



# Power of Attorney



## What is a Power of Attorney?

A Power of Attorney is a legal document that enables one or more persons (the attorneys) to make decisions on behalf of another person (called the donor).

## Who can give a Power of Attorney?

Any person aged 18 or over can give a Power of Attorney if they are competent and making this decision freely, that is, they are not subject to duress. You must also have legal capacity which means you have the ability to reason things out, and you understand, retain, believe, evaluate and can weigh up relevant information.

## Why should I have Powers of Attorney?

Sometimes things happen in life that leave us with not as much control as we may like e.g. head injury, illness, dementia or overseas travel.

## Types of Powers

There are four types of Powers.

- General Power of Attorney
- Enduring Power of Attorney (Financial)
- Enduring Power of Attorney (Medical)
- Enduring Power of Guardianship

## General Power of Attorney

A General Power of Attorney is usually given for a specific purpose. It is used for a specific time or purpose. For example, when a person is travelling overseas and wants to sell shares or property while they are away. General Powers have no effect if the donor becomes incompetent.

## Enduring Power of Attorney (Financial)

This power is different from the General Power of Attorney in that it continues past the time when the donor becomes incompetent. It can start immediately or at some later time (this will be written in the Power of Attorney Form). If the donor loses competence, it automatically starts from this date unless the document specifies an earlier date.

## Enduring Power of Attorney (Medical)

This Power of Attorney enables an attorney (agent) to make decisions about medical treatment on behalf of the donor. This Power cannot be used until the donor loses their competence and cannot be used for euthanasia or palliative care.

## Enduring Power of Guardianship

This type of enduring power is especially useful for older residents. It allows the appointed guardian to make decisions about lifestyle, health care, visitors, accommodation and work. The appointed guardian is able to make the same sort of decisions that a parent would make for their child.

The Enduring Power of Guardianship cannot be used until the donor is unable to make reasonable decisions about their circumstances, such as health care.

## Preparing a Power of Attorney

A Power of Attorney can be prepared by a solicitor or a person may choose to do it themselves using a "Take Control" do it yourself kit.