**Powers of Attorney**

A Power of Attorney (POA) is a written instrument that allows you (the “principal”) to authorize your agent (your “attorney-in-fact”) to conduct certain businesses for you. It is one of the most powerful legal documents you can give to another person.  **Therefore, make sure your agent is someone you can trust. If you lose trust in your agent, talk with a legal assistance attorney about revoking your power of attorney.**

**Different Types of Powers of Attorney:**

**General Power of Attorney**

Making a general power of attorney is an important action with serious consequences. Your general power of attorney gives someone else the legal authority to act on your behalf to do **anything** that you could do. With a general power of attorney, your agent can (for example) rent or buy a house with your money, borrow money that you must repay, sell your car, sue someone for you, or remove all funds from your bank account. Your agent can legally bind you. While a general power of attorney can be very helpful, it can also be very dangerous.

* Some businesses **will not** honor a general power of attorney because it is too broad in its authority. If you anticipate a situation that may arise in your absence, especially if you are deploying, it is **highly recommended** that you get a special power of attorney that will authorize your agent to perform only specific tasks.

**Springing Power of Attorney**

A Springing Power of Attorney is effective only if you are declared disabled, absent or incapacitated. The Springing Power of Attorney “springs” into action if this event occurs.

**Durable Power of Attorney**

Unlike other powers of attorney, a “durable” power of attorney does not expire once you become incompetent or incapacitated. That is, a durable power of attorney remains in effect even if you are unable to make sound decisions or care for yourself. The advantage is that once you become incompetent or incapacitated someone may step in to handle your affairs immediately, thereby avoiding the need to seek a court-appointed guardian.

**Special Powers of Attorney**

Unlike general powers of attorney, a special power of attorney provides the agent with specific, limited authority. A special power of attorney might limit the agent to one particular act, e.g., filing your income tax return, or a set of specific acts, e.g., paying monthly rent from your bank account and selling your vehicle. If you only need a specific task done, then you will want to consider a special power of attorney instead of a general power of attorney.

**Medical Powers of Attorney for Child Care and Guardianship Powers of Attorney**

Occasionally there is a need to appoint someone to act on your behalf with respect to your child(ren). Many complete a guardianship power of attorney, which designates a trusted person as the child’s temporary guardian. This power of attorney gives the temporary guardian authority to take custody of the child and act in the interests of the child’s health, education, and welfare, including, for example, the power to obtain medical care, and do all acts a parent can do for their child(ren). Individuals frequently seek these if they plan to leave their child(ren) in the care of another person in their absence. A Medical Power of Attorney for Child Care has less authority than a Guardianship Power of Attorney. The Medical Power of Attorney for Child Care would only give authority to take custody of the child and obtain medical care in the absence of the parent.

**Financial Powers of Attorney**

A financial power of attorney grants an agent authority to handle your financial affairs, including, but not limited to, acquiring and disposing of property, collecting debts, borrowing money, handling lawsuits by or against you, filing tax returns, and receiving and selling stocks.

**Limitations to a Power of Attorney**

Some businesses will refuse to recognize a power of attorney that does not use their form or follow a certain format. Additionally, some businesses or offices require use of specific language. Consider the following:

* If the power of attorney gives an agent authority to handle your bank accounts, brokerage accounts, investments, or other financial documents, you should contact the financial institution or brokerage firm in advance to determine whether they require a specific form or format, or whether they will accept a generic power of attorney. For example, USAA requires its customers to use USAA’s power of attorney form, which can be found on its website.
* If you grant authority to buy or sell a vehicle, ensure that you have on hand and include in the power of attorney important identifying details, such as the vehicle identification number (VIN) and the make and model of the vehicle.
* If you intend to grant authority to an agent to handle your taxes and tax returns, you should use the Internal Revenue Service’s power of attorney form, IRS Form 2348. Although a special power of attorney may suffice, the recommended approach is to use the IRS form.
* Some military offices require a power of attorney containing specific language. For example, dependents need a power of attorney to obtain a Tricare or DEERS card while the dependent’s sponsor is absent or deployed. Similarly, the housing office requires a power of attorney containing specific language before a dependent may clear government quarters, sign for government quarters, or ship and receive household goods.

**Revocation of a Power of Attorney**

It is important to limit the duration of a power of attorney to no longer than necessary to accomplish the task. It is recommended to limit the power of attorney to one year but not to exceed 3 years. Powers of attorney will also terminate upon the following events:

* Incompetency or incapacitation (if it is not a Durable Power of Attorney);
* Revocation (i.e., you destroy the original and any copies, and notify those to whom copies have been given that the authority to act on your behalf has been revoked; or if you cannot retrieve the original, you create a revocation document); or
* Death

However, a durable power of attorney is different. You may revoke a power of attorney at any time before you become incompetent or incapacitated; however, once you become incompetent or incapacitated, the durable power of attorney continues until (a) your death or (b) a court sets aside the durable power of attorney, whichever occurs first.

**Drafting a Power of Attorney**

The Legal Assistance Office can assist you in obtaining a power of attorney that suits your needs. Powers of attorney can be obtained and notarized on a walk-in basis during normal operating hours, Monday-Wednesday and Friday 0800-1600 and Thursday, 1300-1600, by our staff at the front desk. The Legal Assistance Office is closed on all training holidays and federal holidays.