



POWER OF PLANNING: WHAT IS A POWER OF ATTORNEY (POA)?



A **Power of Attorney (POA)** is a **legal document** that lets you choose someone you trust to make decisions for you, when you need help or if you can't make your own decisions. A POA only works during your lifetime. If you don't need help making decisions, your POA won't be used.

Your **Power of Attorney is like car insurance!** You hope you'll never need it, but you'll be glad to have it if you do.

Who Should Have a POA?

Anyone **18 or older** with legal capacity to make decisions.

- Legal capacity means you understand what the POA is about and how it affects your future.
- To make a POA for Property (and Finances), you must understand your income and assets.

Why are POAs needed?

- Sudden inability to make your own decisions
- Medical emergency or hospitalization
- End-of-life decisions
- Memory loss or dementia symptoms
- Transportation issues
- Home safety concerns
- Difficulty managing finances
- Detention or imprisonment Every adult 18+ needs advance planning because **we never know what can happen!**

What If You Don't Make Any POAs?

If you don't create a Power of Attorney and lose the ability to make decisions:

- A judge will have to appoint a guardian to make decisions for you—this court process is called guardianship.
- **Guardianship is often expensive, time-consuming, and stressful.**
- You won't have control over who is chosen to make decisions for you, and it may not be the person you would have picked.

In general - if you have a Power of Attorney, your friends and family won't have to get guardianship!

Power of Attorney (POA) Terms:

- **Principal:** You. The person who creates the POA and chooses an agent.
- **Agent:** The person you trust to make decisions for you, if you ever need that kind of help. You give your agent power of attorney. Note: The executor of your will or beneficiaries to your accounts can't automatically act as your POA agent.
- **Successor Agent:** A backup person who steps in if the first agent can't or won't act.
- **Fiduciary Duty:** Your agent has a legal duty to act in your best interest.

Reporting Concerns: If you suspect abuse, neglect, or exploitation, report it immediately! 24-Hour **Adult Protective Services** Hotline: 1-866-800-1409

Nursing Facilities: 1-800-252-4343

Even if your POA is activated, your choices will be respected if you can understand and communicate your wishes. Your POA agent cannot overrule your decisions if you are still able to make your own.

To make your own POAs:

Illinois Legal Aid Online - Create POAs for free www.illinoislegalaid.org/power-planning

Contact an Attorney:

Illinois State Bar Association (217) 525-5297, (800) 922-8757 www.Illinoislawyerfinder.com

To find an Elder Law Attorney:
<https://www.naela.org/>



There are Two Types of POAs: POA for **Health Care** & POA for **Property (and Finances)**
You need **BOTH!** You can choose the same person for both POAs, or different people for each.

Who Can Be Your Agent?

- Must be at least 18 years old and capable of making decisions.
- Not your current doctor or healthcare provider.
- Your agent doesn't have to be a family member or spouse.

Who Should Be Your Agent?

- **Trustworthy** – Someone you know well and trust.
- **Willing** – They must be willing to take on the responsibility.
- **Organized** – They'll need to keep records and receipts.
- **Deferential** – They must follow your wishes, not their own.

Only you can decide to create a POA—no one can do it for you.

Power of Attorney for Property (& Finances)

Gives your agent **power to manage your financial and property matters** if you can't do so yourself.

Your agent can:

- Manage your finances and accounts
- Pay bills, talk to your bank, and handle your real estate and other assets
- Leases, mortgage payments, taxes, social security matters, etc.
- They must make decisions in a way that aligns with your values.

When does the POA-P start?

1. **Right away**, 2. **Later**, when a doctor says in writing that you can't manage your own finances or 3. **Later**, when a specific event occurs.

When does the POA-P end?

When you regain the ability to make decisions, or it can stay active until your death.

Power of Attorney for Health Care

Gives your agent **power to make health care decisions** for you, if you can't make your own decisions.

Your agent can make decisions about:

- Doctors
- Treatments
- Medical facilities
- Long-term care or in-home care They must make decisions based on your values—just like you would.

You can make choices about:

- Whether you want artificial life support to keep you alive if a doctor believes there's no chance of recovery or regaining consciousness
- Organ donation, autopsy, blood transfusions, burial or cremation, etc.
- If you aren't sure, you can leave it up to your agent!

When does the POA-HC start?

1. **Right away**, 2. **Later**, when a doctor says you can't make your own decisions, or 3. **Later**, when a doctor says you can't make decisions, but your agent can access your medical records immediately. It's your choice!

30-Day Cooling-Off Period:

You can change your mind and revoke or destroy your POA for Health Care at any time. Choose the 30-Day Cooling-Off Period option to give yourself a **30-day window** to change your mind if you mistakenly decide to destroy your POA while confused or in pain. This gives you extra time to reconsider your decision and acts as protection for your POA for Health Care.