

## **POWER OF ATTORNEY (POA)**

A Power of Attorney (POA) is a written instrument that allows you (the "principal") to authorize your agent (the "attorney-in-fact") to conduct certain business on your behalf. It is one of the strongest legal documents that you can give to another person. There are two types of POA; "general" and "special" (or limited). A general POA gives your agent very broad powers to act on your behalf; and a special POA limits your agent's authority to act only on certain matters. Every act performed by your agent within the authority of the POA is legally binding upon you. Since a POA is such a powerful document, it should be given only to a trustworthy person, and only when absolutely necessary. Your legal assistance office can advise you about, and prepare for you, the appropriate POA needed for your situation.

### **GENERAL POWER OF ATTORNEY**

A General POA (GPOA) gives your agent the authority to do most things you could do yourself. Making a GPOA can have serious consequences. With a GPOA, your agent can (for example) buy a car with your money, borrow money that you must repay, sell your personal property, or remove all funds from your bank account. While a GPOA may be helpful, it can also be very dangerous. Limit the duration of the GPOA to one year or less. Ensure that your agent is someone that you absolutely trust with all of your money and legal decisions. If you lose trust in your agent, consult a legal assistance attorney about revoking the GPOA. As an alternative, consider one or more special powers of attorney instead. If you only need specific tasks performed while you are away, then you should not obtain a GPOA.

### **SPECIAL (LIMITED) POWER OF ATTORNEY**

A special, or limited, POA authorizes your agent to do only a specified act, such as sell your car, ship your household goods, or cash your paycheck. Because it is more specific, the special POA is safer than a broad general POA and more likely to be accepted by third parties.

### **SPECIAL POWER OF ATTORNEY TO ACT "IN LOCO PARENTIS"**

The phrase "in loco parentis" means "in the place of the parent." This common type of special POA grants parental authority to another (such as a caregiver) to perform a range of functions which can include picking up a child from school, buying food and clothing, and consenting to medical treatment of the child in the event of illness or injury. Without this type of special POA a day care center, school, store, hospital or clinic, fearing legal repercussions, may refuse to follow the directives of the caregiver or other agent, and require the specific authorization of the actual parent.

## KEY CONSIDERATIONS

- ❑ A POA becomes void upon the death of the principal or the agent, when revoked, or on the expiration date specified.
- ❑ A POA normally is void if the principal becomes physically or mentally incapacitated. However, with the exception of *in loco parentis* POAs, appropriate durability language may be added to ensure that the POA remains valid during any period of incapacity.
- ❑ Any third party (business, bank, etc.) has the right to refuse to accept a POA. Many financial institutions and businesses have their own POAs which they prefer to be used to conduct business.
- ❑ A POA should be given for only a limited time period (such as six months during a deployment). A third party is more likely to accept a POA with a recent date than one which is many months or years old.
- ❑ Never give a general POA when a special POA will accomplish the intended purpose. There is less opportunity for abuse when only limited powers are given.
- ❑ You may revoke a POA before its expiration date by executing a revocation of the POA. Notice of the revocation must be delivered to the agent, as well as to all third parties who you know relied on the POA. If possible, recover from the attorney-in-fact and destroy the original and all copies of the POA. Even though the POA has been revoked, you may be responsible to any third party who did not receive notice of the revocation.
- ❑ A special POA should be as specific as possible. For example, if you are authorizing an attorney-in-fact to sell a vehicle on your behalf, specify the vehicle, license number, vehicle identification number, the make/model/year of the vehicle, and any specific terms you will require.

# POWER OF ATTORNEY APPLICATION

PRIVACY ACT STATEMENT: Information is solicited in accordance with Title 10, US Code Section 3013, and is used to prepare a Power of Attorney (POA). Providing information is voluntary; however, failure to provide information precludes the preparation of a power of attorney.

## I. GENERAL INFORMATION

1. Client Category (circle one): SVC MBR      FAM MBR      RET SM/FM      DoD CIV
2. \_\_\_\_\_  
Name (Last, First, MI)      Rank      SSN      State Legal Residence
3. If you are a family member: \_\_\_\_\_  
Sponsor's Name      Rank      SSN
4. Do you want a "Durable" POA that will remain in effect even if you become disabled, incapacitated or incompetent?     Yes     No
5. If you are a military member and do not want a durable POA, do you want this POA to remain in effect if you become a prisoner of war or are declared missing?     Yes     No
6. Do you want this POA to be effective immediately or do you want it to become effective only if you become disabled, incapacitated, or incompetent?     Now     Upon my disability
7. \_\_\_\_\_  
POA Expiration Date (usually 1 year or less)
8. \_\_\_\_\_  
Name of Person Receiving POA (Your Agent)

\_\_\_\_\_  
Street Address      State      Zip

## II. GENERAL POWER OF ATTORNEY \_\_\_\_\_ (Initial here)

## III. SPECIAL POWERS OF ATTORNEY (Initial All That Apply)

### 1. CLAIMS/FINANCIAL TRANSACTIONS

\_\_\_\_\_  
Cash checks

\_\_\_\_\_  
File claims/  
Receive payments

\_\_\_\_\_  
All Matters MilPay  
and Finance

\_\_\_\_\_  
Thrift Savings Plan

\_\_\_\_\_  
Execute VA Loan

\_\_\_\_\_  
Obtain service relief loan

Allotments: \_\_\_\_\_  
Start

\_\_\_\_\_  
Stop

\_\_\_\_\_  
Change Amount From \$ \_\_\_\_\_  
To: \$ \_\_\_\_\_

Bank Name/Location: \_\_\_\_\_

Account Number: \_\_\_\_\_

**2. GOVERNMENT QUARTERS/HOUSEHOLD GOODS**

                                                                                                                                                    
Sign For Quarters                      Clear Quarters                      Ship HHG                      Receive HHG

**3. REAL PROPERTY**

                                                                                                                                                    
Buy/Mortgage                      Refinance                      Sell                      Manage/Lease

Street Address of Property: \_\_\_\_\_

Legal Description of Property: \_\_\_\_\_

**4. VEHICLES**

                                                                                                                                                    
Possess/operate                      Register                      Buy/Sell                      Ship/Receive

Year/Make/Model: \_\_\_\_\_

Vehicle Identification Number: \_\_\_\_\_

**5. CHILDREN**

                                                                                                         From: \_\_\_\_\_  
Medical Only                      \*In Loco Parentis                      To: \_\_\_\_\_

                      
Education Registration/Enrollment

Child(ren) Name(s) and DOB: \_\_\_\_\_

\_\_\_\_\_  
\* Grants parental authority to another to include pickup from school, making medical decisions, etc.

**6. OTHER: (Mail, veterinary, house sitting, etc.) Please describe.**