

## Understanding Powers of Attorney

# Financial vs. Healthcare

WESLEY DEATON  
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In North Carolina, a power of attorney is one of the most important estate planning tools available, and it is one of the simplest to obtain. It allows you (the “principal”) to appoint someone you trust (the “agent”) to act on your behalf if you become unable to manage your own affairs. While many people think of a power of attorney as a single document, in North Carolina there are actually two primary types that serve very different purposes: the durable (financial) power of attorney and the healthcare power of attorney. Both are important for your estate planning needs.

### Durable (Financial) Power of Attorney

A durable power of attorney authorizes your agent to handle financial and legal matters. This can include paying bills, managing bank accounts, handling investments, filing taxes, buying or selling property, and even operating a business.

The key feature is the word durable. Under North Carolina law, a durable power of attorney remains effective even if you become incapacitated. Without this durability, the authority would terminate at the moment it is needed most.

This document can be effective immediately or “springing,” meaning it only becomes effective upon your incapacity (typically certified by a physician). Many clients prefer immediate effectiveness for convenience, but that decision depends on your comfort level and trust in your agent.

Without a valid durable power of attorney, if you later have health difficulties, your family may be forced to go through a guardianship proceeding with the court in order to manage your financial affairs—an expensive, time-consuming, and often stressful process.

### Healthcare Power of Attorney

A healthcare power of attorney is entirely separate and deals with medical decisions rather than financial ones. This document appoints an agent to make healthcare decisions for you if you are unable to communicate

or make those decisions yourself.

Your healthcare agent can speak with doctors, consent to or refuse treatment, access medical records, and make decisions about hospitals, surgeries, and long-term care. This authority is typically guided by your expressed wishes, which are often further detailed in a separate document known as a living will (or advance directive).

Unlike a financial power of attorney, a healthcare power of attorney usually only becomes effective when you lack capacity to make or communicate medical decisions.

### Legislative Forms

The statutes provide that there is no certain “form” required to work as a durable power of attorney or healthcare power of attorney, so long as the statutory requirements are met. But then the legislature has created its own forms in the statutes that serve as “safe harbor” forms. These forms are the most familiar to North Carolina businesses (for the durable power of attorney) and doctors/hospitals (for the medical power of attorney), and those are the forms I use for my clients.

### Why both are necessary

These two documents serve distinct roles and are not interchangeable. A financial agent generally has no authority to make medical decisions, and a healthcare agent typically has no authority to manage finances.

Having both ensures that all aspects of your life are covered in the event of incapacity. Without them, your loved ones may face legal barriers at exactly the moment when quick decisions are most critical.

In practical terms, a durable power of attorney keeps your financial life running smoothly, while a healthcare power of attorney ensures your medical care aligns with your wishes. Together, they form a foundational part of a well-rounded estate plan in North Carolina—providing clarity, efficiency, and peace of mind for both you and your family.

*Wesley Deaton is the managing member of The Deaton Law Firm, PLLC. Nothing in this article should be considered personal legal advice.*



Christopher Randall, Mary Randall and Shelton Moore.

# Free roofs bring hope to local families

REBECCA JONES  
Staff Writer

Shelter is a fundamental human need, essential for survival and well-being. Having a home with a secure roof provides protection from the elements and safety. A leaky roof can lead to severe consequences if not addressed promptly. Ignoring roof leaks can compromise the structural integrity of your home, leading to water damage, mold growth, and potential health risks. Replacing a roof can be a financial burden, especially those with limited income. Now there is hope for some residents in Lincoln County. I-CARE, Inc., a private non-profit 501(c) (3) Community Action Agency is working to expand economic security for vulnerable families since 1965 and is offering a free roof for those who qualify. I-CARE, Inc. is excited to serve individuals with low incomes across Lincoln County. Shelton Moore, CCAP, Director of Economic Mobility and Housing for I-CARE, Inc. explains, “I am excited to share our newest initiative. The Urgent Repair Program (URP) focuses on roof replacements and critical health and safety improvements. Through a partnership with the North Carolina Housing Finance Agency, I-CARE, Inc. has been awarded \$150,000 to replace 10 roofs for eligible homeowners in Lincoln County. The program is FREE to those who qualify. Program refunding is annual and

I-CARE, Inc. has already been awarded funding for 2026-27.” The goal of this program is to address housing conditions that pose an imminent threat to the life or safety of individuals with low incomes, particularly those with special needs, including veterans, elderly individuals, persons with disabilities, and large families.

One and a half years ago, Patricia Cox of Lincolnton purchased a 1915 old mill house that had been a rental. “I purchased the house and soon found out that the roof leaked. I heard about the new program of Urgent Repair Program and contacted Mr. Moore. He came to meet me in person and explained the process and the application. My roof was put on in February. The nice part about this is that I had a part in the process of the decision for the roof color. Three contractors came out to my home to give quotes. I am grateful for what I-CARE has done,” states, Cox. Larry and Dana Mayes of Lincolnton bought their house in 2004. Their roof was thirty-seven years old and with each storm, rain or high winds they lost shingles. Dana said, “We were explained the process and the application. What was good is that three contractors came out and the one that I-CARE choose was the one that we would have chosen. The roofers were very professional. What I liked about it was that we found I-CARE staff was trustworthy, true to their word and

great communicators through the whole process from start to finish.” Christopher and Mary Randall of Cherryville purchased their home in 2001. They found out about the Urgent Repair Program from a friend. “My husband was in the hospital, then our son became ill and recently passed away in March. I had to shut our business down in order to take care of both of them. Then on top of all this we were going through, the roof began to leak. We put trashcans around the inside of the house to catch the water. What a blessing this was when the I-CARE team came out, explained everything to us, helped us fill out the application and the roofers showed up. I recommend anyone in Lincoln County to give them a call to see if you qualify,” says Mary. Each family spoke of checking to see if this was “for real” with the North Carolina Housing Finance Agency who funds the program. They found out that are no hidden loop holes. The Mayes family adds, “I would 100% suggest you give them a call.”

Moore continues, “I have seen many houses and mobile homes across the county that could greatly benefit from this program. The need is significant, and we are eager to connect with homeowners who may qualify. Moore encourages folks to visit their website at [www.icare-inc.org](http://www.icare-inc.org) or call them at 704-872-8141 for more information and to apply.