

Who Needs a Power of Attorney?

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Many people feel nervous about signing power of attorney documents. The thought of giving another person authority over your personal affairs can be unnerving. However, there are many important reasons why each of us should consider executing both a General Durable Power of Attorney document and a Health Care Power of Attorney document.

A **General Durable Power of Attorney** document (or financial power of attorney) is a legal document that allows another person (your “agent”) to make financial decisions for you if you are unable to do so for yourself. A **Health Care Power of Attorney** document is an important tool by which you can appoint an agent to make health care decisions on your behalf. Commonly, Health Care Power of Attorney documents are drafted to cover both routine medical situations as well as end-of-life decisions.

We are often asked, “Who needs power of attorney documents?” In a word, our answer is, “*Everyone.*” Regardless of your health or marital status, if you are over the age of 19, we strongly encourage you to select an agent to make life’s important decisions for you if the unthinkable should happen. **A special word of caution to parents of college-age children:** your status as next of kin provides you with NO AUTHORITY to make decisions on behalf of your child.

Inevitably, the next question on our clients’ lips is, “Who should I select?” An agent can be a family member, friend, or even a corporate trust company. While many factors will play into this decision, the most important consideration should be *trust*. Would you *trust* your selected agent to have full control over your checkbook? Do you *trust* your agent to make decisions regarding your end-of-life care? In addition, agents should be selected based upon factors such as specific skill sets, familiarity with your wishes, relationships with your other loved ones, emotional ability to deal with difficult decisions, and in some instances geographical proximity. It is also a very good idea to select a contingent agent

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in the event your first nominated agent is unable or unwilling to serve.

Not only do power of attorney documents help to provide you with peace of mind, they can also be a great blessing for your family. If you have not signed power of attorney documents, and you become unable to make decisions for yourself, then a court proceeding is most likely inescapable. Your loved ones will have to seek court authority to manage your affairs.

Life has a funny way of throwing us curveballs. Fortunately, power of attorney documents are a simple, inexpensive, and effective way to appoint a trusted person to speak for you when you are unable to speak for yourself.



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