



Legal Aid Of Nebraska

Power of Attorney Documents

What does a Power of Attorney do for me?

A Power of Attorney document allows someone you name to take care of your business for you. The Power of Attorney document must state the powers you are giving. Generally the person you name as your agent can pay your bills, talk with your creditors, negotiate on your behalf, and manage your money.

There are three types of power of attorney documents. Generally a Power of Attorney lasts as long as you are competent. A durable Power of Attorney continues in effect even if you should no longer be competent. A contingent Durable Power of Attorney doesn't become effective unless you are no longer competent. All Power of Attorney documents end upon your death.

What are the responsibilities of my Agent?

If you should become unable to take care of your financial affairs yourself your agent will be able to step in and take care of most things. Your agent must act on your behalf in your best interest. He or she can only do those things which the Power of Attorney document allows. Read your Power of Attorney document to see what powers you are giving your agent. He or she has an obligation to protect your resources for your use.

Your agent cannot make gifts of your resources unless the Power of Attorney document specifically grants him or her that right. This means he or she can not use your funds for his or her own purposes, unless you specifically authorize gifts.

Can a Power of Attorney be changed ?

You can change or cancel your Power of Attorney document so long as you are competent to make your own decisions and act on your own behalf. To cancel or revoke your Power of Attorney, tell the person you named as your agent IN WRITING that you no longer wish to have him or her act on your behalf. Send a copy of your revocation to your financial institutions and anyone else your agent has been talking with on your behalf. You can sign a new Power of Attorney document making any changes you want, just make sure it revokes all previous Power of Attorney documents. A Power of Attorney ends on death.

How do I get a Power of Attorney?

Power of Attorney documents can be obtained from an attorney. Legal Aid of Nebraska

can assist with Power of Attorney documents for Nebraskan's over 60 years of age. Power of Attorney documents must be signed in front of a notary public.

How do I choose an Agent?

Choose someone you trust. An agent will have the power to make decisions regarding your financial health. Make sure the person you appoint as your agent will act in your best interest, and is able to handle the duties of the job. Discuss with your agent what duties you want him or her to assist you with.

What happens if I don't have a Power of Attorney?

If you do not have an agent named in a Power of Attorney document and you become unable to make your own decisions or take care of your own business, a judge will need to appoint a guardian and conservator. The process of appointing a guardian and conservator can be expensive and time consuming.

Your Power of Attorney document can say who you want to be your guardian or conservator in the event one becomes necessary.

Who do I call if my Agent is taking advantage of me?

If your agent is using your money improperly or won't follow your directions then you can contact the ElderAccessLine® at 1(800) 527-7249, Adult Protective Services at 1(800) 652-1999, or the Attorney General's Fraud Hotline at 1(800) 727-6432

Serving Nebraska's Seniors

ElderAccessLine®

800-527-7249

In Omaha 827-5656