

POWER OF ATTORNEY

This pamphlet gives guidelines on powers of attorney. It applies to all eligible legal assistance clients.

1. A power of attorney is a document that allows someone else to act as your legal agent in your absence. Thus, a power of attorney can be used to allow a friend to sell your car, to let your spouse ship your household goods, or to authorize a relative to take your child to the hospital. It can also be used to buy or sell property. A power of attorney can create valid debts in your name that will be your responsibility.
2. A **GENERAL** Power of Attorney allows the person you name (your agent) to do many of the things you could do yourself. A **SPECIAL** (or limited) Power of Attorney lists a particular act the agent is authorized to do and limits the agent to that act.
3. You should realize that **every business or bank is free to accept or not accept your power of attorney.** Some businesses or banks require that the power of attorney be recorded. Some businesses and banks only accept a special power of attorney. Banks may require that every account number be listed on the power of attorney. Whenever possible, you should check with the business or bank before obtaining or using a power of attorney to be sure it will be accepted.
4. Never make a power of attorney, except a medical power of attorney, indefinite or permanent. It is best to set a date for the power of attorney to expire, and this can be written into the power of attorney. This ensures that your power of attorney will not be effective after the date specified on its face. Most powers of attorney are good for one year.
5. You can use a special power of attorney to allow someone to do almost all legal actions, which you can do yourself. For example, you can prepare a special power of attorney that lets your agent:
 - a. Buy or sell real estate.
 - b. Purchase or sell a vehicle.
 - c. Sell your furniture.
 - d. Sign your paycheck.
 - e. Conduct banking in your name.
 - f. Admit your child to the hospital or handle other medical care for your child.
 - g. Provide custodial care of your child, which will include medical, schooling, and other custodial issues.
 - h. Ship or store your luggage and household goods.
 - i. File a household goods claim.
 - j. Move into or clear base housing.
 - k. Cash or deposit a tax refund check with an IRS Form 2848.

These are just a few of the many things that can be done with a special power of attorney. All that is required is that you have the name and address of the agent you wish to appoint and a specific description of the particular act or deed to be done on your behalf. If you want to grant the agent power to access commercial records, such as bank records, you must have account number and the name and address of the bank available when you come to obtain the power of attorney.

6. While powers of attorney will be accepted as valid for most purposes, there are some actions that cannot be accomplished by using a power of attorney, because these actions are so personal in nature they cannot be delegated to another. For example, a marriage ceremony or the execution of a will cannot be done by power of attorney. In addition, there are times when a certain form of power of attorney is required and no other form will be accepted.

7. A power of attorney can be useful but it can also be harmful if abused. An agent with a general power of attorney can use it to run up debts the grantor did not intend but for which the grantor will be responsible. A power of attorney can be used to squander your assets and deplete your bank account. **The important thing to remember is that you are going to be legally responsible for the acts of your agent.** Therefore, you must exercise great care in selecting that agent.

8. There is no guarantee that your power of attorney will not be misused. Here are some guidelines and precautions that will help prevent misuse:

- a. Never give anyone a power of attorney unless there is a real need to do so.
- b. Don't sign a power of attorney until the actual need for it arises (leave an unsigned power of attorney in your deployment packet).
- c. Always put an expiration date on your power of attorney.
- d. Make sure your expiration date is for as short a period of time as possible. It is better to make a new one out routinely than to try to revoke an old one that extends for too long.
- e. Never use a general power of attorney when a special power of attorney will do.
- f. Never give anyone a power of attorney that you have not known for an extended period of time and found to be very honest and trustworthy.
- g. If you want to cancel or terminate a power of attorney before it expires, you can give a Revocation of Power of Attorney to any person who might deal with your original agent. In many states, you may also record the revocation in the office where the original power of attorney was recorded. Just remember, it is usually impossible to effectively cancel a power of attorney, since the safest way to do this is to get back all copies and originals which you have given to your agent, as well as all of the copies that may have been made by banks, realtors, merchants, landlords, and other people who are relying on the power of attorney which you signed.