

Eldercare and the Power of Attorney Notary Process

As someone who experienced firsthand caring for an aging and sick parent, I know how important it is to have a power of attorney (POA). When my mom passed away unexpectedly, I became the fulltime caretaker of my father who was in the beginning stages of Dementia. I suddenly found myself having to make financial, medical and insurance decisions on his behalf.

Being an adult child, it can be challenging when things happen to your parents' health. Whether it is the normal progression of aging, or an accident or illness that may have happened, having a power of attorney (POA) is an important step that can greatly reduce and minimize the burden that they carry. It can put your mind at rest knowing their best interests and well-being will always be cared for in the best way possible.

Some Helpful Steps

1. ***Talk to your parent(s)*** – Have a conversation and open up the dialogue when they are still able to make clear and sound decisions. Talk to your family attorney if you need help deciding what is best suited for your situation.
2. ***Collect the POA forms*** – Once you have decided together on the best suited POA for you then gather the paperwork together. You can get the forms on your own from many reputable websites, like <https://powerofattorney.com/california/> or from your family attorney.
3. ***Fill out BUT do not sign!*** – All forms should come with instructions clearly explaining how to fill them out. If you are still unsure and need further assistance, you can talk to your family attorney.
4. ***Make an appointment with a Notary*** – A notary is required for most POA forms, so it is important that the document is not signed. You must wait until you are present with the notary public. Be sure to have yours and your parent(s) ID as this is a requirement to verifying identification.

While I am not an attorney, and I cannot advise you on what specific type of POA form you may need, I've listed the different types below with a brief overview of

each one. You can download any of these from various legal websites and fill them out on your own, or you can speak to a family law or elder law attorney or lawyer that you trust.

Common Types of Power of Attorney forms (in California)

- **Durable** – financial decisions only. This arrangement remains in effect if person becomes incapacitated or incompetent. *signature must be acknowledged by notary public.
- **General** – same function as durable *EXCEPT* this arrangement is terminated when person becomes incapacitated or incompetent, or person chooses to revoke the agreement, or passes away. *signature must be acknowledged by notary public.
- **Guardianship** –short-term arrangement assigning parental rights regarding daily care, health and education decisions for one or more minor children. *signature must be acknowledged by notary public.
- **Limited** – an arrangement that designates an agent to take care of a “specific” financial matter, such as picking up a car or buying/selling real estate. *signature must be acknowledged by notary public.
- **Medical** – also known as “Advance Directive” – an arrangement assigning health care decisions when person is not able to represent themselves. *signature must be acknowledged by notary public.
- **Real Estate** – an arrangement that designates an agent to handle real estate matters on the behalf of the person. *signature must be acknowledged by notary public.