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## Making your powers of attorney work for you

<http://www.pioneerlocal.com/hinsdale/lifestyles/currents/1774223.doings-agepage-092409-s1.article>

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When I was in law school, my great-uncle, after a choking accident, was put on a life support system. His wife, a World War I Army nurse, decided that the quality of life that he could expect, if any, would be practically non-existent. Knowing his wishes, she decided to "pull the plug."

For other families, it might have been much more difficult. This is why the Illinois Statutory Short Form Power of Attorney for Health Care stating what a person wants at the end of life is a "must have" in one's estate planning portfolio.

Like its cousin, the Power of Attorney for Property, the principal of the Power of Attorney for Health Care names an agent to make health-care decisions in case the principal is unable. This includes regular medical treatment or when death is imminent, as in the case of my great-uncle, whether life-sustaining treatment should be given or withheld.

Most hospitals and health providers are familiar with the Illinois Short Form Power of Attorney for Health Care which is stated verbatim in the Illinois statutes, and therefore this form should be the preferred form to sign. It is very frustrating for an agent in an emergency situation to wait for the health provider's legal department to approve an unfamiliar form.

In addition, I suggest that a power of attorney for Health Care include Health Insurance Portability and Accountability Act language to allow the agent to procure information. Although under Illinois law, a regular short form will allow the agent to obtain health-care records, other states may not be as tolerant if the language is absent.

Finally, the power of attorney for health care is the only power of attorney that does not cease at death, since it allows the agent to make decisions about the disposition of the body.

In contrast, the Illinois Statutory Short Form Power of Attorney for Property does cease at the death of the principal. This document allows the agent to make decisions or sign documents such as tax returns, bank transfers, estate plans while the principal is still living. Again, the short form found in the statute is the preferred standard form -- especially for financial institutions. However, it should specifically include the powers to gift, to transfer assets to your living trust and, if appropriate, the power to perform Medicaid planning.

When my dad was bed-ridden last year, he lost his ability to make decisions, but luckily had signed both powers of attorney designating my mom to make health care and financial decisions for him. If he hadn't signed these powers of attorney, we would have been forced to file a petition for guardianship with the Probate Court of Cook County which would have been a long, expensive and report-intensive affair.

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