

## CALDA

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# MEDICAL DIRECTIVES & POWERS OF ATTORNEY

*AN OVERVIEW FOR THE SELF-HELP INDIVIDUAL*

A Legal Document Assistant (LDA) is not an attorney. LDAs provide professional self-help services at your specific direction. Although LDAs cannot select your forms or offer legal advice, they can offer self-help reference materials written or approved by attorneys, such as this brochure. LDAs can also assist you procedurally. Many LDAs have self-help manuals in their personal libraries available for purchase or reference. Informational books are also available to you in your local law library and book stores. Be sure to seek legal counsel from a licensed attorney if you have any legal questions or need legal advice not addressed by this brochure or other publications.

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**OVERVIEW OF MEDICAL DIRECTIVES & POWERS OF ATTORNEY**

Like most people, you probably are not very eager to spend time thinking about what would happen if you became unable to take care of yourself because of illness, an accident or advanced age. If you don't do at least a little bit of planning – naming someone you trust to direct your medical care and handle your finances – these personal matters could wind up in the hands of doctors or in front of courts who may know very little about what you would prefer. It is far better to spend a few hours completing the legal documents that will make your wishes clear.

Almost every adult can benefit from some planning for incapacity.

**PLANNING FOR INCAPACITY**

Most of us would like to make things easier on ourselves and our families if we become incapacitated – that is, if we can no longer take care of ourselves, personally or financially. This can be accomplished by:

- stating the kinds of medical treatment you do or do not want if you are no longer able to speak for yourself,
- naming someone to enforce those healthcare wishes and make the necessary medical decisions for you , and
- naming someone to handle financial matters for you if you can no longer manage them on your own.

**ADVANCED HEALTHCARE DIRECTIVE**

This is the official California form that permits you to state your wishes for healthcare and name a trusted person who will work with doctors and other healthcare providers on your behalf. If you like, you can also use this form to name the doctor you want to supervise your care if possible, to state your wishes about organ donation after your death and body disposition and other final arrangements you require.

## DO NOT RESUSCITATE (DNR) ORDER

Some people who do not wish to receive life-prolonging treatment when close to death may also want to prepare a DNR order. If a medical emergency occurs, this form alerts emergency medical personnel that you do not wish to receive cardiopulmonary resuscitation (CPR).

## DURABLE POWER OF ATTORNEY FOR FINANCES

This official California form allows you to appoint the person of your choice to manage your finances for you if someday you can no longer do so yourself.

Preparing an Advanced Directive for Healthcare and a Power of Attorney for finances is the best way – and sometimes the only way – to ensure that you will get the kind of care you want. If you don't prepare documents directing your healthcare, you might receive treatment that is very different from what you would have wished and, if you don't authorize someone to oversee your finances, a court could put those matters into the hands of someone you'd never choose for yourself.

It is especially important to plan ahead if your circumstances make it likely that family members won't understand your wishes, or if a court might be inclined to appoint someone other than your first choice to make decisions for you. For example, planning is essential if you are a member of an unmarried couple, straight or gay, and you want your partner to take responsibility for your healthcare and finances if someday you need help. Without the right legal documents, a court could choose another family member to make financial decisions on your behalf. It is also crucial to make a plan if you feel strongly about any of the details of your medical care or financial management. Only you know the particulars of your wishes – for example, that you never want to be placed on a respirator or that your house shouldn't be sold while you are alive, even if you can no longer live there. Writing down these fine points is the best way to prevent them from being lost.

**By stating your wishes in advance you may not take care of any discomfort others might have about your preferences – but most people will respect your wishes. And, anyone wishing to challenge your documents will probably be unsuccessful and face a losing battle in court unless he or she can show you were not of sound mind when you made your plan, or that you signed documents under duress or as the result of fraud.**

Forms may be available for purchase from your local stationery and/or office supply store or downloaded from the internet. Check the California Coalition for Compassionate Care website at [www.finalchoices.org](http://www.finalchoices.org) for updates on Advanced Health Care Directive materials.

You may also wish to view NOLO'S "Quicken Willmaker Plus" and NOLO'S "Living Wills & Powers of Attorney for California" by Shae Irving for more information.

Forms may also be available from your local hospital at no charge. Call the Social Services or Patient Education Department; or ask your doctor.