



A Guide to the
CaIPERS Special Power of Attorney

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TABLE OF CONTENTS

Introduction 2

Special Power of Attorney 3

Handling Your Retirement Affairs 4

 Handling Retirement Affairs With a Power of Attorney 4

 Changing Your Power of Attorney 4

 Terminating Your Power of Attorney 4

Your Special Power of Attorney Form 5

Become a More Informed Member 13

 CalPERS On-Line 13

 myCalPERS 13

 CalPERS Education Center 13

 Connect With Us Through Social Media 13

 Reach Us by Phone 13

 Visit Your Nearest CalPERS Regional Office 14

Information Practices Statement 15

INTRODUCTION

This publication was designed to assist you in understanding the power of attorney and the importance of having one on file with CalPERS.

Included is important information on the CalPERS *Special Power of Attorney* form, located at the back of the publication, that is specifically designed for CalPERS retirement issues. For your convenience, we have also included a quick checklist to make sure you have completed the form correctly.

A CalPERS special power of attorney allows you to designate a representative or agent, known as your attorney-in-fact, to conduct your retirement affairs. Having a CalPERS special power of attorney on file with us ensures that your designated attorney-in-fact will be able to perform important duties concerning your CalPERS business, such as address changes, federal or State tax withholding elections, lost or stolen retirement checks, endorsing checks, beneficiary designations, or retirement benefit elections should you become unable to act on your own behalf.

You must complete a power of attorney form while you are able to understand the powers you are granting. If you become unable to handle your affairs before completing a power of attorney, CalPERS may find it necessary to withhold your retirement allowance until a court appoints a conservator to handle your affairs.

Since appointment of a conservator can be both expensive and time-consuming, you may wish to safeguard against this possibility by completing the CalPERS *Special Power of Attorney* form.

SPECIAL POWER OF ATTORNEY

Power of attorney forms are not all the same.

- A durable power of attorney contains a “durability clause,” which is a provision permitting your designated attorney-in-fact to act on your behalf in the event you are unable to handle your affairs.
- A general power of attorney permits your attorney-in-fact to act on your behalf in all of your personal affairs. It automatically terminates when you become incapacitated or unable to act on your behalf unless it contains a durability clause.
- A special power of attorney grants only the powers that are specifically stated in the power of attorney document.

The CalPERS power of attorney is a special power of attorney because it only authorizes your attorney-in-fact to handle your CalPERS retirement affairs. Another power of attorney that you may be familiar with is a special power of attorney for health care. CalPERS cannot accept this type of special power of attorney for retirement issues. A special power of attorney automatically terminates when you become incapacitated or are unable to act on your own behalf unless it contains a durability clause.

The CalPERS special power of attorney is specifically designed for CalPERS retirement issues. The main advantage in using our *Special Power of Attorney* form is that it contains a durability clause that specifically shows your intent to have your attorney-in-fact conduct business with us even if you become incapacitated.

While we prefer that CalPERS members use the CalPERS *Special Power of Attorney* form because it contains the durability clause, CalPERS will also accept other power of attorney forms that grant the attorney-in-fact authority to conduct business with us. However, should your power of attorney form not contain a durability clause, CalPERS will not be able to honor it if you become incapacitated.

CalPERS permits your attorney-in-fact to be given the specific authority to select a payment option on your behalf. If you do not give the specific authority to select a payment option on your behalf, your attorney-in-fact may choose only Option 1 or the Unmodified Allowance benefit on your behalf.

CalPERS permits your attorney-in-fact to designate a beneficiary of your retirement benefits if you so specify. If this specific authority is not granted, your attorney-in-fact cannot designate a beneficiary or change the beneficiary that you designate on your retirement application. If you have not named a beneficiary or become incapacitated before you retire, your retirement benefits will be distributed in the order specified by the Probate Code. If you do grant your attorney-in-fact authority to designate a beneficiary, you must specify whether or not your attorney-in-fact may designate himself or herself. Your attorney-in-fact will not be permitted to designate himself or herself as a beneficiary unless you specifically authorize it on the CalPERS *Special Power of Attorney* form.

In addition, you cannot use the CalPERS *Special Power of Attorney* form to appoint an administrator of your estate before your death. This form only deals with retirement matters administered by CalPERS, the Judges' Retirement System I and II, or the Legislators' Retirement System. Because of the broad power granted by the CalPERS special power of attorney, we recommend that you consult an attorney before signing this form.

