



THE LAW OFFICES OF
HOYT & BRYAN, LLC
FAMILY WEALTH & LEGACY COUNSELLORS

MARGARET "PEGGY" R. HOYT, J.D., M.B.A., B.C.S. ‡†*
RANDY C. BRYAN, J.D., B.C.S. ‡†
SARAH S. AU MILLER, J.D.
MICHELLE A. ADAMS, J.D.

‡ BOARD CERTIFIED IN WILLS, TRUSTS & ESTATES
† BOARD CERTIFIED IN ELDER LAW
*CERTIFIED LEGACY ADVISOR™

Making Medical and Financial Decisions for Your Partner

If you're in a committed relationship, you may want your partner to take care of things for you if you can't speak for yourself. To ensure this, you must prepare the correct legal documents.

If you ever become unable to make your own healthcare decisions or manage your own finances - because of injury, serious illness or advanced age - you may want your partner to step in and take care of you. Unfortunately, unmarried couples, unlike their married counterparts, often aren't permitted to make decisions for each other without signed authorization.

Specific legal directives are required if you want to ensure that critical decisions stay in the hands of your partner: healthcare directives and a durable power of attorney for finances. Fortunately, the documents you need are straightforward and usually easy to complete at any time.

Healthcare Directives

Every state has laws authorizing individuals to create legal directives setting out their wishes concerning the type of medical treatment they do or do not want to receive if they become unable to communicate their preferences. These documents may also name someone to direct their care. Healthcare directives are important for everyone, but in the absence of written legal authority state law dictates who will be your health care surrogate particularly for unmarried partners.

There are two directives that permit you to set out your healthcare wishes, both grouped under the broad label "healthcare directives." First, you need a "living will," a legal directive that sets forth your wishes regarding the provision of life-prolonging procedures if you are mentally incapacitated and your illness or injury is expected to result in death. The second directive is called a "durable power of attorney for healthcare" or "healthcare surrogate." In this directive you appoint the person you choose - most likely your partner - to see that your doctors and other healthcare providers give you the kind of medical care you want to receive.

Durable Powers of Attorney for Finances

A durable power of attorney for finances allows you to name someone you trust (called your "attorney-in-fact" or "agent") to handle your finances if you become unable to take care of yourself. Every state recognizes this type of document.

You can make your financial power of attorney effective immediately or you can specify that it should go into effect only if you become incapacitated; the latter is called a

"springing" power of attorney. If your power of attorney is effective immediately, your partner can handle financial transactions for you at any time, even when you are not incapacitated.

The Law Offices of Hoyt & Bryan assists families in the protection of their loved ones by focusing their practice in the areas of Estate Planning, Probate and Trust Administration, Elder Law including Medicaid and VA Planning and Special Needs Planning, Pet Planning, Business Succession Planning and Real Estate. The founders, Peggy Hoyt and Randy Bryan, are both dual board certified by the Florida Bar in Wills, Trusts and Estates as well as Elder Law. Hoyt & Bryan is the only law firm in Florida with the distinction of two attorneys with these certifications. We offer many complimentary educational workshops each week in our Learning Center at The Law Offices of Hoyt & Bryan and monthly workshops in the Auditorium of One Senior Place in Altamonte Springs. For more information please contact our office at 407-977-8080 or visit our website HoytBryan.com.