

## Total Legal Guidelines for Executing your Tennessee Health Care Durable Power of Attorney

### Items Included in your Download

- 1) Your Health Care Durable Power of Attorney. The length of this document can be up to eight pages depending on which powers you are granting your “Agent.”

### Requirements for Signing (Executing) a Valid Health Care Durable Power of Attorney

Tennessee has certain requirements and formalities that must be followed to properly sign a Health Care Durable Power of Attorney:

- 1 The first most basic requirement of a valid Durable Power of Attorney is that it must be in writing.
- 2 The next requirement is that the “Principal” (the person creating the Health Care Durable Power of Attorney) must sign it with the intent of creating a valid Power of Attorney. Ideally, you should sign your full legal name the same way it appears on other legal documents. If you are unable to sign your document, we suggest you consult with a local attorney about properly executing your Power of Attorney.
- 3 Another requirement is that there be witnesses to the signing of the Durable Power of Attorney. Tennessee requires two people and a Notary Public witness the signing of your document.

### Witnesses

Tennessee requires two witnesses and a Notary Public be present at your signing. Your Power of Attorney has the appropriate number of witness signature lines for Tennessee at the bottom of the document. The witnesses may be called upon to testify to “prove” your Health Care Power of Attorney. To be competent as a witness, a person must be over the age of majority, must have the mental capacity to know that he or she is acting as a witness to the Power of Attorney, and would be competent to testify regarding the signing of the Durable Power of Attorney. In addition, a witness should be as impartial as possible in regards to the Power of Attorney: a witness may not be your physician or any employee of a health care facility in which you are a resident/patient; he or she may not be related to you or be one of your heirs; and he or she may not be responsible for your health care costs. Witnesses should be carefully selected for their independence and credibility. A witness does not need to read the Power of Attorney, but should read the paragraph describing the requirements of a witness, which precedes his or her signature.

## **Health Care Durable Power of Attorney Signing Ceremony**

It is important that these steps be performed in the following order:

- 1 Prepare by printing the entire Health Care Durable Power of Attorney.
- 2 Gather your witnesses along with the unsigned Power of Attorney for your signing ceremony.
- 3 State in a voice that is clearly audible to all of the witnesses that you declare this (the unsigned document) to be your Health Care Durable Power of Attorney, that you have read it, that it accurately states your wishes, and that you are asking the persons present to act as witnesses to the Health Care Durable Power of Attorney and to your signature.
- 4 Initial and date each page of the Power of Attorney in the spaces provided at the lower right hand corner of each page. Enter your Social Security Number and the date on the signature page of the document.
- 5 Sign the Health Care Durable Power of Attorney in the space provided at the end of the document in full view of the witnesses.
- 6 Your witnesses should then sign the Health Care Durable Power of Attorney in the witness section below your signature.
- 7 Then Notary Public then signs the document in the notary section and affixes his or her seal.

Sign only one copy of the Health Care Durable Power of Attorney.

### **After the Ceremony**

After the Health Care Durable Power of Attorney is signed, it should be placed in a safe place known to others. You should give a copy to your primary care physician and ask that it be made a part of your permanent file. You may make additional photocopies available to select people such as your Agent or alternate. Your Agent should also have access to the original document in case proof is needed before your Agent is allowed to act on your behalf.