

Instructions for Form 2848

(Revised October 1982)

Power of Attorney and Declaration of Representative

Highlight

We have established a new centralized authorization file (CAF) system which will allow us to identify representatives and the scope of their authority and to automatically direct copies of notices and correspondence to persons you authorize.

General Information

Privacy Act and Paperwork Reduction Act Notice

If you want a representative to perform certain acts on your behalf and to receive or inspect certain tax information, you must file a power of attorney. You may file a power of attorney without using Form 2848, but it must reflect the information that would be provided by using Form 2848. If you wish to prepare a power of attorney without using Form 2848, see **Publication 216**, Conference and Practice Requirements of the Statement of Procedural Rules (Subpart E of Part 601 of Title 26 of the Code of Federal Regulations). A representative must have a power of attorney (or tax information authorization, Form 2848-D) on file in order to receive or inspect certain tax information.

Under Code section 6109, the taxpayer's identifying number must be disclosed. The principal purpose is to secure proper identification of the taxpayer. If the identifying number is not disclosed, IRS may suspend processing the power of attorney or tax information authorization until the number is provided.

You can use Form 2848 as a power of attorney to appoint one or more individuals to represent you before the Internal Revenue Service. A firm, organization, or partnership may not be designated as a representative. You may use it for any matters affecting any tax imposed by the Internal Revenue Code, except alcohol and tobacco taxes or firearm activities. Form 2848 is for your con-

venience. Its use is voluntary, and you can file a power of attorney in other ways without using this form.

Using Form 2848.—Your signature on Form 2848 authorizes the individual(s) you designate (your representative or "attorney-in-fact") to perform any act you can perform, excluding the power to receive refund checks, and the power to sign tax returns. This includes executing waivers and offers of waivers of restrictions on assessment or collection of deficiencies in tax, and waivers of notice of disallowance of a claim for credit or refund. It also includes executing consents extending the statutory period for assessment or collection of taxes, executing closing agreements under section 7121 of the Code, and delegating authority, or substituting another representative.

If you want to exclude granting authority to perform any of these or other specific acts, insert language excluding such acts in the blank space provided.

If you want to include additional powers, such as authority to sign your return, insert language specifying the additional powers. See regulations section 1.6012-1(a)(5), Returns made by agents, for the provisions restricting the use of agents to sign returns.

If you want your representative to have authority only to receive confidential information and to make written or oral presentations of fact or argument on your behalf, you should use Form 2848-D, Tax Information Authorization and Declaration of Representative, instead of Form 2848.

Filing the Power of Attorney.—You should file the original or a photographic or xerographic copy with each IRS office in which your representative is to represent you. You do not have to file another copy with other IRS officers or counsel who later have the matter under consideration, un-

less you are specifically asked to provide an additional copy.

Revoking a Power of Attorney or Tax Information Authorization.—If you want to revoke an earlier power of attorney, you may use Form 2848 as a new authorization for your representative. This will authorize him or her to represent you in specified matters and years or periods before the office of IRS where you filed the earlier power. It will also revoke all earlier tax information authorizations for the same matters and years or periods filed in that office of IRS, unless you specifically state otherwise.

If you want to revoke a power of attorney without executing a new one, send a signed statement to each office of IRS where you filed each earlier power of attorney that you are now revoking. List in this statement the name and address of each representative whose authority is being revoked.

How to Complete Form 2848

Part I. Power of Attorney

A. Taxpayer's name, identifying number, and address.—For individuals: Enter your name, social security number, and address in the space provided. If a joint return is involved, and you and your spouse are designating the same representative(s), also enter your spouse's name and social security number, and your spouse's address if different from yours.

For a corporation, partnership, or association: Enter the name, employer identification number, and business address. If the power of attorney for a partnership will be used in a tax matter in which the name and social security number of each partner has not previously been sent to IRS, list the name and social security number of each partner in the available space at the end of the form or on an attached sheet.

For a trust: Enter the name, title, and address of the fiduciary, and the name and employer identification number of the taxpayer.

For an estate: Enter the name, title, and address of the decedent's personal representative, and the name and identifying number of the taxpayer. The identifying number for an estate includes both the employer identification number if the estate has one and the decedent's social security number.

If you are signing the power of attorney to accompany a ruling request for a taxpayer who is not an individual, please type or print your name below the signature line at the bottom of the form.

