

## **DEFINITION**

Granting someone power of attorney means that you formally give that person the right to take care of your financial, business, and/or legal affairs. This can be especially useful if you will be out of the country for an extended period. Someone who holds your power of attorney is called your “attorney-in-fact.” Once you delegate a power, your attorney-in-fact is authorized to act for that purpose just as if you were acting yourself.

Common transactions requiring power of attorney include banking and credit, (including financial aid) tax returns, and insurance claims. These and other powers are listed in a standardized form that is based upon Minnesota law.

Factors to consider when selecting which transactions to authorize are the length of your absence and the level of trust between you and your attorney-in-fact.

## **YOUR ATTORNEY-IN-FACT**

Your attorney-in-fact is, in effect, your alter ego. It is very important to appoint someone you trust completely. Many students select a parent or other trusted family member. A casual acquaintance or friend is not recommended. If you wish, you may appoint more than one person. It is advisable to discuss with your attorney-in-fact the nature and extent of the powers, and your expectations of how these transactions should be performed.

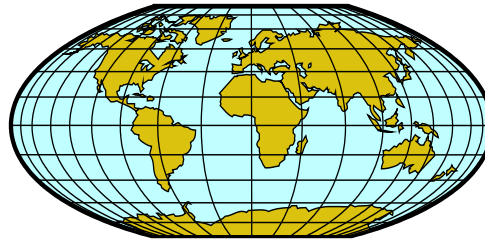
## **HOW TO GRANT POWER OF ATTORNEY**

A standardized form, called the “Statutory Short Form Power of Attorney” is available at office supply or legal stationary stores. This form is designed to comply with Minnesota statutes, and it is relatively easy to prepare. You can complete the form yourself or you can have an attorney assist you. Because it is an important legal document that can have serious consequences, it is best to seek legal advice. An attorney can explain the legal terminology, applicable laws, and procedures.

USLS can provide you with a POA form and advise you on its implications at no charge if you are eligible for USLS services. USLS will prepare the document for you upon payment of a small fee; however most people find the form easy to complete after a brief discussion with USLS staff. You must sign the POA form in the presence of a notary public. Notarization requires that you show a picture I.D. USLS provides free notary service during regular business hours.

## **DURATION**

Although optional, it is advisable to specify a termination date. The power of attorney should be effective throughout the time you will be unavailable to conduct your own business. You must also specify whether or not you want a “durable” power of attorney. A durable POA remains legally effective if you become incapacitated or incompetent to handle your own affairs. You may formally revoke the Power of Attorney at any time.



## **WHAT TO DO WITH THE FORM**

After the POA form is completed, signed, and notarized, the original must be given to your attorney-in-fact. If you receive assistance from USLS, a copy will be retained for your file in case there is a question while you are away. Financial aid recipients should give a copy to the U of M Office of Scholarships and Financial Aid. If you expect that your attorney-in-fact will regularly handle matters with a particular business, such as your bank, simply inform the business that you have given that person power of attorney.

## **FINANCIAL AID AND UNIVERSITY RECORDS**

U of M Study Abroad offices recommend that all financial aid recipients grant power of attorney. If you receive financial aid and plan to study abroad you should discuss your situation with a financial aid counselor to ensure that as much of your paperwork as possible is completed before you leave. However, if necessary, most loan transactions can be handled by your attorney-in-fact.

Your attorney-in-fact may be given authority to access University records such as transcripts, and/or to register for classes. Granting authority to access your school records should be considered carefully, as they are strictly confidential and may contain sensitive information.

If you prefer not to give your attorney-in-fact access to all school records, but you want to enable him/her to access your STARS account (tuition and fee) information, you may do so by signing another form. The U of M Student Accounts Receivable office provides a simple authorization form for that limited purpose.

## USLS IN BRIEF

USLS has a full-time staff of attorneys, legal assistants, and support staff to help students with legal problems. Any University of Minnesota Twin Cities student who is currently paying the student services fee is eligible. USLS can handle cases in the seven-county metro area.

USLS can help with the following:

- ▶ Landlord/Tenant
- ▶ Collection
- ▶ Consumer Problems
- ▶ Employment
- ▶ Immigration
- ▶ Family Law
- ▶ Misdemeanors/DUI
- ▶ Name Changes
- ▶ Power of Attorney
- ▶ Wills

To make an appointment, please call our office at 612/624-1001. The receptionist can explain our eligibility requirements, answer questions about the scope of our practice areas, and refer you to other services or agencies that might be able to help.

Please note that USLS cannot take cases where the adverse party is the U of M or any of its departments, staff, or students.

Please see the *USLS Handbook* for the full text of all USLS client policies.

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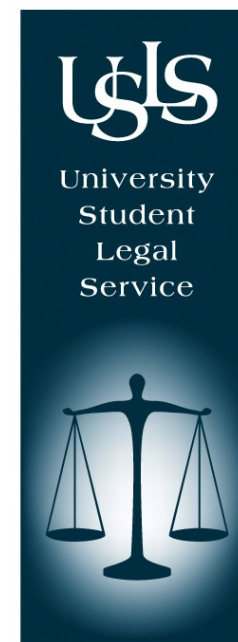
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This publication is available in alternative formats. Please contact USLS at 612/624-1001.

# Power of Attorney

UNIVERSITY OF MINNESOTA



## University Student Legal Service

160 West Bank Skyway  
219 19<sup>th</sup> Avenue South  
Minneapolis, MN 55455  
Phone: (612) 624-1001  
Fax: (612) 624-7351  
[www.umn.edu/usls](http://www.umn.edu/usls)