


T H E A T T O R N E Y G E N E R A L O F T E X A S

KEN PAXTON



SENIOR TEXANS

Estate & Advance Care Planning

Texas law provides a number of ways for individuals to ensure that their wishes are carried out in the event they become incapacitated due to Alzheimer's Disease or other health conditions. Various standard forms can provide instruction to medical professionals and family members who may have to make critical decisions regarding treatment and health care.

In addition, the law provides various tools to help plan the disposition of property and other matters. The Office of the Attorney General cannot advise you on any of these legal issues; however, the Department of State Health Services, the State Bar and other resources are available to help you with essential advance planning for health care and to provide some guidance on other legal issues.

Health Related Advance Planning

Although it is advisable for an individual to consult an attorney when planning for the future, certain forms are available to anyone, and when properly completed, they are legally valid. Useful forms relating to health care include:

- The Medical Power of Attorney is used to designate a person who can make decisions about medical treatment on behalf of someone who is incapacitated or otherwise unable to make those decisions.
- The Directive to Physicians and Family or Surrogates can prohibit or authorize the use of life-prolonging treatments when a person's condition is terminal or irreversible.
- The Out-of-Hospital Do-Not-Resuscitate (DNR) instructs emergency medical personnel and other health care professionals to forego resuscitation measures.

Information about the Medical Power of Attorney, the Directive and other advance planning documents is available on the [Alzheimer's Program section](#) of the Texas Department of State Health Services Web site. More information about the DNR is available from the [EMS section](#) of the DSHS Web site. The Department of Aging and Disability Services also provides [all three forms](#), to be downloaded and/or printed.

Personal and Financial Advance Planning

A Durable Power of Attorney gives another person the authority to make personal and financial decisions on your behalf. A Durable Power of Attorney can cover all aspects of your personal and financial affairs, or may be limited to specific situations and activities. You should consult with an attorney when preparing a Durable Power of Attorney, to ensure that it accurately reflects your wishes and needs.

A living trust is created while you are alive, and is a legal arrangement which often is used to allow another person to assist you in managing your assets during your lifetime and to distribute your assets upon your death. As the "grantor," you transfer ownership of your property and other assets to the trust, which is administered by a "trustee" for the "beneficiary." A living trust is different from a "living will" (now called a "directive to physicians and family or surrogates"), which expresses your health care wishes about being kept alive or not if you are seriously injured or terminally ill.

Whether a living trust is an appropriate estate planning tool depends on your personal financial situation, health condition and goals. For example, living trusts are often appropriate for someone who is facing a serious incapacity like Alzheimer's disease. You should discuss the benefits and drawbacks with accountants, attorneys and financial planners who are experienced in this area and whom you trust before taking any action.

Beware of scams that exaggerate the benefits of a living trust. Some living trust offers are a ruse to gain access to your personal financial information or promote the sale of other financial services. The State Bar of Texas Web site has more information on [living trusts](#) and consumer scams associated with them.

ADDITIONAL LINKS

ACCESSIBILITY

PRIVACY & SECURITY

REPORT FRAUD

SITE POLICY

DATA SETS

SITE INDEX

CONTRACTS

CAREERS