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## Power of Attorney FAQs

Published 03/25/2012

A Power of Attorney is a delegation of authority, in writing, from one person to another person granting authority to act on behalf of the first person with regard to certain matters.

Anyone who is competent can act on his or her own behalf or can act through an agent. When individuals chose to act through an agent, they generally use a power of attorney.

What happens when the maker of a Power of Attorney becomes incapacitated?

The general rule is that a power of attorney is valid only so long as the person who gives it has the ability to understand and consent to the ongoing agency. If the maker of the power of attorney becomes incapacitated, the power of attorney becomes invalid. To address this undesirable result, state law has created the Durable Power of Attorney. By including the correct statutory language in the document, the power of attorney will remain valid even though the maker has become incapacitated.

How is a Power of Attorney terminated?

The grant of authority given under a Power of Attorney terminated upon the death of maker or the death of the attorney-in-fact. The maker of a Power of Attorney may terminate or revoke it by a written document delivered to the Attorney-in-fact. If a Power of Attorney has been used to provide access to bank or brokerage accounts, the banks and brokerage accounts, the banks and brokerage firms must be notified of its revocation or termination.