HANDLING YOUR RETIREMENT AFFAIRS

Handling Retirement Affairs With a Power of Attorney

With a CalPERS *Special Power of Attorney* form on file, your attorney-in-fact can begin to take care of your retirement affairs immediately. You may also continue to act on your own behalf. Your attorney-in-fact is able to act in matters concerning your retirement even if you are not incapacitated unless you specify that the power of attorney will not take effect until you become incapacitated or until some future date or event occurs.

Be sure that your power of attorney form is easily accessible so that your attorney-in-fact can send it to us when the need arises to conduct retirement business. Planning ahead can prevent anguish for you and your family.

Changing Your Power of Attorney

If you change your mind about your power of attorney, you must:

- Complete a new power of attorney form with the changes you desire.
- Inform those who have a copy of the old power of attorney that it is no longer valid and ask that copies of the old form be returned to you so you can destroy them.
- Give copies of the new form to those people who may need to carry out your wishes.

Terminating Your Power of Attorney

You must submit a request in writing to CalPERS to revoke or terminate your power of attorney. You can then submit a new power of attorney if you wish. If you still have questions about your power of attorney after reading this material, you should consult an attorney.

YOUR SPECIAL POWER OF ATTORNEY FORM

Complete each section on the following pages in full, making sure that you have entered all the required information.

You must verify the truth of the following statements before you submit the form to CalPERS.

- I am of sound mind and acting of my own free will.
- I understand that the individual(s) I have selected as my attorney(s)-in-fact to make retirement-related decisions for me is at least 18 years old and may be related to me by blood, marriage, or domestic partnership legally recognized by the State of California.
- I realize that my attorney-in-fact has the power and authority to transact all matters relating to the California Public Employees' Retirement System, the Legislators' Retirement System, or the Judges' Retirement System I and II.
- I have talked with the individual(s) I have selected as my attorney(s)-in-fact and they have agreed to participate.
- Two people, at least 18 years old, neither of whom are the attorney-in-fact, have signed and witnessed my signature or designation of an attorney-in-fact with powers of attorney, or a notary public has acknowledged my signature designating special power of attorney.
- My attorney(s)-in-fact has read the notice about their legal responsibilities and has signed the last page of the form.
- I have given a copy of the completed power of attorney to my attorney-in-fact and other family members who may need it.
- I have decided how long I wish my power of attorney to last and have filled in the appropriate blank(s).
- If I have designated more than one attorney-in-fact, I have indicated that my attorneys-in-fact are to act jointly, separately, or alternately.
- I understand that I may authorize my attorney-in-fact to select any payment option available under the retirement plan even though the selected option may reduce the monthly allowance that would otherwise be paid to me during my lifetime.
- I understand that I may authorize my attorney-in-fact to designate or change my beneficiary.
- I understand that I may authorize my attorney-in-fact to designate him or herself as my beneficiary.
- I and my witnesses have signed and dated the CalPERS *Special Power of Attorney* form, and my attorney-in-fact has signed the notice acknowledging their legal responsibilities.



Special Power of Attorney

888 CalPERS (or 888-225-7377) • TTY: (877) 249-7442

Section 1

Creation of Durable Power of Attorney for Retirement-Related Business

When completing this form, please be sure to print the requested information.

For the purpose of this form, a principal is defined as a person who empowers another to act as a representative on their behalf.

| | | | |
|---|-------|--------------------------------------|-------------------|
| Name of Principal (First Name, Middle Initial, Last Name) | | Social Security Number or CalPERS ID | |
| Address | | County | |
| City | State | ZIP | Daytime Phone () |

By this document I intend to create a durable power of attorney by appointing the person(s) named below to make retirement-related decisions for me as allowed by the California Probate Code. This power is expressly limited to decisions relating to my financial and health benefits under the California Public Employees' Retirement System, the Legislators' Retirement System, or the Judges' Retirement System I or II — hereinafter CalPERS, LRS, JRS I and JRS II, respectively.

Section 2

Designation of Attorney-in-Fact

You have the option of designating more than one attorney-in-fact.

