

Understanding POWER OF ATTORNEY

When you are imprisoned you are still responsible for your bills, bank account, and belongings you pay money for. You can transfer responsibility for these things to someone you trust by getting a “Power of Attorney.” This is a legal document you sign that gives someone, or a group of people (that do not have to be a lawyer) permission to manage these things for you.

Who should be my power of attorney?

Someone you know and trust that you are confident would make similar decisions about your assets that you would. This might be a family member, friend or spouse. The person you choose must be 19 or older and be able to understand what it means to act as a power of attorney.

What could go wrong?

Your money or property could be mismanaged, which is why it is important to trust the person who will be your power of attorney to make decisions with your best interests in mind. If you have more than one power of attorney they could disagree on decisions and cause issues. You must leave enough flexibility in the document to allow them to take care of what you’re looking for them to take care of.

What does my power of attorney control?

They will have control over your finances, property and belongings in the same way that you would have if you were not imprisoned, unless you give them limited control. Your power of attorney does not become the owner of any of your money or property, they can only manage it on your behalf. Your attorney cannot make a will for you, change your existing will, or change a beneficiary on a life insurance plan. You would need another power of attorney for this.



Do I have to pay my power of attorney?

If you choose a friend or relatives to be your power of attorney they do not have to be paid unless you want to pay them. If you decide to pay them you should include the details of how much they will be paid in the power of attorney document.

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The most important thing you will need to do to get a power of attorney is create the power of attorney document. You can get a lawyer to create a power of attorney document for you or you can create one yourself. See the table below for a breakdown of these options.



GETTING A LAWYER TO CREATE POWER OF ATTORNEY DOCUMENT	CREATING YOUR POWER OF ATTORNEY DOCUMENT ON YOUR OWN
<p>If you can afford it, it is a very good idea to have a lawyer prepare the power of attorney document for you.</p> <p>The reason it is best to have a lawyer prepare it for you is because the document must be worded carefully to make sure it says what you want and grants control over what you wish to give control over.</p> <p>You must ensure the person you are looking to make your power of attorney is capable of doing what you are asking of them and have a back-up.</p> <p>The cost for having a lawyer prepare this is approx \$100-\$350 before tax, depending on the firm. You should ask multiple firms to find the best price.</p> <p>There is also the option of getting it ready yourself and getting a lawyer to review it.</p>	<p>A power of attorney document should have:</p> <ul style="list-style-type: none">• A statement that the document is a Power of Attorney (“This is a Power of Attorney given by me...”)• Your full name and address• A sentence saying you can cancel or revoke all previous Powers of Attorney made by you• A sentence appointing your “Attorney” (“I appoint my father, John Doe, to act as my Attorney”). If you want to appoint more than one person as your attorney you must say whether they can act alone or must act together (“jointly”).• A sentence that names a back-up Attorney in the event that your primary Attorney is unable or unwilling to act for you• The date when the Power of Attorney will start (ex: now or if something happens to you)• The date when the Power of Attorney will end (ex: a specific future date or when something happens, like being released from custody).• A list of what your Attorney is allowed to do as you (maybe everything you can legally or financially do, or more specific powers like manage one bank account or sell your belongings).