

# Power of Attorney

**Disclaimer:** *CalPERS is governed by the Public Employees' Retirement Law. The statements in this document are general. The Retirement Law is complex and subject to change. If there is a conflict between the law and this document, any decisions will be based on the law and not this document.*

## Agenda

Our presentation today covers information on

- Types of Powers of Attorney
- Importance of a CalPERS Special Power of Attorney
- Specific Powers You May Grant
- Completing the [CalPERS Special Power of Attorney \(PDF\)](#) form
- Changing or Terminating Your Power of Attorney

## Types of Powers of Attorney

There are many different types of powers of attorney (POA) and they aren't all the same.

- **Durable** – Contains a “durability clause” and takes effect immediately. This allows the person you name, or attorney-in-fact, to act on your behalf if you become incapacitated or unable to handle your own affairs. If it isn't available, a court-ordered conservatorship may have to be put in place. This can be both expensive and time consuming.
- **General** – Allows the person you name to act on your behalf in certain personal affairs. It automatically terminates when you become incapacitated or unable to act on your own behalf unless a durability clause is included.
- **Contingent** – Becomes effective once certain conditions you specify are met. You decide who will make the determination of your incapacitation for the POA to go into effect.
- **Limited** – Allows your attorney-in-fact to have specific powers or to be able to act within specific timeframes.
- **Health Care** – Allows the person you name to make health care decisions if you're unable to do so. We cannot accept this type of POA for your retirement account.

## Importance of a CalPERS Special Power of Attorney

The CalPERS Special Power of Attorney is:

- Specifically designed for your CalPERS benefits
- Allows your attorney-in-fact to act on your behalf.

We may take a non-CalPERS POA, but we'll need to review it to make sure it can be used for CalPERS business. If the non-CalPERS POA doesn't have a durability clause, we can't honor it if you become

incapacitated. It's important we have a copy of your POA on file. Reviewing a POA can take a couple months, so the sooner we have it, the better.

The CalPERS Special Power of Attorney **cannot** be used to

- Make medical decisions
- Provide authority over real or personal property
- Grant your attorney-in-fact access to your myCalPERS account

## Specific Powers You May Grant

The CalPERS Special Power of Attorney allows your attorney-in-fact to

- Submit a retirement application
- Select a retirement payment option
  - If you do not give specific authority, but there **is** a beneficiary on file, then your attorney-in-fact may only choose the Return of Remaining Contributions Option 1 or the Unmodified Allowance.
  - If you don't give specific authority, but there **is not** a beneficiary on file, then your attorney-in-fact may only choose the Unmodified Allowance.
- Allow them to designate or change beneficiaries. They may also be able to designate themselves as your beneficiary unless you specify differently on the form.
- Request retirement benefit payment information
- Change your address
- Create or change your direct deposit
- Change your tax withholding

## Completing the CalPERS Special Power of Attorney form

Make sure your name and Social Security number or CalPERS ID appears on each page of the form.

**Section 1** – The Name of Principle is the person empowering another to act on their behalf. Enter your Social Security number or CalPERS ID, your address, and telephone number.

**Section 2** – Designate who you want to be your attorney-in-fact. You can select multiple people. If you designate more than one person, you choose if they should act **jointly, separately, or alternately**.

**Section 3** – Inform us of the limitations of what your attorney-in-fact can do for you.

- You must tell us if your attorney-in-fact **IS** or **IS NOT** authorized to select any retirement payment option available that provides a lifetime monthly allowance to someone after your death, even though it may reduce your retirement check to do so.
- You must tell us if your attorney-in-fact **IS** or **IS NOT** authorized to designate or change your beneficiary, including designating themselves as your beneficiary

**Section 4** – Allows you to designate the length of time you wish your POA to remain in effect.

- **Durable** – Starts immediately and will remain in effect until you revoke it
- **Limited** – Commences and terminates on specific dates
- **Contingent** – Begins only if you are unable to handle your own affairs
- **General (non-durable)** – Terminates if you become incapacitated

**Section 5** – Provides information regarding the legality of the CalPERS Special Power of Attorney for the person creating it and the person accepting the appointment. Your attorney-in-fact can sign in this section, but this is optional.

**Section 6** – Your acknowledgement and execution. Your signature must be witnessed or notarized.

**Section 7** – If having your signature witnessed, two people over the age of 18 and not designated as your attorney-in-fact will sign and provide their address.

**Section 8** – If having your signature notarized, the notary public will complete this section.

Once you complete this form send it to us at the address provided.

## Changing or Terminating Your Power of Attorney

There are steps you need to take to change or terminate your power of attorney.

- Changing your power of attorney
  - Complete a new form
  - Inform those who have a copy of the old document that it's now invalid
  - Provide a copy of the new form to your attorney-in-fact
- Terminating your power of attorney
  - You must submit a request to us in writing

For more information about our CalPERS Special Power of Attorney, visit the [Special Power of Attorney](#) webpage, read the publication, [CalPERS Special Power of Attorney \(PUB 30\) \(PDF\)](#), or [contact us](#).

If you have questions or concerns about the legality of the CalPERS Special Power of Attorney, or any power of attorney, consult legal counsel.

Additional resources include:

- Customer Contact Center **888 CalPERS** (or **888-225-7377**)
- [Register](#) for our monthly webinars
- Watch our [YouTube Videos](#)
- Follow us on Social Media



This webinar, like our previous webinars, will be available as a video on our [CalPERS YouTube Channel](#).