

HOW DO I GET HELP WITH A POWER OF ATTORNEY?

An attorney should assist you in preparing a power of attorney.

If you are age 60 or older, you may contact the Kansas Elder Law Hotline. The Hotline is a toll-free service for Kansas seniors providing free legal advice and referral. You may reach the Kansas Elder Law Hotline business days 8:30 a.m. to 4:30 p.m.

KANSAS ELDER LAW HOTLINE
1-888-35ELDER or 1-888-353-5337
In Wichita call 265-9681

If you are not 60 or older and think that you may meet income and asset limitations as a low-income person, you may call Kansas Legal Services' centralized intake number business days 8:30 a.m. to 4:30 p.m.

KANSAS LEGAL SERVICES
CENTRAL INTAKE
1-800-723-6953
In Wichita call 265-9681

If you need referral to a private attorney, you may call the Kansas Bar Association's Lawyer Referral Service business days 8:30 a.m. to 4:30 p.m.

KANSAS BAR ASSOCIATION
LAWYER REFERRAL PROGRAM
1-800-928-3111
In Wichita call 265-1247

WHO ARE WE?

Kansas Legal Services, Inc. is a private, non-profit Kansas corporation providing legal assistance to low income, disabled, and elderly persons. Legal Services are funded in part by the Legal Services Corporation, the Older Americans Act, the Kansas Department on Aging, and private contributions.

Kansas Legal Services through the Senior Citizen Law Projects provide legal advice and representation to persons age 60 or older. Clients are not charged for services provided. Contributions are accepted to help maintain legal assistance for older Kansans.

Kansas Legal Services, Inc., does not discriminate on the basis of race, color, national origin, sex, religion, age, or handicap in employment or provision of services. If you feel you have been discriminated against, you may contact Kansas Legal Services at 1-785-233-2068.

POWERS OF ATTORNEY IN KANSAS

Kansas Legal Services
Senior Citizen Law Project
A project of Kansas Legal Services, Inc.
Marilyn Harp, Executive Director



This pamphlet answers commonly asked questions about powers of attorney. It was prepared by the staff of Kansas Legal Services, providing legal advice to Kansans age 60 or older. This pamphlet is not intended to substitute for a consultation with an attorney.

WHAT IS A POWER OF ATTORNEY?

Have you ever wondered how your bills would get paid if you become ill? Who could authorize the sale of your home if you need the money? How you could arrange for your favorite niece to get information from your doctor?

A power of attorney is a written document in which you (the "principal") give another person (the "attorney-in-fact" or "agent") the legal authority to perform certain acts on your behalf. The authority you give can be very general or very specific and may be limited to one or several acts. It can cover financial and/or medical decisions.

WHAT IS A DURABLE POWER OF ATTORNEY?

A durable power of attorney gives your agent the authority to act even after you become incompetent.

WHEN DOES A POWER OF ATTORNEY GO INTO EFFECT?

You may specify when you want the document to go into effect. If it is effective upon your signature, your agent has authority to act immediately.

You may also make it effective only if and when you become incapacitated. The appropriate choice for you will depend on factors such as your current state of health, your needs, and your choice of agent.

WHAT ARE SOME ADVANTAGES TO A POWER OF ATTORNEY?

- A power of attorney is usually a simple document for an attorney to prepare.
- A power of attorney allows you, not a court of law, to choose who will take care of you and what their responsibilities will be.
- The attorney in fact is now subject to reporting requirements and must keep a record of receipts, disbursements and transactions made on behalf of the principal. (As of July 2009 amendments to K.S.A. 58-656(a)).
- The attorney in fact shall not commingle the principal's funds or assets with his own. (As of July 2009 amendments to K.S.A. 58-656(a)).

WHAT ARE SOME DISADVANTAGES?

- The attorney-in-fact could be in a position to misuse the authority.
- If you become incompetent, you may have no way of monitoring the attorney-in-fact.
- Some institutions may be reluctant to honor a power of attorney.



THINGS TO KNOW ABOUT POWERS OF ATTORNEY

- ❖ The principal must be mentally competent to consent to a power of attorney.
- ❖ The power of attorney must be a written document
- ❖ Signing a power of attorney does not mean that you give up the authority to conduct your own business or make your own decisions. You retain the ultimate authority to direct your agent.
- ❖ A power of attorney can be revoked or amended at any time if the principal is competent. The revocation may be either written or oral.
- ❖ The power of attorney will automatically terminate with the death of the principal.
- ❖ A person who is physically unable to sign a power of attorney document but who is competent may appoint a designated adult to sign the person's name on the document in the presence of a notary public. (As of July 2009 amendments to K.S.A. 58-652(a)).
- ❖ Sometimes, a power of attorney may not be sufficient to solve a problem. For example, an Alzheimer's patient who will not go to the hospital for needed care may require a court-appointed guardian.