

# VRS DURABLE POWER OF ATTORNEY (DESIGNATION OF AGENT FOR VRS MATTERS)



VIRGINIA RETIREMENT SYSTEM  
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1. Social Security Number
2. Home Phone Number

By completing this form, I revoke any or all Durable Power of Attorney forms on file at the Virginia Retirement System (VRS) and I intend to create a durable power of attorney by appointing the agent(s) designated below to make retirement system-related decisions on my behalf and as allowed by the Code of Virginia. This power is expressly limited to decisions relating to my benefits under the Virginia Retirement System.

## PART A. DESIGNATION OF AGENT FOR MATTERS REGARDING VRS

I, \_\_\_\_\_, of \_\_\_\_\_,  
(Principal Name) (Street Address)

City of \_\_\_\_\_, County of \_\_\_\_\_,

State/Commonwealth of \_\_\_\_\_ name the following person as my agent:

Agent's Name: \_\_\_\_\_

Agent's Address: \_\_\_\_\_

Agent's Phone Number: \_\_\_\_\_

## PART B. DESIGNATION OF SUCCESSOR AGENT(S) (Optional)

If my agent is unable or unwilling to act on my behalf, I name as my successor agent:

Successor Agent's Name: \_\_\_\_\_

Successor Agent's Address: \_\_\_\_\_

Successor Agent's Phone Number: \_\_\_\_\_

If my successor agent is unable or unwilling to act on my behalf, I name as my second successor agent:

Second Successor Agent's Name: \_\_\_\_\_

Second Successor Agent's Address: \_\_\_\_\_

Second Successor Agent's Phone Number: \_\_\_\_\_



**PART C. GRANT OF GENERAL AUTHORITY FOR MATTERS REGARDING VRS**

I grant my agent and any successor agent general authority to act for me with respect to the plans administered by the Virginia Retirement System as provided in the Uniform Power of Attorney Act, Code of Virginia § 64.2-1600 et seq. This includes the following actions:

1. Selecting the form and timing of payments under a VRS plan and withdrawing benefits from the plan;
2. Making a rollover, including a direct trustee-to-trustee rollover, of benefits from one retirement plan to another;
3. Establishing or enrolling in a VRS retirement plan in my name;
4. Making contributions to a VRS plan;
5. Exercising investment powers available under a VRS plan; and
6. Transferring assets to a VRS plan.

This grant of general authority shall not be interpreted in any way to provide any type of benefit or any option not otherwise provided under the plans administered by the Virginia Retirement System.

**PART D. GRANT OF SPECIFIC AUTHORITY FOR MATTERS REGARDING VRS (OPTIONAL)**

In addition to the general grant of authority given in Part C, my agent has express authority for *only* those specific acts that I have initialed below:

- ( ) Create or change a beneficiary designation
- ( ) Create or change rights of survivorship
- ( ) Authorize another person to exercise the authority granted under this power of attorney
- ( ) Act as a personal representative of my Protected Health Information and make changes affecting my health benefits with the Commonwealth of Virginia Retiree Health Benefits Program administered by the Virginia Department of Human Resource Management.
- ( ) [Applicable only if my agent is not my ancestor, my spouse or my descendant] My agent is authorized to create in himself or herself, or in an individual to whom my agent owes a legal obligation of support, an interest in my property by gift, right of survivorship, beneficiary designation, disclaimer or otherwise.

**Important Note:** Granting authority for any act(s) above will give your agent the authority to take actions that could significantly reduce your property or change how your property is distributed at your death.

**PART E. RELIANCE ON THIS POWER OF ATTORNEY**

Any person, including my agent, may rely upon the validity of this power of attorney or a copy of it unless that person knows it has terminated or is invalid.

4. Social Security Number

**PART F. PRINCIPAL SIGNATURE AND ACKNOWLEDGEMENT**

\_\_\_\_\_  
Principal's Signature

\_\_\_\_\_  
Typed or Printed Name of Principal

\_\_\_\_\_  
Principal's Daytime Phone Number

\_\_\_\_\_  
Date Executed

**Certificate of Acknowledgement**

*(Place photographically reproducible seal below)*

City/County of \_\_\_\_\_

Commonwealth of Virginia/State of \_\_\_\_\_

The foregoing instrument was acknowledged before me  
this \_\_\_\_\_ day of \_\_\_\_\_,  
(Date) (Month) (Year)

by the principal whose name is signed above, who personally  
appeared before me and acknowledged the foregoing signature  
to be his or hers, and having been duly sworn by me, made oath  
that the statements made in the said instrument are true.

\_\_\_\_\_  
Commission Expiration Date

\_\_\_\_\_  
Notary Signature

\_\_\_\_\_  
Registration No. (VA Notary Only)

## INFORMATION ABOUT THE VRS DURABLE POWER OF ATTORNEY

This information sheet provides clarification about the Virginia Retirement System (VRS) Durable Power of Attorney.

### Definitions

<b>Agent</b>	An individual who is designated by the principal to do specified acts on behalf of the principal. For purposes of the VRS Durable Power of Attorney, it is the individual designated by the power of attorney to act on behalf of the principal who is entitled to or receiving benefits under a VRS plan.
<b>Durable</b>	A durable power of attorney allows the powers conferred by the document to continue after the principal's disability or incapacity.
<b>Incapacity</b>	Inability to manage property or business affairs because the individual: (1) has an impairment in the ability to receive and evaluate information or make or communicate decisions even with the use of technological assistance; or (2) is missing or outside the United States and unable to return.
<b>Principal</b>	The person who completes a power of attorney designating another person to be his or her agent.

