

Power of Attorney for Health Care

Witness vs. Agent

When going through your Power of Attorney for Health Care (POAHC) form, it's important to remember that a witness and an agent are different things and must be different people.

Who is a Witness?

A witness is an adult who is unrelated to the people who are a part of the power of attorney document (**you** and the **Agent**). They cannot be medical providers, blood or married relatives, or the people giving or receiving power via the Power of Attorney document.

A Witness MUST:

- Identify you
- Believe you are of sound mind
- Be at least 18 years of age
- Believe you want to create the power of attorney for health care and that your decision is voluntary



A Witness MAY NOT:

- Be related to you by blood, marriage, domestic partnership, or adoption
- Be directly financially responsible for your health care
- Be a health care provider who is treating you
- Be an employee of the health care provider or facility if you are inpatient, other than a chaplain or a social worker
- Be your health care agent
- Be in your will or inherit from you

Get started on your Power of Attorney for Health Care today at [Legaltuneup.org](https://legaltuneup.org)!

20 minutes now could save your loved ones weeks or months in the future.



Who is an Agent?

An agent is the person that the Power of Attorney document gives power to – the person you trust to follow your instructions. The **Agent** will have the power to make decisions on your behalf under the conditions of the Power of Attorney document.

First and foremost, your agent is someone who will respect your wishes!

Remember: They do not have to be a spouse or family member.



6 Characteristics to Look for in an Agent

1. Close Location
2. Trustworthy
3. Assertive
4. Understands Medical Terminology
5. Strong Communicator/Advocate
6. Willing to Serve

Legal Requirements:

- Must be at least 18 years of age
- Must NOT be an employee of a provider or a spouse of an employee of a provider

Don't forget to appoint a backup!

