

# **Avoid Disagreements Between Your Power of Attorney Holder and Health Care Proxy**

A durable power of attorney and a health care proxy are two very important estate planning documents. Both allow other people to make decisions for you in the event you are incapacitated. Because the individuals chosen will have to coordinate your care, it is important to pick two people who will get along.

A power of attorney allows a person you appoint -- your agent or "attorney-in-fact" -- to act in your place for financial purposes when and if you ever become incapacitated. A health care proxy is a document that gives an agent the authority to make health care decisions for you if you are unable to communicate such decisions.

While the health care proxy is the one who makes the health care decisions, the person who holds the power of attorney is the one who needs to pay for the health care. If the two agents disagree, it can spell trouble. For example, suppose your health care agent decides that you need 24-hour care at home, but your power of attorney thinks a nursing home is the best option and refuses to pay for the in-home care. Any disagreements would have to be settled by a court, which will take time and drain your resources in the process.

The easiest way to avoid conflicts is to choose the same person to do both jobs. But this may not always be feasible -- for example, perhaps the person you would choose as health care proxy is not good with finances. If you pick different people for both roles, then you should think about picking two people who can get along and work together. You should also talk to both agents about your wishes for medical care so that they both understand what you want.

Severns Associates helps to create a "response team" -- that is, a group that will work together cohesively for you in the event that you cannot take care of your own affairs. We also include these people in the planning stages of the estate planning process, so that they are not only on the same page as one another, they are also in line with the plan that you have designated for yourself.

If you have questions about whom to name for these roles, or you haven't yet executed these all-important documents, please contact our office for a consultation.