



POWERS OF ATTORNEY

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UNDERSTANDING POWER OF ATTORNEY (POA)

A Power of Attorney (POA) is a powerful legal document that allows you, the "principal," to authorize another person, known as your "agent" or "attorney-in-fact," to act on your behalf. This document can be used for various purposes, from managing your finances to making healthcare decisions. Given its importance, it's crucial to understand the different types of POA and the considerations involved.

Types of Power of Attorney

General Power of Attorney

A General Power of Attorney grants your agent broad powers to act on your behalf. This can include managing your finances, buying or selling property, and other significant decisions. Because of its wide-ranging authority, it should only be given to someone you trust implicitly and only when absolutely necessary. Be aware that:

- Acceptance: Not all businesses or institutions are required to recognize a POA.
- Accountability: Your agent can obligate you in ways you might not intend, and you will be held accountable for their actions.

Special (Limited) Power of Attorney

A Special (Limited) Power of Attorney restricts your agent's authority to specific tasks, such as selling a car, accessing a particular bank account, or handling real estate transactions. This type of POA is generally safer and more likely to be accepted by third parties because it clearly outlines your intentions.

What a Power of Attorney Cannot Do

While a POA is valid for most purposes, some actions are too personal to be delegated, such as:

- Marriage ceremonies
- Execution of a will

Additionally, certain tasks may require a specific form of POA. For example, the IRS has its own form for cashing refund checks.

Choosing Your Agent

You can designate anyone over 18 years old as your agent, not just a spouse or relative. However, ensure that the person you choose is trustworthy, capable, and able to handle the responsibilities. Remember, you will be legally bound by their actions.

Special Considerations

- Void Upon Death: A POA becomes void upon the principal's death.
- Incapacity: A standard POA becomes void if the principal becomes incapacitated. However, a Durable Power of Attorney remains valid during periods of incapacity and ends only upon revocation or death.

- **Third-Party Acceptance:** Any third party has the right to refuse a POA.
- **Expiration Date:** A POA should be given for a limited time, such as twelve months during a deployment, to increase its likelihood of acceptance.
- **Specificity:** Always opt for a special POA when possible and be as specific as possible to minimize the risk of misuse.
- **Original Document:** Your agent must have the original POA, and you should keep a copy for your records.

Preventing Misuse

- **Necessity:** Only create a POA if you absolutely need one.
- **Expiration Date:** Always include an expiration date, preferably not exceeding two years.
- **Revocation:** You can revoke a POA before its expiration date by executing a revocation document. Notify your agent and destroy all copies of the original POA. Be aware that you may still be responsible for actions taken by third parties who were not informed of the revocation.

Do You Need a Power of Attorney?

Evaluate your situation to determine if a POA is necessary. For instance, if you have a joint bank account and your pay is directly deposited, you might not need a POA. However, if you anticipate legal or significant financial actions while you are away, consider a special POA for those specific needs.

Common Issues Requiring a POA

- **Vehicles:** Possessing, using, registering, shipping, or selling
- **Banking:** Obtaining loans, accessing accounts, opening/closing accounts
- **Government Quarters:** Signing for or clearing quarters
- **Finance/MPF:** Pay inquiries, allotments, obtaining ID cards
- **Household Goods:** Shipping, receiving, filing claims
- **Real Estate:** Refinancing, buying/selling, leasing
- **Child Care:** Medical care, temporary custody, education enrollment

How to Get a Power of Attorney

Visit your legal office, Monday to Friday, 0900-1600. No appointment is necessary. For further assistance, call 654-3203. You can also prepare a POA worksheet through the Air Force Legal Assistance Website: <https://aflegalassistance.law.af.mil/>. By understanding the nuances of a POA, you can make informed decisions and ensure that your affairs are managed according to your wishes.

NOTE: This guide is intended for general informational purposes only and does not constitute legal advice. It is advisable to periodically verify this information and consult with a legal professional for the most current and applicable advice. If you have any questions or need to schedule an appointment with a legal assistance attorney, please call the Legal Office at 325-654-3203.