



POWERS OF ATTORNEY



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A **Power of Attorney (POA)** is a document which allows you to give another person the authority to perform acts on your behalf. That person is called your “agent”. You are legally bound by any acts of this agent if those acts are authorized in the Power of Attorney, so you must exercise caution to make sure that your agent is someone you trust.

A **General Power of Attorney (GPOA)**, while sometimes helpful, can also be dangerous. A GPOA gives someone else the legal authority to do almost **anything** that you could do, and the potential for abuse by one’s agent is very high. For example, with a GPOA, your agent can possibly sell your car, borrow money that you must repay, rent or purchase property in your name and with your money, or remove ALL funds from your bank account. Navy Legal Assistance Offices require you to consult with an attorney whenever you insist upon receiving a GPOA. *Consider carefully whether you really need a GPOA. A good alternative to the GPOA is the Navy’s General Financial Power of Attorney (GFPOA) which does *not* require a consultation with an attorney.*

A **Special Power of Attorney (SPOA)** is more limited and gives someone else the legal authority to perform specific tasks on your behalf, such as registering your car or selling specifically listed property.

****IMPORTANT CONSIDERATIONS BEFORE GRANTING SOMEONE A POA****

- Always limit the power you give away to only that necessary to accomplish your needs. If you only need someone to perform specific tasks (e.g. enter into a lease agreement on your behalf), it is highly recommended that you get a **Special** Power of Attorney (SPOA) for only the specific tasks needed.
- Powers of Attorney drafted by Navy legal assistance offices are limited in duration to no longer than one year and should only be drafted for the amount of time needed.

****IMPORTANT INFORMATION ABOUT YOUR POA****

- Most states do not require an individual or business/organization to accept a Power of Attorney (even a military Power of Attorney), regardless of the legality or validity of the Power of Attorney.
- In some cases, certain businesses (banks and other financial institutions) will only accept a Special Power of Attorney to fulfill specific standards and requirements. Many institutions have their own Power of Attorney form, so it is crucial that you make sure in advance that your POA meets the specific standards of the individuals and/or businesses with which your agent will do business.
- Your appointee or agent **MUST** have the **ORIGINAL** Power of Attorney; you should keep a copy for your records.

****REVOCATION/CANCELLATION OF YOUR POA****

- If you want to revoke, cancel, or terminate a Power of Attorney before it expires, you must sign and notarize a **Revocation of Power of Attorney** and provide a copy to any person you believe has dealt with or will possibly deal with your agent. Because it is difficult, if not impossible, to provide a copy of the revocation to every possible third party who has relied upon or might rely upon the previously granted POA, the difficulty of revocation is one of the inherent dangers in granting a POA.
- In addition to providing a copy of the revocation to all foreseeable parties with whom your agent has dealt, the following steps are also recommended for your protection:

- Sending a true copy of the revocation to the original agent and using a delivery method that provides a receipt showing proof that the agent received your revocation (e.g. certified mail with return receipt requested).
- Recording a revocation in the counties in which the POA was executed, in which your agent resides, and in which the POA may be used;
- Publishing notice in the newspapers in the same counties as above where you have revoked your POA.

WARNING: PROVIDED FOR INFORMATIONAL PURPOSES ONLY AND NOT INTENDED TO BE TAKEN AS SPECIFIC LEGAL ADVICE. FOR LEGAL ADVICE IN A PARTICULAR SITUATION, ALWAYS CONSULT WITH AN ATTORNEY.

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