The VRS Durable Power of Attorney allows a VRS member or beneficiary to designate an agent to handle VRS affairs such as filing applications, making benefit selections, and designating beneficiaries.

It is important to have a current power of attorney on file with VRS since the law regarding powers of attorney may change from time to time. It is preferred that the VRS Durable Power of Attorney be used, because it provides specific authority for the agent regarding VRS-related benefits and VRS will always honor a current VRS Durable Power of Attorney for any transaction. For other, more general powers of attorney, VRS will determine (at the time the agent tries to complete a transaction) whether the document actually provides sufficient authority for the agent to act on behalf of the principal in VRS-related matters.

Please note that the authority granted by the VRS Durable Power of Attorney is limited to matters relating to VRS. However, you also may use the VRS Durable Power of Attorney to authorize a personal representative to access your protected health information and make health care decisions on your behalf as a participant in the Commonwealth of Virginia Retiree Health Benefits Program administered by the Virginia Department of Human Resource Management. The person you designate as your agent will not have any authority over your other real or personal property by virtue of the VRS Durable Power of Attorney.

Please consult an attorney if you have any questions about the designation of an agent or agents under a power of attorney.

## QUESTIONS AND ANSWERS ABOUT THE VRS DURABLE POWER OF ATTORNEY

- 1. Why is it advisable to have a durable power of attorney on file with VRS?** Having a durable power of attorney on file at VRS assures that VRS will be able to handle your retirement benefits without interruption, and in accordance with your wishes, should you become unable to handle your own affairs.
- 2. Does VRS charge a fee for this service?** No.
- 3. If I sign the VRS Durable Power of Attorney form, can I continue to handle my own affairs until such time that I become incapacitated?** Yes, you may always handle your own affairs until such time as you become incapacitated. However, VRS will also accept actions by your agent. If you do not want the agent to act on your behalf until you are incapacitated or disabled, you may want to complete the VRS Durable Power of Attorney and keep it in a personal file until it is needed.
- 4. Can I use a Power of Attorney other than the VRS-901?** Yes. However, you must ensure that the power of attorney you submit to VRS gives your agent authority to complete VRS transactions such as beneficiary designations or retirement option elections (i.e., retirement options other than the Basic Benefit).
- 5. Can I use the VRS Durable Power of Attorney to appoint an administrator of my estate prior to my death?** No, you may not. The VRS Durable Power of Attorney form only deals with matters and transactions related to VRS benefits.
- 6. Does the VRS Durable Power of Attorney authorize my agent to conduct business after my death?** No, a power of attorney is terminated automatically upon the death of the principal.
- 7. Does the VRS Durable Power of Attorney form authorize my agent to name himself or herself as a beneficiary?** Not in all cases. An agent under a power of attorney, other than an ancestor, spouse or descendant of the principal, cannot name himself or herself as a beneficiary or otherwise create an interest in the property of the principal without explicit authorization from the principal to do so. However, there is an optional provision in Part D of the VRS Durable Power of Attorney that allows the principal to express the intent for his or her agent to have this authority despite the agent not being an ancestor, spouse or descendant.
- 8. Should I retain a copy of the VRS Durable Power of Attorney?** Yes, it is a good idea to keep a photocopy of the original for your personal file.
- 9. Can I terminate my VRS Durable Power of Attorney should I desire to do so?** Yes, as long as you are still competent and you submit a written request to VRS asking that the document be revoked or terminated. This request must be signed by you and notarized.
- 10. Can I have more than one Power of Attorney on file at VRS?** No, submitting a new VRS-901 revokes all prior durable power of attorney forms on file at VRS.

## **CHANGING YOUR VRS DURABLE POWER OF ATTORNEY**

If you wish to change your agent for matters relating to VRS benefits, take all of the following steps:

1. Complete a new VRS Durable Power of Attorney form with the changes you desire.
2. Notify, in writing, everyone that has a copy of the old VRS Durable Power of Attorney that it is no longer valid and ask that copies of the old form be returned to you so that you may destroy them.
3. Give copies of the new durable power of attorney to the people who may need them to carry out your wishes.

## **REVOKING YOUR VRS DURABLE POWER OF ATTORNEY**

If you wish to revoke your power of attorney and do not wish to replace it with an updated form, take the following steps:

1. Write a letter to VRS stating that you are hereby revoking the power of attorney that is on file.
2. Have the letter notarized.
3. Send the notarized letter to VRS.

## **CHECKLIST FOR COMPLETING THE VRS DURABLE POWER OF ATTORNEY**

This checklist is provided to help you make certain that you have completed all information required on the VRS Durable Power of Attorney prior to submitting it to VRS. (It is not necessary to return this checklist to VRS.)

- I am of sound mind and acting of my own free will.
- The individual I have selected as my agent to make VRS-related decisions for me is at least 18 years old.
- I realize that in the event I become incompetent, or upon my request, my agent has the power and authority to transact all matters relating to VRS.
- I have spoken with the individual I have selected as my agent, and this individual has agreed to participate.
- I have signed and dated the VRS Durable Power of Attorney.
- I have had the VRS Durable Power of Attorney notarized.
- I have given a notarized copy of the completed VRS Durable Power of Attorney to those people, including my agent and family members, who may need it in case an emergency arises which requires a decision or action that is VRS-related.