

WHAT IS A POWER OF ATTORNEY IN CONNECTICUT?

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BARRY D. HOROWITZ
Connecticut Estate Planning Attorney



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The person that is creating the power of attorney is called the principal or the grantor. The grantor names an agent or attorney-in-fact. This is the person that will be able to act on behalf of the grantor.

When you see the term attorney-in-fact, you may assume that the representative must be a lawyer. In reality, this is not the case. Any adult who is of sound mind can act as the agent, but the person who is named as an agent must be willing to assume the role.

GENERAL POWER OF ATTORNEY

There are different types of powers of attorney, and one of them is the general power of attorney. If you grant someone a general power of attorney, you are giving this individual the ability to act on your behalf in a comprehensive manner. The agent can do virtually anything that you can do for yourself.



While this is a great deal of power to give to another person, there are circumstances that can arise that can necessitate the execution of a general power of attorney.

LIMITED POWER OF ATTORNEY



If you want to give someone the power to act on your behalf in a limited manner, you could create a limited power of attorney.

You decide on the limits that you want to impose. For example, you could give someone the power to act on your behalf for a single transaction if you cannot be present yourself.

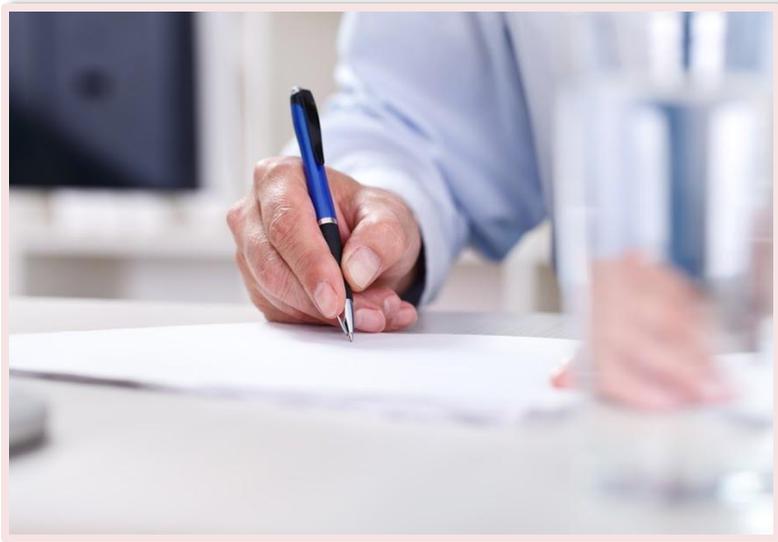
It would be possible to give someone within your business organization the power to sign certain types of documents on your behalf.

A limited power of attorney could also be created to give someone the power to act on your behalf in a comprehensive manner for a limited period of time.

DURABLE POWERS OF ATTORNEY

We specialize in estate planning and elder law. In our area of the law, durable powers of attorney are often utilized to account for possible incapacitation.

Many people become incapacitated late in their lives, and under these circumstances, interested parties could petition the state to appoint a



guardian. The guardian would be empowered to manage the affairs of an incapacitated adult, and the adult would become a ward.

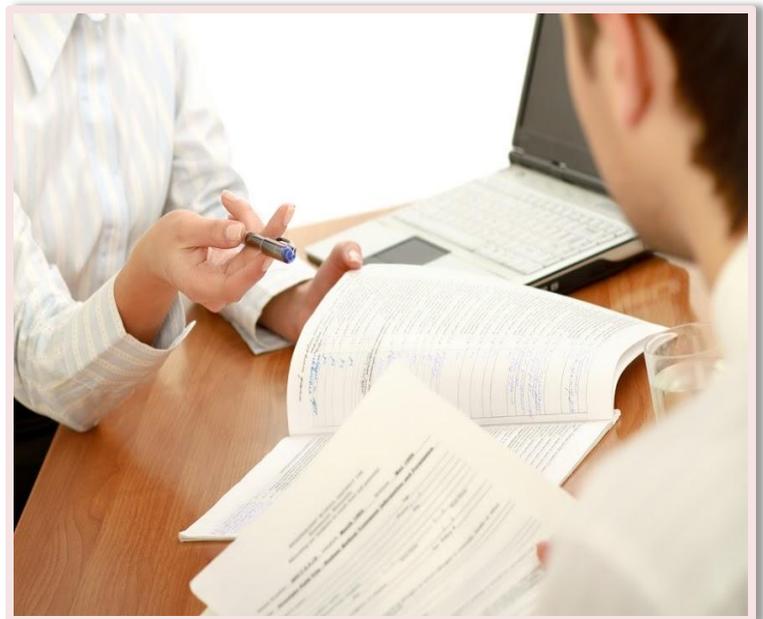
While a guardianship is not inherently negative, there are drawbacks that can enter the picture. First and foremost, the person who is incapacitated loses control of the situation.

