



Financial Power of Attorney

A **Financial Power of Attorney (POA)** is a document which allows you to pick someone that you trust to act as your agent, to step into your shoes to conduct your business, if you are either unwilling or unable to conduct your financial affairs. You should also pick an alternate agent, in case the first person you choose is unavailable.

A Financial POA is a very powerful document. Your agent will have access to your bank account and may have the ability to sell your home. Choose your agent carefully!

A Financial POA remains in effect until you die* or until you revoke it. You can revoke your power of attorney at any time. This must be done in writing. If you revoke it, your agent will no longer have the authority to act on your behalf.

You can make the Financial POA effective immediately, (right after you sign it) or you make it effective only if you become incapacitated. (you are unable to manage your own affairs) Generally, if your Financial Power of Attorney is effective upon your incapacity, a physician has to certify this in writing before your agent has authority to act on your behalf.

Because a Financial POA is such a powerful document, Senior Citizens' Law Office (SCLO) recommends that you have an attorney assist you to execute one. SCLO can provide that assistance free of charge for persons over the age of 60, who live in Bernalillo, Sandoval, Valencia and Tarrant Counties. Contact us at (505) 265-2300 to learn about our monthly seminars or visit us at www.sclonm.org for more information.

* *A Financial POA ceases to be effective upon your death, so is not a substitute for a will.*

Financial POA Questions and Answers

Q: Why do I need a Financial POA?

A: If you do not have a Financial POA, and you become incapacitated, nobody will have the legal right to handle your financial affairs. Besides leaving your financial affairs in a mess, this could also delay your access to necessary medical care or public benefits. Do not assume that your next of kin can handle your financial affairs! This is not the case, unless you give them the authority in a Financial POA.

Q: My daughter/son is on my bank account, so that they can pay my bills, do I still need a Financial POA?

A: Yes: Putting your child on your account is a bad idea. It means that you and your child are joint owners of the account. If your child owes money or is sued, it is possible that you could lose all your money. A Financial POA will allow your agent to access your account, to pay your bills, but because your agent does not own the money in the account, the money cannot be seized to pay your agent's debts. In most cases, SCLO advises that you remove your child from your account and execute a Financial POA.

Q: Who can execute a Financial POA?

A: Any adult can execute a Financial POA if they are able to understand the power that they are giving to their agent.

Q: Does my agent have authority to act against my wishes?

A: No: Your agent does not have authority to act against your wishes, even if your agent disagrees with you. Only a court can take away your right to make your own decisions. Remember: you always have the right to revoke the Financial POA.

SENIOR CITIZENS' LAW OFFICE
4317 Lead SE, Suite A
Albuquerque, NM 87108
(505)265-2300
www.sclonm.org

*This brochure provides general information.
This information is not intended as a substitute for
specific legal advice.*

The Senior Citizens' Law Office, Inc. is funded by the City of Albuquerque Area Agency on Aging, New Mexico Civil Legal Services and Access to Justice Commissions, McCune Charitable Foundation, Sandia Foundation's Hugh and Helen Woodward Fund of the Albuquerque Community Foundation, and Con Alma Health Foundation. *Re-printed 7/15*