

# **Utah Legal Services**

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## **Powers of Attorney**

A power of attorney is a document that gives someone else the right to act for you. People often use powers of attorney to let someone else handle their medical or financial affairs. In some cases, people use a power of attorney to let others help with their minor children. You can always change or take back a power of attorney as long as you are competent.

A power of attorney can be as broad or as limited as you want. You should be very careful about what powers you give someone else. These powers can be abused. Because you are giving someone power to act for you, you may want to talk to an attorney. Giving someone limited power may be better than giving them full power over your affairs.

Utah law provides a statutory power of attorney form,

[https://www.utcourts.gov/howto/family/power\\_of\\_attorney\\_general/docs/01\\_Power\\_of\\_Attorney.pdf](https://www.utcourts.gov/howto/family/power_of_attorney_general/docs/01_Power_of_Attorney.pdf)

## **How do I choose an agent?**

You should be very careful when choosing your agent. It should be someone you trust to act in your best interests.

Before you name someone as your agent, you should talk to that person about it and get their consent. The person you choose as your agent should know that they have a duty of trust and must always act in your best interests. You can also name another agent to act for you if your first choice cannot.

## **How do I make a medical power of attorney?**

In Utah, there is a special form for making the medical power of attorney. This form is called the Utah Advance Healthcare Directive.

The Utah Advance Healthcare Directive has two parts. The first part allows you to choose someone to help you with your medical affairs. This person is called the agent. The second part lets you tell your healthcare provider about your wishes for medical treatment, such as life support, organ donation, etc.

You do not need an attorney to complete the form. The form also does not have to be notarized. You do need a disinterested witness.

You can find the form for the Utah Advance Healthcare Directive and instructions for completing it at <http://aging.utah.edu/programs/utah-coa/directives/>.

## **How do I make a power of attorney to have someone care for my minor children?**

In some cases you can give some of your rights as a parent to someone else using a power of attorney. This type of power of attorney will only last for up to six months. This kind of power of attorney may not work in all cases. For instance, schools may need more than a power of attorney from someone who is not a parent.

You can find the form to make a power of attorney for a child on the Utah Court's website at [www.utcourts.gov/howto/family/Power\\_of\\_Attorney/](http://www.utcourts.gov/howto/family/Power_of_Attorney/).

## **What do I do once I have created a power of attorney?**

Give the original signed power of attorney to the person you chose as your agent. If your agent has the original, they can show the document to your doctor or bank as proof of their power.

If your agent can make decisions about your house, buildings, or land you own, then you need to file the power of attorney with the County Recorder's office. File the document in the county where the property is located.

## **How long does a power of attorney last?**

You can choose how long a power of attorney will last, unless otherwise limited by the law. For example, you can make it as short as a few weeks while you are out of the country. You can also make it take effect only after a certain event occurs, such as your disability.

## **How do I end the power of attorney?**

You can end or revoke a power of attorney whenever you want, as long as you are competent. However, a power of attorney ends on its own when you die. Also, it ends when you become incompetent unless the power of attorney specifically states that it will continue even if you

become incompetent.

The best way to revoke a power of attorney is to prepare the revocation in writing and before a notary. In addition, the person who previously had the power must be notified that the power is being revoked. Finally, it must be filed with the county clerk's office of any county in which you have the property that was covered by the power of attorney.

## **My parent has Alzheimer's disease. Can I get a power of attorney for them?**

No. Your parent is the only one who can create the power of attorney. If they have Alzheimer's, they may not be competent enough to create one. However, you may seek a guardianship or conservatorship.

## **What is the difference between a power of attorney and a guardianship?**

Like a power of attorney, a guardianship allows someone else to act for you. You cannot make someone your guardian on your own. A guardianship is granted by a judge. The person who wants to be your guardian must apply for guardianship through the courts.

Guardianships are granted when a person cannot take care of themselves. Guardianships may be granted to take care of both adults and children. For more information on guardianships visit our website, [Guardianship and Conservatorship](#).

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