

# *Law Offices of Carolyn J. Strassberg, LLC*

## *Estate Planning and Elder Law*

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### **ADVANCE DIRECTIVES**

#### **LIVING WILL**

This document enables you to set forth your medical wishes while you have the capacity to do so. These wishes are to be adhered to by medical facilities. It enables you to choose to decline certain or all treatments or insist on trying all possible treatments or anything in between. The most important aspect of the Living Will is that your wishes will be known.

#### **HEALTH CARE PROXY (NY) • MEDICAL POWER OF ATTORNEY (NJ)**

A Health Care Proxy document names an agent to step into your shoes and make your health care decisions for you when you lack the capacity to do so. Choose your health care proxy wisely and make sure you have made your wishes known to that individual before making him or her your health care proxy. It is a good idea to have successor agents named in this document.

#### **POWER OF ATTORNEY**

An “agent” or “attorney in fact” is the person who has been given the power in the Power of Attorney document. This document enables the agent or attorney in fact to make financial decisions for you should you be unable to do so or simply do not wish to do so. A Power of Attorney document may be limited to bank accounts, transferring of assets, real estate transactions, gifting, or whatever the person creating the power of attorney specifies. It may also be very broad.

There are Springing and Durable Power of Attorney documents. A Springing Power of Attorney only comes into effect at the time a condition is met, such as the creator becoming incapacitated. To determine incapacity, a condition may be two (2) doctors must declare the individual to be incapacitated, which may be time consuming, difficult and expensive. The more common type of Power of Attorney is the Durable Power of Attorney, which is in effect the moment it is properly executed, as well as when the creator becomes incapacitated.

This information is intended for general information only and is not intended to provide legal advice.

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