

your agent the power to make your health care decisions in the event you are incapacitated (called a *durable power of attorney for healthcare*).

Who Should I Name as My Agent?

The most important rule in powers of attorney is: Choose your agent wisely. You must be confident your agent will act in your best interest only. It is vitally important you select only person you trust without reservation. A spouse or parent may be the wisest choice. Do not give general powers of attorney to friends or fellow soldiers known for only a short period of time. Never give a power of attorney to someone who is not absolutely trustworthy and capable.

Does Every Institution Honor a Power of Attorney?

Third parties are NOT required to honor powers of attorney, but most will. The third party will most likely require presentation of the original power of attorney before allowing the agent to act for you. For that reason, be sure you give the original power of attorney to your agent (photocopies are not an acceptable substitute).

Banks and other financial institutions often draft and make available their own unique powers of attorney, and may not accept powers of attorney prepared by other offices. The individual financial institution can answer questions about acceptance of other powers of attorney.

Can I Revoke the Power of Attorney?

If you want to terminate your agent's authority to act for you, you can execute a *Revocation of Power of Attorney*. Powers of attorney also end on your death, your agent's death, expiration of the term recited in the power of attorney, destruction of the original power of attorney. You must notify your agent that you have revoked the power of attorney. Otherwise, your agent may be able to continue acting on your behalf. You should also consider giving a copy of the revocation to your major creditors and any agency or business where the power of attorney has been used or you suspect the agent may try to use it. The revocation must be signed and notarized. Notification to the agent should be by certified mail (restricted delivery) or in person with disinterested witnesses.

What Is A "Sundown" Clause?

A sundown clause is simply the section of the document that states the expiration date and terms under which the agent's authority ends. When drafting the power of attorney, determine how long you will need the agent to act for you. It is advisable to keep the time frame as short as possible. If you later find you need to give the agent more time, you can always execute another power of attorney and mail it back to your agent.

General Guidelines

Before giving someone power of attorney, consider:

- Only give away as much power as is absolutely necessary. If you need someone to perform only specific tasks for you, then you don't need a general power of attorney. Get a Special Power of Attorney—one that will authorize your agent to perform only those specific tasks.
- Limit the duration of your Power of Attorney to no longer than 1 year or a shorter period. Don't set the expiration date longer than you will need your agent's services, and don't give the Power of Attorney before it will be needed.
- 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 Power of Attorney.

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