

Instructions for completing the Power of Attorney form

These step-by-step instructions will guide you on how to complete the power of attorney form. Once you have completed this form, your signature will need to be notarized.

Step 1. Read section (a). If you do not understand anything you have read or unsure if you should create this document, do not continue. There is a [power of attorney resource on LawHelpNY](#) that may be able to answer questions you have.

Step 2. In section (b), fill in your name and address on the first line.

Fill in the name of the person you have chosen to be your agent and their address on the second line.

If you want to choose a second agent, fill in their name and their address on the third line. You can choose whether the agents act together or separately.

If you want them to act together, you do not need to complete this part and you can go to Step 3.

If you want them to act separately and you are not with your notary, write your initials in the space (____). Do not write a check (✓) or an “X” or your name.

Step 3. If you wish, you can choose one or two alternate (or “successor”) agents in the event the agent(s) you chose in section (b) become unable or unwilling to act as your power of attorney.

In section (c), fill in the name and address of your alternate agent(s).

If you choose two alternate agents, the alternate agents can act either together or separately. If you want them to act together, you do not need to do anything.

If you want them to act separately, put your initials in the space (____) on page 2. Only write your initials in the space (____). Do not write a check (✓) or an “X” or your name.

Instructions about when your alternate agent(s) should take over are called “succession rules.” If you want to add instructions about when you want your alternate agents to take over, you would write them here.

Step 4. Read sections (d) and (e). Section (d) states that the power of attorney will remain in effect in the event you become incapacitated, which means the power of attorney is “durable”. If you do not want the power of attorney to be durable, you will need to state that in section (g).

Section (e) states that this power of attorney does not cancel any existing powers of attorney you signed. If you want to cancel prior powers of attorney, you will need to state that in section (g).

Step 5. In section (f), you will indicate the powers you wish to give your agent(s). Review the powers (A) through (O) that are listed in this section and decide which powers you want to give your agent(s).

Then you can write the letters of the powers you want to grant in the blank that follows letter (P) and initial once in the space (____) next to (P).

As the form says, you don’t need to initial the other lines if you initial line (P).

You could also put your initials in the spaces (____) on each line to the left of each power you would like to give your agent(s).

Whichever you choose, do not write a check (✓) or an “X” or your name in the space(s) (____).

Step 6. In section (g), if you would like, you can add additional powers or limit the actions of your agent(s). If you wish for the power of attorney to end in the event you become incapacitated, you should state that in this section. You can also cancel any prior powers of attorney by stating that in section (g).

Use the space below section (g) to write out any modifications. If you need more space, you can attach a page with more modifications. You should title this page “Section (g) Modifications Continued”.

Step 7. Read section (h). In the power of attorney form, you can also give your agent(s) the authority to make gifts to individuals and/or charitable organizations. If you think these gifts may total more than \$500 in one year, then you need to complete a supplemental form called a Statutory Gifts Rider.

Completing a Statutory Gifts Rider should be done with the assistance of an attorney. It is not recommended you complete the Statutory Gifts Rider on your own.

Step 8. In section (i), you can appoint someone (a “monitor”) to watch over the actions of your agent(s). If you want a monitor, fill in their name and address in section (i) and write your initials in the space (____). Do not write a check (✓) or an “X” or your name.

Step 9. In section (j), you can authorize payment to your agent(s) for the services they provide for you. If you want to pay your agent(s), put your initials in the space (____). Do not write a check (✓) or an “X” or your name.

Step 10. Read section (k). This section states that you will pay back (or “indemnify”) a third party for any money you owe them because they were relying on the power of attorney. For example, if your agent overdraws money from one of your accounts using your power of attorney, you could be responsible for paying back the bank.

The section also states that you are responsible to let any third parties know if you choose to cancel your power of attorney, a process called “revocation.”

Step 11. Read Section (l) which describes how the power of attorney may be terminated under General Obligations Law 5-1511.

You may cancel (or “revoke”) the power of attorney by delivering a written, signed and dated cancellation (or “revocation”) of the power of attorney to the agent(s). If you cancel your power of attorney but do not notify third parties, they could continue acting as though the power of attorney is still in place until they receive notice from you that it is cancelled.

If the power of attorney was recorded with the County Clerk’s office, the revocation also must be recorded.

Unless you specify otherwise, signing a new power of attorney does not revoke a previous power of attorney.

You can also set an expiration date in the power of attorney.

If you do not cancel the power of attorney or set an expiration date, the power of attorney expires when:

- you die.
- you become incapacitated - ONLY if the power of attorney is not “durable” (See Step 4).
- you revoke the agent’s authority and there is no second agent or alternate agent, or there is no second agent or alternate agent who is willing or able to serve.

- the agent dies, becomes incapacitated or resigns and there is no second agent or alternate agent, or no second agent or alternate agent who is willing or able to serve.
- the authority of the agent terminates (for example, if you revoke that agent's authority or if your marriage to the agent is terminated by divorce or annulment) and there is no second agent or alternate agent or no second agent or alternate agent who is willing or able to serve.
- the purpose of the power of attorney is accomplished.
- a court order revokes the power of attorney.

Step 12. DO NOT SIGN in section (m) until you are with a notary. It is not necessary for your agents to be present when you sign before the notary.

You currently have the option of connecting with a notary over video chat and using a process called e-notarization. [Click here for more information on e-notarization.](#)

Step 13. All agents and alternate agents named in the power of attorney must read section (n) and sign the appropriate lines under sections (o) and (p) in the presence of a notary. Your agent(s) will not have any authority to act on your behalf until this happens.

Step 14. Store your original power of attorney in a safe and easily accessible space. Provide copies to your agent(s), banks, and anywhere else a transaction may occur on your behalf.