



CLIENT SERVICES & POLICY DIVISION Legal Assistance Office



Which Power of Attorney is Right for You?

A Power of Attorney (POA) is a written instrument that allows you (the "principal") to authorize your agent (the "attorney-in-fact") to conduct certain business on your behalf. It is one of the strongest legal documents that you can give to another person. There are two types of POA; "general" and "special" (or limited).

A General Power of Attorney (GPOA) gives your agent very broad powers to act on your behalf; and a Special Power of Attorney (SPOA) limits your agent's authority to act only on certain matters. Every act performed by your agent within the authority of the POA is legally binding upon you. Since a POA is such a powerful document, give it only to a trustworthy person, and only when absolutely necessary.

General Power of Attorney (GPOA): A GPOA gives your agent the authority to do most things you could do yourself, such as write checks and pay bills, borrow money, and sign contracts in your name. Your agent cannot perform certain actions which require your personal attention, such as taking an oath. General POAs may not be accepted for the performance of certain acts, such as opening and closing accounts, or conducting real estate transactions.

Special (Limited) Power of Attorney (SPOA): A SPOA authorizes your agent to do only a specified act, such as sell your car, ship your household goods, or access DFAS. A SPOA can accomplish almost any need you may have, such as access to a particular bank account; closing on a house; medical care for your children; or movement of your household goods. The SPOA, as its name implies, restricts the other individual's action to a particular purpose, which you have chosen. This is much safer than giving a GPOA, which grants another individual almost complete legal power over your personal and financial affairs. Also, the SPOA is more likely to be accepted by those with whom the individual you have designated will be trying to do business. Because it is drawn for a specific purpose, it is often considered to be a more reliable measure of your actual intent. Some acts may only be accomplished with a SPOA. For example, authorizing someone to buy or sell real estate in your name requires a SPOA, which describes in great detail, the property and the specific acts to be done by your agent.

Special Power of Attorney to Act "In Loco Parentis": This is a common type of special power of attorney. The phrase "in loco parentis" means "in the place of the parent." This type of SPOA grants parental authority to another (such as a babysitter) to perform a range of functions which can include picking up a child from school, buying food and clothing, and consenting to medical treatment of the child in the event of illness or injury. If you have children, you will almost surely want a SPOA to provide for their non-emergency medical care when you and your spouse are away. Service medical regulations clearly provide that your children may be treated if a true emergency exists,