



Power of Attorney



What Is Power of Attorney?

A power of attorney (“POA”) is a legal document that gives another person the power to do something for you. The most common use of these forms occurs when you leave the area and need your spouse or friend take care of something for you. As a general rule, it is a good idea to check with the receiving agency prior to filling out a Power of Attorney to verify if they will accept the document or if they wish for you to use a document they produced. Generally, no one is bound by law to honor a POA. However, Louisiana has a state law requiring banking institutions to accept a military power of attorney. Although most institutions will honor a properly formatted POA as a matter of practice, some have special requirements. The two types of POAs are as follows:

Special Powers of Attorney

Special POAs are used for very specific, limited purposes. When you sign a special POA, you are giving someone else the right to perform a specific task for your benefit. For example, parents commonly give their daycare providers a special POA to take a child to emergency medical care if the need arises. You might also give a Special POA if you will be TDY during a PCS and require a friend to ship your household goods. Check with the Legal Office about the proper wording of a Special POA to fit your particular situation. You can create your own Special POA online using the Air Force Legal Assistance website, then schedule an appointment with the legal office to have your POA printed, signed, and notarized. Remember to bring your Ticket Number – your online documents cannot be accessed without it!

Common Special Powers of Attorney

Mail/Post Office	Medical Records
Finance (Military Pay)	Allotment (starting, changing, stopping)
Access to Bank Accounts	Manage Stocks and Mutual funds
Manage Thrift Savings Plans	TMO (Ship HHG, Receive HHG, file Claims)
Claims and Property Documents	Clear Quarters/Start BAQ
Education/College	Housing (Accept Quarters, House Sitting)
ID Cards (Enroll Dependents in DEERs)	Income Tax
Lease Agreement, Legal Action, Renting, Managing Property	
children (Temporary custody, Medical/childcare/School, Loco Parentis, Transport)	
Banking (Loan to Purchase/Sale) House, Land, Execute a VA Loan	
Real Estate (House Purchase, House Sale, Land Purchase/Sale)	
POV Action (Operate, Maintain, Pickup, Purchase, Register, Sell, Ship)	

Disclaimer: This information is general in nature and presented to assist those eligible in preparing for a legal assistant appointment with a professional in the legal office. Do not rely upon this general restatement of background information without discussing your specific situation with a legal professional.

General Powers of Attorney

Unlike a Special POA, a General POA is used to give someone *broad* authority to act on your behalf. For example, giving someone a General POA gives them the authority to sell all of your property, spend all of your money on anything they deem necessary or reasonable, and enter into any type of binding contract on your behalf. Obviously, a General POA should only be given to people who can be trusted with this kind of power, such as a spouse or close relative. *Remember that this is a powerful document.* If you only need a few things done on your behalf, it may be better to get one or more Special POAs.

Notarization and Duration

Regardless of which POA you use, you need to sign it in the presence of a notary. The person to whom you are giving the POA does not need to be present at the signing, but be sure to give this person the completed original POA.

Limitations

Once again, with the exception of banking institutions in Louisiana, no one can be forced to honor a POA, even a military power of attorney. For example, the base Finance Office will not accept a General POA. Also, to ensure it is not abused, a POA should state how long it will remain in effect for. The term can be as long as you like, however, since it is such an important document it is unwise to make them last longer than you really need. The Barksdale Legal Office's policy is to limit a POA to one year in duration.

Revoking a Power of Attorney

When you die or become incapacitated (i.e., in a coma), all of your POAs immediately become void. The only way to avoid this automatic revocation is by making your POA "durable," which simply means that it survives your death or incapacity. Durable POA's are most commonly used to allow a friend or loved one to make medical decisions if you are incapacitated or to settle your estate if you die. For more information on Durable POA's, see our handout on Living Wills and Durable Powers of Attorney.

Another way to revoke a POA is to destroy the original and all copies, which may not always be possible (this is why it is so important to expressly limit the duration of a POA). If you are not certain you have destroyed all copies, you should put your revocation in writing, keep a copy, and notify anyone who has dealt with your Attorney-In-Fact (the person appoint in your POA).

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