

Stateside Legal™ Sample Packet

Power of Attorney for Minor

This self-help resource was created for by the Stateside Legal Project. Stateside Legal provides these sample forms and information free of charge to individuals with military connections (IMC). These forms are not based upon any specific state law or jurisdiction. They are intended as samples.

READ ALL INSTRUCTIONS AT THE END OF THIS PACKET VERY CAREFULLY. SOME CONTENT HAS BEEN PROVIDED BY THE DEPARTMENT OF DEFENSE AND THE ARMED FORCES LEGAL ASSISTANCE.

WARNING: A POWER OF ATTORNEY IS A VERY POWERFUL DOCUMENT. CHOOSE YOUR AGENT VERY CAREFULLY.

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DISCLAIMER: *The Stateside Legal Information Series is produced by the Pine Tree Legal Assistance of Maine®, Arkansas Legal Services Partnership®, and the Legal Services Corporation®. These organizations promote or provide free legal services to eligible low-income people. Additional information can be found at www.lsc.gov. This sample form packet is given to you as a guide to help you generally understand the way legal matters are handled. Local courts interpret things differently. The information and statements of law contained in this fact sheet are not intended to be used as legal advice. Before you take any action, talk to an attorney and follow his or her advice. Always do what the court tells you to do.*

SAMPLE POWER OF ATTORNEY FOR MINOR

TO ALL WHOM THESE PRESENTS ARE KNOWN:

That I, _____, of _____ County, _____, being the natural mother/father of _____, [hereafter the "child"] appoint _____ of _____ County, _____, my true and lawful attorney-in-fact for me and in my name, place and stead and in my behalf, and to do and perform all of the following responsibilities and have all the rights in connection therewith:

1. Perform and act as and for me in a parental capacity as and to the child;
2. Give consent and permission for any kind of medical care and treatment, and to sign any papers to have the child admitted to a hospital for such purpose, or as may be required to maintain the health of the child;
3. Give consent and permission for enrollment in and admission to school and to resolve problems arising from school attendance, and to sign any papers necessary for such purpose or sign other documents relating to the child's welfare at school;
4. Perform any act necessary to obtain relief or aid that might benefit the child;
5. Perform any other acts for support, health, and general care of the child as may be required or necessary.
6. I, _____, do hereby give and grant to _____, my said attorney-in-fact, full power and authority to do and perform any and all acts required to protect and promote the welfare of the child, as fully and for all intents and purposes as I might or could do if I were personally present at the time thereof, hereby ratifying and confirming all that my said attorneys may or shall lawfully do or cause to be done by virtue of this Power of Attorney and the rights and powers herein granted.

If you decide to include a date of revocation, include paragraph number 7.

7. This Power of Attorney appointing _____ as my agent and attorney in fact performing and acting for me in a parental capacity for my child, _____ will be revoked automatically on the _____.
8. It is not my intention to relinquish my parental rights in and to my child.

IN WITNESS WHEREOF, I have affixed my signature on this _____ day of _____.

Parent Name

LAW YOU SHOULD KNOW

A power of attorney (POA) is a legal way to have one person act on behalf of another. The *Power of Attorney* document gives someone authority to act on your behalf on matters that you list in the document. The power can be specific to a certain task or can cover many duties including financial and medical. The power can start immediately or only after some event occurs such as the principal becoming mentally incompetent. A power of attorney does not take away your right to act on your behalf.

ALL STATES ARE REQUIRED TO RECOGNIZE MILITARY POWERS OF ATTORNEY

Federal law demands that a Military Power of Attorney instrument be given legal effect without regard to specific state law. Also, they are “from any requirement of form, substance, formality, or recording” that may be normally required by different states. See (10 U.S.C. §1044(b)).

DIFFERENT TYPES OF POWER OF ATTORNEYS

There are different types of powers of attorney. Each type has a different purpose and grants different levels of power to the agent.

- **Power of Attorney for Minor:** A POA for minor document can be used for a caregiver of a minor child that is not the custodial parent or legal guardian. This document may be particularly helpful when establishing residency for the child's school enrollment or to provide medical consent. This document does not take custody away from the parent and can be revoked at any time.
- **General Power of Attorney:** This type of POA allows the agent to carry on business or other matters for the principal. This type of POA usually has very broad powers.

When Does a Power of Attorney End?

A power of attorney can end either by setting a specific date for it to end, if the agent or principal dies, or if the principal revokes it in writing.

You can revoke a power of attorney by giving written notice to the agent. If a power of attorney is durable and you become incompetent, only the court can revoke it during the time you are incompetent. This could happen if an interested party petitions the court on your behalf, alleging that the attorney-in-fact has violated his or her responsibilities.

More Information: For information about Stateside Legal or many more topics about individuals with military connections, visit www.statesidelegal.org or contact your local Judge Advocate General's Corps office.

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