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JAG FACTS

GENERAL POWER OF ATTORNEY CAUTION

1. A Power of Attorney (POA) is a written instrument that allows you to authorize your agent 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 POA: general and special (or limited).
 - a. A general POA gives your agent very broad powers to act on your behalf. A special POA limits your agent's authority to act only on certain listed 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, limit the authority you grant whenever possible, and only give a POA when absolutely necessary.
 - b. Making a General Power of Attorney (GPOA) is an important action with serious consequences. Your GPOA gives someone else the legal authority to act on your behalf-to do **ANYTHING** that you could do. With a GPOA, your agent can (for example) rent or buy a house with your money, borrow money that you must repay, sell your car, sue someone for you, or remove all funds from your bank account. Your agent can legally bind you. While a GPOA can be very helpful, it can also be very dangerous.
 - i. 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 GPOA. Get a Special Power of Attorney (SPOA), one that will authorize your agent to perform only those specific tasks. You can have multiple SPOAs to accomplish different tasks. We will be happy to help you prepare one or several.
 - ii. Limit the duration of your POA to no longer than you need it. Don't set the expiration date longer than you will need your agent's services, and don't give the POA before it will be needed.
 - iii. Make sure your agent is someone you can trust. If you lose trust in your agent, talk with a legal assistance attorney about revoking your POA.
 - iv. Don't hesitate to talk to a legal assistance attorney if you have any questions.
2. No person, company, or agency is required to accept a power of attorney. Even military agencies may refuse to accept the power of attorney. If you have specific actions you need

completed, you should insure ahead of time the person, company, or agency will accept and honor your power of attorney.

3. Although the GPOA includes authority to file tax returns, the IRS may not accept a GPOA. You should use an IRS POA (Form 2848, available at the Legal Assistance Office) to give authority to file your federal taxes. A GPOA is also generally not accepted at banking institutions or credit unions, and for child care purposes—these usually require a SPOA.
4. Military finance offices will honor **SPOA** only for the following purposes:
 - a. With a SPOA, a designated agent may obtain Treasury checks for you.
 - b. Your dependent appointed as your agent by SPOA may obtain your Leave and Earning Statements.
 - c. An agent appointed under a SPOA may file a travel claim on your behalf.
 - d. A SPOA with specific language may be used to establish, change, or stop an allotment (a general POA may not be used for these purposes).
 - e. A SPOA may be used to change the financial institution to which payments are made.
5. Military finance offices will not honor any power of attorney for the following purposes:
 - a. Payments to an agent for a mentally incompetent service member.
 - b. Payments to an agent for a service member who is missing in action or interned.
 - c. Release cash payments.
6. Finally, the decision to grant a POA, and which type of POA to grant, is yours alone. Your chain of command cannot lawfully order you to grant someone a POA. You will be liable to the government for any debt incurred by your appointed agent under a POA. If you have any questions, please ask to speak to a Legal Assistance attorney.