

ACTEC

50 State (Plus D.C.) Survey of Powers of Attorney

August, 2019

This survey is current through June-August, 2019.

Compiled by W. Birch Douglass III, McGuireWoods LLP, Richmond, VA.

This study is designed as a quick reference tool to allow the user to easily identify the basic rules and statute citations regarding general powers of attorney in a particular state. It is not meant to explain fully all aspects of the particular state's laws on powers of attorney and does not cover healthcare powers of attorney or medical directives. With a few exceptions, an ACTEC fellow in the particular state has reviewed the summary for that state. Nevertheless, there may be minor inaccuracies and less than complete explanations.

If you have an update or revision to a state summary, please contact Birch Douglass at birchdouglass@comcast.net.

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ALABAMA

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General Citations	Ala. Code § 26-1A-101 <i>et seq.</i>
Based on Uniform Power of Attorney Act	Yes. § 26-1A-103.
Presumption of Durability	Yes. Durability presumed. § 26-1A-104.
Execution Requirements	Signature required. Signature presumed genuine if acknowledged before notary public. § 26-1A-105.
Power to Make Gifts	Yes, if expressly granted. §§ 26-1A-201 and 26-1A-217.
Court Appointment of Guardian/Conservator Revokes POA	No. Agent is accountable to the conservator as well as to the principal. Conservator may revoke or amend the power of attorney. § 26-1A-108.
Multiple Agents Required to Act Jointly	No. Unless the power of attorney otherwise provides, co-agents may exercise authority independently. § 26-1A-111.
Statutory Form	Yes. § 26-1A-301.
Springing POA Permitted	Yes. § 26-1A-109.
Comments	Enacted UPOAA 2011.

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ALASKA

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General Citations	Alaska Stat. § 13.26.600 <i>et seq.</i>
Based on Uniform Power of Attorney Act	No.
Presumption of Durability	No presumption, but § 13.26.675 allows for creation of durability. The power of attorney terminates on disability if the power of attorney is not durable. However, under § 13.26.625(a) the death or incapacity of the principal does not revoke or terminate the agency as to the agent or other person who, without actual knowledge of the death or incapacity of the principal, acts in good faith under the power of attorney. § 13.26.620.
Execution Requirements	Signature required. Principal must acknowledge the signature before a notary public or other individual authorized by law to take acknowledgments. § 13.26.600.
Power to Make Gifts	Yes, if statutory form is used. Presumably allowed if the power of attorney contains specific authority or if permitted by the court. § 13.26.665(q).
Court Appointment of Guardian/Conservator Revokes POA	No.
Multiple Agents Required to Act Jointly	Yes, if statutory form is used and principal fails to mark severally. Presumably depends on language used in other powers of attorney. § 13.26.660(l).
Statutory Form	Yes. § 13.26.645
Springing POA Permitted	Yes. § 13.26.675.
Comments	

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ARIZONA

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General Citations	Ariz. Rev. Stat. § 14-5501 <i>et seq.</i>
Based on Uniform Power of Attorney Act	No.
Presumption of Durability	No. Durability language required. § 14-5501.
Execution Requirements	Requires signatures of principal and witness other than the agent, agent's spouse, agent's children, or the notary public. Requires notarial certificate as to acknowledgement of the principal and affidavit of the witness. § 14-5501.
Power to Make Gifts	Presumably allowed if the power of attorney contains specific authority or if permitted by the court.
Court Appointment of Guardian/Conservator Revokes POA	No. Agent is accountable to the conservator as well as to the principal. Conservator may revoke or amend the power of attorney. § 14-5503.
Multiple Agents Required to Act Jointly	Presumably depends on language in the power of attorney.
Statutory Form	No.
Springing POA Permitted	Yes. § 14-5501.
Comments	<p>Because of ARS § 46-456 relating to the use of a vulnerable adult's assets for the benefit of a person in the position of trust and confidence, the best practice is to have the principal acknowledge that assets may be used for the benefit of such persons (for example, reimbursement for expenses, compensation, and gifts).</p>

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ARKANSAS

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General Citations	Ark. Code § 28-68-101 <i>et seq.</i>
Based on Uniform Power of Attorney Act	Yes.
Presumption of Durability	Yes. Durability presumed. § 28-68-104.
Execution Requirements	Signature required. Signature presumed genuine if acknowledged before notary public. § 28-68-105.
Power to Make Gifts	Yes, if expressly granted. §§ 28-68-201 and 28-68-217. Unless power of attorney provides otherwise, general gifting language in power of attorney only authorizes gifts up to annual exclusion amount (§ 28-68-217). NOTE: If the Agent is not an ancestor, spouse, or descendant of the Principal, the Arkansas Act prohibits the Agent from creating an interest in the Principal's property in the Agent or an individual to whom the Agent owes a duty of support, whether by gift, right of survivorship, beneficiary designation, disclaimer, or otherwise, unless the power of attorney grants the authority specifically. See Ark. Code Ann. Section 28-68-201(b).
Court Appointment of Guardian/Conservator Revokes POA	No, unless limited, suspended, or terminated by the court. Agent is accountable to guardian as well as to the principal. § 28-68-108.
Multiple Agents Required to Act Jointly	No. Unless the power of attorney otherwise provides, co-agents may exercise authority independently. § 28-68-111.
Statutory Form	Yes. § 28-68-301. The Arkansas Act provides that a third party who refuses to accept an acknowledged power of attorney that is substantially similar to the statutory form power of attorney set forth in Ark. Code Ann. Section 28-68-301 can be liable for reasonable attorney fees and costs incurred in proceedings to confirm the validity of the power of attorney or to mandate acceptance of the power of attorney.
Springing POA Permitted	Yes. § 28-68-109.

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Comments

Enacted UPOAA 2011 effective 1/1/12.

Ark. Code Ann. Section 18-12-501 provides that if any instrument is executed by an Agent, a valid power of attorney must be recorded (or re-recorded) with the instrument encumbering or conveying the interest in the real property in the real estate records of the county judicial district where the real property is located. The record clerk should not record the instrument without the power of attorney but it is unclear if the instrument is record notice to third parties if recorded without the power of attorney. For that reason, the attorney may want to create a "limited short version" power of attorney for recording purposes which grants only authority to deal with real estate to record with instruments signed by the Agent rather than record the longer statutory or proprietary forms. Note: The filing requirements for the real property power of attorney require a 2.5 inch margin both at the top of the first page and at the bottom of the last page for filing stamp purposes.

