

POWERS OF ATTORNEY; WHAT ARE THEY, AND WHICH ONES DO YOU NEED?

CPT Eileen Whipple, Legal Assistance Attorney

Published 3 May 2012

What is a power of attorney (POA), and when is it useful?

A POA is a very important legal document. A POA gives another person (attorney-in-fact or agent) the power to do certain things on your behalf. POA's are often used when a servicemember is getting ready to deploy. He or she may need another person to handle day to day decisions and transactions while overseas.

Are there different kinds of POA's?

Yes. There are many different types of POAs. We split them into two categories; General and Specific POAs.

A General POA gives complete and total power to your designated agent or attorney-in-fact. The person you designate can do everything and anything you could do yourself. A General POA could be used to purchase a home, finance multiple automobile purchases, open credit cards, take out loans, and sell your property. Your agent is not required to ask your permission before using a General POA; they don't even have to tell you what they are doing. Once they have a valid General POA they can start acting on your behalf.

A Special POA is limited to the specific powers you would like your agent to have. For example, you could give your agent the power to register your vehicle or file your taxes. Specific POAs can be used for just about anything and they are often safer and more useful than a General POA. Healthcare POA's are another example of one type of Special POA. This article does not deal with Healthcare POAs.

I am deploying, and there are a lot of things I will need someone else to take care of. Should I just give them a General POA?

Maybe, but most likely NO! General POAs are very dangerous documents. In many cases, General POAs are unnecessary, and executing such a POA may do more harm than good. Unfortunately, many people who are given a General POA abuse the power. These "agents" make purchases and take out loans you did not intend. They keep the property or money and leave you with all of the debt. This debt will only get worse while you are gone. Debt can impact your job or security clearance. **As a result of this abuse, General POA's are not accepted many places on and off base.** If you want to make sure your agent can do things like deal with TRICARE and the ID Card office, a special power of attorney is often best. Be sure to talk with an attorney about what you are trying to accomplish with such a POA.

I really trust the person I am going to designate as agent, and I don't have time to fill out lots of forms for all sorts of different things. Should I just get a General POA?

Even if you trust your agent, there is a good chance businesses and other individuals will not accept a General POA. We have a Specific Military POA designed for this situation. The Military POA covers everything from DEERS & ID Cards to banking and taxes. On the form you can sign for only the specific powers you want the agent to have. You can feel more confident knowing you are only giving out the powers you need to give out.

Where can I go to get more information or get a POA done?

If you have questions, please contact the XVIII Airborne Corps and Fort Bragg Legal Assistance Office. POAs are done on a walk in basis whenever the Legal Assistance Office is open. We cannot provide legal advice over the phone, but you can call 910-396-6113 or 910-396-0396 with general questions.