



POWER OF ATTORNEY DANGERS FACT SHEET



A Power of Attorney (POA) is a document that allows you to authorize someone to act and conduct business for you. It is a legal document and there are things you should consider before creating a POA.

1. There are two types of POAs, General and Special.

a. A General POA (GPOA) gives your agent very broad powers to act on your behalf in virtually any situation or matter. A GPOA gives someone else the legal authority to act on your behalf for anything you could do yourself. While a GPOA can be very helpful, it can also be very dangerous. There are numerous cases where a GPOA was granted to a spouse, parent, or significant other, and the powers were abused to the detriment of a Soldier.

b. A Special POA (SPOA) limits your agent's authority to act only in certain instances or with regard to certain matters.

A General and Special Power of Attorney are powerful documents. You should only give a power of attorney to a responsible, trustworthy person, and limit its authority whenever possible.

2. Before creating a GPOA, consider:

a. Should you be using a SPOA instead? A SPOA limits the power you give to only those actions that are necessary. If you need someone to perform only specific tasks for you, you do not need a GPOA. Instead, you need a SPOA that will authorize your agent to perform only those specific tasks.

b. Limit the duration of your GPOA. Some state statutes limit the duration of a GPOA to one year. If you are deploying for more than 365 days, your GPOA can be made valid for up to two years. Do not set the expiration date longer than you will need your agent's services.

c. Do not give the GPOA before it will be needed. Your GPOA also can be drafted to have a "springing" provision, which simply means that the power will "spring" to the agent/grantee upon the occurrence of an event, such as your deployment, incapacitation, etc.

d. Make sure you grant powers to an agent you can trust. If you lose trust in your agent, tell them to return the power of attorney to you and then destroy it. If they refuse to send the power of attorney back to you, talk with a legal assistance attorney about revoking your GPOA.

e. Safeguard your POA so that others do not use it without your permission.

f. Revocation: If you wish to revoke, cancel, or terminate the POA before it expires, you must sign a Revocation of Power of Attorney or get the original back from your agent. If you cannot get the original POA back from your agent, you will need to give a copy of the Revocation to any person who might have or possibly will deal with your agent.

e. Talk to a legal assistance attorney if you have any questions before or after creating a GPOA or SPOA.

3. PLEASE NOTE that a business does not have to accept a Power of Attorney. If you have something specific you wish for your grantee to accomplish on your behalf, such as sell a house or close an account, check with the business where the power of attorney will be used to be sure your version is acceptable. If it is NOT acceptable, ask the business for the exact language required so we can tailor your document accordingly, or ask if the business has a power of attorney form they would prefer for you to use.

4. The decision to grant a POA is yours alone. Your chain of command cannot order you to create a POA for anyone, including your spouse. You will be liable to third parties, and possibly the government, for any debt incurred by your appointed agent under a POA. If you have any questions, speak to a legal assistance attorney before creating a POA.



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