**General and Durable Powers of Attorney**
     Unlike conventional estate planning documents that deal with transfer of property to beneficiaries at the death of the Maker (IE., wills), the general or durable power of attorney operates during the Maker's lifetime and allows individuals chosen by the Maker (principal) to act on his or her behalf.  The document may be drafted in different ways conferring different powers and limitations depending on the needs and objectives of the Client.  These should be discussed with an attorney.

     When a principal (Maker) delegates such authority to the agent, the agent may enter into binding transactions on behalf of the principal as long as the agent acts within the score of his or her authority.  Under common law, the authority of the agent, acting pursuant to a general power of attorney, terminates when the principal becomes incompetent or dies.  However, under Michigan's applicable statute, a power of attorney that is not a durable power of attorney in writing does not terminate until the agent receives actual notice of the death, disability, or incompetence of the principal.

     Under Michigan's durable power of attorney statute, the agent's authority either continues when the principal becomes disabled or becomes effective upon the principal's disability.  A durable power of attorney is an alternative to judicial guardianship and conservatorship.  It allows the client who anticipates the possibility of incompetence or other disability to provide an efficient, private mechanism for dealing with his or her own affairs without court intervention.  The powers given by the instrument, however, must be conferred before the onset of disability.

**Durable Power of Attorney for Health Care**     Michigan's durable power of attorney for health care statute expressly allows an individual to appoint an agent, termed "patient advocate" in the statute, to make medical or mental health treatment decisions and anatomical gifts if the individual is at least 18 years old and of sound mind when the designation is made.  The instrument for designating a patient advocate provided for in the statute is a durable power of attorney that applies specifically to health care decisions.  The patient advocate steps in when the patient is unable to participate in medical or mental health treatment decisions.

     Under the statute, the designation of a patient advocate may include a statement of the patient's wishes regarding care, custody, and medical or mental health treatment.  Furthermore, the patient may authorize the advocate to exercise one or more powers concerning the patient's care, custody, and medical or mental health treatment that the patient could have exercised on his or her own behalf.  However, the patient advocate may not exercise any powers that the patient, if able to participate in the medical or mental health treatment decisions, may not have exercised on his or her own behalf.

     With the assistance of an attorney, the durable power of attorney for health care may be drafted and crafted to prepare for and address the situation where a person is rendered disabled or incompetent as the result of a mental or physical condition and is unable to make proper decision regarding medical and mental health care and treatment.  It is a necessary component of any comprehensive estate plan.