

KTJKLEIN, THORPE & JENKINS, LTD.
Attorneys at Law**Tax & Estate Planning Group**

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Keeping Our Clients Informed on Tax and Estate Planning Issues

For any questions or comments you might have regarding this newsletter or any other tax or estate planning concerns, please feel free to contact:

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Power of Attorney Act Update – Changes for 2015

Effective January 1, 2015, the Illinois Power of Attorney Act's ("Act") was amended and dramatic changes were made to the Statutory Form Power of Attorney for Health Care ("Statutory Form"). The Statutory Form is a legislative guideline that we have used in the past to draft Powers of Attorney for Health Care for many of our clients. The Power of Attorney for Property statutory form was unaffected.

The new Statutory Form makes substantial changes to the old form, many of which have been controversial within the Estate Planning community. These changes include fewer choices with respect to end of life treatment, no language providing HIPAA authority to the agent, no options for organ donation, and reworking the order of the provisions of the form in a manner that creates confusion.

We are also troubled by many of these changes. The omission of organ donation and the limited language regarding end of life treatment are particularly troublesome, as those items are of utmost importance to our clients. As such, we are currently advising our clients against using the new Statutory Form without first seeking the advice of counsel.

Additionally, we will not be using the new Statutory Form verbatim, and instead are developing a customized form that utilizes the positive changes in the new Statutory Form, while retaining the flexibility and options from the old form. Based on our experience, we believe this customized form will better suit the needs and achieve the goals of our clients.

If you already have a Power of Attorney for Health Care in place, you do not need to execute a new Power of Attorney. The changes to the Act do not invalidate any previously executed Powers of Attorney. Now is a good time, however, to review any existing Powers of Attorney to ensure that they still reflect your desires. If you would like to make any changes, please let us know, and we would be happy to assist you with the same.

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