Arkansas Access to Justice Commission

Center for Arkansas Legal Services & Legal Aid of Arkansas

POWER OF ATTORNEY FOR MINOR PACKET

Please read the following instructions and information very carefully. Remember that it is always best to consult with an attorney about your legal issue if possible.

There are many different types of Powers of Attorney. Each type has a different purpose and grants different levels of power to the agent. The Power of Attorney created here is 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.***

CAUTION: Choose your agent with extreme care. You are giving that person a great deal of responsibility and authority with this document by allowing this person to make important decisions concerning your child.

GLOSSARY (TERMS TO KNOW)

- **Agent:** a person who is authorized to act for another. Also, called attorney-in-fact.
- **Principal:** the person who has given the authority to the agent to act on their behalf.
- **Power of Attorney:** a document that gives someone authority to act on your behalf on matters that you specify.
- **Revocation:** When the Principal takes away (revokes) the authority and power of the agent to act on behalf of the Principal.

LAW YOU SHOULD KNOW

A Power of Attorney is a legal way to have one person act on behalf of another. The Power of Attorney document gives someone authority to act on the behalf of another in matters that are listed 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.

The person who gives the authority to the agent (also called the attorney-in-fact) to act on their behalf is called the principal. The person who receives the authority to act on behalf of someone else is called the agent.

If I give a Power of Attorney to another, do I give up the right to manage my own affairs? Do I relinquish my parental rights? No. You retain full control over your affairs and your child's affairs, even after you have signed a Power of Attorney. You can allow your agent to act, or not, at your discretion. *You may revoke the Power of Attorney at any time and for any reason.*

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 (here it would be the parent) revokes it in writing.

HOW DO I REVOKE A POWER OF ATTORNEY?

You can revoke a Power of Attorney by giving written notice to the attorney-in-fact. You may also file a copy of the letter revoking the power of attorney with the court but do not have to. It is also a good idea to give notice to any schools, doctors, daycare or other places where the attorney-in-fact interacted on behalf of your child. If you have not included a date for termination of the Power of Attorney when filling out this packet then the parent will need to fill out a Power of Revocation when it is no longer needed. A revocation of power of Attorney automated form packet is available at the same website (www.arlegalservices.org) where you filled out this form.

INSTRUCTIONS FOR USING THIS FORM PACKET

1. Read the Power of Attorney form very carefully and make sure that the form below includes your correct information and reflect your desires for the (agent) caregiver of your children. Make any changes if necessary.

2. The parent must sign the Power of Attorney document in front of a notary public. Do not sign these documents **BEFORE** you see the notary. Sign in front of the notary who will then notarize the document and give it back to you. Some notaries charge a fee although many banks have notaries that do not charge a fee.

3. Both the parent and the caregiver should keep a copy of the Power of Attorney.

4. If you have not included a date for termination of the Power of Attorney then the parent will need to fill out a Power of Revocation when it is no longer needed. *You can revoke a Power of Attorney by giving written notice to the attorney-in-fact*. A revocation of power of Attorney automated form packet is available at the same website (www.arlegalservices.org) where you filled out this form.

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The information and statements of law in this fact sheet should not be considered legal advice. This packet is provided as a broad guide to help you understand how Power of Attorney matters are handled in general. Courts may interpret the law differently. Before you take action, talk to an attorney and follow his or her advice. Always do what the court tells you to do.

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<u>POWER OF ATTORNEY</u>

TO ALL WHOM THESE PRESENTS ARE KNOWN:

That I, **(Parent)**, of **(County)** County, Arkansas, being the natural mother/father of **(Child's Name)** [hereafter the "child"] appoint **(Name of the Agent)** of (**Agent's County)** County, Arkansas, 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, **(Parent)**, do hereby give and grant to **(Name of Agent)**, 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 want a revocation date in advance)

7. This Power of Attorney appointing (Name of Agent) as my agent and attorney in fact performing and acting for me in a parental capacity for my child, **(Child's Name)**, will be revoked automatically on the **(Date of Revocation**).
8. It is not my intention to relinquish my parental rights in and to my child.

IN TESTIMONY WHEREOF, I have hereunto set my hand this ___ day of _____, 20__.

_____
(NAME OF PARENT)

STATE OF ARKANSAS)
) ss
COUNTY OF _____)

On this _____ day of_____, 20___, before me personally came parent, to me known to be the person described in and who executed the foregoing instrument, and acknowledged that he/she executed the same as a free act and deed, and that (**NAME OF PARENT)** is the **mother/father** of said children.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this _____ day of _____, 20___.

_____
NOTARY PUBLIC

My Commission Expires:

_____
(S E A L)