

## How do I get help with a Power of Attorney?

You should have the assistance of an attorney to prepare 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 265-2252**

---

If you are not age 60 or older and think that you may meet our 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**

**1-800-928-3111**

**In Wichita Call 265-1247**

### **Who Are We?**

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

**Kansas Legal Services for Older Adults** and 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.



# **POWERS OF ATTORNEY IN KANSAS**

### **Kansas Legal Services for Older Adults**

A Project of Kansas Legal Services, Inc.

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

*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.*

## WHAT IS A POWER OF ATTORNEY?

**H**ave 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 provide 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 or persons (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. It can be limited to one or several acts. It can cover financial and/or medical decisions.

### Durable Powers of Attorney

A Durable Power of Attorney gives your agent the authority to act even after you become incompetent.

You can 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 prefer to make it effective only when and if you do 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.

All powers of attorney terminate on your death.

## SOME ADVANTAGES

- A power of attorney is usually a simple document for an attorney to prepare.
- A power of attorney allows you, not a Court, to choose who will take care of you and what their responsibilities will be.
- A durable power of attorney can continue in effect if you later become incompetent.
- A power of attorney can be a tool to help you retain control of your affairs.

## SOME DISADVANTAGES

- The attorney-in-fact is not subject to Court supervision or reporting requirements.
- 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 YOU SHOULD KNOW ABOUT POWERS OF ATTORNEY

- The principal must be mentally competent to give 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. Also, you have the ultimate authority to direct your agent, or to revoke the powers you have granted.
- There are circumstances where having a Power of Attorney may not be sufficient to solve a particular problem. For example, an Alzheimer's patient who will not go to the hospital for needed care may require a guardian to be appointed by the Court.
- A power of attorney can be revoked or amended at any time, if the principal is competent.
- The power of attorney will automatically terminate with the death of the principal.

