

MONONA PUBLIC LIBRARY

POWERS OF ATTORNEY

What are they,
do you need them (YES),
and how they work

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MPL ESTATE PLANNING SERIES

- September 27, 2021 : Powers of Attorney

What are they, do you need them (yes), and how they work

- October 25, 2021 : Wills and Trusts

A primer on how and why people utilize them for estate planning (ever wonder what happens to pets when someone passes away without making arrangements for their care?)

- November 22, 2021: Probate and Intestacy

What happens when someone dies without a will? Who inherits? Plus answers to frequently asked questions about Probate Court

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- Author, Mental Health Law in Wisconsin: A Guide for Legal and Healthcare Professionals, 2021 publication of Wisconsin State Bar
- Board President of NAMI Dane County
- Ambassador of WI Chapter National Academy of Elder Law Attorneys
- Wispact litigation committee member
- Member: National Organization of Social Security Claimants' Representatives (NOSSCR), Dane County Bar Association, Wisconsin Bar Association, and National Academy of Elder Law Attorneys
- Frequent presenter on issues of guardianship, elder law, Social Security Disability law, special needs trusts, and legal ethics
- BS Biology, UNC-Greensboro
- JD, Marquette University Law School
- Older than she looks



ESTATE PLANNING

Basics

Capacity

You are able to create and enact plans or directives. You control all of your possessions, property, and your decisions

- Capacity is simply defined as the ability to understand and appreciate one's actions.
- Capacity is fluid – it may be present at some moments, but not all.
- Legal capacity versus medical capacity

Incompetency

Legal determination. The inability to understand and appreciate one's health and finances. Guardianship may be needed for the person or estate.

At death

The plans you made are carried out by friends, family, financial institutions, the court, and the government.

Misconceptions

POWERS OF ATTORNEY: Powers of attorney are advance directives.

◀ Financial power of attorney (FPOA)

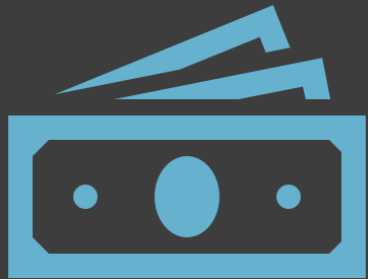
◀ Healthcare power of attorney (HCPOA or HPOA)

Organ donation declaration. Wisconsin via DHS has "opt in" system.
HIPAA release for designated agents.

Other advanced directives are living wills, and DNR (do not resuscitate) orders.



DNR orders in Wisconsin MUST be issued by an attending medical provider. They cannot be done in an attorney's office. Wisconsin uses form F-44763, which you can view online.



FINANCIAL POA

The agents

The powers

The effective date and requirements



HEALTH CARE POA

The agents

The powers

The effective date and requirements

REVOCATION

SPECIFICITY

**DELIVERY
&
STORAGE**

**OUT OF STATE
DOCUMENTS**

**KNOWLEDGE
&
ADVOCACY**