If you appointed more than one attorney-in-fact, and you want each attorney-in-fact to be able to act alone, check the appropriate box. If you do not check a box, or if you check "jointly," then all of your attorneys-in-fact must act or sign together. Granting joint authority to two or more attorneys-in-fact is exercisable only by their unanimous action. If you choose to have your attorneys-in-fact act jointly, and one is unavailable because of absence, illness, or other temporary incapacity, the other attorney(s)-in-fact may exercise their authority under the power of attorney.

| | | | |
|--------------------------|-------|--------------------------------------|-------------------|
| Name of Attorney-in-Fact | | Birth Date (mm/dd/yyyy) | |
| Address | | Social Security Number or CalPERS ID | |
| City | State | ZIP | Daytime Phone () |

| | | | |
|--------------------------|-------|--------------------------------------|-------------------|
| Name of Attorney-in-Fact | | Birth Date (mm/dd/yyyy) | |
| Address | | Social Security Number or CalPERS ID | |
| City | State | ZIP | Daytime Phone () |

| | | | |
|--------------------------|-------|--------------------------------------|-------------------|
| Name of Attorney-in-Fact | | Birth Date (mm/dd/yyyy) | |
| Address | | Social Security Number or CalPERS ID | |
| City | State | ZIP | Daytime Phone () |

I have designated more than one attorney-in-fact. They are to act (mark one box only):

Jointly Separately Alternately, in the numerical order specified above. If you mark "Alternately," you must number the attorneys-in-fact in the order in which they are to act.

Section 3

General Statement of Authority Granted

I hereby grant to my attorney-in-fact full power and authority to transact matters on my behalf relating to CalPERS, LRS, JRS I or JRS II. I understand that this authority is granted to the attorney-in-fact designated by me even if that person is related to me by blood, marriage, or legal domestic partnership. By signing this Special Power of Attorney form I intend that:

- My attorney-in-fact ([] is; [] is not) authorized to select any payment option available under the retirement plan, even though it may reduce the monthly allowance that would otherwise be paid to me during my lifetime.
• My attorney-in-fact ([] is; [] is not) authorized to designate or change my beneficiary.
• My attorney-in-fact ([] is; [] is not) authorized to designate him or herself as my beneficiary.

On the following lines you may give special instructions limiting the powers granted to your attorney(s)-in-fact.

Two horizontal lines for providing special instructions.

Section 4

Duration of Power of Attorney

Please be careful in choosing when you want your power of attorney to commence or terminate.

Please check one box to indicate your choice.

Unless I indicate otherwise, this power of attorney is effective immediately and will continue until it is revoked. My attorney-in-fact is hereby instructed to notify CalPERS in writing of my disability, incapacity, or death immediately upon its occurrence.

- [] This special durable power of attorney is to commence immediately and to remain in effect for my lifetime or until I specifically cancel it.
[] This special limited power of attorney is to commence on _____ and terminate on _____
Date (mm/dd/yyyy)

Date (mm/dd/yyyy) or Event

- [] This special contingent power of attorney is to commence only upon a determination that I am incapacitated and/or unable to handle my own affairs. The determination of whether I am incapacitated and/or unable to handle my own affairs shall be made by

Name or Title of Person to Make the Determination

- [] This special general power of attorney is to terminate in its entirety if I become incapacitated.

Section 5

Agent is the attorney-in-fact.

Notice to Person Executing Durable Power of Attorney

The authority granted by the CalPERS *Special Power of Attorney* form is limited to matters relating to CalPERS, LRS, JRS I and JRS II. The person designated as your attorney-in-fact does not have any authority over your other real or personal property. If you wish that your attorney-in-fact have authority over your real and/or personal property, it is recommended that you seek legal counsel.

You may notice that the language contained in the following (Warning) statement refers to more extensive authority than granted by the CalPERS *Special Power of Attorney*. This (Warning) statement is required by Probate Code Section 4128 and must be included in all preprinted durable power of attorney forms even though the CalPERS *Special Power of Attorney* does not authorize your attorney-in-fact to do many of the things mentioned in the following (Warning) statement. Also, if you are concerned with the (Warning) statement or the extent of the authority being granted by the CalPERS *Special Power of Attorney* form, we again urge you to consult with an attorney.

