

POWERS OF ATTORNEY



**Office of the Staff Judge
Advocate
Eielson AFB, Alaska**

354 FW/JA
Legal Assistance & Preventive
Law
Pamphlet Series

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INTRODUCTION TO POWERS OF ATTORNEY

To create worksheets for powers of attorney visit:

<https://aflegalassistance.law.af.mil/>

Utilizing this website will expedite the production of these documents at the Legal Office. A power of attorney (POA) designates another person to act as your agent or “attorney in fact” when you are deployed, incapacitated, or otherwise unable to be present. A POA can be an extremely useful tool in the event you are unable to make certain decisions or sign important documents because you are deployed, on TDY, or on leave. Events could transpire during your absence requiring your signature or input; if you have designated an agent by way of a POA, your agent can act on your behalf.

TYPES OF POWERS OF ATTORNEY

There are two basic types of POA: **General** and **Special**. A general POA grants the agent broad powers and should terminate on a specified date. A special POA only gives the agent the power to complete certain specified transactions.

GENERAL POWER OF ATTORNEY

A general POA can be dangerous because it permits your agent to do anything you could legally do: enter into a contract, buy a car, withdraw funds, or take out a loan – all in your name. Be sure you trust the person named as your attorney-in-fact (the recipient of the general power of attorney). General Powers of Attorney should be used when you will be gone on a long deployment, or gone for a long enough period of time that you cannot anticipate all likely transactions you might have to complete.

Typically, duration is limited by the person giving the POA or to a reasonable time within which to accomplish the transaction, usually not more than one year.

The General POA is among the least accepted by third parties. Because it does give so much power, financial institutions, stores, and other institutions are skeptical that your agent is really acting on your behalf. In an effort to change this, the Alaska Legislature created a statutory POA that must be honored by third parties.

Please note that Accounting and Finance will NOT accept a general power of attorney. You will need to get a special power of attorney in addition to the general power to conduct transactions relating to your military pay. Further, they will only allow your agent to conduct certain limited transactions. Please consult with us and Finance before relying upon a POA for your military pay transactions.

Alaska has a special **statutory form general power of attorney**. This document requires third parties to honor it, under pain of civil liability. The Alaska statutory form POA is a good choice if all the transactions you want conducted in your absence are with Alaska companies or are within the state of Alaska. However, because it was created by the state, it has no power over the federal government. You’ll need a Special POA for handling your governmental affairs.

SPECIAL POWER OF ATTORNEY

Many individuals may be better off granting a **special POA**. There is less risk because the limited power to do the specific act(s) laid out in the POA. With a special POA,

you can have your agent take care of just your car, or house, cash your paycheck, or authorize medical care for your children; they will not be able to do anything that is not specified in the POA. Special POAs are a good choice for short deployments where you can easily anticipate the decisions that need to be made while you are away.

The IRS requires a special **IRS POA** to allow someone to file your taxes in your absence. The IRS POA does not need to be notarized, and may be downloaded from their website at <http://www.irs.gov>.

Other military offices require special powers of attorney when dealing with PCS orders or family matters, e.g., custody of children. Please see one of your legal assistance attorneys if you have any questions.

DURABLE POWER OF ATTORNEY FOR HEALTHCARE

A durable power of attorney for healthcare gives your agent the ability to make decisions regarding your medical care in the event you become incapacitated or otherwise unable to make medical decisions for yourself. For example if there are complications during a surgery the medical staff could then look to your agent to make any medical decisions for you.

NOTE: A durable power of attorney for healthcare is very different from an Advance Medical Directive, also known as a living will. For more information on living wills, please see the 354 FW/JA

Legal Assistance & Preventive Law pamphlet titled “Wills, Living Wills, & Trusts.”

CONCLUSION

To sum it all up, POAs are valuable tools. They can help you during deployments and other difficult circumstances. Just choose your agent carefully.

This pamphlet is for basic information on powers of attorney. It is not intended to take the place of legal advice from a Judge Advocate. There may be important exceptions in some states to the information presented here. Please contact the 354th Fighter Wing Legal Office for questions and further information.

