



FORT SILL LEGAL ASSISTANCE

DURABLE POWERS OF ATTORNEY



A Durable Power of Attorney authorizes the person(s) you have named as your attorney(s). They will act for you in conducting your business and making personal decisions. It differs from a regular power of attorney in that it does not expire once you become incompetent or incapacitated.

Most businesses and organizations with which your attorney-in-fact deals will accept his or her authority to act for you under this legal document. However, they are not required by law to do so and may decline. If you have authorized your attorney-in-fact to deal with bank accounts, stocks, bonds, or other financial instruments, you should contact the financial institution or brokerage in advance to ensure your Durable Power of Attorney will be accepted if presented in the future.

You may revoke your Durable Power of Attorney at any time prior to becoming incompetent or incapacitated. However, once disability occurs, the Durable Power of Attorney remains in effect unless set aside in a court proceeding.

The Durable Power of Attorney contains a provision which allows your attorney-in-fact to make health care decisions for you and to secure access to your medical and health care records under federal HIPAA law. However, this does **not** include the power to sign a living will, directive to physicians, advance directive, or other document authorizing the withholding or withdrawing of life-sustaining medical treatment for you.

Before accepting your Durable Power of Attorney, some businesses may require additional assurance of its validity, or that it be recorded with the appropriate court or country official. If additional assurance is required, an affidavit signed by your attorney-in-fact that the document is valid and in effect may be sufficient. If recording is required, the Office of the County Clerk records such documents in Oklahoma. In Comanche County, the Clerk's office is in Room 304 of the County Courthouse in Lawton. There is a recording fee. After the original document is recorded, it will be returned.

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This Information Paper provides only basic information and is not intended to serve as a substitute for personal consultation with a Legal Assistance Attorney. To schedule an appointment with a Legal Assistance Attorney, please contact the Legal Assistance Office at (580) 442-5058. The Fort Sill Legal Assistance Office is located on the 4th Floor of Building 4700 (Welcome Center) at 4700 Mow-Way Road, Fort Sill, Oklahoma 73503.