



FROM COUNSEL

A Preventive Law Service of The Office of The Judge Advocate General
Keeping You Informed On Personal Legal Affairs

Acting as Agent Under a Power of Attorney

I was named an agent on a power of attorney (POA). What should I know, and how do I use it to act on the grantor's behalf?

First, know the power of attorney (POA)'s terms.

- The POA reflects the grantor's wishes and specifies the authority given to you. Most POAs are limited in scope and tailored to the grantor's individual situation.
- Be familiar with the terms of the POA because they determine what you may do on the grantor's behalf.

Follow the grantor's wishes.

- Just because you are appointed an agent does not mean that you must immediately take charge of all the grantor's affairs and do things your way. You should act only when and how authorized in the POA.

Use the document properly.

- You will need several copies of the original POA to give to those you transact business with on behalf of the principal.
- **Keep a list** of those persons and/or places you give copies of the POA.
- When signing documents as an agent, always make clear that you are signing your name on behalf of the grantor, such as "Mary Doe, as agent for John Doe" or "Mary Doe, attorney-in-fact for John Doe." Do not sign the grantor's name!

Making decisions carefully.

- If the POA is durable and the grantor becomes incapacitated, you must continue to make decisions based on the POA's terms and the known desires of the grantor.
- If the grantor becomes incapacitated and cannot give you instructions, make decisions the way you best believe the grantor would make them if he or she could.

You have a special, fiduciary duty to manage the assets carefully and in the grantor's best interests. You must live up to the fiduciary standards imposed by law and can be sued for abusing the grantor's trust.

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