

INSTRUCTIONS FOR POWER OF ATTORNEY

A parent may complete a Power of Attorney (POA) in the event that he or she is unable to make decisions on behalf of his or her children. The parent is the “Principal,” the person giving authority to someone else, and the person who obtains the authority is the “Agent.” Here is some information and advice regarding the POA.

1. The Principal should keep a copy.

A parent should keep a copy of the POA, along with the instructions for revocation. Make sure the Agent also has several copies.

2. Write a letter to the Agent with special instructions.

It is a good idea for the Principal to write a letter of intent to the Agent stating: (1) Why the parent executed the POA, (2) What events specifically will trigger the Agent’s authority to act using the POA, and (3) How the parent want the POA to be used. For example, some families may want to tell the Agent that they want him/her to assist the children in reunifying with the parents outside of the United States as soon as possible. Other families may want to tell the Agent to keep the children in the United States indefinitely. This is the parent’s opportunity to put in writing your wishes for the Agent.

3. The Agent should have a certification form and instructions

When the Agent needs to use the POA, s/he should certify that the POA is in effect because the triggering event, such as the Principal’s detention, has occurred. For this reason, the principal should give the Agent a copy of the Certification document and instructions when the Principal gives the Agent a copy of the POA.

4. Contact the child’s school and doctor

Schools, medical offices and other agencies may be reluctant to accept the POA. The Principal can help increase the chance that the POA will be accepted by talking to these offices **before** any event that would trigger the POA occurs.

- A. The Principal should contact the child's pediatrician to:
 - 1) Add the Agent as an emergency contact, and
 - 2) Inform them that the parent has executed a POA to allow the Agent to consent to medical treatment and access the child's medical records if the parent is unable to do so his or herself.
- B. The Principal should contact the child's school to:
 - 1) Add the Agent's name to the child's emergency contacts,
 - 2) Authorize the Agent to pick the child up from school, and
 - 3) Ask the school if there is anything else the parent can do to help ensure the Agent will be able to handle all school matters if the parent is unable to make decisions for the child.

5. The Agent must act in the Principal's best interests.

The Agent has the duty, under Virginia law, to act in the Principal's best interest and in accordance with his or her wishes. They must keep a record of all actions taken using the POA. If the Agent does not act in accordance with the Principal's best interest, he or she may be liable to the parent.