



Enduring Power of Attorney

An enduring power of attorney (EPA) allows you to appoint someone to make financial, personal and medical decisions for you when you can no longer do so.

The person you appoint is called “an attorney” even if they are not a lawyer.

Your attorney

You can appoint a one attorney or several and you can appoint different attorneys for different types of decisions. You may also nominate a replacement who will take over if your attorney can no longer act.

Your attorney:

- Must be over 18
- Must not have a guardian appointed for them or an EPA in force for their own affairs.
- For a power of attorney in relation to your financial affairs, they cannot be subject to a bankruptcy order and or be classed a “seriously restricted customer” under the Cheques Without Cover Law.
- Cannot provide you with medical or rehabilitation care, geriatric nursing or other treatment for payment.
- Cannot provide you with accommodation in return for payment, unless they are a family member.
- Cannot be the lawyer or other professional who has assisted in the preparation of the power of attorney.
- May not be appointed as attorney for more than two other people unless they are a close relative.

The process

The EPA is an online document which must be prepared by a lawyer who has been certified for this.

Once you are happy with the final draft you will sign in front of the lawyer who has prepared this. Your attorneys can sign in front of any lawyer or by video conference.

The EPA is then deposited with the Official Guardian’s Office and it will remain on file until and if needed.

Every three years they will send you a reminder that they have the EPA on file.

You can determine when the EPA comes into force and, once that condition is met, your attorney will apply to the Official Guardian’s office to activate the EPA.

Your attorney’s obligations to you

- Your attorney is under an obligation to carry out their duties in the way which least restricts your rights and freedoms and which allows you to preserve your independence, as far as possible.
- Your attorney must assist you, as far as possible, to make your own decisions and if you cannot do so, your attorney must make the decisions you would have made in that situation.



Your attorney's authority

Your attorney is never allowed to do any of the following:

- Vote in your place in an election
- Make decisions under the Terminally Ill Patients' Law
- Make a will in your name or determine the heirs to your estate
- Make decisions which you were entitled to make on behalf of another person, or in your role as someone's parent or guardian

Your attorney is only allowed to do the following **if they have a court order**:

- Buying or selling real estate
- Financial transactions where the value is over NIS 500,000
- Disclaiming your rights to assets under a will or from an estate
- Making gifts or donations over certain limits

Your attorney is not allowed to do any of the following **unless you give specific instructions** in the EPA:

- Entering into financial transactions with a value of between NIS 100,000 to NIS 500,000.
- Make decisions regarding any pension products
- To agree to psychiatric evaluations and treatment, to move you into a psychiatric unit and to release you from that unit.
- Make donations, give gifts or grant loans unless you authorise them expressly to do so.

You can also include outside supervision over your attorney either by requiring them to notify or get consent from another person or by requesting that the Official Guardian's Office supervise their actions.

The EPA does **not** allow the attorney to make medical decisions for you if you are terminally ill (have less than 6 months to live) and are not able to make those decisions yourself.

In order to appoint someone to make decisions for you in that situation, you must appoint them using the forms under the Terminally Ill Patients' Law 2005 or you can give advance instructions yourself using the forms under that law.

More information can be found at: <https://www.gov.il/en/service/dying-patient-request>

If the EPA is not what you are looking for, there are other options for managing your affairs if you are unable to do so alone, such as assisted decision making or the appointment of a guardian. If you would like to discuss any of these other options, please let us know.