

September 24, 2013 /**24-7PressRelease**/ -- Understanding the basics of advance directives

Article provided by Hamilton Law Office, P.C. Visit us at <http://www.stuarthamiltonlaw.com>

When most people think about estate planning, they only think about making a plan for how their assets will be distributed after death. But, while wills and trusts are certainly important, they are not the only tools that should be considered essential to the estate planning process. It is just as important to plan for what will happen if you become incapacitated by a serious illness or injury.

These planning documents are called "advance directives." Since every person's situation is unique, it is important to discuss your wishes with an experienced estate planning attorney who can help you make a plan that fits your needs.

However, before making that meeting, it is advisable to have a basic understanding of advance directives so that you are prepared to have a productive conversation with your attorney. There are several different tools that fall under the umbrella of advance directives, the most common of which will be discussed in this article.

### Living wills

Living wills are legal documents that describe the medical care you want to receive in a situation where you are unable to voice your own wishes. For example, you might want to avoid life-sustaining treatments like mechanical breathing or feeding tubes if your doctors believe you will remain in a permanent vegetative state. Conversely, you might want your doctors to do everything in their power to save your life, even if they believe you may never regain normal functioning.

Living wills do more than just ensure your wishes are carried out. They also protect your loved ones from having to guess about what you would want at a time when they are experiencing extreme stress and anxiety.

### Health care proxies

Healthcare proxies are also sometimes called "health care powers of attorney." A healthcare proxy designates a person to make medical decisions for you in the event that you are unable to do so.

Health care proxies supplement, but do not replace, living wills. Since living wills cannot address every possible scenario, health care proxies appoint a person to step in and interpret your wishes.

### Durable powers of attorney

While health care proxies grant the power to make medical decisions, they do not allow the appointed person to manage your finances. But, if you are incapacitated for any meaningful period of time, it is likely that you will want someone who can pay your bills and access your financial accounts. A durable power of attorney does just that. You can choose to authorize the person to make all of the decisions you would have been able to make, or you can work with your attorney to grant a limited amount of power.

### Advance directives for people of every age

Every person, regardless of their age, would be wise to put advance directives into place. No one is invincible, and you never know when a serious accident could strike. By taking a few simple steps, you can ensure that your future is protected if the unthinkable happens.