



DEPARTMENT OF THE ARMY
HEADQUARTERS, 10TH SUPPORT GROUP
UNIT 35115
APO AP 96376-5115

APAJ-RSG-JA-LA

5 October 2021

MEMORANDUM FOR POWER OF ATTORNEY USERS

SUBJECT: **CAUTION!**—Required Reading before Making a General Power of Attorney

1. A Power of Attorney is a written instrument that allows you to authorize your Agent (called “attorney-in-fact”) to conduct certain business for you. It is one of the most powerful legal documents that you can give to another person. There are two types of powers of attorney--**General** and **Special** (or limited).

a. A **General Power of Attorney** gives your Agent very broad powers to act on your behalf. A **Special Power of Attorney** limits your Agent’s authority to act only on certain, listed matters. Every act performed by your Agent within the authority of the power of attorney is legally binding upon you. Since a Power of Attorney is such a powerful document, give it only to a trustworthy person, limit the authority you grant that person, whenever possible, and *only give a power of attorney when absolutely necessary*.

b. Making a General Power of Attorney is an important action with serious consequences. Your General Power of Attorney gives your Agent the legal authority to act on your behalf to do almost **anything** that you could do. For example, your Agent can rent or buy a house with your money, borrow money that you must repay, sell your car or buy a car, sign contracts in your name, order a credit card in your name, sue someone for you, or remove all funds from your bank account. Your Agent can legally bind you. While a General Power of Attorney can be very helpful, it can also be a very dangerous legal instrument. A General Power of Attorney can cause problems for a husband and wife who are having marital problems because either party can misuse the Power of Attorney to cause the other party financial distress.

(1) Limit the power you give away to only that necessary. If you need someone to perform only specific tasks for you, then you do not need a General Power of Attorney. In that case, get a special power of attorney that will authorize your Agent to perform only those specific tasks. We can help you prepare one.

(2) Unless you are deploying, you should limit the duration of your power of attorney to no longer than 1 year. If you are deploying, you may want your power of attorney to last for the length of your deployment, plus 6 months. Don’t set the expiration date for longer than you will need your Agent’s services, and don’t give the power of attorney before it will be needed.

(3) **Make sure that your Agent is someone you can trust.** If you lose trust in your Agent, talk with a legal assistance attorney about revoking your Power of Attorney. Make sure you immediately notify your Agent that the Power of Attorney has been revoked (**Note:** a verbal or written notification is sufficient to revoke a Power of Attorney,

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but you should also sign a Revocation Power of Attorney and give a copy of the revocation to your Agent and to any person who might have or will possibly deal with your Agent).

2. No one is ever legally required to accept a Power of attorney (even a military Power of Attorney) regardless of the legality or validity of the Power of Attorney.

3. In some cases, certain individuals and/or businesses will only accept a Power of Attorney fulfilling their specific individual standards and requirements, such as banks and other financial institutions. Many have their own form, so ask them. As a result, ensure this Power of Attorney will meet the specific standards of the individuals and/or businesses with whom your Agent will do business.

4. Military finance offices will honor Special Powers of Attorney for limited purposes. Check with your local finance office for the limits. Normally, for pay changes and for obtaining a Leave and Earning Statement.

5. Finally, the decision to grant a Power of Attorney is yours alone. Your chain of command cannot lawfully order you to grant someone a Power of Attorney. You will be liable for any actions taken by your agent while this power of attorney is valid.

6. Your Agent **MUST** have the ORIGINAL Power of Attorney and you should keep a copy for your records.

7. If you have any questions about Powers of Attorney, please ask to speak to a legal assistance attorney.

8. To get a Power of Attorney prepared or to prepare a revocation, you can visit Room 220 of Building 218, Torii Station.

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