The court would make a determination, and the person who is chosen to act as the guardian may not be someone that the adult in question would have selected.

Secondly, members of the family may not all be on the same page. There can be disagreements during the guardianship proceeding, and this can cause hard feelings, and it can prolong the process.

When you create durable powers of attorney, you eliminate the need for a guardianship. You empower people of your own choosing to manage your affairs in the event of your incapacitation.

Your wishes will be honored if you do become incapacitated, and your hand-picked agents will be empowered to act on your behalf.



People will typically execute a durable power of attorney for health care to name someone to handle health care decision-making. A durable financial power of attorney would also be necessary. You could name two different agents if this is your choice.

We should point out the fact that durable powers of attorney are used because they remain in effect if the grantor becomes incapacitated.

SUMMARY

A power of attorney is a legal document that is used to give someone else the power to act on your behalf. There are various different reasons why someone may want to grant a power of attorney.

You can give an agent the power to act on your behalf on a limited basis, or you can empower someone to act on your behalf in a comprehensive manner.

Durable powers of attorney are used for incapacity planning purposes, because they remain in effect upon the incapacitation of the grantor. The agents that are named in the documents would be empowered to handle the affairs of the grantor in the event of his or her incapacitation.

To learn more about durable powers of attorney and incapacity planning, contact a licensed estate planning attorney.

REFERENCES

American Bar Association

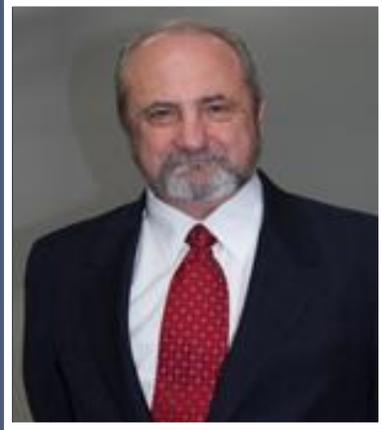
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<http://www.jud.ct.gov/lawlib/law/powersofattorney.htm>

About the Author

Barry D. Horowitz



Barry D. Horowitz is a founding partner in the law firm of Nirenstein, Horowitz & Associates, P.C. He received his diploma from the Loomis Chaffee School and his Bachelor of Arts from Bennington College, where he dual majored in philosophy and music.

Mr. Horowitz was awarded his Juris Doctor degree with honors from the University of Connecticut School of Law. While attending law school, Mr. Horowitz received the American Jurisprudence Award in Legal Ethics and the Nathan Burkan Award.

After graduation from law school, Mr. Horowitz continued his legal education at New York University School of Law where he received a Post Doctorate Law Degree in Taxation. He has also recently received a national achievement award.

Mr. Horowitz is admitted to practice before all the state courts in the State of Connecticut and the United States District Court. He is a member of the Hartford County Bar Association, a charter member of the American Academy of Estate Planning Attorneys, and has recently received the American Academy Award. Mr. Horowitz is also an active member of the Connecticut Bar Association where he is a member of the Elder Law Section, the Estate Planning and Probate Section, and the Professional Ethics Committee. Mr. Horowitz practices exclusively in the area of Estate Planning where he has earned a reputation as a dynamic and entertaining speaker. He also has recently published a book entitled "Guiding Those Left Behind in Connecticut."

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