CALIFORNIA

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General Citations	Cal. Prob. Code § 4000 <i>et seq.</i>
Based on Uniform Power of Attorney Act	No.
Presumption of Durability	No. Durability language required. § 4124.
Execution Requirements	Requires date of execution and signature of principal. Must be acknowledged before a notary public or signed by at least two witnesses who are adults and are not the named attorney-in-fact. § 4121.
Power to Make Gifts	Yes, if expressly granted. § 4264.
Court Appointment of Guardian/Conservator Revokes POA	No. Agent is accountable to guardian/conservator as well as to principal. Guardian/conservator may revoke or amend the power of attorney only in accord with a court order. § 4206.
Multiple Agents Required to Act Jointly	Yes. If two or more agents are named, they may only act unanimously. § 4202.
Statutory Form	Yes. § 4401.
Springing POA Permitted	Yes. § 4129.
Comments	

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COLORADO

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General Citations	Colo. Rev. Stat. § 15-14-701 <i>et seq.</i>
Based on Uniform Power of Attorney Act	Yes.
Presumption of Durability	Yes. § 15-14-704.
Execution Requirements	Signature required. Signature presumed genuine if acknowledged before notary public. § 15-14-705.
Power to Make Gifts	Yes, if expressly granted. §§ 15-14-724 and 15-14-740.
Court Appointment of Guardian/Conservator Revokes POA	No, unless limited, suspended, or terminated by the court. Agent is accountable to the conservator as well as to the principal. § 15-14-708.
Multiple Agents Required to Act Jointly	No. Unless the power of attorney otherwise provides, co-agents may exercise authority independently. § 15-14-711.
Statutory Form	Yes. § 15-14-741.
Springing POA Permitted	Yes. § 15-14-709.
Comments	Enacted UPOAA 2009.

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CONNECTICUT

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General Citations	Conn. Gen. Stat. § 1-350 <i>et seq.</i>
Based on Uniform Power of Attorney Act	Yes.
Presumption of Durability	Yes. § 1-350c.
Execution Requirements	Signature, two witnesses and date required. Signature presumed genuine if acknowledged before notary public or other official. § 1-350d.
Power to Make Gifts	Yes, if expressly granted. §§ 1-351 and § 1-351p.
Court Appointment of Guardian/Conservator Revokes POA	No, unless limited, suspended, or terminated by the court. Agent is accountable to the conservator as well as to the principal. § 1-350g.
Multiple Agents Required to Act Jointly	Yes. Unless the power of attorney otherwise provides, co-agents act jointly. § 1-350j.
Statutory Form	Yes. § 1-352.
Springing POA Permitted	Yes. § 1-350h.
Comments	Enacted UPOAA 2015.

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DELAWARE

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General Citations	Del. Code tit. 12 § 49A-101 <i>et seq.</i>
Based on Uniform Power of Attorney Act	No. § 49A-101 <i>et seq.</i> is based on the Durable Personal Powers of Attorney Act
Presumption of Durability	No. Durability language required. 49A-104.
Execution Requirements	Must be dated and signed in the presence of a notarial officer and in the presence of one adult witness who is neither related to the principal by blood, marriage, or adoption, nor entitled to any portion of the estate of the principal under the principal's then existing will or codicil or amendment thereto or trust instrument. The power of attorney may also include a specific statement without which the agent bears the burden of proving the validity of the power of attorney. 49A-105.
Power to Make Gifts	Yes, if expressly granted. §§ 49A-201 and 49A-217.
Court Appointment of Guardian/Conservator Revokes POA	Yes, to the extent the powers held by the agent are granted to the guardian or other fiduciary. Agent is accountable to the guardian as well as to principal as to any powers that the agent continues to hold. Guardian may revoke or amend the powers of the agent as given to the guardian by the court. § 49A-108.
Multiple Agents Required to Act Jointly	No. If the principal does not specify that they are concurrent agents or joint agents, such agents shall be considered concurrent agents, and each agent may exercise his authority independently. § 49A-111.
Statutory Form	Yes. § 49A-301.
Springing POA Permitted	Yes. § 49A-109.
Comments	

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DISTRICT OF COLUMBIA

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General Citations	D.C. Code § 21-2081 <i>et seq.</i> ; D.C. Code § 21-2101 <i>et seq.</i>
Based on Uniform Power of Attorney Act	No. However D.C. Code §21-2101 <i>et seq.</i> is based on the Uniform Statutory Form Power of Attorney Act.
Presumption of Durability	No. Durability language required. §§ 21-2081 and 21-2102.
Execution Requirements	Statutory form of § 21-2101 deemed legally sufficient. Special heading required to transfer real estate. §42-101
Power to Make Gifts	Presumably allowed if the power of attorney contains specific authority or if permitted by the court.
Court Appointment of Guardian/Conservator Revokes POA	No. Agent is accountable to the guardian/conservator as well as to the principal. The guardian/conservator has the same power to revoke or amend the power of attorney that the principal would have had if not incapacitated. § 21-2083.
Multiple Agents Required to Act Jointly	Presumably depends on language in the power of attorney.
Statutory Form	Yes. § 21-2101.
Springing POA Permitted	Yes. § 21-2101.
Comments	UPOAA introduced 2017 B22-0049.

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FLORIDA

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General Citations	Fla. Stat. § 709.2101 <i>et seq.</i>
Based on Uniform Power of Attorney Act	No.
Presumption of Durability	No. Durability language required. § 709.2104.
Execution Requirements	No. Requires signatures of principal and two subscribing witnesses. Requires notarial acknowledgement. § 709.2105.
Power to Make Gifts	Yes, the authority must be in the power of attorney and the principal must sign or initial the enumeration of the authority. § 709.2202.
Court Appointment of Guardian/Conservator Revokes POA	If any person initiates judicial proceedings to determine the principal's incapacity or for the appointment of a guardian advocate, the authority granted under the power of attorney is suspended until the petition is dismissed or withdrawn or the court enters an order authorizing the agent to exercise one or more powers granted under the power of attorney. However, if the agent is the principal's parent, spouse, child, or grandchild, the authority under the power of attorney is not suspended unless a verified motion is also filed. § 709.2109.
Multiple Agents Required to Act Jointly	No. Co-agents act independently unless power of attorney otherwise provides. § 709.2111.
Statutory Form	No.
Springing POA Permitted	No provision. Springing powers of attorney executed before October 1, 2011 may be valid. § 709.2108.
Comments	

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GEORGIA

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General Citations	Ga. Code Ann. § 10-6B-1 <i>et seq.</i>
Based on Uniform Power of Attorney Act	Yes.
Presumption of Durability	Yes. § 10-6B-4.
Execution Requirements	Requires signature of principal and at least one witnesses and notarization. O.C.G.A. § 10-6B-5.
Power to Make Gifts	Yes, if expressly granted. §§ 10-6B-40 and 10-6B-56.
Court Appointment of Guardian/Conservator Revokes POA	Yes, to the extent the powers held by the agent are granted to the conservator. Agent is accountable to the conservator as well as to principal as to any powers that the agent continues to hold. § 10-6B-8.
Multiple Agents Required to Act Jointly	No. Co-agents act independently unless power of attorney otherwise provides. § 10-6B-11
Statutory Form	Yes. § 10-6B-70.
Springing POA Permitted	Yes. § 10-6B-9.
Comments	Enacted UPOAA 2018.

