

Ask Lambda Legal

Our attorneys field your questions on the issues that matter to you most.



Power of attorney and other documents can help couples navigate the health care maze.

Q I was excited to read about the new Department of Health and Human Services regulations directing hospitals to allow gay and lesbian partners visitation rights. So if my partner is hospitalized, they'll let me in, right?

A We wish it were that simple. The President issued his order after Lambda Legal client Janice Langbehn was denied access to her dying partner at a Florida hospital even though they had done all the power of attorney paperwork. However, having the proper paperwork has been

a lifesaver for other couples (see "Power on Paper," below). We strongly urge couples to have the following:

A *living will* tells medical professionals and your advocates what you want to happen if you need certain medical intervention to stay alive.

A *health care proxy* (also known as a *durable power of attorney for health care*) is a document you sign to make sure that the right person makes medical decisions for you when you can't make them yourself, and that clarifies your wishes about key health care decisions that could become necessary.

A *financial power of attorney* is used to appoint someone you trust to take care of things like paying bills if you can't do it yourself.

A *funeral directive/disposition of remains* lists your instructions for any funeral arrangements, including who should be in charge, and for what to do with your body.

A *will* is a legal document which sets out the way you want your possessions to be distributed after you die. When you don't have a will, you die "intestate," which means state law dictates how your property will be distributed—and often your same-sex partner and other people you care about will not be on the state's list.

Another thing to think about, depending on your circumstances: If you and your same-sex partner are raising children together and you both want to be recognized as parents, especially in a health care setting, it is very important to confirm the relationship legally through *second/step-parent adoption* or other means such as *co-parenting or guardianship agreements*. Be sure to designate a guardian and a backup guardian for your children in your will and other documents in the event that you are not able to care for them yourself. —*Judi O'Kelley, Director of Life Planning*

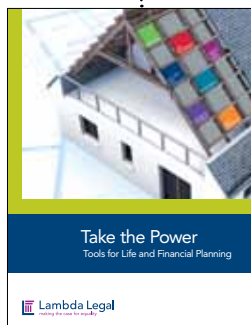


IF YOU HAVE QUESTION FOR LAMBDA LEGAL ATTORNEYS

contact Lambda Legal's Help Desk at www.lambdalegal.org/help/online-form or call us toll free at 1-866-542-8336.

POWER ON PAPER

When **Cindy Meneghin** (right, second from right), a plaintiff in Lambda Legal's New Jersey marriage case, was rushed to the emergency room with meningitis, hospital staff at first ignored her partner of 30 years, **Maureen Kilian** (right, second from left). Terrified of losing consciousness without her partner in charge of medical decisions, Cindy yelled, "She's my partner!" several times. But that didn't work, so she screamed, "She has my power of attorney!" That worked like a charm.



FOR MORE INFORMATION on how to protect yourself and your partner, visit www.lambdalegal.org/take-the-power.

