

Power of Attorney in Pennsylvania

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What is the process for setting up a Power of Attorney?

You must sign (either by signature or mark), or if you are unable to sign direct another to sign for you, you must also date the Power of Attorney. This must be done in front of a notary and the document must be notarized. You must also have two adult witnesses to your signing of the document and they must also sign in front of the notary. Depending on the type of Power of Attorney, your agent may have to sign an Acknowledgment.

You may file an original copy of the document at the courthouse, but it is not necessary to do so. A photocopy or electronic copy of the original executed Power of Attorney has the same effect as the original.

In Pennsylvania, most Powers of Attorney must contain specific language, such as a notice to the principal, in order to be valid. It is a good idea to have a legal professional prepare and/or review your Power of Attorney for you before you sign it.

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What is a Power of Attorney?

A Power of Attorney is a written document that allows you (the “principal”) to give someone else (your “agent”) legal authority to act on your behalf in certain matters. You must choose who will act as your agent and specify what powers you are giving to your agent (what your agent is allowed to do for you). You may select any competent adult to act as your agent. The authority that a Power of Attorney gives to your agent can be as limited as selling your car for you or as broad as making financial and health care decisions on your behalf.

By setting up a Power of Attorney and naming an agent, you can make sure that someone you trust will look after your affairs when you are unable to yourself.

What happens if I become mentally unable to make my own decisions?

You must be mentally competent at the time that the Power of Attorney is created for it to be valid. If you execute a valid Power of Attorney and then ***later*** become mentally unable to make your own decisions, your Power of Attorney will continue to remain in effect unless it specifically says otherwise.

Who should I choose to be my agent?

You may choose anyone you want to be your agent, however, you should be very careful about whom you choose. Your agent will be able to make decisions that are legally binding on you, so it is very important that you choose a person you trust and who knows you well. You may select more than one person to act as your agent. You may also name a successor agent if your original agent is unable or unwilling to continue to act as your agent.

Depending on the type of Power of Attorney, the person you choose as your agent will have ***no*** authority to act on your behalf under the Power of Attorney unless the agent has first executed and affixed to the Power of Attorney an acknowledgment that he/she will act in good faith when performing duties as your agent.

When does a Power of Attorney go into effect?

You can designate a time that your Power of Attorney will become effective. You can do this by specifying a future date, or an event that must take place, including the disability or incapacity of the principle (starts only when you cannot make decisions for yourself).

If you do not specify a time for your Power of Attorney to become effective, it will become effective as soon as it is executed.

When does a Power of Attorney end?

If you decide that you no longer want or need a Power of Attorney, or if you change your mind about who you would like your agent to be, you can terminate a Power of Attorney by giving written notice to your agent. You should also give notice to your bank, your doctor, or anyone else who got a copy of your Power of Attorney. You can revoke a Power of Attorney at any time, as long as you are mentally competent.

In some cases, the Power of Attorney will terminate automatically. When you create the Power of Attorney, you can arrange for it to end at a certain time by including an expiration date into the document.

In most cases, a Power of Attorney will also end automatically if your spouse is your agent and a divorce is filed. Finally, a Power of Attorney will end automatically when you die and your agent learns of your death.