

CHECKLIST: POWERS OF ATTORNEY

This checklist is part of a larger Manual titled “Protecting Assets and Child Custody in the Face of Deportation,” released by Appleseed in 2017. For more info and to read the full Manual, please visit www.AppleseedNetwork.org/DeportationManual.

This checklist is not legal advice. You can search for a lawyer at <http://www.aialawyer.org/>.

A power of attorney (POA) is a legal document that allows a person (who will be called the “principal” in the POA) to choose someone else (who will be called the “agent” in the POA) to act for them on their children, finances, or business. A POA is very useful, especially if you don’t have very much time to prepare to leave the country. For example, a POA can give the person you choose the power to sign checks for you or make decisions about your kid’s school.

In general, a POA starts with a paragraph that includes information about the state and county you live in and gives the names of the principal (you) and agent (someone else). Then it has a paragraph about what the agent can do for the principal. Finally, it usually says whether the POA takes effect right away or when a particular event happens in the future. POAs are different in every state so before trying to write one, search the Internet for a sample POA from your state or talk to a lawyer. Here are the steps to take:

- Think about whether you want the POA to be “general” or “special”/ “limited.” You can write a general power of attorney to one person who can handle everything or you might want to have different POAs for different people and different reasons. You might give a power of attorney to your aunt to make decisions about your kids and a separate one to your brother to handle your bank account or sell your car.
- Think about whether you want the POA to start right away, or to start at some point in the future (a “springing” POA).
- Be careful in choosing someone to give your POA, especially if they will have access to your bank account. Here are some things to think about:
 - A person who lives in the same state where the POA will be used, since different states may have different rules for writing a valid POA;
 - A person who can be trusted to do what you want with your money and kids;
 - A person who can take the time and do the work to deal with your money and property;

CHECKLIST: POWERS OF ATTORNEY

- A person who is comfortable dealing with banks and who has a basic understanding of financial issues; and
- A person who is a U.S. citizen or has legal status, if possible.

- Write the power of attorney document. Think about the following when writing it:
 - How long the power of attorney should last — Different states have different rules on how long POAs last so you should make sure to be specific.
 - Try to provide as many details as possible. For example, list the names of the banks, the account numbers, the car registration numbers and the location of your property.
 - Find out the legal rules for a power of attorney in your state. If you have already left the U.S., a power of attorney can be drafted, but this may require an authentication process depending on which country it is drafted in.
- Give the original power of attorney to the person or people you have chosen. Keep a copy for your records.
- Give copies of the POA to anyone else who you think would need it or need to know about it. Keep a list of everyone you gave the POA to because they need to know about any change or cancellation later on.
- Ask the person or people with POAs to keep clear records of everything they did for you under the power of attorney. If another person won't accept the power of attorney, contact a lawyer.
- If you need to, you can always make changes to POAs or cancel them. When you do that, make sure you send a copy to everyone who got the original POA and make sure you use certified mail or some other method that provides a record.

Remember: The plan is to have a plan. You are taking the right steps to protect your family. Don't be afraid to ask for help so you get answers you can trust: try your lawyer or caseworker, or ask your child's school or doctor's office.