

Durable Power of Attorney

If you become catastrophically injured or terminally ill and unable to consciously make decisions, who would be able to make them for you?

While many people assume that a spouse or child automatically has authority, this assertion is not the case without having to jump through legal hoops. By the time they receive power to make decisions on your behalf, it could be far too late in some situations.

Instead of leaving yourself exposed, draft and execute a durable power of attorney to protect your rights and provide your loved ones with peace of mind. Continue reading to learn everything you need to know about durable powers of attorney.

What is a Durable Power of Attorney?

Durable powers of attorney (DPOA) allows someone to act as an attorney-in-fact agent on behalf of the principal. Powers extend to authority over financial, medical, and legal affairs decisions if the principal cannot do so. It is a document intended to make the decision-making process as easy and quickly as possible for the agent.

People generally assign durable powers of attorney to:

- Spouses
- Partners
- Adult children
- Parents
- Grandparents
- Siblings

- Attorneys

The person you choose to act as a durable power of attorney should be someone you trust implicitly. This individual may be called upon to render decisions on your behalf and in your best interest. It is also helpful to select a person with whom you routinely interact so that they have a better understanding of how you make personal decisions.

A durable power of attorney ends when specific conditions are met. You have the right to revoke these powers at any time and on your own free will. However, they will automatically end upon your death regardless of preceding events.

Difference Between Durable Power of Attorney and General Power of Attorney

The primary difference between a durable power of attorney and general power of attorney is that durable POAs remain intact until the principal either revokes authority or dies while the latter ends upon principal incapacitation. They also share different purposes as well.

Since this article focuses on durable powers of attorney, let's take a brief but closer look at general powers of attorney.

General Power of Attorney

A general power of attorney offers support to the principal while still alive and able to consciously make independent decisions. There are usually specific healthcare issues that necessitate using a general power of attorney, such as a mental illness or catastrophic injury.

Reasons to use a general power of attorney include:

1. Handle financial matters
2. Operate an owned business
3. Manage and discuss insurance policies
4. Making doctor's appointments
5. Discuss medical records
6. Issue critical decisions in their place
7. Retain legal rights to specific designations

There are many tangible reasons to use a general power of attorney when a person is still alive and cognitive. However, a general POA does not address issues once the principal becomes incapacitated. Let's look at this situation more closely and other reasons to use a durable power of attorney.