



# TORII LEGAL ASSISTANCE

OFFICE OF THE STAFF JUDGE ADVOCATE



## MY DEPLOYED SPOUSE LEFT ME A POWER OF ATTORNEY AND IT IS ABOUT TO EXPIRE!

A power of attorney (POA) is a legal document that allows a person (the “grantor”) to give another person (the “grantee”) the power to act on his or her behalf.

There are some limitations on POAs however, even a general POA which contains very broad language that the grantee can do anything and everything on the grantor’s behalf. A POA cannot be used to draft a new POA, for example. A POA cannot be used to sign a will. Unless a POA has specific language that authorizes it to be “durable,” the POA may become invalid in the event of the grantor’s incapacity. All POAs expire on the grantor’s death.

Anyone who wants to prepare a POA should speak to someone in the legal field before doing so, or someone at the company where the POA will be used. Unfortunately many deploying Soldiers prepare POAs using legal document preparation software or online forms that are inadequate or cannot do what they want to do, and the grantee does not realize that the POA will not be accepted until the Soldier is already deployed.

For example, companies who handle real estate transactions often require special language in a POA that deals with the purchase or sale of real estate, and even the language of a general POA is not enough. Since no company is required to accept a POA, the grantor needs to make sure that the POA meets that company’s requirements.

