

Powers of Attorney Research Guide

Overview

This research guide includes information and resources on powers of attorney. A power of attorney is “an instrument granting someone authority to act as agent or attorney-in-fact for the grantor. An ordinary power of attorney is revocable and automatically terminates upon the death or incapacity of the principal.” (*Black’s Law Dictionary*, 11th ed.) The resources listed below are not exhaustive and may not include the most up-to-date information. It is for information purposes only and should not be construed as legal advice or act as the substitute for legal counsel.

Related guides: Elder Law, Estate Planning, Guardianship of Estate, Guardianship of Person

Statutes and Codes

Texas Statutes www.statutes.capitol.texas.gov

Texas Estates Code

- Title 2. Estates of Decedents; Durable Powers of Attorney – Subtitle P: Durable Powers of Attorney– Ch. 751 et seq
<https://statutes.capitol.texas.gov/Docs/ES/htm/ES.751.htm>

Secondary Resources in Print

Texas Estate Planning KFT 1340 .R4

- Ch. 4 Ancillary Documents: (both Durable Power of Attorney and Medical Power of Attorney)

Davis’s Texas Estate Planning Forms KFT 1340 .A65 D39

- Ch. 2 Ancillary Forms (both Durable Power of Attorney and Medical Power of Attorney)

Texas Practice Series: Texas Elder Law KFT 1280 .T4

- Vol. 51, Ch. 4 Advanced Directives

Texas Estate Planning KFT 1340 .T49

- Ch. 70 Powers of Attorney for Property Management and Health Care

Texas Practice Guide: Wills, Trusts and Estate Planning KFT 1280 .T4931

- Vol. 3, Ch. 9 Lifetime Planning

West’s Legal Forms KF 170 .W4

- Vol. 16, Ch. 4 Powers of a Attorney

Uniform Laws Annotated KF 165 .A5

- Vol. 8, Part III, Article 5B: Uniform Power of Attorney Act (2006)

CLE Materials

Advanced Estate Planning and Probate KFT 1340 .A75S7

- 2021 Ch. 32 Estate Planning for Incapacitated Persons
- 2018 Ch. 23 Durable Powers of Attorney: Discussing their Rosy Future and Answering Your Thorniest Questions
- 2018 Ch. 24 Quality of Life to the End of Life

Real Estate Law 101 KFT 1312 .A75R22

- 2015 Ch. 14 Powers of Attorney

Fiduciary Litigation KFT 1337 .A75 F54

- 2021 Ch. 13 More Powers – More Problems: Who’s Burden is it on Undue Influence and What is an Agent to do?

Online Resources

Power of Attorney Sample Forms
<https://www.tarrantcounty.com/en/law-library/forms.html>. The list is in alphabetical order. Scroll down to the letter "P" to find Power of Attorney.

Texas Health and Human Services Statutory Durable Power of Attorney <https://hhs.texas.gov/laws-regulations/forms/miscellaneous/sdpoa-statutory-durable-power-attorney>

Texas State Law Library Research Guide
<https://guides.sll.texas.gov/powers-of-attorney/general-information>

Texas Law Help (www.texaslawhelp.org)

- Advance Directives
<https://texaslawhelp.org/article/advance-directives>
- Durable Power of Attorney (Dallas Bar Association)
<https://texaslawhelp.org/sites/default/files/2023-10/lhot-pb-dpoa-100-statutory-durable-power-of-attorney-0.pdf>
- Estate Planning: Planning Who Gets Your Property
<https://texaslawhelp.org/article/estate-planning-planning-who-gets-your-property>
- I Want to Allow Another Person to Make Medical Decisions for Me (Medical Power of Attorney)
<https://texaslawhelp.org/guide/i-want-to-allow-another-person-to-make-medical-decisions-for-me-medical-power-of-attorney>
- Medical Power of Attorney
<https://texaslawhelp.org/guide/i-want-to-allow-another-person-to-make-medical-decisions-for-me-medical-power-of-attorney>
- Powers of Attorney: Information and Answers
<https://texaslawhelp.org/article/powers-of-attorney-information-and-answers>
- Powers of Attorney: Fact Sheet
<https://texaslawhelp.org/article/powers-of-attorney-fact-sheet>

Power of Attorney and Declaration of Representative (IRS) <https://www.irs.gov/forms-pubs/about-form-2848>

Power of Attorney Laws (Nolo)
<https://www.nolo.com/legal-encyclopedia/texas-power-of-attorney-laws.html>

Legal Assistance

Legal Lines – Ask Attorneys simple legal questions (free service)

- Tarrant County LegalLine Sign-up
<https://www.tarrantbar.org/>
- Dallas County LegalLine Sign-up
<https://www.dallasbar.org/index.cfm?pg=legalline>

Tarrant County Bar Association Lawyer Referral Service: 817-336-4101 (\$20 for the first 30 minutes)