

SOCIAL SECURITY AND THE FINANCIAL POWER OF ATTORNEY

Attorneys try to cover all of the bases when drafting documents. When preparing a Financial Power of Attorney, that means imagining all of the things that an agent may need to do and including some language that will authorize the agent to act. That is why a Financial Power of Attorney often reads like a complicated laundry list of legal and financial issues. In that context, Financial Power of Attorney documents frequently grant the agent authority to take action for Social Security benefits. However, the authority granted in such documents is not as broad as it may seem.

The Social Security Administration is part of the federal government. It treats its mandate to protect Social Security payments very seriously. Part of that protection includes not being swayed by anything private

attorneys or state court judges may say about what happens to someone's Social Security check.

Whether or not you have a Financial Power of Attorney or guardianship, the only way to handle someone else's Social Security checks or work with the Social Security Administration in connection with another person's Social Security benefits is to be named the "Representative Payee" by the Social Security Administration. If you try to do anything without this special designation, the Social Security Administration will not work with you.

Fortunately, the Social Security Administration's process for becoming a Representative Payee is not difficult. It takes only a short time and there is not a lot of paperwork involved. The key is to remember that you need to work with the Social Security Administration and ask them to appoint you as Representative Payee. It can be better to get this step out of the way early, so that you do not need to take an extra step when you are trying to get something done for a family member under some time pressure.