

Advance Planning: Powers of Attorney & Health Care Proxies

Advance Planning, regardless of age, involves planning to have trusted individuals safeguard your rights and dignity, in line with your wishes should you need them. The following information is specific to the state of New York and consultation with an attorney is recommended before taking any steps.

Power of Attorney (POA) - A Power of Attorney is a legal document **authorizing an individual (an agent) other than yourself to decide on important matters and make personal decisions on your behalf.**

Why Is a POA Important?

A POA helps you prepare for an uncertain future. If you are unable to make important **personal** decisions, such as financial decisions, having a POA gives you the peace of mind knowing that someone is authorized to make those decisions and act despite your absence or inability to do so.

Who Can be an Agent?

Anyone you trust with personal and financial decisions, 18 years of age or older, can be an agent, regardless of their relationship to you.

What Powers Can the Agent Have?

An Agent may have as little or as much power as you give them over the matters which you decide. The agent, however, **cannot make health care decisions for you without a Health Care Proxy.**

Healthcare Proxy (HCP) - If you become physically or mentally incapacitated, a Health Care Proxy is a form that **allows you to appoint someone to make health care decisions and obtain medical records on your behalf.**

Why Is a HCP Important?

Authorizing someone else to make healthcare choices for you **gives you the peace of mind knowing that someone will make the choices you want them to make, on your behalf, in the event of incapacitation.** It also **gives you control by letting you decide the person who will make these choices for you** if you prefer someone other than your spouse or another family member as required by law.

Who Can be a Proxy?

Anyone that you trust with medical decision, 18 years of age or older can be a proxy, regardless of their relationship to you.

Frequently Asked Questions

Q. What if I change my mind, do these documents last forever?

A. You can revoke either of these documents at any time while you still have capacity. You may also make them for a limited time or limited purpose.

Q. What if my HCP proxy and I disagree about medical and end-of-life decisions?

A. Before drafting a HCP you should have a conversation with the person who you intend to name as your proxy to be sure they understand your wishes and are ready to act accordingly. If that is not the case, then you may consider a different proxy or may need a different document to achieve your goal.

Q. Do I need both?

A. Each document serves a different function and each is recommended separately.

Q. Will these documents work outside of New York if I move?

A. Both of these documents are drafted under New York specific rules. Other jurisdictions may have other requirements for similar document and therefore third parties outside of New York may refuse honor.

If you have questions about Powers of Attorney or Health Care Proxies, contact CLA at 516-210-6763 or info@cla-ny.org



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