

# The Need For a Durable Power of Attorney

A power of attorney gives another individual the power to act on your behalf. That power can be limited to a specific activity, such as closing the sale of your home, or can give general duties for a period of time. You can make the power effective immediately or effective upon a future event, such as your incapacity.

From an estate planning perspective, a durable power of attorney is typically used to allow another individual to take over your finances if you become incapacitated. The power of attorney details who can act on your behalf and in which circumstances. It is not unusual for a power of attorney to list specific items that can be performed on your behalf as well as a list of items that can't be done. The power of attorney typically remains valid until you die or revoke it. If you become incapacitated without a durable power of attorney, the court may need to intervene to appoint someone to take over your finances.

Individuals often choose their spouse or one of their children to act on their behalf. You can name more than one person, but that can result in disagreements among the individuals, which may prevent them from acting expediently to handle your affairs. The power of attorney should name a successor in case your original agent is unable to serve.

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