

TYPES OF POWERS OF ATTORNEY

General Durable Power of Attorney

This POA allows your Agent to act on your behalf regarding your finances and other non-medical issues, even if you become incapacitated. A General Durable Power of Attorney is legally effective upon signing.

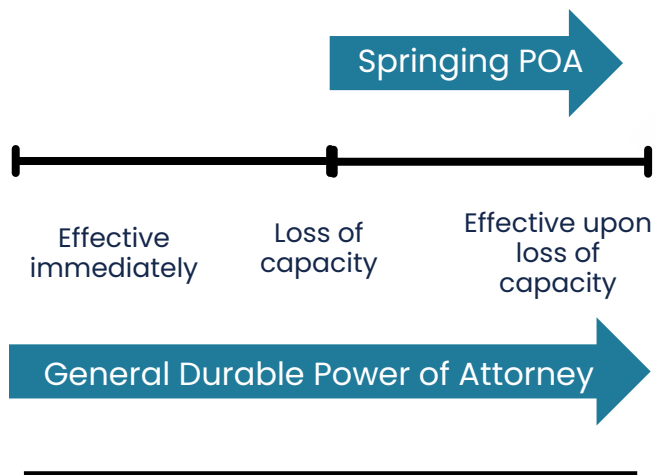
Springing Durable Power of Attorney

A Springing POA is similar to a General Durable Power of Attorney, the key difference is it does not go into effect immediately. Instead, it “springs” into effect only when you become “incapacitated,” meaning you cannot make decisions anymore. Whether you are incapacitated is typically determined by your doctor.

Limited Power of Attorney

A Limited POA grants powers for a limited time or limited purpose. Under this POA, you allow your Agent to undertake specific actions, like sales of specific real estate or cars. **Important note:** This POA is typically short-term and NOT durable.

DURATION OF THE DIFFERENT TYPES OF POWERS OF ATTORNEY



How Do You Choose?

There are pros and cons to different types of powers of attorneys. Which is the best fit will depend on many factors, such as what you need it for, when you need it, how long you need it, etc. To ensure you choose the right one, please consult an attorney.

When should you set up a Power of Attorney?

NOW is the best time to execute a POA. Appointing a trusted “agent” is particularly helpful if you become unable for any reason to manage your financial or legal affairs on your own.

THINGS TO KNOW ABOUT POAS!

- **Important:** You must understand the exact authority being granted at the time of signing.
- **Important:** In a General Durable POA, your Agent may act immediately; this avoids expensive delays and possibility of court intervention.



A Durable Power of Attorney should be in place at all times and is particularly helpful in the event of declining mental capacity, whether foreseen or unforeseen, such as an accident or emergency.

FREQUENTLY ASKED QUESTIONS

• Can I revoke my agent's powers if I change my mind?

- **Yes!** You can revoke a Power of Attorney at any time.
- Step-by-step process for revocation:

1. Review the POA for the procedure to revoke the POA, and if no procedure is spelled out, follow these steps.
2. Notify the Agent in writing that you are revoking the POA.
3. Provide copies of the written revocation to third parties who have been dealing with your agent.
4. Consider a new POA

• What if someone refuses to honor my power of attorney?

- A third party cannot refuse to honor a Power of Attorney without "reasonable cause." The Agent has the authority to pursue legal action to recover damages, on behalf of the principal, if a third party unreasonably refuses to honor a valid power of attorney.

• Do I need to get my power of attorney notarized? Do I need witnesses when I sign?

- Notarization is required if you want your Agent to deal with your real estate. Otherwise, notarization is not required.
- Witnesses are not required and do not take the place of a notary.
- Notarization and witnesses are strongly recommended! This can help avoid challenges to the document's authenticity and validity.

• Where can I get my power of attorney notarized?

- Contact your local bank or library for free notary services (appointment may be required).

Where To Find an Attorney to Help?

Additional resources include:

- MassNAELA
 - <https://massnaela.com/valuable-resources>
- MA Legal Resource Finder
 - <https://masslrf.org>
- Volunteer Lawyers Project
 - <https://vlpnet.org/get-help>
- Women's Bar Foundation, Elder Law Project
 - <https://wbawbf.org/wbf/pro-bono-projects/elder-law-project>
- Greater Boston Legal Services
 - <https://www.gbls.org>



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Power of Attorney ("POA") Guide

What is a Power of Attorney?

It is a legal document that allows you to appoint an "agent" to act on your behalf in financial and legal matters. It remains legally effective until your death or revocation. While oral revocation is permitted, written is preferred.

Why do you need one?

In the event you lose the ability to make decisions for yourself, your agent can take care of your finances and assets according to your known wishes, and if not known, in your best interests.

Who should be your Agent?

Appoint someone you trust. You may wish to choose a family member, such as your spouse, an adult child, or a sibling. If you do not trust someone COMPLETELY, they should not be your agent!

The information in this pamphlet does not constitute legal advice. For help finding free or low-cost legal assistance, use the MA Legal Resource Finder at <https://masslrf.org>.



Made in collaboration with the SULLS Health Law Clinic.