

Powers of Attorney and Living Wills: Key Tools for Your Peace of Mind

For most of us, a major concern as we grow older involves what happens if we have an injury or illness that is disabling? Who will take responsibility for helping you with needed health care or property management decisions?

Powers of Attorney (“POA”) provide one of the key answers to this question. They allow you to select who will take charge if you’re incapacitated temporarily or on a longer term basis; and can also specify what that person is empowered to do.

There are a wide variety of approaches that can be followed with POAs. They can be set up to go into effect right away, or be conditional on a doctor certifying a disability and the need for assistance. They can cover only limited health care or property management choices, or can be drawn broadly to cover a wide range of contingencies. They can designate a first choice agent and a second or even third choice agent if your first choice is unable to serve. They can even designate who you would want to serve as your guardian or conservator if a guardianship or conservatorship proceeding is ever needed.

POAs can also be revoked in the event that you change your mind on who you want to have serve; or if you determine the POA is no longer needed.

POAs generally avoid the need for much more costly and often unsatisfactory guardianship or conservatorship proceedings. Guardianships or conservatorships involve court hearings and uncertainty as to who will be appointed, in addition to generating considerable cost relative to proof and extent of disability which can involve doctors and multiple lawyers. These costs can largely be avoided with a properly drawn POA.

Along with POAs, **Living Wills** serve a valuable purpose for most people. If a person wants to avoid being kept alive by extraordinary measures when death is imminent and there is no prospect for recovery, a Living Will provides a means for doing this. It instructs the responsible doctor that, if, because of illness or injury, death is imminent and there is no possibility of recovery, artificial life support should be withheld. This can save a person and their loved ones major medical expense. It can also spare loved ones the difficult task of making a decision to terminate life support.

Other more specific health care directives such, as “do not resuscitate” or “do not intubate” orders may also be discussed with your physician if these are appropriate to your circumstances.

Powers of Attorney and Living Wills are two relatively simple and straightforward estate planning tools that go far in affording peace of mind against the uncertainties of health we all face. You should visit with a qualified Estate Planning Attorney to get these set up if they suit you or your circumstances.

Schwiebert Law, P.C. would be happy to help you with these and other Estate Planning measures.