

What Does a Power of Attorney Do For You?



The two types of power of attorney are medical and durable. A medical power of attorney addresses who should make medical decisions if you are unable to make them for yourself. A durable power of attorney addresses financial decisions. Either power of attorney can be customized to fit the needs of your situation.

A medical power of attorney allows any adult to specify who should or should not be allowed to make medical decisions for them if they are incapacitated. A medical power of attorney can also include a list of specific procedures you do or do not want allowed.

A properly drafted medical power will also include Health Insurance Portability and Accountability Act (HIPAA) powers. This power will allow the person making decisions to access any medical information they feel is necessary to make a decision on your behalf.

A durable power of attorney allows any adult to specify who can make financial decisions on their behalf. A durable power of attorney is a flexible document that can be used for a single transaction or to give unlimited power over your financial affairs. It can become effective immediately or only if the named individual becomes incapacitated.

A durable power of attorney can be specific to a unique transaction. This often occurs when couples are buying or selling a home and one person may not be available to sign documents related to the transaction. However, a transaction specific power of attorney can be drafted for any financial transaction.

A durable power of attorney can become effective immediately creating a power over financial affairs concurrent with their own. The power of attorney can also become effective only upon the incapacity of the named individual. This would prevent the named agent from acting on your behalf as long as you are able to manage your affairs on your own.

Since the format of any power of attorney must conform to the requirements of the state of residence, individuals should seek legal counsel in their state of residence to ensure they have valid enforceable documents.

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