

# POWER OF ATTORNEY

## What You Need to Know

### Information about the benefits and potential dangers of a Power of Attorney

#### A Quick Reference, Layman's Guide



**What Is a Power of Attorney?**

**Who should have a Power of Attorney?**

**What are the benefits & pitfalls of a Power of Attorney?**

#### What is a Power of Attorney?

A Power of Attorney (POA) is a document that allows the appointment of a person or an organization, usually called an "agent" to manage your affairs if you become unable to do so.

#### Who needs a Power of Attorney?

Anyone who is unable to handle their private affairs, business, or legal matters due to medical incapacity, physical absence, mental incompetence, etc.

#### What are the Different Types?

General	A general power of attorney gives broad powers to an agent(s) to act on your behalf of many areas of your life.
Special	Specifically set what powers an agent may exercise by signing a special power of attorney.
Healthcare	A health care power of attorney grants an agent authority to make medical decisions for you if you are unconscious, mentally incompetent, or otherwise unable to make decisions on your own. This is not the same as a Living Will.
Durable	This is simply a general, special, or health care POA that has a durability provision to keep the current power of attorney in effect.  You might sign a durable power of attorney to prepare for the possibility that you may become mentally incompetent or incapacitated due to illness or injury.  You can specify that it cannot go into effect until a doctor certifies you as mentally incompetent or incapacitated.
Springing	A springing power of attorney is a "just-in-case" document.  Takes effect upon the happening of a specified event, date, or condition. Not in effect the date it is made/created.

#### What Can Agents Control?

- ◆ Banking transactions
- ◆ Safety deposit box access
- ◆ Tax filings/returns
- ◆ Sell/purchase/manage real estate
- ◆ Borrow money
- ◆ Manage business interests
- ◆ Handle government benefits
- ◆ Make financial decisions
- ◆ Estate planning
- ◆ Medical treatment decisions
- ◆ Enter into contracts
- ◆ Purchase life insurance
- ◆ Exercise stock rights

**Most agents are trusted sources and a Power of Attorney can be a very useful legal tool. However, there are those rare circumstances or opportunities that may lead to abuse.**

Here is what to be aware of...

#### Abuse of Power of Attorney

Theft is the most common type of abuse by a POA agent.

Through the guise of a legal POA, agents can make the necessary financial transactions to drain monies and leave the victim destitute.

These malicious acts result in a breach of fiduciary duty and are illegal.

#### SafeGuard Tips

- ◆ Have a professional draft the document
- ◆ Assign co-agents
- ◆ Require third party review
- ◆ Limit the powers

#### When to Report Abuse

Report suspected abuses when you have reasonable cause to believe that a incapacitated person has been exploited.

**ANYONE can make a report of Abuse, Neglect, or Exploitation**

*The report may be made by oral or written communication.*

Adult Protective Services (APS)  
1-866-55AGING (1-866-522-4464)  
<http://aging.dhs.georgia.gov/adult-protective-services>

Healthcare Facility Regulation (HFR)  
1-800-878-6442  
<http://dch.georgia.gov/find-facilityfile-complaint>

Marietta Police Department  
770-794-5300



*Information Provided by:*

*Marietta Police Department  
"Policing with a Vision"  
Chief Dan Flynn*

**Always Call 911  
For Life - Threatening  
Emergencies**