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HAWAII

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General Citations	Haw. Rev. Stat. § 551E-1 <i>et seq.</i>
Based on Uniform Power of Attorney Act	Yes.
Presumption of Durability	Yes. § 551E-3.
Execution Requirements	Signature required. Signature presumed genuine if acknowledged before notary public. § 551E-3.
Power to Make Gifts	Yes, if expressly granted. §§ 551E-31 and 551E-47.
Court Appointment of Guardian/Conservator Revokes POA	No, unless limited, suspended, or terminated by the court. Agent is accountable to the guardian as well as to the principal. § 551E-4.
Multiple Agents Required to Act Jointly	No. Unless the power of attorney otherwise provides, co-agents may exercise authority independently. § 551E-7.
Statutory Form	Yes. § 551E-51.
Springing POA Permitted	Yes. § 551E-5.
Comments	Enacted UPOAA April 17, 2014.

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IDAHO

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General Citations	Idaho Code Ann. § 15-12-101 <i>et seq.</i>
Based on Uniform Power of Attorney Act	Yes.
Presumption of Durability	Yes. § 15-12-104.
Execution Requirements	Signature required. Signature presumed genuine if acknowledged before notary public. § 15-12-105.
Power to Make Gifts	Yes, if expressly granted. §§ 15-12-201 and 15-12-217.
Court Appointment of Guardian/Conservator Revokes POA	No, unless limited, suspended, or terminated by the court. Agent is accountable to the conservator as well as to the principal. § 15-12-108.
Multiple Agents Required to Act Jointly	No. Unless the power of attorney otherwise provides, co-agents may exercise authority independently. § 15-12-111.
Statutory Form	Yes. § 15-12-301.
Springing POA Permitted	Yes. § 15-12-109.
Comments	Enacted UPOAA 2008.

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ILLINOIS

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General Citations	755 Ill. Comp. Stat. § 45/1-1 <i>et seq.</i>
Based on Uniform Power of Attorney Act	No.
Presumption of Durability	Yes. § 45/2-5.
Execution Requirements	Signature of principal and one witness required. Notarial acknowledgement required. None of the following may serve as a witness or as notary public: (1) the attending physician or mental health service provider of the principal, or a relative of the physician or provider; (2) an owner, operator, or relative of an owner or operator of a health care facility in which the principal is a patient or resident; (3) a parent, sibling, or descendant, or the spouse of a parent, sibling, or descendant, of either the principal or any agent or successor agent, regardless of whether the relationship is by blood, marriage, or adoption;(4) an agent or successor agent for property. § 45/3-3.6
Power to Make Gifts	Yes, if included in statutory short form power of attorney. § 45/3-3. For other powers of attorney, gifts presumably allowed if the power of attorney contains specific authority or if permitted by the court.
Court Appointment of Guardian/Conservator Revokes POA	No. § 45/2-5.
Multiple Agents Required to Act Jointly	Yes. Co-agents may not be named by a principal in a statutory short form power of attorney. In any other power of attorney, unless the power of attorney otherwise provides, authority granted to co-agents is exercisable only by their majority consent unless prompt action is required. § 45/2-10.5(b).
Statutory Form	Yes. § 45/3-3.
Springing POA Permitted	Yes. § 45/2-4.
Comments	Act applies to all agencies, including non-statutory powers of attorney, exercised in Illinois and all agencies if the principal is a resident of Illinois at the time the agency is signed or at the time of exercise, except that the Act does not apply to certain agreements with financial institutions.

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INDIANA

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General Citations	Ind. Code § 30-5-1-1 <i>et seq.</i>
Based on Uniform Power of Attorney Act	No.
Presumption of Durability	Yes. § 30-5-10-3.
Execution Requirements	Requires signature of principal in the presence of a notary public. § 30-5-4-1. On or after 7/1/18, §30-5-11-4 allows a durable power of attorney to be signed and notarized electronically. Remote notarization of powers of attorney by Indiana notaries will not be possible before 7/1/2020 at the earliest.
Power to Make Gifts	Yes, but language conferring that authority must be in the power of attorney. § 30-5-5-9. §30-5-5-1(d) permits the power of attorney to make a written expansion or restriction of or to add or delete from any one or more of the types of authority enumerated in chapter 5 of the statute, unless the power of attorney statute specifically prohibits a particular exercise of authority by the agent (e.g., agent cannot make a new will or change an existing will of the principal). This allows the agent's authority to make gifts under §30-5-5-9 to be expanded or restricted.
Court Appointment of Guardian/Conservator Revokes POA	No. Guardian may not revoke or amend a valid power of attorney unless specifically directed by court after a hearing. § 30-5-3-4.
Multiple Agents Required to Act Jointly	No. Unless otherwise provided in the power of attorney, each agent may act independently of the other in the exercise of a power or duty. § 30-5-4-3.
Statutory Form	No.
Springing POA Permitted	Yes. § 30-5-4-2.
Comments	

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IOWA

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General Citations	Iowa Code § 633B.101 <i>et seq.</i>
Based on Uniform Power of Attorney Act	Yes.
Presumption of Durability	Yes. § 633B.104.
Execution Requirements	Signature required. Must be signed and signature acknowledged by a notary public or other individual authorized by law to take acknowledgments. Iowa Code § 633B.105.
Power to Make Gifts	Yes, if expressly authorized. §§ 633B.201 and § 633B.217.
Court Appointment of Guardian/Conservator Revokes POA	Upon appointment of a conservator, the power of attorney is suspended unless the power of attorney provides otherwise or unless the court appointing the conservator decides the power of attorney should continue. If the power of attorney continues, the agent is accountable to the conservator as well as to the principal. § 633B.108.
Multiple Agents Required to Act Jointly	Yes. Unless the power of attorney otherwise provides, a power held by co-agents shall be exercised by majority action. § 633B.111.
Statutory Form	Yes. § 633B.301.
Springing POA Permitted	Yes. § 633B.109.
Comments	Enacted UPOAA 2014.

