

## **FREQUENTLY ASKED QUESTIONS ABOUT ADVANCE CARE PLANNING:**

- **At what age should I start thinking about Advance Care Planning? Do I need to be sick first?**

You don't need to be ill to plan ahead! Anyone age 18 or older may prepare a Health Care Proxy. You should start thinking about what your wishes might be if you are unable to communicate or express them during a health crisis. You should also consider whom you would trust to carry out your wishes under such circumstances. Serious events can happen unexpectedly. It is best to plan ahead.

- **How will my Health Care Agent know what I want?**

Having an open and frank discussion about your wishes with your Health Care Agent is the best way of putting him or her in a position to serve your interests. If your Health Care Agent doesn't know your wishes, he or she is legally required to act in your best interests. It is an enormous responsibility to try to determine what is in someone else's best interests. Don't put your Health Care Agent in that position. Tell your Health Care Agent what medical treatment you would want.

- **When does a Health Care Proxy go into effect? How long does it stay in effect? Can I change my Health Care Proxy if my wishes change?**

The Health Care Proxy goes into effect when the form is completed and signed by you before two witnesses who must also sign the document. Your Health Care Proxy remains in effect indefinitely. You may revise your Health Care Proxy at any time if your wishes or health care conditions change. In that case you will need to execute a new Health Care Proxy in the same manner as you did before. Your most recent Health Care Proxy will be honored.

- **Do I need to hire an attorney or a Notary Public?**

You do not need an attorney or Notary Public. The two-page New York State form is easy to complete. All you need to do is to sign the completed Health Care Proxy form before two witnesses who must also sign the form. Each witness must be over the age of 18. Your Health Care Agent and your Alternate Health Care Agent cannot be witnesses. During Covid-19 you may arrange for witnessing remotely.

- **What if my Health Care Agent and my Alternate Health Care Agent are not reachable when needed?**

It is best to select a Health Care Agent and Alternate Health Care Agent who are now available and will be so in the future, preferable living in the U.S. If neither are available when needed, your wishes for health care treatment as stated on your Health Care Proxy form or on a document known as a Living Will will give guidance, but will not be binding.

- **What if I am separated, but not yet divorced. Can my husband/wife still be my Health Care Agent?**

If you have named your spouse as your Health Care Agent and you later become divorced or legally separated, your former spouse can no longer be your Health Care Agent by law, unless you state otherwise. If you would like your former spouse to remain your Health Care Agent, you may note this

on your current Health Care Proxy form and date it or complete a new Health Care Proxy form naming your former spouse.

- **How often do I need to communicate with my Health Care Agent to see if they are still willing and able to serve?**

You should communicate with your Health Care Agent as often as you wish. Advance Care Planning is a process; it is not a one-time event.

- **Who decides if I am capable of making my own medical decisions?**

Your Health Care Agent would start making decisions for you if your doctor determines that you are not able to make health care decisions for yourself.

- **If I spend several months a year living outside the State of New York, will my NYS Health Care Proxy be recognized in another State?**

Your NYS Health Care Proxy will most likely be recognized. But if you spend several months a year residing outside the State of New York on a continuing basis, you should have both a New York State Health Care Proxy and a statutory Health Care Proxy from the State in which you reside for a few months a year.

- **My child is over the age of eighteen and attends a college outside the State of New York. Should my child have a NYS Health Care Proxy or a statutory Health Care Proxy from the State in which my child's college is located?**

Your adult child should have both a NYS Health Care Proxy and a statutory Health Care Proxy from the State in which your adult child's college is located.

You may have more questions about Advance Care Planning. Our What Matters Committee is here to help you find the answers. Contact us at [WhatMatters@emanuelnyc.org](mailto:WhatMatters@emanuelnyc.org).