



San Antonio Legal Services Association

P.O. Box 8029, San Antonio, TX 78208

Sa-lsa.org / (210) 239-1882

TAPS DOCUMENTS VOLUNTEER CHECKLIST

****Do not sign documents without the notary present****

GENERAL REQUIREMENTS

- Explain and have the client sign the “Representation Agreement” Emphasize:
 1. Representation is limited to the actions during the clinic;
 2. SALSA will not represent the client in any post clinic actions, including defending, enforcing, or probating the documents; and
 3. You are a volunteer and will not be available to the client after the clinic.
- Ensure the client has a valid picture ID. If not, we can draft but will not be able to execute the documents until the client returns to the SALSA office with their ID. Please alert the staff if this occurs.
 - Use the exact name on the ID for all documents.
- Use BLUE Ink. Forms are drafted outside of the Notary’s presence, but please ensure the Notary is present for all signatures and initials.
- Determine client’s capacity to give legally adequate consent.
 - 1) Not a minor nor adjudicated incompetent;
 - 2) Understands the nature, purpose, consequences, risks, and benefits of the documents; and
 - 3) Consents voluntarily, free from coercion or undue influence.

INDIVIDUAL DOCUMENT REQUIREMENTS

Statutory Durable Power of Attorney

- Explain the purpose, powers, and scope of the POA.
 - Purpose/Scope: “An individual may use a statutory durable power of attorney to grant an agent powers with respect to an individual’s property and financial matters.” Tex. Est. Code § 752.001(a).
- Explain the differences and consequences of a “springing” vs. “presently effective” POA.
- Do NOT initial until the notary is present. You may cross out the option not selected outside of the notaries presence.



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- Explain the succession of agents and when succession occurs.
- Explain how to revoke the POA.

Medical Power of Attorney

- Explain the purpose, powers, and scope of MPOA.
 - Purpose/Scope: “[T]he agent may make any health care decisions on the principal’s behalf that the principal could make if the principal were competent.” Tex. Health & Safety Code § 166.152(a).
- If the client has multiple “limitations on the decision-making authority of [their] agent...”, discuss possible more trusted alternative agents.
- Leave “The original of this document is kept at:” block on p. 3 blank and instruct the client to fill it in once the POA is secured.
- Leave “The following individuals or institutions have signed copies” block on p. 3 blank and instruct the client to fill it in at the time they provide a copy.
- Ask client to read the “Disclosure Statement” and discuss any questions.
- Only the SIGNATURE ACKNOWLEDGED BEFORE NOTARY page needs to be completed. SIGNATURE IN PRESENCE OF TWO COMPETENT ADULT WITNESSES, is only used when a notary is not available.

Directive To Physicians

- Explain the purpose, powers, and scope of the directive. *See* p. 1 of Directive.
- Review the definitions and provide examples of the terms on p.5.
- Ensure the client initials the desired treatment choices & lines out the other.
- If no additional requests, please write “None.”

Declaration Of Guardian

- Explain the purpose, powers, and scope of the declaration.
 - Purpose/Scope: A person may designate by declaration, another qualified person to serve as guardian of the person and/or the estate if the declarant becomes incapacitated. The court shall appoint the person designated in the declaration to serve as guardian in preference to any other person. Tex. Est. Code § 1104.202.



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- Explain the difference between guardian of the person and the estate.
- This document is the only document which requires witnesses. Please ask two law student volunteers to act as Affiants.

Authorization For Disclosure of Protected Health Information

- Review and clarify, if necessary, the provisions of the authorization and the difference between this and a MPOA.
- Not all Clients will need this document. Please ensure they understand this is not a springing document, it is presently effective upon signature.
- Only the client needs to sign this document. No Notary or witnesses required.
- Explain some hospitals may require their own form and the client should verify whether their healthcare provider will accept this form.

DOCUMENT EXECUTION & CLOSE-OUT INSTRUCTIONS

Note to Notary: Hold all IDs until after all parties have signed your notary book. Do NOT document the client or witness driver's license number in your notary book, only the expiration date. In the event of loss or theft of your notary book, identity theft can be avoided.

1. Documents must be completed, but NOT signed nor initialed by the Declarant prior to the execution ceremony with the Notary present;
2. Declarant and Affiants must provide valid ID to the notary prior to signing;
3. Ensure names and signatures match the information on the ID provided;
4. Signatures are in BLUE ink.
5. Once all documents are executed, place them in the provided manila envelope and review the post clinic instructions on the front of the envelope.
6. Once complete, the client is free to leave with their documents.
7. Please provide the check-in desk with your signed Representation Agreement and the client's Personal Data Questionnaire.