



LAW OFFICES OF
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Durable Power of Attorney & Advance Health Care Directives

Presented By:

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I. What is a Durable Power of Attorney

- A Durable Power of Attorney is a legal document that allows a person (the principal) to appoint an attorney-in-fact to manage financial and legal matters.
- Durable: It remains effective even if the principal becomes incapacitated
- Helps avoid a conservatorship.



II. Powers

- Banking and bill payment
- Real estate transactions
- Tax matters
- Investment accounts
- Business operations
- Contract signing



When Does It Become Effective?

-Immediate

-Springing



Immediate

- Effective as soon as signed.
- Useful for convenience.
- Helps with immediate planning.



Springing

- Effective only upon incapacity.
- Usually requires physician(s) certification.
- More protective.
- Can create delays.



Why is a DPA Important

Without one:

- Family may need to seek a conservatorship.
- Court involvement can be costly.
- Delays in paying bills / managing assets.
- helps avoid court intervention.



What is an Advance Health Care Directive

An Advance Health Care Directive allows a person to:

- **Appoint a health care agent**
- **Give medical treatment instructions**
- **State end-of-life wishes**
- **HIPAA / privacy access**
- **Provide organ donation instructions**
- **Disposition of remains**



Health Care Agent Powers

The appointed agent may make decisions regarding:

- o Medical treatment
- o Surgeries
- o Medication
- o Long-term care
- o End-of-life decisions
- o Access to medical records
- o Only effective when the principal lacks capacity, unless otherwise stated.



Common AHCD Decisions

Life Support

- Artificial nutrition / hydration
- Ventilator support
- CPR / resuscitation

Comfort Care

- Pain management
- Hospice care
- Palliative treatment



California Requirements

Durable Power of Attorney

- Must be signed by principal
- Must be notarized
- Certain powers require express language

AHCD

- Signed by principal
- Two witnesses or notarized
- Special witness rules for skilled nursing residents



Who Should Be Named

Choose someone who is:

- Trustworthy
- Organized
- Available
- Calm under pressure
- Able to communicate with family
- Willing to follow your wishes
- Always name at least one alternate.



Common Mistakes

- Naming the wrong person
- No backup agent
- Outdated documents
- No HIPPA
- Lack of Instruction



How These Work With a Trust

- A trust manages trust assets. A DPOA manages non-trust assets and legal matters. An AHCD governs medical decisions.
- All three work together in a complete estate plan.



Who Needs these Documents

○ Anyone 18+



Final Thoughts and Questions

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THANK YOU