



...at the end of life



TOPIC 3

PROXY AND DELEGATION LEGAL REPRESENTATIVES

Meaning and need of proxy and legal representation / What happens if a person doesn't appoint a proxy?

A power of attorney (POA) is a legally binding document that designates a person or persons as your agent and grants them, in the future, the right to act on your behalf when you can no longer do this yourself. This can include the right to decide for you on financial, legal, and medical issues. Power of attorney agreement(s) only take effect while you are still living. A POA should not be confused with a will and testament, which comes into effect after the person has passed. A POA can be signed any time, even years before a person becomes incapacitated.

A power of attorney, sometimes referred to as a living will or a care directive, and a financial power of attorney are (is) the (two) primary estate planning instrument(s). If the person becomes incapable or incompetent, the power of attorney document(s) designates(s) an agent to handle legal, financial, and medical affairs of the incapacitated person.

In the absence of these (this) legal document(s), if you are mentally or physically unable to make decisions, someone must petition the court for conservatorship or guardianship over your financial and medical affairs. This public proceeding requires evidence of your incompetency or incapacity. They also look at the fiduciary fitness of the potential guardian and conservator.

Who can help in preparing proxies?

- Get information at national level about the appropriate professional to turn to and about the existence of public or private service aiming to support citizens in navigating this process.



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How to use the flashcard ?

This flashcard helps in initiating a reflection on the issue of:

- self-determination, i.e. how to decide for yourself.
- what kind of decisions you want to be made on your behalf in case you can no longer express them yourself
- who you consider to be the best person to take those decisions for you.

It can be complemented by a worksheet such as the Go Wish Game available in the Hold my hand resources data base, allowing you to start reflecting on end of life wishes to be then included in the proxy instructions.

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Trainers tips.

This flashcard can be complemented by:

- the provision of local contacts, for example in relation to NGOs offering free legal advice in relation to proxy and legal representations.
- the provision of further details in relation to the national legal systems in relation to the topics and/or an in-depth illustration by a solicitor or a notary.
- If used in a group setting, it is advisable to remind participants to consider confidentiality issues before sharing personal information about own assets.