

# POWERS OF ATTORNEY

## a) What is a Power of Attorney?

A Power of Attorney (POA) is a document authorizing another person (i.e., your "agent") to act on your behalf and conduct your business while you (the "grantor") are absent. Basically, the POA will give your agent the ability to sign for you, and that signature will have the same legally binding effect as if you had personally signed. Businesses are not required to accept a POA. No one can force a business, including a bank, to accept the POA. You should check with your bank and other businesses to be sure they will honor the POA. A POA needs to be signed in front of a notary to become effective.

## b) Who needs a POA?

If you and your spouse have joint bank accounts and own all of your property jointly (i.e., cars, houses, investments, etc.), then you may not need a POA. If everything is jointly owned, your spouse is probably already able to take care of all family business in your absence. However, where property is not jointly owned, a POA may be needed. Only you know your business affairs. Therefore, it is up to you to determine whether or not a POA is required. Remember, NO ONE CAN ORDER YOU TO GET A POA; it MUST be your decision.

## c) What kind of POA do I need?

(1) There are two (2) types of POAs:

(a) General POA -- gives your agent virtually unlimited authority to act on your behalf. This is the most powerful POA.

(b) Special POA -- gives your agent the authority to do one or more specified acts. You specify on the POA document what acts the agent may perform on your behalf (i.e., sell or register a car, ship or receive household goods, cash paychecks, etc.). This is a more limited and less powerful POA since the agent's authority to act is limited to only those specific acts, which you have authorized.

(2) In deciding which type of POA is needed, always remember the general rule - DON'T GIVE AWAY ANY MORE POWER THAN IS ABSOLUTELY NECESSARY. Don't get a General POA if all you need is a Special POA.

(3) In deciding whom to give a POA to (i.e., your agent), there are three (3) important factors to keep in mind -- TRUST, TRUST AND TRUST. If you give someone a General POA, he or she will be able to do virtually anything concerning your business. You MUST choose an agent you can trust with all of the power you grant them. Your agent must also be at least 18 years old.

(4) To use the POA, your agent must have the original signed document. Though POAs can be revoked at any time, the only way to effectively revoke a POA is to destroy the original signed document.

Otherwise notice of the revocation must be given to anyone who might be presented with the POA, since this could be anybody, giving this kind of notice is difficult.

**d) I'm supposed to deploy in six months. Should I get a POA now?**

You can, but it isn't recommended. POAs from this office last 18 months, so if you execute (sign) one today, it may expire while you are in theater. Instead, come into legal assistance just prior to deployment to be sure it doesn't expire. You can also get a POA at the Soldier Readiness Processing (SRP) Site. Take the additional time to make sure you know who you want to be your agent. Remember, if your agent abuses the authority you grant them, you probably will not be able to correct those actions once you get home - after all, you gave them that authority. Be sure you need a POA before you get one!

**e) Where can I get a POA?**

POAs may be obtained at the Fort Bliss Legal Assistance Office, 1<sup>st</sup> Floor, Bldg. 113, Pershing Road, M, T, W, and F, 0900-1145 & 1300- 1620 and TH, 1300-1620 or at the SRRC (Bldg 60) Legal Station during hours of operation, M-F.