

Do I need a guardianship or a health care proxy to help make medical decisions if my spouse, parent, or grandparent is diagnosed with dementia or Alzheimer's?

January 21, 2016

Do I need a guardianship or a health care proxy to help make medical decisions if my spouse, parent, or grandparent is diagnosed with dementia or Alzheimer's?

The short answer is yes, but do not panic.

There are several possible courses of action that you can take if your loved one is diagnosed with dementia or Alzheimer's. It is important to first find out if your loved one has executed a health care proxy. A health care proxy is an estate planning document that allows your loved one to formally nominate a person to make health care decisions for them if your loved one is deemed incapacitated by a doctor. If they have executed one, upon a doctor determining that your loved one cannot make health care decisions for themselves, the named individual in that health care proxy will then be in charge of making medical decisions on behalf of your loved one. If your loved one has not executed a health care proxy nominating a health care agent, and has not been deemed incapable of making medical decisions, you should discuss with them who they will want to make medical decisions on their behalf. It is important that you move with great haste and have your loved one execute a health care proxy as their mental capacity can quickly change.

If your loved one has already been deemed incapacitated hope is not lost, but the process will take some additional time. You will have to petition the court to have a guardian appointed. A guardian is an individual officially appointed by the court to make health care decisions on the behalf of your loved one. You can seek to have yourself, another family member, or a professional appointed as the guardian. Depending on the complexity of your loved one's medical condition, the petitioning process could become fairly complicated. If your loved one requires treatment with antipsychotic medication or has indicated that they do not want to be kept alive by artificial means, you must indicate that in the petition. There are also documents from your loved one's medical providers that need to be completed and submitted to the court to ensure that the court can appoint the proper medical decision authority to the guardian.

If you find yourself in this situation it is greatly beneficial to [hire an attorney](#) with experience with having guardianships. At Cohen Cleary, P.C. we offer representation to complete an uncontested guardianship petition on a "flat fee" basis. This means that if no interested parties contest your petition for the appointment of a guardian for your loved one you only pay a one time fee for the entire petitioning process. We will use our knowledge of the law and our years of

experience to make sure that your loved one will have someone with authority to make medical decisions on behalf of your loved one.

If you or someone you know is in need of having a guardian appointed for their loved one, or needs to have a health care proxy drafted, call us today at [\(508\) 880-6677](tel:5088806677) for your [free consultation](#) with an experienced guardianship attorney.

Our law firm is centrally located in Raynham and Plymouth MA and serves all of Eastern Massachusetts.