

GET STARTED:

LEGAL

a guide to the legal documents you need
to act on your parent's behalf

IN THIS GUIDE:

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- 2 What is a Power-of-Attorney?
- 3 What is a Living Will?
- 4 Comparing Power-of-Attorney vs. Living Will
- 5 Obtaining the Documents
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THE BASICS

- 1 **The Basics**
- 2 What is a Power-of-Attorney?
- 3 What is a Living Will?
- 4 Comparing Power-of-Attorney vs. Living Will
- 5 Obtaining the Documents
- 6 What to Do With the Documents
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AS A CAREGIVER, YOU NEED THESE **THREE DOCUMENTS** TO LEGALLY MAKE DECISIONS FOR YOUR PARENTS.

POWERS-OF ATTORNEY:

1. DURABLE FINANCIAL POWER-OF ATTORNEY

You need this document in order to make any **financial decisions** using your parents' assets (ex: writing checks on their behalf).

2. DURABLE HEALTHCARE POWER-OF ATTORNEY

You need this document in order to make any **healthcare decisions** on your parents' behalf (ex: hiring or firing medical personnel).

3. LIVING WILL

You need this document in order to make decisions for your parents' **end-of-life care** (ex: life-prolonging treatments).

WHAT IS A POWER-OF-ATTORNEY?

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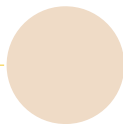
DEFINITIONS OF POAs:

POWER OF ATTORNEY (POA):

A POA is legal document that authorizes a selected person (“agent”*) to **act on the behalf** of another person (“principal”). The principal decides **under which circumstances** the POA will take effect and the **specific areas** within which the agent has the authority to make a decision. Typically, a POA will take effect once the principal is considered **incapacitated** (unable to make their own decisions). However, there are exceptions where a principal may grant the agent authority to act on their behalf simply when they are not present (ex: spouses often authorize each other to sign on their behalf).

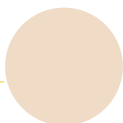
* An agent can also be known as an “Attorney-in Fact.”

THERE ARE TWO TYPES OF POAs:



FINANCIAL POWER-OF ATTORNEY

allows a family caregiver (agent) to manage their loved one’s finances



HEALTHCARE POWER-OF ATTORNEY*

allows a family caregiver (agent) to make medical decisions on behalf of their loved one

* Can also be known as a “Health Care Proxy”

FUNCTIONS OF POAs:

WITH A...

DURABLE FINANCIAL POWER-OF-ATTORNEY

YOU CAN...

- Write checks on behalf of your parents
- Pay their bills online or by mail
- Use their assets or income to pay any expenses
- Buy or sell property on their behalf
- Do their taxes
- Buy or sell insurance policies
- Handle transactions with banks or accounts
- Invest their money
- Operate your parent's business
- Hire somebody to represent them in court

WITH A...

DURABLE HEALTHCARE POWER-OF-ATTORNEY

YOU CAN...

- Hire or fire medical personnel
- Make decisions about medical facilities
- Visit your parent in the hospital outside of normal visiting hours
- Gain access to their personal information and medical records
- Get court authorization to uphold your decision to obtain or withhold medical treatment, if the hospital does not honor your authority as power-of-attorney

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- 2 What does each legal document do?
- 3 How do I obtain these documents?
- 4 What do I do with these documents once they are created?
- 5 What are my next steps?

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HOW DO I OBTAIN THESE DOCUMENTS?

CREATING A POA OR LIVING WILL IS RELATIVELY SIMPLE.

You do not need a lawyer to create one -- you just need to fill out a POA form. However, may want to consult a lawyer or your local area agency on aging for advice specific to your situation.

SIX PLACES TO FIND FREE LEGAL FORMS:

1. local senior centers
2. local hospitals
3. your physician
4. your state's medical association
5. the National Hospice and Palliative Care Organization
6. online

READ MORE:
5 places to create a POA online

TIP

Have multiple **ORIGINAL COPIES** made. Most places (banks, hospitals, etc.) will require an original copy.

WHAT DO I DO WITH THESE DOCUMENTS?

- 1 Which legal documents do I need?
- 2 What are the details and functions of each legal document?
- 3 How do I obtain or create these documents?
- 4 What do I do with these documents once they are created?
- 5 What are my next steps?

CERTAIN KEY PEOPLE AND INSTUTIONS MUST HAVE COPIES OF YOUR POA.

In particular, you must put your POA on file at any financial or health care institution where you will be acting on your loved one's behalf. Each insitution has their own POA policies, so you should call to inquire about the procedures for putting your POA on file.



KEEP YOUR POA IN A SAFE BUT EASILY ACCESSIBLE PLACE.



GIVE COPIES TO YOUR FAMILY MEMBERS.



GIVE A COPY TO YOUR HEALTH CARE AGENT.



GIVE A COPY TO YOUR DOCTOR.



PUT YOUR POA ON FILE AT THE HOSPITAL.



PUT YOUR POA ON FILE AT THE BANK.

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WHAT ARE MY NEXT STEPS?

BESIDES THE POA AND LIVING WILL, HERE ARE THE OTHER IMPORTANT DOCUMENTS THAT MAY PROVE USEFUL.

- ☐ birth certificates & death certificates
- ☐ social security numbers
- ☐ marriage certificates
- ☐ divorce & separation records
- ☐ retirement papers
- ☐ medical bills & records
- ☐ funeral arrangements
- ☐ homeowner's policy
- ☐ titles & deeds
- ☐ mortgage notes
- ☐ auto ownership records
- ☐ car insurance
- ☐ paper stock certificates
- ☐ safe box combination
- ☐ list of stored & loaned items
- ☐ documentation regarding military service

IMPORTANT TERMS RELATED TO POAS:

These terms tell you more about **HOW** and **WHEN** the legal document will take effect.

GENERAL VS. LIMITED

gives broad authorization to the agent when the principal becomes incapacitated

authorizes the agent to make decisions and perform

DURABLE VS. TRADITIONAL

continues to operate when the person for whom it was written is mentally incapacitated (no longer able to make their own decisions)

is terminated when the principal becomes incapacitated or dies

IMMEDIATE VS. SPRINGING

takes effect upon its creation

takes effect when a specific event specified by the principal occurs (ex: being determined incompetent by a medical professional)

IMPORTANT TIP

For caregivers, or adult children acting on their parent's behalf, it is very important that you make sure your POA is **DURABLE**.