

PLANNING FOR INCAPACITY
DURABLE POWERS OF ATTORNEY
ADVANCE HEALTH CARE DIRECTIVES

Peter C. McMahon
Thomas P. McMahon
401 Glenneyre Street Ste. E
Laguna Beach, CA 92651
(949) 494-9785
peter@mcmahonlaw.net

CONSERVATORSHIP

- Person
- Estate
- Court Supervised
- Designed to protect conservatee and his or her due process rights

POWER OF ATTORNEY FOR FINANCES

- Purpose
- Is it necessary if you have a trust?
- Durable vs. Ordinary
- General vs. Limited
- Immediate vs. Springing

TYPES OF POWERS

- Pre-Printed/Internet Forms
- Statutory Forms – Probate Code §4401
- Bank Forms
- Attorney Drafted Forms

CHOICE OF AGENT

- Friend or Family Member
- Professional Advisor
- Co-Agents
- Alternate Agents

ISSUES

- Proper Execution
- Acceptance
- Misuses
- Termination/Revocation

ADVANCE HEALTH CARE DIRECTIVE

- Purpose
- Considerations in Drafting

Agent, Organ Donation,
Burial/Cremation, Nomination of
Conservator

CHOICE OF AGENT

- Friend or Family Member
- Professional Advisor
- Co-Agents
- Alternate Agents

AUTHORITY OF AGENT

- Medical Decisions
- Personal Care
- End of Life
- Burial

END OF LIFE DECISIONS

- *Advance Health Care Directive*
- *POLST – Physicians Orders for Life Sustaining Treatment*
- *HIPPA – Health Insurance Portability & Accountability Act of 1996*