

# factsheet

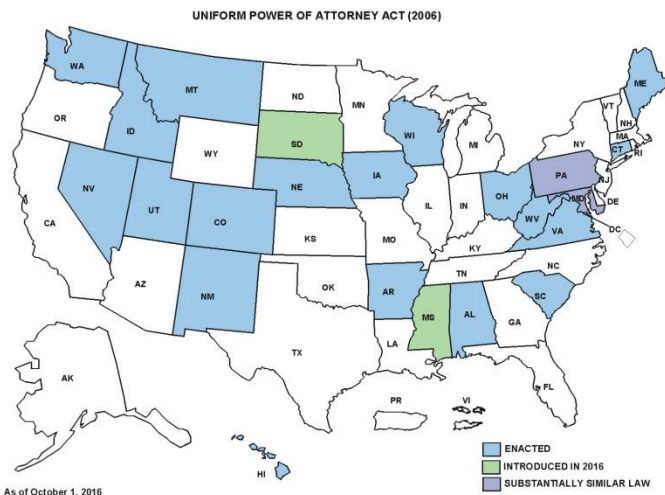
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## Uniform Power of Attorney Act

Bill Sponsor: Representative Chuck Efration

**Twenty-one States** have enacted UPOAA including SC



**Georgia does not have an Uniform Power of Attorney Statute.** POA is a low-cost, flexible means of granting decision-making authority to another person. Each principal can alter the default terms to create a document that fits specific needs.

**UPOAA encourages the use and acceptance of powers of attorney while protecting principals, agents and third parties.** Having a modern, comprehensive UPOAA is *crucial to people with an Alzheimer's diagnosis*. These patients need to complete this document early in the disease process and need to be confident in its durable and legal authority.

**UPOAA helps prevent elder abuse & holds agents accountable.** Under Georgia's current statutes an agent who commits fraud with a power of attorney may be prosecuted criminally, but is not required to reimburse the principal for any loss. UPOAA imposes *clear fiduciary duties* on an agent to always act in the principal's best interest. If the agent violates the rules, UPOAA requires the agent to reimburse the principal or the principal's successors in addition to any criminal sanctions imposed by other law.

**Banks and third parties are protected with UPOAA.** Any third party who in good faith accepts a signed, notarized, power of attorney may rely on a legal presumption that the signature is genuine. In addition the UPOAA allows the third party to refuse with good reason or ask for additional information to validate the POA. If the agent commits fraud, only the agent is liable – not the party that relied on the agent's apparent authority. If an employee accepts a power of attorney without actual knowledge that the power of attorney is invalid, neither the employee nor the employer may be held liable.