

# **PLANNING FOR INCAPACITY**

## **POWER OF ATTORNEY FOR FINANCES & ADVANCE HEALTH CARE DIRECTIVES & CONSERVATORSHIPS**

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## **Power of Attorney for Finances**

- What is a Power of Attorney for Finance?
- Do You Need a Power of Attorney?
- Difference from Will
- Difference from Trust
- Difference from AHCD
- Durable vs. Non-Durable
- General vs Limited
- Immediate vs. Springing

## **Types of Power of Attorney**

- Attorney Drafted
- Statutory
- Pre-Printed
- Combination

## **Selecting an Agent**

- Spouse, adult children relative
- Friend
- Professional Advisor
- Working with Your Trustee
- Successor Agents

## **Miscellaneous Issues**

- Execution
- Is Recording of Document Necessary?
- Financial Institution Acceptance
- Termination/revocation
- Co-Agents
- Potential for Misuse

## **Advance Health Care Directives**

- Purpose
- Considerations
- Agent
- Organ Donation
- Burial/Cremation
- Nominate Conservator
- Placement

## **Selecting Your Agent**

- Responsible
- Medical Knowledge
- Follows Directions
- Religious Beliefs of Agent
- Proximity
- Age
- Children
- Family Member
- Friend
- Private Professional
- Co-Agents

## **Types of Advance Health Care Directives**

- Statutory Form
- CMA Form
- Attorney Drafted
- Combination

## **Types of Power of Attorney**

- How Specific
- End of Life Issues
- POLST
- Talk to Your Agents
- HIPPA

## **Authority of Agent**

- Medical Decisions
- Personal Care
- End of LIfe
- Disposition of Remains

## **Sign the Document**

- Witness or Notarized?
- Skilled Nursing Facility (Ombudsperson)

## **How Will They Know Who to Call**

- Tell Family Members
- Provide Copy to Agent
- Provide Copy to Physicians
- Wallet Cards
- One Time Only Form
- Registration with California Secretary of State
- DocuBank

## **What it May Not Do**

- HIPPA
- DNR
- Does Not Cover Personal Care
- Does Not Cover Finances

## **Conservatorships**

- What is a Conseratorship
- Types of Conservatorship
- Bond
- Court Supervision
- Costs

## **When Would a Conservatorship be Appropriate**

- No Estate Planning
- Family Fighting
- Dispute re: Proposed Conservatee's Best Interest
- Court Oversight Necessary



## **Who Should be My Conservator**

- Nomination of Conservator;
- Family Member;
- Professional Fiduciary
- Public Guardian