(Warning): Notice to Person Executing Durable Power of Attorney

A durable power of attorney is an important legal document. By signing a durable power of attorney, you are authorizing another person to act for you, the principal. Before you sign this durable power of attorney, you should know these important facts:

- Your agent (attorney-in-fact) has no duty to act unless you and your agent agree otherwise in writing.
- This document gives your agent the powers to manage, dispose of, sell, and convey your real and personal property, and to use your property as security if your agent borrows money on your behalf. This document does not give your agent the power to accept or receive any of your property, in trust or otherwise, as a gift, unless you specifically authorize the agent to accept or receive a gift.
- Your agent will have the right to receive reasonable payment for services provided under this durable power of attorney unless you state otherwise in this power of attorney.
- The powers you give your agent will continue to exist for your entire lifetime, unless you state that the durable power of attorney will last for a shorter period of time or unless you otherwise terminate the durable power of attorney. The powers you give your agent in this durable power of attorney will continue to exist even if you can no longer make your own decisions regarding the management of your property.
- You can amend or change this durable power of attorney only by executing a new durable power of attorney or by executing an amendment through the same formalities as an original. You have the right to revoke or terminate this power of attorney at any time as long as you are competent.
- This durable power of attorney must be dated and must be acknowledged before a notary public or signed by two witnesses. If it is signed by two witnesses, they must witness either (1) the principal's signing of the power of attorney or (2) the principal's acknowledgement of his or her signature. A durable power of attorney that may affect real property should be acknowledged before a notary public so that it can easily be recorded.
- You should read this durable power of attorney carefully. When effective, this durable power of attorney will give your agent the right to deal with property that you now have or might acquire in the future. This durable power of attorney is important to you. If you do not understand the durable power of attorney or any provision of it, you should obtain the assistance of an attorney or other qualified person.

Section 6

Notice to Person Accepting the Appointment of Attorney-in-Fact

By acting or agreeing to act as the agent (attorney-in-fact) under this power of attorney you assume the fiduciary and other legal responsibilities of an agent. These responsibilities include:

- The legal duty to act solely in the interest of the principal and to avoid conflicts of interest.
- The legal duty to keep the principal's property separate and distinct from any other property owned or controlled by you.

You may not transfer the principal's property to yourself without full and adequate consideration or accept a gift of the principal's property unless this power of attorney specifically authorized you to transfer property to yourself or accept a gift of the principal's property. If you transfer the principal's property to yourself without specific authorization in the power of attorney, you may be prosecuted for fraud and/or embezzlement. If the principal is 65 years of age or older at the time the property is transferred to you without authority, you may also be prosecuted for elder abuse under Penal Code Section 368. In addition to criminal prosecution, you may also be sued in civil court.

I have read the foregoing notice and I understand the legal and fiduciary duties that I assume by acting or agreeing to act as the agent (attorney-in-fact) under the terms of this power of attorney. Lastly, the principal's benefit shall not be subject to execution, process, or assignment under California Public Employees' Retirement Law Section Code 21255.

Print Name of Agent

Signature of Agent | Date (mm/dd/yyyy)

Print Name of Agent

Signature of Agent | Date (mm/dd/yyyy)

Print Name of Agent

Signature of Agent | Date (mm/dd/yyyy)

Section 7

Principal's Acknowledgement & Execution

To be completed and signed by the principal.

I am of sound mind and either understand my elections or talked with an attorney. I am executing this legal document under my own free will.

Date Executed (mm/dd/yyyy) | City | State

Signature of Principal | County

Print Name of Principal | Social Security Number or CalPERS ID

Name of Member | Social Security Number or CalPERS ID

Section 8

Witness Information

To be completed by two witnesses who are not named as attorneys-in-fact.

I have witnessed the principal's signature or the principal's acknowledgment of the signature designating power of attorney. I attest to the principal's knowledge that I am of sound mind. I am an adult at least 18 years old and not the attorney-in-fact. My signature certifies that the principal is known to me, is the same person who signed and dated this affidavit, and that I am of sound mind.

Signature of Witness 1 | Print Name of Witness 1

Address | Date

City | State | ZIP

Signature of Witness 2 | Print Name of Witness 2

Address | Date

City | State | ZIP

Section 9

Notary Public Acknowledgement

To be completed by a notary public.

Notary

This section does not need to be completed if you have completed Section 8. CalPERS images these documents. Please be advised embossed seals may not appear when this document is reviewed. An inked stamp is preferred.

State | County

On [Date] before me [Printed Name of Notary Public], personally appeared

[Name of Principal], who proved to me on the basis of satisfactory evidence

to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument. I certify under Penalty of Perjury under the laws of the State of California that the foregoing paragraph is true and correct.

Witness my hand and official seal.