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KANSAS

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General Citations	Kan. Stat. Ann. § 58-650 <i>et seq.</i>
Based on Uniform Power of Attorney Act	No.
Presumption of Durability	No. Durability language required. § 58-652.
Execution Requirements	Principal's signature and notarial acknowledgement required. § 58-652.
Power to Make Gifts	Yes, if expressly granted. § 58-654.
Court Appointment of Guardian/Conservator Revokes POA	No. Agent is accountable to the guardian/conservator as well as to the principal. The guardian/conservator has the same power to revoke or amend the power of attorney that the principal would have had if not impaired. § 58-656.
Multiple Agents Required to Act Jointly	Yes, unless otherwise provided in the power of attorney. § 58-653.
Statutory Form	No.
Springing POA Permitted	Yes. § 58-652.
Comments	

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KENTUCKY

ACTEC 50 State (plus D.C.) Survey of Powers of Attorney

General Citations	Ky. Rev. Stat. Ann. § 457.010 <i>et seq.</i>
Based on Uniform Power of Attorney Act	Yes.
Presumption of Durability	Yes. § 457.040.
Execution Requirements	Signature required. Must be signed in the presence of two disinterested witnesses. Signature presumed genuine if acknowledged before notary public. § 457.050
Power to Make Gifts	Presumably allowed if the power of attorney contains specific authority or if permitted by the court. Gifting under a power of attorney follows the standard set forth in <i>Wabner v. Black</i> , 7 S.W. 379 (Ky. 1999), which applies a fact based standard of whether the agent exercised the power granted with the utmost good faith.
Court Appointment of Guardian/Conservator Revokes POA	Yes. Appointment of conservator/guardian charged with the management of some or all of the principal's property terminates the power of attorney unless the court specifically provides that the power of attorney shall remain in effect. § 457.100; § 457.080(2)
Multiple Agents Required to Act Jointly	No. Unless the power of attorney otherwise provides, co-agents may exercise authority independently. § 457.110
Statutory Form	No. § 457.010
Springing POA Permitted	Yes. § 457.090
Comments	Effective July 14, 2018, Kentucky adopted portions of UPOAA. Not adopted were Articles 2 or 3 of UPOAA dealing with specific powers and a sample form.

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LOUISIANA

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General Citations	La. Civil Code Arts. 2989 <i>et seq.</i>
Based on Uniform Power of Attorney Act	No.
Presumption of Durability	Yes. Art. 3026.
Execution Requirements	No particular form, but if law prescribes certain form for the action to be taken, the power of attorney (mandate) must be in that form. Art. 2993
Power to Make Gifts	Yes, if expressly granted. Art. 2997.
Court Appointment of Guardian/Conservator Revokes POA	Yes. Revoked upon appointment of guardian (i.e., curator). Art. 3024.
Multiple Agents Required to Act Jointly	Presumably depends on language in the power of attorney (mandate).
Statutory Form	No.
Springing POA Permitted	Presumably permitted.
Comments	<p>A power of attorney in Louisiana is known as a “mandate” which is a contract whereby the principal confers authority on another person (the mandatary) to transact one or more affairs for the principal. Art. 2989. Louisiana also has the concept of a “procuration” (letter of attorney) by which one gives another the right to act in his place.</p>

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MAINE

ACTEC 50 State (plus D.C.) Survey of Powers of Attorney

General Citations	Currently Me. Stat. Tit.18A § 5-901 <i>et seq.</i> Effective 9/1/19 recodified as Tit. 18C § 5-901 et seq.*
Based on Uniform Power of Attorney Act	Yes.
Presumption of Durability	Yes. § 5-904.
Execution Requirements	Signature required. Signature presumed genuine if acknowledged before notary public. Required to contain specific notices to the principal and agent. § 5-905.
Power to Make Gifts	Yes, if expressly granted. §§ 5-931 and 5-947.
Court Appointment of Guardian/Conservator Revokes POA	No, unless limited, suspended, or terminated by the court. The agent is accountable to the conservator as well as to the principal. § 5-908.
Multiple Agents Required to Act Jointly	No. Unless the power of attorney otherwise provides, co-agents may exercise authority independently. § 5-911.
Statutory Form	No.
Springing POA Permitted	Yes. § 5-909.
Comments	<p>Enacted UPOAA 2009.</p> <p>*Recodified effective 9/1/19 as part of replacement of Maine Probate Code with the UPC as it existed in 2017. New Title 18C.</p>

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MARYLAND

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General Citations	Md. Code, Estates and Trusts § 17-101 <i>et seq.</i>
Based on Uniform Power of Attorney Act	Yes.
Presumption of Durability	Yes. § 17-105.
Execution Requirements	Signature required. Signature must be acknowledged before a notary public. Power of attorney must be attested and signed by two or more adult witnesses (in the presence of the principal and each other §17-110(a)(4). The notary may also serve as one of the witnesses. § 17-110(b)).
Power to Make Gifts	Yes, if expressly granted. § 17-203.
Court Appointment of Guardian/Conservator Revokes POA	No. If a guardian is appointed for the principal, the agent shall account to the guardian rather than the principal. The guardian has the same power the principal would have but for the principal's incapacity to revoke, suspend, or terminate all or any part of the power of attorney or agency. § 17-105.
Multiple Agents Required to Act Jointly	Yes, if using statutory form unless the power of attorney otherwise provides. Md. Estates and Trusts Code Ann. § 17-203.
Statutory Form	Yes. § 17-201 <i>et seq.</i> There is also a Statutory Limited Power of Attorney form under §17-203.
Springing POA Permitted	Yes. §§ 17-111 and 17-203.
Comments	Enacted UPOAA 2010.

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MASSACHUSETTS

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General Citations	Mass. Gen. Laws ch. 190B § 5-501 <i>et seq.</i>
Based on Uniform Power of Attorney Act	No.
Presumption of Durability	No. Durability language required. § 5-501.
Execution Requirements	No statutory requirements.
Power to Make Gifts	Presumably allowed if the power of attorney contains specific authority or if permitted by the court.
Court Appointment of Guardian/Conservator Revokes POA	No. Agent is accountable to the guardian/conservator as well as to the principal. The guardian/conservator has the same power to revoke or amend the power of attorney that the principal would have had if not impaired. § 5-503.
Multiple Agents Required to Act Jointly	Presumably depends on language in the power of attorney.
Statutory Form	No.
Springing POA Permitted	Yes. § 5-501.
Comments	

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MICHIGAN

ACTEC 50 State (plus D.C.) Survey of Powers of Attorney

General Citations	Mich. Comp. Laws § 700.5501 <i>et seq.</i>
Based on Uniform Power of Attorney Act	No.
Presumption of Durability	Yes. § 5502.
Execution Requirements	Dated and signed either with two witnesses or notarized. Agent may not be a witness. Notary allowed to sign for the principal. § 5501(2). Before acting, agent must execute an acknowledgment containing mandatory language. § 5501(4)
Power to Make Gifts	No, unless provided for in the power of attorney or by judicial order. § 5501(3)(d).
Court Appointment of Guardian/Conservator Revokes POA	No. Agent is accountable to the guardian/conservator as well as to the principal. The guardian/conservator has the same power to revoke or amend the power of attorney that the principal would have had if not impaired. § 5503(1).
Multiple Agents Required to Act Jointly	Presumably depends on language in the power of attorney.
Statutory Form	No. There is a form for the acknowledgement the Agent must sign before exercising the agent's authority under the power of attorney. § 5501(4).
Springing POA Permitted	Yes. § 5501(1).
Comments	Statute is based on Uniform Durable Power of Attorney Act (1979).

