

## Power of Attorney

*Do you have someone you can trust with your finances?*

If so, they may already be helping you by putting money on your books, or by helping pay bills owed to creditors or your attorney fees. Finding someone you can trust on the outside is the most important first step you can take in managing your money from the inside.

*Who should I choose?*

Ideally, the person you put in charge of your finances should be someone very close to you, typically a spouse or relative (grandparent, parent, sibling or adult child) – basically, the same person you'd trust to be executor of all your belongings under a Last Will. If you have someone like that in your life, you are blessed. If no one in your family fits the bill, don't despair – nearly everyone knows at least one person in their life who is honest, competent and generous enough to fill this special role ... even if they're not always the obvious first choice. Think broadly about who may be willing, able and responsible enough to help you; in a pinch, that person might be a pastor or fellow church-goer, an old neighbor, someone you know well from a job or other social circles ... or even your attorney. The important thing isn't so much who that person is in relation to you, but how confident you are in his or her good moral character, honesty, ethics and integrity.

*What is Power of Attorney?*

A common step in allowing people to help you is to give them written Power of Attorney, which means you are authorizing someone to enter into contracts, handle your money, make financial decisions and sign other legal documents on your behalf. Having someone on the outside who can intervene on your behalf is helpful. If you owe taxes (or should receive a refund), need to contact a creditor or need additional legal interaction, their help (with easier access to internet, phone, mail or walk-in services) can be useful. Attached is a form (Appendix A) that you can fill out to give someone Power of Attorney on your behalf. The form will have to be notarized, but that service should be available through a designated staff person at your institution.

*When should I NOT give someone Power of Attorney?*

Do not entrust your finances, or the power to sign your name to any legal documents, to anyone you do not completely trust. You are allowing this person to access your bank account and have power over property you own. If they are not completely trustworthy, you are better off not giving someone Power of Attorney. Be wise before giving someone this power. Though it may be more challenging, you can manage these financial issues without support from the outside.

*How can someone who has Power of Attorney help with my finances?*

Your trusted person can act as an intermediary on your behalf with banks or property (such as a home, car or boat). He/she can also address child support issues, taxes, or credit card, school and other debts. In short, whatever your financial needs, that person can handle them as a representative in your place, to the extent your circumstances prevent you from participating.

*What if I don't have anyone to serve as my Power of Attorney?*

If you don't have a trusted person to help on the outside, work hard to handle the issues on your own, in as private a way as is possible. Seek help from your law library but be wary of legal "advice" offered from other inmates – self-proclaimed "prison lawyers" seldom fully understand legal matters they weigh in on, especially those involving complicated financial matters or property ownership. If someone who was a real licensed attorney offers to help you, be cautious of her motives – if she's a fellow "guest" because of past frauds, she's likely trying to help herself, not you. To protect your personal information and finances, you may have to write a lot of letters on your own and deal with frustrating phone calls, but you can do it. Be persistent! Your hard work will pay off in the long run.

*What if my Power of Attorney is refused by banks or creditors?*

Sometimes, a bank or creditor refuses to honor an agent's authority through the Power of Attorney. If so, consider these issues: Was the Power of Attorney (POA) properly notarized? It must be notarized. How old is the POA? Try to have a POA renewed every 3-5 years (though legally that isn't necessary). Are they refusing your POA form? Sometimes a third party, especially a financial institution, will refuse any POA agreement not on their own form, but legally they are usually required to honor any POA agreement.

So the summary is that refusing to honor POA agreements is not legal in most cases. I strongly recommend that you encourage whoever is currently serving as your agent to press the company (or companies) who are not honoring their position. They have the right to act on your behalf and they need to be assertive to demand that right.