



Region Legal Service Office Hawaii
Legal Assistance Department
850 Willamette Street
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Preventative Law Series

Power of Attorney & Notary Services

What Is a Power of Attorney (POA)? A power of attorney is a written instrument executed by one person (the “principal” or “grantor”) who designates another individual (the “agent” or “attorney-in-fact”) to perform specified acts on the principal’s behalf. The purpose of a POA is to show third parties that the agent in possession of the POA has the authority to act on behalf of the principal.

There is no law requiring third parties to recognize the authority of the agent to act on the principal’s behalf, however, a vast majority of persons, businesses, and institutions will recognize that authority.

What Is a General Power of Attorney (GPOA)? A GPOA grants an agent very broad powers and authority to act on behalf of the principal. This means that the agent can access and utilize your bank accounts, buy and sell property in your name, ship your vehicles, cash your tax returns, open credit cards in your name, purchase a vehicle in your name, and much more. Whatever the agent does using the GPOA, the principal remains the responsible party for the legal and financial consequences.

With such broad powers and grant of authority, a GPOA can be a dangerous instrument in the hands of persons inexperienced in business matters, persons of unstable temperament, or anyone whom the principal does not have the utmost trust and confidence. For this reason, it is strongly recommended that you seek the advice of an attorney prior to granting a GPOA to an agent.

It is important to note that many locations, including PSD and financial institutions, will not accept a GPOA. If you should choose a GPOA, it must contain a specific termination date or other provisions for revocation.

What Is a Special Power of Attorney (SPOA)? A SPOA is a power of attorney that is narrowly drawn, limiting the power of authority to the specific act or acts described in the power of attorney. Examples of a SPOA include the power to sell or purchase a home, sell or purchase a car, conduct a household goods move, access a bank account, an in loco parentis (a power of attorney which allows another to act on behalf of the parents when caring for the child of another), or even a SPOA to get veterinarian care for a pet. Naval Legal Service Office Pacific has many SPOAs on hand to meet your needs. It is recommended that a special power of attorney be used whenever it is sufficient to meet your needs.

How to Protect Your Power of Attorney? Generally, most third parties will only accept the original executed POA. Accordingly, copies are typically useless.

Your POA will be stapled. Do not remove the staple. If the staple is removed you run the risk of a third party refusing to accept the POA as it may appear that the POA has been tampered with. If someone needs to make a copy of the POA, they need to copy the document one page at a time (flip style), without removing the staple. If copies are made be sure to always get the original back. If the original POA gets lost, damaged or destroyed you need to contact the individual that gave you the POA and he/she will need to do another POA for you.

The POA should be kept in a safe place. Accordingly, POAs should not be stored in a vehicle (even if the POA concerns the vehicle). In the event that the vehicle is stolen or towed, your attorney-in-fact may not have access to the POA.

What Is a Notary? A notary public is a person legally authorized to administer oaths, take depositions, take and certify acknowledgments, and perform other similar services which can expedite the handling of an individual's legal affairs. In other words, the notary's signature and seal on a document gives the person examining the document the assurance that the document really is what it appears to be.

For certification of true copies, only the entity that created the document or maintains the original document or electronic record as part of its official responsibilities is capable of certifying a true copy of the document. Therefore, military notaries and other members of the legal assistance staff may not certify documents as true and accurate copies of original documents that are neither created by the office nor maintained by the office as part of its official responsibilities. This is particularly true regarding documents like birth certificates, marriage certificates, divorce decrees, court papers, etc. Most states have specific laws that only allow state employees to certify these documents as true copies.

However, military notaries may notarize the signature of the document custodian on the certification of authenticity. The document custodian must be from the office responsible for maintaining the original document or electronic record. Additionally, military notaries may notarize a signed statement by a client, attesting to a copy of an original official document he or she has received and maintained, if such a notarized statement suffices to meet the client's needs. Military notaries may not certify any documents that on their face, or otherwise, indicate they may not be copied.

****For Hawaii State Notary Services only: You will need to provide two valid forms of identification; your military identification and a current valid form of identification with your photo and a signature. Acceptable forms of identifications with your photo and a signature are a driver's license or a State identification card.**

For more information, please contact your local Region Legal Service Office.