. Citizen Abroad to the next-of-kin or legal representative for use in settling estate matters in the United States..
- The Department of State has no funds to assist in the return of remains or ashes of U.S. citizens who die abroad.

**Visit the US State Department
for additional information at
[USEmbassy.gov](https://usembassy.gov)**

A Mexican death certificate is issued for anyone dying in Mexico. Foreign consulates in Mexico may also produce Report of Death for their citizens after Mexican death certificate has been issued. Contact your consulate for more information.

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INFO FOR CANADIAN CITIZENS

(info provided by publications.gc.ca)

After your death:

- In Mexico, only your legal next of kin can request and internment/cremation services.
- If your remains are to be returned to Canada, make sure that you have identified funeral homes in both Mexico and Canada.
- An autopsy may be mandatory in Mexico, depending on the circumstances of your death.
- The funeral home will provide your representative with one death certificate. Extra copies of the death certificate can be obtained through the funeral home for a fee. It is possible that institutions in Canada will request a certified copy of the death certificate (produced by the Mexican civil registry) and a translation from Spanish. It is important that your representative obtains plenty of copies. The Canadian consulate does not provide death certificates, but can provide a list of official translators. The translation can also be done in Canada.
- Your representative should bring your passport to the Canadian embassy or consulate to be canceled.
- The consulate does not give legal advice, nor can it intervene in private legal processes.

If you have any concerns, it is recommended that you also seek legal advice in both Canada and Mexico. For more information on the consular services provided by the Canadian Embassy visit

<https://travel.gc.ca/docs/publications/death-abroad.pdf>

OR

<https://travel.gc.ca/assistance/emergency-info/death-abroad>

Legal documents should be made with professional guidance and/or properly executed by a Notaria Publica

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TO DO LIST

Prepare a binder that contains your information:

- ☐ Mexican Power of Attorney
- ☐ Mexican Will
- ☐ Mexican Healthcare Directive
- ☐ Names, email addresses, and phone numbers of people you wish to be notified in case of an emergency or death
- ☐ Name and contact info of the party who is going to be responsible for your pets
- ☐ Sufficient cash to cover any immediate expenses that may occur
- ☐ Keys to your home and cars, including insurance information and titles
- ☐ Name and contact info of doctors and insurance agents
- ☐ Copies of your Social Security cards, health, insurance cards, bank cards with pin numbers, permanent residency information
- ☐ Information with respect to burial/cremation and insurance policies
- ☐ A written record of computer, phone, and tablet passwords
- ☐ Bank and investment accounts with contact info of beneficiaries
- ☐ Title information for your property, a copy of when and where the Fideicomiso and the land taxes are paid. If you rent, a copy of your lease and rental agent contact information.

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