



Advance Directives

Why Everyone Needs Them

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Land Acknowledgment Statement

The following federally recognized tribal nations have connections to the land currently known as the state of Nebraska as the original inhabitants of this land and/or through the practice of forced removal.

- Cheyenne and Arapaho Tribes of Oklahoma
- Cheyenne River Sioux Tribe
- Crow Creek Sioux Tribe
- Flandreau Santee Sioux
- Iowa Tribe of Kansas & Nebraska
- Iowa Tribe of Oklahoma
- Kickapoo Tribe in Kansas
- Lower Brule Sioux Tribe
- Mandan, Hidatsa, & Arikara Nation
- Northern Arapaho Tribe
- Northern Cheyenne Tribe
- Oglala Sioux Tribe
- Omaha Tribe of Nebraska and Iowa
- Otoe Missouria Tribe of Indians
- Pawnee Nation of Oklahoma
- Ponca Tribe of Nebraska
- Ponca Tribe of Oklahoma
- Prairie Band Potawatomi Nation
- Rosebud Sioux Tribe
- Sac & Fox Nation of Missouri in Kansas & Nebraska
- Sac & Fox Nation of Oklahoma
- Sac & Fox Tribe of the Mississippi in Iowa
- Santee Sioux Nation
- Spirit Lake Tribe
- Standing Rock Sioux Tribe
- Winnebago Tribe of Nebraska
- Yankton Sioux Tribe

Legal Aid of Nebraska's Mission

is to promote justice, dignity, hope and self-sufficiency through quality civil legal aid for those who have nowhere else to turn

Power of Attorney

A power of attorney is a legal document that gives another person the authority to ***manage your financial affairs*** and ***make decisions about your property***.

Definitions:

- “Principal” – person signing the POA
- “Attorney in Fact” – agent
- “Durable” – authority is exercisable notwithstanding the principal’s subsequent disability – POAs are presumed durable.
- “Contingent” – authority isn’t given until something happens. A contingent POA can be a problem if the criteria to validate the POA is unclear or difficult to prove.

Executing a POA

A power of attorney must be signed or acknowledged by the principal in front of a notary public.

If the principal is unable to sign the document, they may direct another person to sign on their behalf, and that person's signature must be acknowledged by the principal in front of a notary public.

The POA is effective when signed unless it specifies differently.

Validity of a POA

A power of attorney executed prior to the enactment of the Nebraska Uniform Power of Attorney Act is valid if it was valid at the time it was signed.

A power of attorney executed in a different state is valid if it was valid in the state where it was executed.

A photocopy or electronically transmitted copy of a power of attorney is valid.

End of POA

A power of attorney ends with one of the following occurrences:

- Death of the principal
- The principal revokes the POA
- The POA provides that it terminates
- The purpose of the POA is accomplished
- The agent dies, becomes incapacitated, or resigns, and there isn't a successor agent

Successor agent

- You should designate someone to serve as the agent if the first agent dies, becomes incapacitated, or declines to serve.
- You can designate more than one successor agent.
- The successor agent has the same power as the original agent.

Duties of the agent

- Act according to the principal's reasonable expectations
- Act in the principal's best interest
- Act in good faith
- Act only within the scope of authority granted

Health Care Power of Attorney

Living Will (aka Advanced Directive)

Applies if you are ***terminally ill*** or in a ***vegetative state*** and ***not expected to recover***

States the kind of care you want under these circumstances.

Health Care POA

Designates another person to make health care and medical treatment decisions if you are unable to speak for yourself.

Contents

Contents of a Health Care POA:

- Must be in writing,
- identify the principal, the attorney in fact (aka agent), and the successor agent, if any,
- specifically authorize the agent make health care decisions on behalf of the principal in the event the principal is incapable,
- show the date of its execution, and
- be signed in front of a notary public, or signed in front of two uninterested witness, who also must sign.

effective

When does a Health Care POA agent have authority to make decisions?

- When you are incapable of making health care decisions as determined by your medical provider.



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