



Money Follows the Person

LEGAL ISSUES

Information for MFP Participants and Their Caregivers

What Is...

- ✚ **Informed Consent:** *Informed consent is a voluntary written agreement signed by the MFP participant (or that of a surrogate decision maker) to participate in the MFP demonstration project. Once consent is provided it may be revoked by the participant at any time. The MFP Informed Consent form will be signed only by the individual being transitioned or those who have legal authorization to act on the individual's behalf.*
- ✚ **Guardianship:** Guardianships are established to protect those individuals who have a disability of any kind that prevents them from making decisions about their health and safety.
 - *Guardian of Person* makes decisions about medical and personal care and decides where the person will live. If an MFP participant has this type of guardian, the guardian is required to sign the MFP informed consent form for the participant. Approval of the guardian is required for transition, and the guardian's continuous participation in decision-making is necessary.
- ✚ **Conservatorship:** Conservatorship is similar to guardianship, but differs in that it deals only with the financial affairs of an individual.
- ✚ **Advance Directives:** **Advance health care directives**, are instructions given by individuals specifying what actions should be taken for their health in the event that they are no longer able to make decisions due to illness or incapacity.

Types of Advance Directives:

- Durable Power of Attorney for Property : The principal (participant) delegates power to an agent for financial and property management issue decisions.
 - Durable Power of Attorney for Health Care *Power of Attorney for Health Care*. The principal (the participant) delegates power to an agent (trusted friend or family member) for health care and personal care issues decisions
 - Living Will: A living will usually provides specific directives about the course of treatment that is to be followed by health care providers and caregivers.
 - The Illinois Department of Aging provides complimentary copies of the following forms: Power of Attorney for Health Care, Power of Attorney for Property Living Will. For copies, contact the Senior Helpline: 1-800-252-8966, 1-888-206-1327 (TTY) Email: ilsenior@aging.state.il.us
- ✚ Locate **legal** assistance services in your community
- To locate legal assistance services **in your community**, contact your local Illinois Area Agencies on Aging Legal Services Office. You can also go to the following websites to retrieve a list of legal service providers: [Directory of Agencies and Organizations Serving Seniors](#); your local [Area Agency on Aging](#); or the [Senior HelpLine](#).
 - The Illinois Guardianship and Advocacy Commission, <http://gac.state.il.us/> also handles legal matters for the disabled, mentally ill or developmentally disabled.