Signature of Notary Public | Notary Seal

Print Name

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BECOME A MORE INFORMED MEMBER

CalPERS On-Line

Visit our website at www.calpers.ca.gov for information on all our benefits and services.

my|CalPERS

Log in at my.calpers.ca.gov to access real-time details and balances of your CalPERS accounts. With my|CalPERS you can:

- View, print, and save current and past statements.
- View and update your contact information.
- Select mailing preferences for your statements and newsletters.
- Confirm which dependents are covered on your health plan and what health plans are available in your area.
- Estimate your future retirement benefit and save the estimates to view later.
- Send and receive secure messages.
- Order and download free publications.
- Send account information to third parties, such as banks.
- Search for medical premium rates.
- Apply for service retirement.
- Change your beneficiary designation.

CalPERS Education Center

Whether you're in the early stages of your career or getting ready to retire, visit the CalPERS Education Center in my|CalPERS to:

- Take online classes that help you make important decisions about your CalPERS benefits and your future.
- Register for instructor-led classes at a location near you.
- Download class materials and access information about your current and past classes.
- Schedule a one-on-one appointment with a representative at your nearest CalPERS Regional Office.

Connect With Us Through Social Media

Follow us on Twitter: www.twitter.com/CalPERS

Like us on Facebook: www.facebook.com/myCalPERS

Follow us on Google+: www.calpers.ca.gov/googleplus

View videos on YouTube: www.youtube.com/CalPERSNetwork

Reach Us by Phone

Call us toll free at **888 CalPERS** (or **888-225-7377**).

Monday through Friday, 8:00 a.m. to 5:00 p.m.

TTY: (877) 249-7442

Visit Your Nearest CalPERS Regional Office

Fresno Regional Office

10 River Park Place East, Suite 230
Fresno, CA 93720

Glendale Regional Office

Glendale Plaza
655 North Central Avenue, Suite 1400
Glendale, CA 91203

Orange Regional Office

500 North State College Boulevard, Suite 750
Orange, CA 92868

Sacramento Regional Office

Lincoln Plaza East
400 Q Street, Room E1820
Sacramento, CA 95811

San Bernardino Regional Office

650 East Hospitality Lane, Suite 330
San Bernardino, CA 92408

San Diego Regional Office

7676 Hazard Center Drive, Suite 350
San Diego, CA 92108

San Jose Regional Office

181 Metro Drive, Suite 520
San Jose, CA 95110

Walnut Creek Regional Office

Pacific Plaza
1340 Treat Boulevard, Suite 200
Walnut Creek, CA 94597

Visit the CalPERS website for directions to your local office.

Regional Office hours are Monday through Friday, 8:00 a.m. to 5:00 p.m.

INFORMATION PRACTICES STATEMENT

The Information Practices Act of 1977 and the Federal Privacy Act of 1974 require the California Public Employees' Retirement System (CalPERS) to provide the following information to individuals who are asked to supply information to CalPERS. The information requested is collected pursuant to the Government Code (Sections 20000, et seq.) and will be used for administration of the CalPERS Board's duties under the California Public Employees' Retirement Law, the Social Security Act, and the Public Employees' Medical and Hospital Care Act, as the case may be. Submission of the requested information is mandatory. Failure to supply the information may result in the System being unable to perform its function regarding your status and eligibility for benefits. Portions of this information may be transferred to entities including, but not limited to, State and public agency employers, State Attorney General, Office of the State Controller, Franchise Tax Board, Internal Revenue Service, Workers' Compensation Appeals Board, State Compensation Insurance Fund, county district attorneys, Social Security Administration, beneficiaries of deceased members, physicians, insurance carriers, and various vendors who perform services on behalf of CalPERS. Disclosure to the aforementioned entities is done in strict accordance with current statutes regarding confidentiality.

You have the right to review your membership file maintained by the System. For questions concerning CalPERS information practices, please contact the Information Practices Act Coordinator, CalPERS, 400 Q Street, P.O. Box 942702, Sacramento, CA 94229-2702.

While reading this material, remember that we are governed by the Public Employees' Retirement Law and the Alternate Retirement Program provisions in the Government Code, together referred to as the Retirement Law. The statements in this publication are general. The Retirement Law is complex and subject to change. If there is a conflict between the law and this publication, any decisions will be based on the law and not this publication. If you have a question that is not answered by this general description, you may make a written request for advice regarding your specific situation directly to CalPERS.

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California Public Employees' Retirement System

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P.O. Box 942701
Sacramento, CA 94229-2701

888 CalPERS (or 888-225-7377)

www.calpers.ca.gov

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