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MINNESOTA

ACTEC 50 State (plus D.C.) Survey of Powers of Attorney

General Citations	Minn. Stat. § 523.01 <i>et seq.</i>
Based on Uniform Power of Attorney Act	No.
Presumption of Durability	No. Durability language required. § 523.07.
Execution Requirements	Dated and signed by the principal. § 523.01.
Power to Make Gifts	Yes, if checked in statutory form. § 523.23. Presumably allowed in other powers of attorney containing specific authority or if permitted by the court.
Court Appointment of Guardian/Conservator Revokes POA	No. The guardian/conservator has the same power to revoke or amend the power of attorney that the principal would have had if not impaired. § 523.11.
Multiple Agents Required to Act Jointly	No. Unless the power of attorney otherwise provides, co-agents may exercise authority independently. § 523.13
Statutory Form	Yes. §§ 523.23 and 523.24
Springing POA Permitted	Yes, but only in the event of incapacity. § 523.07
Comments	

Current as of August, 2019

MISSISSIPPI

ACTEC 50 State (plus D.C.) Survey of Powers of Attorney

General Citations	Miss. Code Ann. § 87-3-101 <i>et seq.</i>
Based on Uniform Power of Attorney Act	No.
Presumption of Durability	No. Durability language required. § 87-3-105.
Execution Requirements	No statutory requirements.
Power to Make Gifts	§ 87-3-7. A broad general power includes the power to make gifts to individuals or charitable organizations in accordance with Principal's personal history of making gifts.
Court Appointment of Guardian/Conservator Revokes POA	No. Agent is accountable to the guardian/conservator as well as to the principal. The guardian/conservator has the same power to revoke or amend the power of attorney that the principal would have had if not impaired. § 87-3-109. Mississippi passed the new Guardianship and Conservatorship Act based on the Uniform Act. § 414(3) of the Act is consistent with prior law. A power of attorney is not automatically revoked. Effective 1/1/20
Multiple Agents Required to Act Jointly	Presumably depends on language in the power of attorney.
Statutory Form	No.
Springing POA Permitted	Yes. § 87-3-105.
Comments	<p>UPOAA introduced 2019 SB 2069, died in Committee.</p> <p>Letters of attorney are also provided by statute. Miss. Code Ann. § 87-3-1 <i>et seq.</i></p>

Current as of June, 2019

MISSOURI

ACTEC 50 State (plus D.C.) Survey of Powers of Attorney

General Citations	Mo. Rev. Stat. § 404.700 <i>et seq.</i>
Based on Uniform Power of Attorney Act	No.
Presumption of Durability	No. Durability language required. § 404.705(1) and (2).
Execution Requirements	Subscribed by the principal, and dated and acknowledged in the manner prescribed by law for conveyances of real estate. § 404.705(3).
Power to Make Gifts	Yes, if expressly granted. § 404.710 6(3).
Court Appointment of Guardian/Conservator Revokes POA	No. Attorney-in-fact is accountable to the guardian/conservator. § 404.714.5.
Multiple Agents Required to Act Jointly	No. Principal may provide for co-attorneys-in-fact to act jointly or severally. § 404.707.1.
Statutory Form	No.
Springing POA Permitted	Yes. § 404.714.8.
Comments	

Current as of August, 2019

MONTANA

ACTEC 50 State (plus D.C.) Survey of Powers of Attorney

General Citations	Mont. Code Ann. § 72-31-301 <i>et seq.</i>
Based on Uniform Power of Attorney Act	Yes.
Presumption of Durability	Yes. § 72-31-304
Execution Requirements	Signature required. Signature presumed genuine if acknowledged before notary public or other authorized individual. § 72-31-305. Most powers of attorney are notarized as a practical matter in order to be recorded if required.
Power to Make Gifts	Yes, if expressly granted. §§ 72-31-336- and 72-31-352.
Court Appointment of Guardian/Conservator Revokes POA	No, unless limited, suspended, or terminated by the court. Agent is accountable to the conservator as well as to the principal. § 72-31-308.
Multiple Agents Required to Act Jointly	No. Unless the power of attorney otherwise provides, co-agents may exercise authority independently. § 72-31-316.
Statutory Form	Yes. § 72-31-353.
Springing POA Permitted	Yes. § 72-31-309.
Comments	Enacted UPOAA 2011.

Current as of June, 2019

NEBRASKA

ACTEC 50 State (plus D.C.) Survey of Powers of Attorney

General Citations	Neb. Rev. Stat. §30-4041 <i>et seq.</i>
Based on Uniform Power of Attorney Act	Yes.
Presumption of Durability	Yes. Durability presumed. § 30-4004.
Execution Requirements	Must be signed by the principal and is not valid unless acknowledged before a notary public or other official. § 30-4005.
Power to Make Gifts	Yes, if expressly granted. § 30-4024 and § 30-4040.
Court Appointment of Guardian/Conservator Revokes POA	No. Agent is accountable to the guardian/conservator as well as to the principal. The guardian/conservator has the same power to revoke or amend the power of attorney that the principal would have had if not impaired. § 30-4008.
Multiple Agents Required to Act Jointly	No. Unless the power of attorney otherwise provides, co-agents may exercise authority independently. § 30-4011.
Statutory Form	Yes. § 30-4041.
Springing POA Permitted	Yes. § 30-4009.
Comments	Enacted UPOAA 2012.

