

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 Conservatorship
- 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**