

How do I have a Power of Attorney Prepared?

The Prairie Band Potawatomi Nation Legal Clinic and attorney Noah Dumpert can assist all members of the tribe residing on the reservation or in Kansas with preparing Powers of Attorney. These legal documents should be prepared by an attorney to ensure they can be relied upon when needed.

If you are a member of the Prairie Band Potawatomi Tribe, you can apply for legal assistance by filling out a Prairie Band Potawatomi Nation Application for Legal Services form. The form can be picked up at the Tribal Council Treasurer's Office at the PBPB Government Center. They are also available online at:

<https://www.pbpindiantribe.com/will-estate-planning/>

Once completed, please return the application to the Tribal Council's Treasurer's Office, or email, or send by mail to the addresses below. Once processed, attorney Noah Dumpert will reach out to you directly to set up an in-person appointment.

For any questions about this service please contact the PBPB Treasurer's Office.

Contact Us/Submit Applications

Phone: 785-966-4005

Email: wadepahmahmie@pbpnation.org

Web: <https://www.pbpindiantribe.com/will-estate-planning/>

Mail: ATN: Treasurer's Office, 16281 Q Road, Mayetta, KS 66509

Who We Are

About Us

The Prairie Band Potawatomi Nation has teamed up with attorney Noah Dumpert of Bryan, Lykins, Hejtmanek & Dumpert, P.A. with a goal of providing estate planning and legal documents to members of the tribe.

All approved clients will receive legal services at no cost to the tribal member. Contact attorney Noah Dumpert through the PBPB Legal Clinic today for a free consultation.

Attorney Noah Dumpert has spent his entire career representing the interests of persons in NE Kansas. His practice at Bryan, Lykins, Hejtmanek & Dumpert, P.A. has focused on estate planning and probate, as well as the representation of disabled US Veterans. If you have a legal question or issue of any kind, fill out a Prairie Band Potawatomi Nation Application for Legal Services form for potential assistance.

**These services are only available for members of the Prairie Band Potawatomi Nation who reside on the reservation or in Kansas.*

This pamphlet is for informational purposes only. This pamphlet should not be relied upon as a substitute for a consultation with an attorney.



Powers of Attorney for Health Decisions

A guide to understanding and benefits

What is a Power of Attorney for Health Decisions?

A Power of Attorney for Health Decisions (also known as a Medical Power of Attorney or a Durable Power of Attorney) is a legal document that allows you to appoint a trusted person to make medical decisions for you if you were ever in a situation where you were unable to make decisions for yourself.

A Power of Attorney for Healthcare Decisions allows your agent to act on your behalf even if you become incompetent or unable to communicate. These documents can be very broad in the powers they grant your agent, or very limited in scope, depending on your personal preferences.

Who Should I appoint?

The person you choose to serve as your POA is known as a health care agent. Who you appoint into this role should be carefully considered.

The person you appoint should be:

- ✓ **Someone who is local.** If an emergency happens, they need to be able to quickly make decisions.
- ✓ **Someone you trust.** The person you choose should be an individual that can be trusted to act according to your wishes and understand your values and preferences.
- ✓ **Someone who is willing.** An agent can decline to serve, so choosing a willing agent is critical.

Why Should I have a Power of Attorney for Healthcare Decisions?

1. **Ensures Your Wishes Are Followed:** A health care power of attorney ensures that your medical decisions are made according to your desires. Without an agent, your medical care could be subject to court decisions or state laws, which may not align with your preferences.
2. **Provides Peace of Mind:** By creating a health care power of attorney, you remove uncertainty from the medical decision-making process. Your loved ones won't have to guess what you would have wanted during a medical crisis, and will allow for swift treatment in line with your wishes.
3. **Helps Your Family and Friends:** In difficult times, family members may not all agree on what is best for you. Appointing a health care agent provides clarity and certainty, which in turn reduces conflict.
4. **Comprehensive and Customizable:** Powers of attorney documents are customizable according to your wishes. This customization ensures your health care agent has clear guidelines on your preferences, when your agent is authorized to act, and what you wish to avoid.
5. **Ease of Access:** Once you've executed the power of attorney document, copies can be kept with your medical records, in your home, and with your designated agent. This ensures that in case of emergency, your wishes can be easily accessed by medical professionals.
6. **It's free!** All PBPN members who reside on the reservation or in Kansas can have this document prepared at no cost to them by attorney Noah Dumpert.

Things to Understand About Powers of Attorney for Health Decisions

A Power of Attorney for Health Decisions does have limits. The following things need to be carefully considered when making decisions about your Powers of Attorney:

- ❖ **You must have competency.** Someone who is already mentally incompetent cannot draft this document.
- ❖ **Your agent can not override your authority.** Just because you draft this document does not mean your agent can make decisions for you if you are competent and able to do so.
- ❖ **Does not invalidate your living will.** If you have made a living will or declaration in accordance with the Natural Death Act, this document does not affect such a declaration.
- ❖ **Overrides HIPAA.** A Power of Attorney for Health Decisions gives your agent the ability to view or distribute your medical records to other persons.
- ❖ **Your agent must know and understand your preferences.** You will need to frankly discuss your wishes and preferences with your agent to ensure they are able to follow them if needed. If your agent doesn't know what you want, they will be guessing at a time where certainty is needed.