B. Appointee.—Enter the name(s), CAF number(s) (if one has already been assigned), address(es), and telephone number(s) of the individual(s) you appoint. This may not be the name of a law firm, etc. (See item D below.)

The CAF number is the unique number (not the social security number) that IRS will assign to a representative after he or she has filed a Form 2848 or Form 2848-D with an IRS office that is using the CAF system. After IRS tells the representative what his or her CAF number is, the representative is requested, but not required, to use the CAF number on all future Forms 2848 or 2848-D filed. In the case of an employee plan administrator who is required to obtain an employer identification number in order to be recognized as the plan administrator, the CAF number is the employer identification number assigned to the administrator.

C. Internal Revenue tax matters and years or periods.—Consider the application of each tax imposed by the Internal Revenue Code for each tax period as a separate tax matter. In the columns provided, clearly identify the type of tax, the tax form number, and the year or period to which the power relates. You may list any number of specified years or periods and types of taxes in the same power of attorney. For example, you may list income tax Form 1040 for calendar years 1979 and 1980. You may list income tax Forms 1040 for 1979 through 1982, but a general reference to "all years," "all periods," or "all taxes" is not acceptable. If the matter relates to es-

tate tax, enter the date of the taxpayer's death instead of the year or period.

If the power of attorney is to be used for ruling requests, etc., write a short description of the acts to be performed. If you want the original of the ruling mailed to your representative, include this in the description.

D. Where you want copies to be sent.—You may have copies of notices and other written communications sent to your representative, but to no more than two representatives if they are located at different addresses. Please check box 1 if you want notices or communications sent to the first appointee named at the top of the form. Check box 2 if you want them sent to someone other than the first named appointee or if you want them sent to two appointees. In this case, list the names of the appointees.

Refund checks (boxes 3 and 4).—Check box 3 or 4 and put your initials in the space provided if you want your refund checks mailed to your representative. Your representative may then receive but not endorse or cash refund checks.

E. Signature of taxpayers.—For individuals: If a joint return is involved and both husband and wife will be represented by the same individual(s), then both must sign the power of attorney unless one spouse authorizes (in writing) the other to sign for both. In this case, attach a copy of the authorization. However, if they are to be represented by different individuals, each may execute his or her own power of attorney.

For a partnership: All partners must sign unless one partner is authorized to act in the name of the partnership. A partner is authorized to act in the name of the partnership if under State law the partner has authority to bind the partnership.

For a corporation or association: An officer having authority to bind the entity must sign.

Other: If the taxpayer has died, is insolvent, or is a dissolved corporation or partnership, or if a trustee, guardian, or other fiduciary is acting for the taxpayer, see section 601.504 (b)(2) of Subpart E of the Conference and Practice Requirements for further instructions about executing a power of attorney.

F. Notarizing or witnessing the power of attorney.—A notary public or two disinterested individuals must witness a power of attorney unless it is granted to an attorney, certified public accountant, enrolled agent, or enrolled actuary.

Part II. Declaration of Representative

Your representative must complete Part II to make a declaration containing the following:

(1) A statement that the representative is authorized to represent the taxpayer as a certified public accountant, attorney, enrolled agent, enrolled actuary, member of your immediate family, etc.

An actuary enrolled by the Joint Board for the Enrollment of Actuaries may represent a taxpayer before IRS. However, the actuary's representation is limited to certain areas of the Code. See section 10.3(d)(1) of Treasury Department Circular No. 230 (Rev. June 1979) for a list of the Code sections involved and the areas covered by them.

(2) The jurisdiction recognizing the representative. For an attorney or certified public accountant: Enter in the "jurisdiction" column the State, District of Columbia, possession, or commonwealth which has granted the declared professional recognition. For an enrolled agent or actuary: Enter in the "jurisdiction" column the enrollment card number.

(3) The signature of the representative, and the date signed.

If the representative is a former employee of the Federal government, he or she must be aware of the post-employment restrictions contained in the Ethics in Government Act, 18 USC 207, and in section 10.26 of Treasury Department Circular No. 230. Criminal penalties are provided for violation of the post-employment restrictions.

Unenrolled return preparers (see Treasury Department Circular No. 230, section 10.7(a)(7)) may NOT use Form 2848. They may use Form 2848-D for the limited practice without enrollment provided in T.D. Circular No. 230, section 10.7(a)(7).

Item 9 in Part II may be used to explain a special authorization by the Commissioner, including a special appearance as described in T.D. Circular No. 230, section 10.7(b).