Current as of June, 2019

NEVADA

ACTEC 50 State (plus D.C.) Survey of Powers of Attorney

General Citations	Nev. Rev. Stat. § 162A.200 <i>et seq.</i>
Based on Uniform Power of Attorney Act	Yes.
Presumption of Durability	Yes. § 162A.210.
Execution Requirements	Signature required. Signature presumed genuine if acknowledged before notary public. § 162A.220.
Power to Make Gifts	Yes, if expressly granted. §§ 162A.450 and 162A.610.
Court Appointment of Guardian/Conservator Revokes POA	Yes, the power of attorney is terminated unless the court allows the agent to retain specific powers, in which event the agent must file an accounting with the court and the guardian on a quarterly basis or such other period as the court may designate. § 162A.250.
Multiple Agents Required to Act Jointly	No. Unless the power of attorney otherwise provides, co-agents may exercise authority independently. § 162A.280.
Statutory Form	Yes. § 162A.620.
Springing POA Permitted	Yes. § 162A.260.
Comments	Enacted UPOAA 2009.

Current as of June, 2019

NEW HAMPSHIRE

ACTEC 50 State (plus D.C.) Survey of Powers of Attorney

General Citations	N.H. Rev. Stat. Ann. § 564-E:101 <i>et seq.</i>
Based on Uniform Power of Attorney Act	Yes.
Presumption of Durability	Yes. Durability presumed. § 564-E:104.
Execution Requirements	Signature required on all powers of attorney. General powers of attorney (defined in § 564-E:102(7)) and powers of attorney to convey real estate must be acknowledged before a notary public or other individual authorized to take acknowledgments. Any other power of attorney need not be acknowledged, but if it is, the signature will be presumed to be genuine. Electronic signatures (defined in § 564-E:102(6)) are not permitted for general powers of attorney and powers of attorney to convey real estate. § 564-E:105.
Power to Make Gifts	Yes, if expressly granted. §§ 564-E:201 and 564-E:217.
Court Appointment of Guardian/Conservator Revokes POA	No, unless limited, suspended, or terminated by the court. Agent is accountable to the guardian as well as to the principal. Guardian has the same power as the principal to revoke, suspend, or terminate all or any part of the power of attorney. § 564-E:108
Multiple Agents Required to Act Jointly	Yes, unless the power of attorney otherwise provides, the co-agents must exercise their authority jointly. § 564-E:111.
Statutory Form	Yes. § 564-E:301.
Springing POA Permitted	Yes. § 564-E:109.
Comments	Enacted UPOAA 2017. § 564-E effective 1/1/18.

Current as of June, 2019

NEW JERSEY

ACTEC 50 State (plus D.C.) Survey of Powers of Attorney

General Citations	NJ Rev. Stat. § 46.2B-8.1.
Based on Uniform Power of Attorney Act	No.
Presumption of Durability	No. Durability language required. § 46.2B-8.2b.
Execution Requirements	Must be in writing, duly signed, and acknowledged in the manner for acknowledgment and proof of a real estate deed. § 46:2B-8.9.
Power to Make Gifts	Yes, if expressly granted. § 46.2B-8.13a.
Court Appointment of Guardian/Conservator Revokes POA	No. Agent is accountable to the guardian/conservator as well as to the principal. § 46.2B-8.4.
Multiple Agents Required to Act Jointly	Yes, unless expressly provided that the co-agents may act separately. § 46.2B-8.7d.
Statutory Form	No.
Springing POA Permitted	No provision.
Comments	

Current as of May, 2019

NEW MEXICO

ACTEC 50 State (plus D.C.) Survey of Powers of Attorney

General Citations	N.M. Stat. § 45-5B-101 <i>et seq.</i>
Based on Uniform Power of Attorney Act	Yes.
Presumption of Durability	Yes. Durability presumed. § 45-5B-104.
Execution Requirements	Signature required. Signature presumed genuine if acknowledged before notary public or other authorized individual. § 45-5B-105.
Power to Make Gifts	Yes, if expressly granted. §§ 45-5B-201 and 45-5B-217.
Court Appointment of Guardian/Conservator Revokes POA	No. Agent is accountable to the conservator as well as to the principal. The agent's authority continues unless limited, suspended, or terminated by the court after notice to, and an opportunity to be heard by, the agent and the principal. § 45-5B-108B.
Multiple Agents Required to Act Jointly	No. Unless the power of attorney otherwise provides, co-agents may exercise authority independently. § 45-5B-111.
Statutory Form	Yes. § 45-5B-301.
Springing POA Permitted	Yes. §45-5B-109.
Comments	Enacted UPOAA 2011.

Current as of June, 2019

NEW YORK

ACTEC 50 State (plus D.C.) Survey of Powers of Attorney

General Citations	N.Y. Gen. Oblig. Law § 5-1501 <i>et seq.</i>
Based on Uniform Power of Attorney Act	No.
Presumption of Durability	Yes. § 5-1501A.
Execution Requirements	Signed and dated by the principal and acknowledged in the same manner as a conveyance of real property. Also signed, dated, and acknowledged by any acting agent. Must be in type of no less than 12 point in size or reasonable equivalent if in writing and contain specific wording in caution for principal and information for agent. § 5-1501B.
Power to Make Gifts	Yes, if expressly granted by simultaneous execution of an attached Statutory Gift Rider. §§ 5-1501B 2, 5-15021 14, and 5-1514.
Court Appointment of Guardian/Conservator Revokes POA	No. Agent is accountable to the guardian as well as to the principal. § 5-1501A.
Multiple Agents Required to Act Jointly	Yes, unless expressly provided that the co-agents may act separately or unless prompt action is required. § 5-1508.
Statutory Form	Yes. § 5-1513. Limited modifications are permitted. §5-1503.
Springing POA Permitted	Yes. § 5-1501B 3(b).
Comments	Nonstatutory powers will must comply with above execution requirements. § 1501B. Certain powers for specific purposes are excluded. § 1501C.

Current as of July, 2019

NORTH CAROLINA

ACTEC 50 State (plus D.C.) Survey of Powers of Attorney

General Citations	N.C. Gen. Stat. § 32C-1-101 <i>et seq.</i>
Based on Uniform Power of Attorney Act	Yes.
Presumption of Durability	Yes. § 32C-1-104.
Execution Requirements	Signature and acknowledgement required. Signature presumed genuine if acknowledged before notary public. § 32C-1-105.
Power to Make Gifts	Yes, if expressly granted. §§ 32C-2-201(a)(1) and 32C-2-217.
Court Appointment of Guardian/Conservator Revokes POA	No. Agent is accountable to the guardian as well as to the principal. The agent's authority continues unless limited, suspended, or terminated by the court. § 32C-1-108(b).
Multiple Agents Required to Act Jointly	No. Unless the power of attorney otherwise provides, co-agents may exercise authority independently. § 32C-1-111(a).
Statutory Form	Yes. § 32C-3-301.
Springing POA Permitted	Yes. § 32C-1-109.
Comments	Enacted UPOAA 2017.

