

	Health Care Proxy	Guardianship	Affirmation of Health Care Proxy	Durable Power of Attorney	Conservatorship
What is it?	A legal document that appoints a person of one's choosing to make health care decisions on their behalf.	A court order that appoints a guardian to make decisions about the personal well-being (residence, healthcare, nutrition, education, personal care, etc.) of a person.	A court order that can be used to: <ol style="list-style-type: none"> 1. Affirm a Health Care Proxy 2. Remove a health care agent 3. Override a health care agent's decision 4. Determine the validity of a Health Care Proxy This Chart will focus on #1.	A legal document that appoints a person of one's choosing to make financial decisions on their behalf.	A court order that appoints a Conservator to manage assets and make financial decisions for a person.
Why is it Important?	Ensures that medical decisions can be made if one's unable to do so themselves. May avoid Guardianship.	Ensures that medical decisions can be made if one's unable to do so themselves. Necessary where there is no Health Care Proxy.	Ensures that medical decisions can be made if one's unable to do so themselves. Necessary where an existing Health Care Proxy is revoked.	Ensures that financial affairs are properly managed in the event one's unable to do so themselves. May avoid Conservatorship.	Ensures that financial affairs are properly managed in the event one's unable to do so themselves. Necessary where there is no Durable Power of Attorney.
Is the Court Involved?	No Unless Affirmation of Health Care Proxy is necessary.	Yes	Yes	No	Yes
When Does Authority Begin?	Upon the written findings of a physician that stating the person lacks the legal capacity to make healthcare decisions.	On the date of the court order, continuing until the death of either the Guardian or the person, or until the court terminates the order.	On the date of the court order, continuing until the death of either the agent or the person, or until the court terminates the order.	Depends on how the document was drafted. 1.) Immediately upon the person signing the document. -or- 2.) Upon the written finding of a physician stating the person lacks the legal capacity to make financial decisions.	On the date of the court order, continuing until the death of the Conservator or the person, or until the court terminates the order.

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Can it be Revoked/Terminated?	Yes. Through signing a new Health Care Proxy, verbal statement, or refusing care assented by agent.	Yes. With court approval.	Yes. With court approval.	Yes. Through a separate written statement and/or executing a new Durable Power of Attorney.	Yes. With court approval.
Timing?	Person must have legal capacity to sign a Health Care Proxy.	Person must lack legal capacity to Petition the court for Guardianship.	Person must lack legal capacity to sign a new Health Care Proxy Document.	Person must have legal capacity to sign a Durable Power of Attorney.	Person may or may not lack legal capacity in order to Petition the court to for Conservatorship.
Finding of Legal Incompetence/ Incapacity	In order to invoke the Health Care Proxy, a physician must determine that the person in need of services is physically and/or mentally incapacitated.	Yes, by the judge. A Medical Certificate and/or a Clinical Team Report is required from the treating physician.	Yes, by the judge. A statement of Attending Physician is required from the treating physician.	Depending on how the document was drafted, a physician may be required to determine that the person in need of services is physically and/or mentally incapacitated in order to invoke the Durable Power of Attorney.	A finding by a judge that the person is unable to manage their assets, possibly due to a legal incapacity. A Medical Certificate and/or a Clinical Team Report is required from the treating physician.
Financial Management?	No	No	No	Yes	Yes
Medical Decision Making?	Yes	Yes	Yes	No	No
Who Trumps Who?	In the rare case that there is both a Guardian and a Health Care Proxy that was not revoked by court, the decisions of the Health Care Proxy Agent trump those of the Guardian.			If there is both a Conservator and an Attorney-in-Fact (Durable Power of Attorney agent), the Conservator's decisions trump those of the Attorney-in-Fact. In fact the Conservatorship has power to revoke or amend the Durable Power of Attorney.	