

ADVANCE DIRECTIVES



What Are Advance Directives?

Advance directives are legal documents where you can express your wishes and choose people to help you make decisions. Some advance directives allow another person to make medical decisions for you if you are unable to do so yourself. Other advance directives allow another person to manage your money and property even when you are still able to do so yourself.

What Types of Advance Directives Are There?

The three most common Advanced Directives are:

POWERS OF ATTORNEY (POAs)	HEALTH CARE PROXIES (HCPs)	LIVING WILLS
This document allows you to name someone to make decisions about money and property for you. This document often allows the person you name to manage and control your property, even if you are not incapacitated, so only choose someone that you truly trust to act as your power of attorney. KEEP YOUR ORIGINAL DOCUMENTS SAFE You need to show the original POA to banks and other institutions to allow the designated person access to your accounts – a photocopy is not enough.	This document allows you to name someone to make medical decisions for you. This document only allows the person you named to make healthcare decisions for you when the medical professionals treating you have found that you lack “medical decision-making capacity.” This means they have deemed you unable to make decisions regarding your own medical care. For this document, you do not need to show an original - a photocopy works great! It is a good idea to share a photocopy with the person you name as your health care proxy and your medical providers as soon as the document is created.	This document allows you to express your wishes for your end-of-life care in case you are unable to make those decisions for yourself when the time comes. This document is not legally binding. While hospitals and your health care proxy should rely on the instructions in your living will when making medical decisions for you, the final decision on how care will be given is decided by the hospital along with your health care proxy or your decision-maker under the Family Health Care Decisions Act.

Other Advance Directives include: Do Not Resuscitate (DNR) Orders and Medical Orders of Life Sustaining Treatment (MOLST) forms to note any medical interventions you want at the end of life, and an Appointment of an Agent to Control Disposition of Remains Order, which allows you to name someone to choose what should happen with your remains following your death.

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When are Advance Directives not enough?

Sometimes, advance directives will be invalid or someone will not have the necessary understanding to sign a valid advance directive when it is needed. Other times, your existing advance directive may not give your named person the authority to do something specific that you need done for you. In those instances, Article 81 Guardianship may be necessary to get the authority to do what is needed on your behalf.

WHERE DO I GO FOR MORE INFORMATION ABOUT ADVANCE DIRECTIVES?

- [Page on Advance Directives](#) from The New York Attorney General's Office
- [Advance Directives Guide](#) by the Volunteers of Legal Service (VOLS)
- [Information about the New Power of Attorney](#) from Senior Legal Services
- [Short Form Order Power of Attorney Form](#) for New York State (provided by Jefferson County)
- [Health Care Proxy Form and Guide](#) from the New York State Department of Health (available in multiple languages)
- [Living Will form](#) (fillable) from the New York Attorney General's Office
- [Disposition of Remains form](#) from the New York Department of Health

