

## POWER OF ATTORNEY



*Prepared by:*

# Disability Rights Network of Pennsylvania

[www.drnpa.org](http://www.drnpa.org)

1414 N. Cameron Street, Suite C  
Harrisburg, PA 17103  
1-800-692-7443 [Voice]  
1-877-375-7139 [TTY]  
drnpa-hbg@drnpa.org [Email]  
717-236-0192 [Fax]

## **Power of Attorney**

### **What is a Power of Attorney?**

A Power of Attorney (POA) is a written document that allows you to appoint someone to become your agent in order to give the person authority to act on your behalf. When you appoint an agent the person must exercise his/her authority for your benefit and in accordance with your wishes. Whatever decisions and business transactions that your agent makes on your behalf will become just as binding as if you made them yourself. Therefore it is important that you choose an agent you can trust.

### **Why would I want to make a Power of Attorney?**

A POA allows you to appoint someone you trust to make decisions and complete transactions on your behalf. There may be many reasons why you would like someone else to act for you. Some examples include times when you are traveling and are unable to be present to sign documents or when you believe that someone else is better qualified to make a certain type of decision. You may wish to have your POA become effective only in the event that you become too disabled or lack capacity to make your own decisions. Having a POA in place in advance of incapacity may allow you to avoid having a guardian appointed by a court. In the event that a guardian is appointed at a later time, the agent will be accountable to the guardian in the same way he or she is accountable to you.

### **What authority can I delegate to my agent?**

You may empower your agent to handle many different facets of your affairs. In order to do this, you must specify what powers you wish to allow your agent to have in your document. Examples of the powers that you may give to your agent are the powers to conduct financial and property transactions, authorize medical care, create a trust, and apply for and receive government benefits. You may delegate one or more of the powers. The powers that you specify in your POA are the only powers that your agent may exercise on your behalf. You may designate more than one agent to handle decisions and transactions jointly or different agents to handle different powers. You may also nominate who you would like to have as a guardian in the event that you need one at a future time.

### **When will my Power of Attorney become effective and how long will it last?**

You may specify in your POA when it becomes effective, including a future date, such as when you will be away on a trip, or upon some specific event, such as your inability to make decisions for yourself due to mental incapacity. If you do not specify a time,

your POA will become effective immediately when you sign and date it. Depending on the powers that you delegate, your agent may also be required to sign and date it before it will become effective. A POA is presumed durable, meaning that it continues to be effective until a time that you specify in the POA, or until you revoke your POA, even if you become incapacitated. You can choose to make your POA non-durable, meaning that it will terminate if you become too incapacitated to make decisions for yourself.

### **How can I terminate my Power of Attorney?**

A durable POA can be terminated either by specifying a termination date in the document or at any time by giving notice to your agent of your revocation. It will automatically terminate when your agent receives notice of your death. If you designate your spouse as your agent, and at a later time you or your spouse file for divorce, the POA will terminate upon the filing unless the POA specifies otherwise. In addition to these methods of termination, a non-durable POA will also automatically terminate when your agent receives notice of your incapacity. If a guardian is appointed after you make a durable POA, the guardian may revoke or amend your POA.

### **How can I make a Power of Attorney?**

You must be an adult and be able to make an informed decision regarding giving another person the authority to make decisions on your behalf. You must sign the POA. If you sign by mark or have someone else sign for you, you must have two witnesses over the age of 18 sign also. Depending on the kind of powers you delegate to your agent, your agent may also be required to acknowledge the responsibilities of being your agent by signing the document. Your POA must contain very specific language to be effective. Therefore we suggest that you consult an attorney in order to be sure that your POA reflects your wishes.

For more information, you can contact the intake system of Disability Rights Network of Pennsylvania at 800-692-7443 (voice) or 877-375-7139 (TTY).