Current as of June, 2019

NORTH DAKOTA

ACTEC 50 State (plus D.C.) Survey of Powers of Attorney

General Citations	N.D. Cent. Code § 30.1-30-01 (5-501) <i>et seq.</i>
Based on Uniform Power of Attorney Act	No.
Presumption of Durability	No. § 30.1-30-01 (5-501).
Execution Requirements	No statutory requirements.
Power to Make Gifts	Yes, to individuals and charities in any amounts. § 30.1-30-06.
Court Appointment of Guardian/Conservator Revokes POA	No. Agent is accountable to the guardian/conservator as well as to the principal. The guardian/conservator has the same power to revoke or amend the power of attorney that the principal would have had if not impaired. § 30.1-30-03 (5-503).
Multiple Agents Required to Act Jointly	Presumably depends on language in the power of attorney.
Statutory Form	No.
Springing POA Permitted	Yes. § 30.1-30-01 (5-501).
Comments	Power of Attorney Template form available online provided by North Dakota Supreme Court Legal Self Help Center.

Current as of June, 2019

OHIO

ACTEC 50 State (plus D.C.) Survey of Powers of Attorney

General Citations	Ohio Rev. Code § 1337.21 <i>et seq.</i>
Based on Uniform Power of Attorney Act	Yes.
Presumption of Durability	Yes. § 1337.24.
Execution Requirements	Signature required. Signature presumed genuine if acknowledged before notary public. § 1337.25.
Power to Make Gifts	Yes, if expressly granted. §§ 1337.42 and 1337.58.
Court Appointment of Guardian/Conservator Revokes POA	No. Agent is accountable to the guardian as well as to the principal. Agent's authority continues unless limited, suspended, or terminated by the court after notice to the agent and upon a finding that the limitation, suspension, or termination would be in the best interest of the principal. § 1337.28.
Multiple Agents Required to Act Jointly	No. Unless the power of attorney otherwise provides, co-agents may exercise authority independently. § 1337.31.
Statutory Form	Yes. § 1337.60.
Springing POA Permitted	Yes. § 1337.29(A).
Comments	Enacted UPOAA 2012.

Current as of June, 2019

OKLAHOMA

ACTEC 50 State (plus D.C.) Survey of Powers of Attorney

General Citations	Okla. Stat. tit. 58, § 1071 <i>et seq.</i>
Based on Uniform Power of Attorney Act	No.
Presumption of Durability	No. § 1072.
Execution Requirements	The principal shall sign the power of attorney at its end in the presence of two disinterested witnesses who shall sign in the presence of the principal and each other. But failure to execute as prescribed shall not be construed to diminish the effect or validity of an otherwise properly executed durable power of attorney. § 1072.2.
Power to Make Gifts	No authority to make a gift of the principal's property without explicit direction in the power of attorney. <i>Matter of Rolater's Estate</i> , 1975 OK CIV APP 60, 542 P.2d 219, 223.
Court Appointment of Guardian/Conservator Revokes POA	No. Agent is accountable to the guardian/conservator as well as to the principal. The guardian/conservator has the same power to revoke or amend the power of attorney that the principal would have had if not impaired. § 1074A.
Multiple Agents Required to Act Jointly	Controlled by the language of the power of attorney. 6A Vernon's Okla. Forms 2d <i>Estate Planning</i> § 2.2
Statutory Form	Yes. Okla. Stat. tit. 15 § 1001 <i>et seq.</i>
Springing POA Permitted	Yes. § 1072.
Comments	

Current as of June, 2019

OREGON

ACTEC 50 State (plus D.C.) Survey of Powers of Attorney

General Citations	Or. Rev. Stat. 127.002 <i>et seq.</i>
Based on Uniform Power of Attorney Act	No.
Presumption of Durability	Yes. 127.005(1)(C).
Execution Requirements	No statutory requirements.
Power to Make Gifts	Presumably allowed if the power of attorney contains specific authority or if permitted by the court. If conservator is appointed, conservator may make gifts of up to \$250 per person, but court approval required for gifts in excess of \$1,000 in the aggregate for any calendar year. 125.435.
Court Appointment of Guardian/Conservator Revokes POA	No. The agent shall account to the conservator rather than to the principal. The conservator has the same power that the principal would have to revoke, suspend, or terminate all or any part of the power of attorney. 127.005(5).
Multiple Agents Required to Act Jointly	Presumably depends on language in the power of attorney.
Statutory Form	No.
Springing POA Permitted	Yes. 127.005(2).
Comments	

Current as of June, 2019

PENNSYLVANIA

ACTEC 50 State (plus D.C.) Survey of Powers of Attorney

General Citations	20 Pa. Cons. Stat. Chapter 56 § 5601 <i>et seq.</i>
Based on Uniform Power of Attorney Act	No.
Presumption of Durability	Yes. § 5601.1.
Execution Requirements	Dated and signed by principal, notarized, and witnessed by two persons who are not the notary or the agent. § 5601.1. The required Notice shall be at the beginning of the power of attorney and must be signed by the principal. § 5601(c). The agent must sign and affix the statutory form of acknowledgment before acting. § 5601(d).
Power to Make Gifts	Yes, if expressly granted. § 5601.4(a)(2) and (d).
Court Appointment of Guardian/Conservator Revokes POA	No. Agent is accountable to the guardian as well as to the principal. The court shall determine whether and the extent to which the power of attorney remains in effect. § 5604(c).
Multiple Agents Required to Act Jointly	No. Multiple agents shall act jointly, severally, or in any other combination that the principal may designate, but if there is no such designation, such agents shall only act jointly. § 5602(b).
Statutory Form	No.
Springing POA Permitted	Yes. § 5604(a).
Comments	Enacted portions of UPOAA 2014.

Current as of June, 2019

RHODE ISLAND

ACTEC 50 State (plus D.C.) Survey of Powers of Attorney

General Citations	R.I. Gen. Laws § 18-16-1 <i>et seq.</i> [Short Form Power of Attorney Act]
Based on Uniform Power of Attorney Act	No.
Presumption of Durability	Yes. § 18-16-2.
Execution Requirements	Signed and acknowledged in same manner as real estate conveyances. § 18-16-2(b). Short form power of attorney must contain the required statutory notice to the principal. 18-16-2(d). The use of the short form power of attorney is strictly voluntary, and chapter 18-16 specifically authorizes the use of any other or different form of power of attorney upon mutual agreement of the parties concerned. § 18-16-2(c).
Power to Make Gifts	Yes, if expressly granted. § 18-16-12
Court Appointment of Guardian/Conservator Revokes POA	Statutory short form is silent, but presumably would be revoked or suspended to the extent provided in the order appointing guardian/conservator.
Multiple Agents Required to Act Jointly	If more than one agent is designated by the principal, the agents, in the exercise of the powers conferred, shall act jointly unless the principal specifically provides in the statutory short form power of attorney that they are to act severally. § 18-16-2(f).
Statutory Form	Yes. § 18-16-2.
Springing POA Permitted	Yes. If you do not use statutory short form power of attorney. § 18-16-2(c).
Comments	

