

### Introduction: What is an advance directive?

An advance directive is a legal form that helps your doctors and family members understand your wishes about health care. It can help them decide about treatments if you are too ill to decide for yourself. For example, if you are unconscious or too weak to talk. There are two types of advance directives: durable power of attorney for health care and living will.

### What is a durable power of attorney?

This form lets you name the person to make health care decisions for you if you can't make them yourself. This person is called your "health care agent." He or she will have the legal right to make health care decisions for you. You can choose any adult to be your agent. It's best to choose someone you trust and who knows you well. You should take to that person to make sure they are willing to be your health care agent.

### Do I have to fill out a durable power of attorney?

No. It's up to you whether you complete a durable power of attorney for health care. If you don't choose a health care agent, your doctor will choose a spokesperson to make decisions for you in the following order: legal guardian (if you have one), spouse, adult child, parent, sibling, grandparent, grandchild, or a close friend. If your doctor can't find anyone from this list, Facility staff or a court will make decisions for you

### What is a living will?

A living will is a legal form that communicates what kinds of health care you would or wouldn't want if you become ill and can't decide for yourself.

### Do I have to fill out a living will?

No. It's up to you whether you fill out a living will. The purpose of a living will is to help your spokesperson and your doctor make decisions about your care. Whether or not you decide to fill out a living will, it's important to discuss your wishes with others. Talk to your health care agent, your loved ones, your doctors, and your health care team so they understand what is important to you.

### Does my spokesperson have to follow living will?

Most of the time, yes. Your spokesperson must try to respect your wishes if they are known. But it can be hard to imagine the future and say just what treatment you would want at that time. So sometimes your spokesperson may have to interpret your wishes. In an Advance Directive, you can say how strictly you want your wishes followed. You can tell your health care agent to do just what your living will says, or you can tell them to make the decision they think is best for you even if it isn't what the living will says.

### Must healthcare providers follow living will?

Your advance directive provides important guidance for your health care providers. Generally, your advance directive will be followed, unless there is conflicting information about your wishes or it is unclear how to apply your wishes. In a few cases, advance directives can't be followed because they conflict with legal or professional standards.

### Should I have an advance directive?

Yes, it's a good idea to have one. An advance directive helps protect your right to make your own decisions. It helps make sure people respect your wishes if you can't speak for yourself.

*Your advance directive is used only when you aren't able to make your own health care decisions*

### How do I complete an advance directive?

Use any valid state advance directive form. You can also fill out more than one form. But if you do this, you should make sure they don't conflict with each other. Your health care provider or legal advisor can help determine which form is best for you. You can fill out the form on your own or get help from a health care professional at your local health care facility. This might be a social worker, your primary care doctor, or your mental health professional. You could also talk to your spiritual advisor or attorney..

### What should I do with my advance directive?

Give your advance directive to your health care provider so they can put it in your medical record. Also give a copy to your health care agent and anyone else who might be involved in making health care decisions for you

## Alternatives to guardianship

Because the powers they convey are so sweeping, guardianships are supposed to be a remedy of last resort. Some less drastic, alternative measures that can help and protect elderly or infirm individuals retain some control over their lives include the following:

<b>Limited power of attorney</b>	Gives one person the authority to perform a specific action for another. For example: Selling their automobile or making medical decisions.	<b>Revocable or living trust</b>	Allows someone to designate one or more trustees to hold and manage the person's property subject to certain specified instructions. Unlike with an irrevocable trust, the person can change or terminate a living trust at any time.
<b>Durable power of attorney</b>	Allows someone to choose in advance who will act on their behalf should they become incapacitated.	<b>Advance directives</b>	Written personal care instructions to be followed in the event the person becomes incapacitated and is unable to communicate with health care providers and loved ones.
<b>General power of attorney</b>	Gives someone the authority to make any decision for another person.	<b>Living will</b>	Provides written instructions to health care providers and family members on certain medical treatments the person wishes to receive or refuse under specific conditions.
<b>Representatives or substitute payee</b>	Someone who receives Social Security benefits or other government benefits can arrange with the appropriate agency to appoint a representative payee to manage the person's benefit checks.	<b>Community services</b>	A home health aide, adult day care, respite care and other supportive services can be coordinated to keep someone in their home and maintain as much independence as possible.
<b>Automated banking</b>	Direct deposits and automated bill paying can make it easier for an elderly person to maintain control over their finances.	<b>Facilitated mediation</b>	A trained mediator can help family members resolve disputes over the care of a loved one.

Sources: National Center for State Courts; P. Mark Acottura, author and elder law attorney; T.S. Latham, "The Con Game: A Failure of Trust" (Lulu Publishing, 2014); National Guardianship Association; Guardianship Clinic, Benjamin N. Cardozo School of Law.



By [deleted]

[cheatography.com/deleted-2754/](https://cheatography.com/deleted-2754/)

Published 31st January, 2018.

Last updated 31st January, 2018.

Page 1 of 2.

Sponsored by **ApolloPad.com**

Everyone has a novel in them. Finish

Yours!

<https://apollopad.com>