

Things to Think About When Completing Advance Directives

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Learning Objectives

- Understand the differences between guardianship and advance directives
- Be familiar with different types of guardians
- Know why to complete an advance directive
- Know some key things to think about when completing an advance directive

Difference Between Guardianship and Advance Directives?

- Guardianship is a legal process which involves the court
- Advance directives are a legal document, but does not require court involvement

Difference Between Guardianship and Advance Directives?

- To complete an advance directive, a person has to be deemed "competent" to make his or her own decisions
- A physician can declare that someone is able to make his or her own decisions
- "Capacity testing" with a health psychologist can be done if there is a question
- Incompetent vs incapacitated

Are There Different Types of Guardians?

- Temporary Guardian
- Guardian ad litem
- A guardian of the Person
- A guardian of the Estate

Different Types of Guardians

Temporary Guardian

- A person appointed by the court when time is critical and the proposed ward's welfare requires it
- This type of guardianship will last no more than 60 days
- If needed, the court can grant one additional 60 day period

Different Types of Guardians

Guardian ad litem

- WI law requires court to appoint a lawyer as a guardian ad litem in every guardianship case
- Role: represent the best interest of the proposed ward
- Must meet with the person to explain their legal rights and investigate the situation
- Like a referee or advocate that comes in and does not take sides... gives a recommendation to the court

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Different Types of Guardians

Guardian of the Person

- When the guardian has custody and control of the ward

Guardian of the Estate

- When the guardian is responsible for managing the ward's money and property

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Why Complete Advance Directives?

- Cases have recently captured national attention in the media
- This is a nationwide initiative and it is something that everyone should complete—not just for those who have a chronic illness
- It is a way to have your voice heard
- It is a routine education point, as opposed to a heavy and deep conversation

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Advance Directives

- Choose a person or people who are both constant in your life and people who will be able to fulfill your wishes
- When choosing a Health Care Agent, make sure you speak with them about your wishes—answer any questions they may have for you

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Advance Directives

- I strongly encourage you to think beyond any chronic illness to other scenarios and ask you to think about if your wishes are the same
- Remember: This can be changed and it only as permanent as you want it to be


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Where to Locate Advance Directive Forms


<http://dhs.wisconsin.gov/forms/advdirectives>

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Ask a Question

 **Viewing online?**


- o Click on the chat icon above
- o Question emailed to Training Team
- o Questions answered by expert on topic
- o Response within 2-3 weeks




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Acknowledgements

- WI Medical Home Webcast Series
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