Things to Know About a Durable Power of Attorney

1. What is a Durable Power of Attorney?
   - A durable power of attorney is a legal document in which you appoint a trusted person to manage and protect your financial matters - your money, property and business affairs - if you are not able to manage your financial matters yourself.
   - The trusted person you appoint is called an ‘Attorney-in-fact’, who follows your instructions and makes financial decisions on your behalf to manage and safeguard your financial matters.

2. Who can sign a Durable Power of Attorney?
   Every competent adult has the choice to sign a Durable Power of Attorney. An adult must be:
   - 18 years old and older; able to understand that he or she is giving another person the legal authority to manage his or her financial affairs if the adult becomes disabled or incapacitated; and under no constraint or undue influence to sign the legal document.

3. Who can be my Attorney-in-Fact?
   - Any adult you trust - a spouse, family member, a friend, or a professional or business entity, preferably someone who has the ability to be financially responsible.

4. How does a Durable Power of Attorney work?
   - You have the right to manage your money, property, and business as you like.
   - This document tells your Attorney-in-fact when to step in to help you (either immediately or if you become disabled or incapacitated), and lists the exact decision making powers you give your Attorney-in-fact to act on your behalf.
   - “Durable” means your Attorney-in-fact can act even if you become incapacitated.

5. What decision making authority can I give my Attorney-in Fact?
   - You can give your Attorney-in-fact limited powers with authority to perform tasks like paying the bills, signing checks, buying or selling property, or managing your business, or
   - You can give your Attorney-in-fact general powers with authority to manage all financial affairs.
   - You tell your Attorney-in-fact what’s important to you in taking specific actions and making financial or business decisions.

6. Can I change my mind or cancel or revoke a Durable Power of Attorney?
   - You can appoint a new Attorney-in-fact, change the decision making authority, cancel or revoke the document as long as you are competent.

7. How do I complete a Durable Power of Attorney?
   - Although it is not required in Massachusetts, it is generally recommended that you ask an attorney to draft a Durable Power of Attorney for you. An attorney can tailor the document to your situation and include specific powers to help ensure your Attorney-in-fact can provide for your long term care and safeguard your estate all though your lifetime.

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