

CONVERSATIONS FOR CAREGIVERS

Using Power of Attorney

January 22, 2025
12pm - 1pm

Session Notes

Below is a summary of the topics and items discussed on the January 22nd session of **Conversations for Caregivers: Using Power of Attorney**.

The information presented in this webinar is provided by Attorney Mark Dahlberg for informational purposes only. Attorney Dahlberg is licensed to practice law in the state of Virginia. The details shared are based on his understanding of the laws within that jurisdiction. The webinar content is intended to be general in nature and may not reflect the laws of other states or regions. Attendees are advised to consult with a qualified legal professional in their respective jurisdiction for advice tailored to their specific circumstances. This session covers the following topics: Power of Attorney (POA), Durable POA, Medical POA, Financial POA, Agent, Principal, Capacity, and Guardianship.

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What is Power of Attorney (POA) and its key elements?

A written or recorded document granting authority to an agent to act on behalf of the principal. In caregiving situations, the care recipient (principal) must have mental capacity when creating the document. A durable POA continues after incapacity while regular POA terminates. The agent must act in the principal's best interest and cannot exceed their granted authority.

What are the main types of POA?

- Financial POA manages money, property, and business affairs.
- Medical POA makes healthcare decisions.
- General POA grants broad immediate authority.
- Springing POA activates upon specific events like incapacity.
- Limited POA restricts authority to specific actions.



What are the agent's essential qualifications?

For caregivers serving as agents, they should be trustworthy, geographically accessible, and capable of handling assigned responsibilities. They must understand their fiduciary duty, maintain thorough records, and keep assets separate. Age, health, and competence in financial or medical matters should match their assigned role.

What are critical requirements for POA validity?

The care recipient must have capacity when creating the POA. Documents need proper signatures, often notarization, and clear scope of authority. Institutions may require their specific forms. Geographic jurisdiction affects requirements, though POAs generally work across states.

What are the limitations of POA?

POA terminates upon the care recipient's death and cannot be used for post-death matters. Spouses need formal POA documentation - no automatic authority exists. Agents cannot exceed their granted authority or make estate planning changes without specific authorization.

How is a POA drafted?

The care recipient and the requested agent meet with an attorney to have the document drafted. It may be state specific and a notary is necessary. More importantly, it should be timely. Do not wait until incapacitation.

In what ways do caregivers use a POA?

Caregivers acting as agents under POA have specific authority to manage various aspects of the care recipient's life. For medical management, caregivers must first submit POA documentation to healthcare providers and facilities to gain access to medical records and test results. This allows them to effectively coordinate with healthcare teams, make medical decisions, and manage prescription medications and treatments.

In financial matters, the POA enables caregivers to open, modify, or close bank accounts, pay bills, manage regular expenses, handle insurance claims and benefits, manage investments and property, and access safe deposit boxes when needed.

Caregivers also use POA to manage various benefits programs, including Medicare/Medicaid applications and claims, Social Security matters, long-term care insurance coordination, and veteran's benefits applications where applicable. For tax-related matters, caregivers can work with tax professionals, file tax returns using IRS Form 2848, and manage tax payments and documentation on behalf of their care recipient.



Tips for Caregivers:

- Act only within scope of authority granted.
- Keep good records of all actions taken.
- Maintain separate accounts (don't commingle funds).
- Communicate with other involved parties.
- Consider consulting professionals (attorneys, accountants) as needed.

Best Practices for Managing POA:

- Maintain organized documentation of all actions.
- Sign as "Agent for [Care Recipient's Name]".
- Keep originals secure, provide copies to institutions.
- Review/update after major life changes.
- Consider naming successor agents.
- Establish clear communication with all parties.

Resources for Caregivers:

AARP

1-877-333-5885
aarp.org/caregiving

National Alliance for Caregiving (NAC)

1-301-718-8444
www.caregiving.org

Family Caregiver Alliance (FCA)

1-800-445-8106
www.caregiver.org

Veterans Affairs (VA) Caregiver Support

1-855-260-3274
www.caregiver.va.gov

Local AAArea Agency on Aging

open web browser type in subject's city/county of residence and "area agency on aging" Example: "Tampa area agency on aging"

About our speaker:

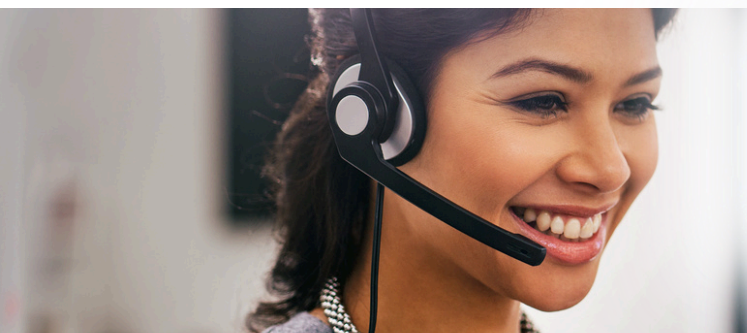
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Mark Dahlberg is a dedicated attorney based in Virginia, known for his unwavering commitment to providing exceptional legal representation and advocacy for his clients. With over 15 years of experience in various areas of law, including estate planning, family law, criminal defense, and civil litigation, Mark brings a wealth of knowledge and expertise to each case he handles.

A graduate of Western Michigan University, Thomas M. Cooley School of Law, Lansing, Michigan, Mark was inspired to pursue a career in law to effect meaningful change in individuals' lives and to uphold the principles of justice. His meticulous attention to detail and strategic approach to legal challenges have earned him a reputation as a formidable advocate in the courtroom.

Mark's practice is characterized by a client-centered philosophy. He believes in building strong relationships with his clients, understanding their unique circumstances, and tailoring legal strategies that best serve their needs. Whether navigating complex Estate Planning issues or family dynamics, defending against criminal charges, or pursuing civil claims, Mark is dedicated to achieving the best possible outcomes for those he represents.



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