

**Surrogate Union County**

**2 Broad Street**

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**[www.ucnj.org/surrogate](http://www.ucnj.org/surrogate)**

This office is dedicated to educating the public. The Surrogate has made it his goal to keep the residents informed about issues acted upon by this office.

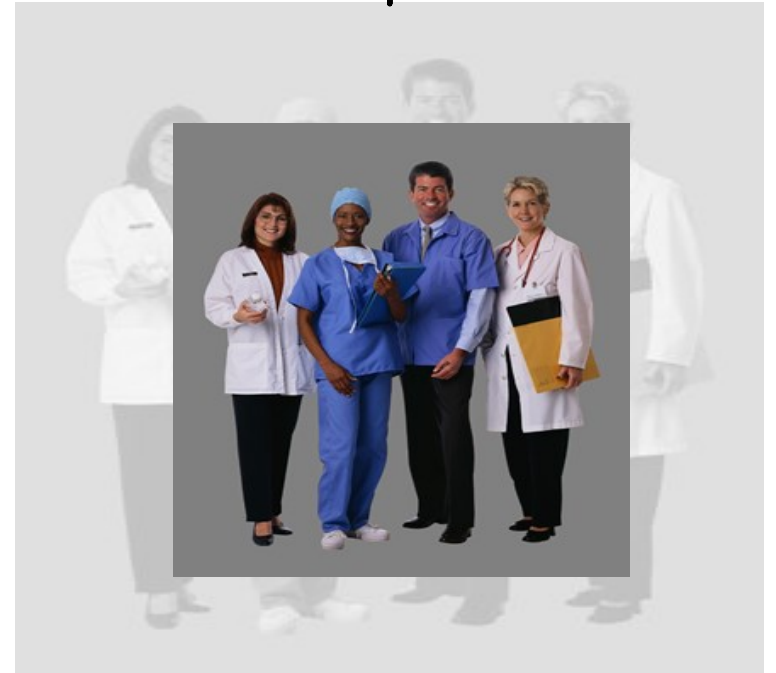
### **Some Functions of the Surrogate's Court**

- ◆ Probate Wills
- ◆ Process Adoptions
- ◆ Process Superior Court, Probate Part complaints for incapacitated persons and other
- ◆ Probate matters
- ◆ Scan, record and issue all probate proceedings
- ◆ Invest minor's funds
- ◆ Appoint Guardians for Minors
- ◆ Act as Clerk of the Superior Court



Updated June 2018

## **Planning Ahead for Your Future**



### **A Guide For Medical Advance Directives and Powers of Attorney**

- ◆ *Making your wishes known*
- ◆ *A few definitions*
- ◆ *Document types*



**Compliments of:**

**James S. LaCorte,**

**Surrogate of Union County**

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## **James S. LaCorte,**

### **Surrogate of Union County**

It has been my pleasure over the years to bring you as much informative information as possible. It has come to my attention that a number of residents do not have documents that would allow a family member, significant other or friend to act on their behalf if they should not be able to issue medical directives or handle finances should the need arise.



I have prepared this booklet for your use to help you understand the sometimes complex issues involved with writing an advance medical directive, also known as a healthcare proxy or living will. These materials are provided for "information only and do not constitute legal advice." It is advisable that you consult with a health care professional and an attorney to make sure that your directive accurately reflects your intentions. No two cases are the same.

In addition to making medical decisions, giving someone you trust the authority to speak or act on your behalf for financial transactions in case of an illness or injury is a very important decision and should not be made lightly or without prior planning. Naming a person to act as an agent under a financial power of attorney and preparing this document should only be done with the assistance of professional legal advice.

If you would like to have additional information on Wills and Estates, please contact my office and we will be more than happy to send you information. You may also visit us on the internet at:

[www.ucnj.org/surrogate](http://www.ucnj.org/surrogate)



## **PERSONAL INFORMATION**

**Personal Records:** Your personal records should be in a safe place such as a fireproof box or safe deposit box. However, your Last Will and Testament should be located where your Executor would be able to obtain the original. If the Executor is not listed on the safe deposit box and they do not have a key, they will not be able to get the original Will without a court order.

The following is a list of information that should be recorded for use by anyone with a Power of Attorney or other Personal Representative.

