

# WHY & HOW TO GET A POWER OF ATTORNEY

- A Power of Attorney can be a great tool to receive help making financial & medical decisions.
- Some facilities require that patients have one.
- The best way to obtain a Power of Attorney is to go through a lawyer. The law has many requirements that must be followed for a valid Power of Attorney.
- A lawyer will also be able to explain what rights and responsibilities come with being a Principal and an Agent.



## TO APPLY FOR LEGAL HELP:

**1-800-326-9177**  
or  
**apply.midpenn.org**

**For more information  
about MidPenn Legal  
Services go to:**

[www.midpenn.org](http://www.midpenn.org)



This pamphlet contains general legal information and not specific legal advice. Although the information is believed to accurate at the time of preparation, individual situations may require individual analysis, such that it may be advisable to consult with a lawyer. May 2023



**MidPenn**  
LEGAL SERVICES

**The Who, What,  
Why & How of  
Powers of  
Attorney**

**Project SAFE**

Safeguarding vulnerable populations Against  
Financial Exploitation

## PROJECT SAFE

Project SAFE (Safeguarding vulnerable populations Against Financial Exploitation) - MidPenn's SAFE attorney conducts education/outreach and provides legal representation, across our service area for qualified elderly and disabled individuals about Powers of Attorney (POA).

A POA is one of the most important documents an older or disabled person can have prepared to protect their financial wellbeing.

### Education/Outreach/Presentations

The SAFE attorney is available to conduct presentations to any groups/organizations within MidPenn's service area. Topics include: What is a POA? Why do I need a POA? What happens if I don't have a POA? How to Choose a Good POA Agent and Elder Financial Abuse.

### Legal Representation

MidPenn may be able to help you draft a POA that meets your needs, help you select a good agent, make any necessary changes to your existing POA, help remove bad agents, and provide advice and representation in financial exploitation cases.

## WHAT IS A POWER OF ATTORNEY

- A Power of Attorney allows an agent to make financial and/or medical decisions for the Principal.
- A Power of Attorney does not stop the Principal from making these decisions for themselves.
- A Principal may revoke a Power of Attorney at any time.
- Should an Agent steal money, the Principal may be able to sue the Agent in court.
- The Agent's authority ends when the Principal passes away. An Agent cannot probate an estate unless they are also the Executor under the Principal's Will.

## WHO SHOULD BE MY AGENT?

- Someone you know well and would trust making financial and medical decisions for you.
- Typically, people will choose spouses, parents or children to be their Agent.

- For some, hiring an organization to be the Agent may be a better option. For a small fee, the organization can help with financial planning and take over financial decisions after the Principal loses capacity. In some instances this fee may be waived.
- An Agent is the first person the court will look to if the Principal needs a guardian.

## WHAT YOU NEED TO HAVE

- A general idea of all assets and debts that you own.
- A thought of who you would like your Agent to be.
- A discussion with the Agent prior to signing, making sure they are willing to take on this responsibility.
- A back-up agent in case your Agent cannot or will not perform their duties when needed.
- An up-to-date, valid state-issued ID that has your photograph.