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POWER OF ATTORNEY

Authorize Someone to Act on Your Behalf

A Power of Attorney (POA) is a legal document that you (as the "principal") create. It gives another person (your agent, or "attorney-in-fact") the legal authority to act on your behalf. You can give your agent broad, ongoing powers, such as handling all of your finances, or limit him/her to specific actions and dates, for example selling your car while you are away. Your agent may not represent you in court. He or she may not write, change, or revoke your will.

BASIC TYPES OF POWER OF ATTORNEY

- **General Financial Power of Attorney:** permits the agent to transact any or all business, other than health care, for the principal.
- **Durable Financial Power of Attorney:** remains active if the principal becomes incapacitated.
- **Durable Power of Attorney for Health Care**, sometimes called Health Care Power of Attorney, which California combines with a living will to create an Advance Health Care Directive (see the Legal Research Guide on *Living Wills, Durable Powers of Attorney, & Advance Health Care Directives* on our website at: www.saclaw.org/pages/living-wills.aspx).
- **Limited (or Special) Power of Attorney:** used for childcare, for example, allowing the agent to make decisions in place of the parents about school or health care for the children. Incarcerated persons may need one or more POAs for this and other specific tasks of limited duration.
- **Military Power of Attorney:** Federal law makes special provisions for the drafting of powers of attorney for Military personnel, who should contact their Armed Services Legal Assistance Office for information. Use this link to find a Legal Assistance office near you: legalassistance.law.af.mil/content/locator.php.
- **Financial Institution Power of Attorney:** some banks and other financial institutions (such as CalPERS and the IRS) require that you use their own forms.

SELF HELP

Living Wills and Powers of Attorney for California KFC 619 .5 R5 .I78 (Self-Help)
Step-by-step instructions for creating financial and healthcare powers of attorney.
Electronic Access: From any computer (Library or home) via the Legal Information Reference Center. Instructions are available on our website at
www.saclaw.org/pages/nolo-ebooks.aspx

California Power of Attorney Handbook: with Forms KFC 110 .Z9 T35 (Self-Help)
Includes Child Care Power of Attorney.

Power of Attorney Handbook KF 1347.Z9 H35 (Self-Help)

Law summaries and forms for all states; models of related forms, such as the "Affidavit of the Attorney-in-Fact," for third parties who request it for assurance that the document is valid. Forms are available on an accompanying CD.

PRACTICE GUIDES

California Legal Forms Transaction Guide KFC 68 .C32 (Ready Reference)
Vol. 31 Chapter 98, *Powers of Attorney*. Provides interpretation of the law, procedures for working with these documents, and language for drafting many specific powers.
Electronic access: On the Law Library's computers, using the *Matthew Bender CD*.

California Powers of Attorney and Health Care Directives KFC 110 .Z9 C35
Attorneys use this comprehensive source for legal interpretation and form drafting.
Electronic access: On the Law Library's computers, using *Onlaw*.

FORMS and EXAMPLES

Most of the books listed above supply either print or electronic access to sample or model forms, which may then be changed to reflect your particular circumstances.
California Probate Code § 4401 supplies "legally sufficient" language you can use for your own Durable Power of Attorney. California Probate Code § 4701 supplies "legally sufficient" language you can use for your own Advance Health Care Directive. If you believe either of these "Uniform Statutory" forms is sufficient for your needs, you can use the interactive, customizable, and downloadable examples on our website at: www.saclaw.org/pages/forms-page-topical.aspx#power.

STATUTES

California's *Probate Code* sections §4000 through §4545 contain California's Power of Attorney Law, and outline the responsibilities of both the principal and the agent. The *Probate Code* is online at: leginfo.legislature.ca.gov/faces/codesTOCSelected.xhtml. Alternatively, use the printed code volumes on the shelf at the law library:

Deering's California Code Annotated KFC 30 .5 .D4 P76 (Compact)

West's Annotated California Codes KFC 30 .W48 P76

WEBSITES

Family Caregiver Alliance: National Center on Caregiving
Includes a FAQ on Durable Powers of Attorney and Revocable Living Trusts at: Caregiver.org/durable-powers-attorney-and-revocable-living-trusts

BetZedek

Provides a California Power of Attorney for Health Care and Health Care Instruction Form (also called an Advance Health Care Directive) at: www.betzedeek.org/resources/

California Franchise Tax Board

This website has specific information on when a Power of Attorney needs to be used for taxpayers. Includes is a federal form for tax matters at:
www.ftb.ca.gov/law/poa/.<http://bit.ly/CaRulesofCourtState>

IF YOU HAVE QUESTIONS ABOUT THIS GUIDE OR IF YOU NEED HELP FINDING OR USING THE MATERIALS LISTED, PLEASE ASK A REFERENCE LIBRARIAN.