**Date of Birth:** \_\_\_\_ / \_\_\_\_ / \_\_\_\_

**Place of Birth:** \_\_\_\_\_

**Father's Name:** \_\_\_\_\_ **DOB:** \_\_\_\_\_

**Mother's First Name:** \_\_\_\_\_ **DOB:** \_\_\_\_\_

**Mother's Maiden Name:** \_\_\_\_\_

**Spouse Name:** \_\_\_\_\_

**Spouse's residence if different from yours:**

\_\_\_\_\_

**Last place of employment:**

\_\_\_\_\_

**Your Occupation:**

\_\_\_\_\_

**Title:**

\_\_\_\_\_

## PERSONAL INFORMATION

**First Name:** \_\_\_\_\_

**Last Name:** \_\_\_\_\_

**Middle:** \_\_\_\_\_

**A/K/A:** \_\_\_\_\_

*If you have ever used a nickname such as Peggy instead of Margaret, you would consider this an A/K/A (also known as).*

**Domicile:** *Your main residence. Your domicile will determine where the Will should be probated.*

Address: \_\_\_\_\_

Street

City

State

**Additional Addresses:**

Address: \_\_\_\_\_

Street

City

State

**Name of Physician:** \_\_\_\_\_

Street

City

State

Last Will and Testament, Healthcare Proxy and/or Power of Attorney is kept:

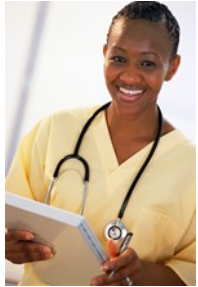
Contact: \_\_\_\_\_

*Healthcare Proxy & Power of Attorney acts when you are alive. Last Will and Testament dictates your estate when you die.*

## DEFINITIONS OF MEDICAL ADVANCE DIRECTIVES

### **Advance Directive**

You have to plan for what you want in advance and such planning is more likely to be effective if it's done in writing. An "advance directive" is any written directions you prepare in advance to say what kind of medical care you want in the event you become unable to make decisions for yourself.



### **Proxy Directives**

You can designate a person you trust and give that person the legal authority to decide for you if you are unable to make decisions for yourself. Your chosen proxy (known as Health Care Representative) serves as your substitute, "standing in" for you in discussions with your physician and others responsible for your care.

### **Instruction Directives**

Instruction directives are written directions that spell out in advance what medical treatments you wish to accept or refuse and the circumstances in which you want your wishes implemented. These instructions then serve as a guide to those responsible for your care. Another term some people use for an instruction directive is a "living will".

### **Combined Directives**

You may prefer to give both written instructions, and designate a health care representative or proxy to see that your instructions are carried out. This can be done with a single document in which you select a health care representative and provide him or her with a statement of your medical treatment preferences.

## DEFINITIONS FOR POWERS OF ATTORNEY

### **Durable Power of Attorney**

A power of attorney that remains in effect during the principal's incapacity. Such instruments commonly allow an agent to make healthcare decisions for a patient who has become incapacitated.

### **General Power of Attorney**

A power of the attorney that authorizes an agent to transact business and financial transactions for the principal.

### **Irrevocable Power of Attorney**

A power of attorney that the principal cannot revoke, also termed a power of attorney couple with an interest.

### **Special Power of Attorney**

A power of attorney that limits the agent's authority to only a specified matter.



## BEING PREPARED FOR THE UNEXPECTED THREE NECESSARY DOCUMENTS

Having both a healthcare proxy/advance directive and general power of attorney for finances will alleviate the need for your loved ones to petition the court for guardianship in the event you become incapacitated. If you do not have these legal documents in writing with designations for a person or persons to make legal, medical, financial and other decisions on your behalf, a court proceeding will need to be filed with the Surrogate to seek the appointment of a legal guardian. This proceeding is long, may be very expensive and can easily be avoided by seeking professional help to execute the advance medical directive and power of attorney when you have capacity to choose exactly who you want to handle your affairs and how you want those affairs to be carried out.

You can revoke both of these documents and choose new agents under each type of document as circumstances change your life as long as you have the capacity to alter or revoke these documents. You should provide copies of your healthcare proxy/advance directive and power of attorney to the person(s) you name in the documents as well as other family members to ensure that your wishes are followed.

In addition to these documents, which will control decisions made for your benefit and at your direction during your lifetime, the third document needed to control your wishes upon your death is a Last Will and Testament. This is a document prepared by a legal professional that will control who receives your assets upon your death and the appointment of an Executor to handle the probate process.