Current as of June, 2019

SOUTH CAROLINA

ACTEC 50 State (plus D.C.) Survey of Powers of Attorney

General Citations	S.C. Code Ann. § 62-8-101 <i>et seq.</i>
Based on Uniform Power of Attorney Act	Yes.
Presumption of Durability	Yes. § 62-8-104.
Execution Requirements	Must be signed by the principal, attested with the same formality and with the same requirements as to witnesses as a will in South Carolina, and acknowledged or proved before a notary or other official. § 62-8-105.
Power to Make Gifts	Yes, if expressly granted. §§ 62-8-201(a)(2) and 62-8-217.
Court Appointment of Guardian/Conservator Revokes POA	Yes, to the extent the powers held by the agent are granted to the conservator/guardian. Agent is accountable to the conservator/guardian as well as to principal. § 62-8-108(b).
Multiple Agents Required to Act Jointly otherwise provides, each co-agent may exercise its authority independently.	No. Unless the power of attorney otherwise provides, each co-agent may exercise its authority independently. § 62-8-111.
Statutory Form	No.
Springing POA Permitted	Yes. § 62-8-109(a).
Comments	
Enacted UPOAA 2016.	

Current as of June, 2019

SOUTH DAKOTA

ACTEC 50 State (plus D.C.) Survey of Powers of Attorney

General Citations	S.D. Codified Laws § 59-6.1 <i>et seq.</i>
Based on Uniform Power of Attorney Act	No.
Presumption of Durability	No. Durability language required. § 59-7-2.1
Execution Requirements	Must be signed by the principal and either notarized or witnessed by two other adults. § 59-7-2.1.
Power to Make Gifts	Presumably allowed if the power of attorney contains specific authority or if permitted by the court.
Court Appointment of Guardian/Conservator Revokes POA	Yes. Appointment of conservator terminates power of attorney. § 59-7-10.
Multiple Agents Required to Act Jointly	Presumably depends on language in the power of attorney.
Statutory Form	No.
Springing POA Permitted	Yes. § 59-7-2.1.
Comments	UPPOA introduced HB 1204 and defeated in Senate Judiciary Committee Feb. 27, 2018.

Current as of June, 2019

TENNESSEE

ACTEC 50 State (plus D.C.) Survey of Powers of Attorney

General Citations	Tenn. Code Ann. § 34-6-101 <i>et seq.</i>
Based on Uniform Power of Attorney Act	No.
Presumption of Durability	No. Durability language required. § 34-6-102
Execution Requirements	No statutory requirements.
Power to Make Gifts	Yes, as provided in the power of attorney or permitted by the court unless limited in the power of attorney or other writing. § 34-6-110.
Court Appointment of Guardian/Conservator Revokes POA	No. The agent shall account to the conservator/guardian as well as to the principal. The conservator/guardian has the same power that the principal would have to revoke, suspend, or terminate all or any part of the power of attorney. § 34-6-104.
Multiple Agents Required to Act Jointly	Presumably depends on language in the power of attorney.
Statutory Form	No.
Springing POA Permitted	Yes. § 34-6-102.
Comments	UPOAA introduced 2019 SB 449 but legislature adjourned without a vote on the Act.

Current as of June, 2019

TEXAS

ACTEC 50 State (plus D.C.) Survey of Powers of Attorney

General Citations	Texas Estates Code § 751.001 <i>et seq.</i> ; § 752. 001 <i>et seq.</i>
Based on Uniform Power of Attorney Act	Yes.
Presumption of Durability	No. Durability language required. § 751.0021(a)(3). Yes for non-Texas powers of attorney if jurisdiction of original so provides. § 751.0021(b).
Execution Requirements	Must be signed and acknowledged before a notary or other official. § 751.0021(a).
Power to Make Gifts	Yes, if expressly granted. §§ 751.031(b)(2) and 751.032.
Court Appointment of Guardian/Conservator Revokes POA	Yes, revoked if permanent guardian appointed. If temporary guardian, the authority granted to the agent is suspended unless the court enters an order affirming the power of attorney and confirming the validity of the appointment of the agent. §751.133.
Multiple Agents Required to Act Jointly	No. Unless the power of attorney otherwise provides, each co-agent may exercise its authority independently. § 751.021.
Statutory Form	Yes. § 752.051.
Springing POA Permitted	Yes. §§ 751.0021(a)(3), 75.203, and 752.051. Springing power must be selected. Otherwise immediately effective.
Comments	Enacted portions of UPOAA 2017. § 753.001 sets forth the procedure for removal of an attorney in fact.

Current as of June, 2019

UTAH

ACTEC 50 State (plus D.C.) Survey of Powers of Attorney

General Citations	Utah Code § 75-9-101 <i>et seq.</i>
Based on Uniform Power of Attorney Act	Yes.
Presumption of Durability	Yes. § 75-9-104.
Execution Requirements	Signature required. Signature presumed genuine if acknowledged before notary public. § 75-9-105.
Power to Make Gifts	Yes, if expressly granted. §§ 75-9-201 and 75-9-217.
Court Appointment of Guardian/Conservator Revokes POA	No. The agent is accountable to the conservator/guardian as well as to the principal. The power of attorney is not terminated and the agent's authority continues unless limited, suspended, or terminated by the court. § 75-9-108(b).
Multiple Agents Required to Act Jointly	No. Unless the power of attorney otherwise provides, each co-agent may exercise the authority independently. § 75-9-111.
Statutory Form	Yes. § 75-9-301.
Springing POA Permitted	Yes. § 75-9-109.
Comments	Enacted UPOAA 2016.

Current as of June, 2019

VERMONT

ACTEC 50 State (plus D.C.) Survey of Powers of Attorney

General Citations	Vt. Stat. Ann. Tit. 14, chapter 123 § 3501 <i>et seq.</i>
Based on Uniform Power of Attorney Act	No.
Presumption of Durability	No. Durability language required. § 3508.
Execution Requirements	Must be signed in presence of one witness (other than the agent or the notary) and acknowledged before the notary. § 3503(a). The agent must sign the power of attorney accepting appointment, etc. § 3503(c).
Power to Make Gifts	Yes, if expressly granted. §§ 3504(e) and 3504(f).
Court Appointment of Guardian/Conservator Revokes POA	Court shall consider whether the authority of the agent should continue undisturbed or be limited, suspended, or terminated. § 3509(a).
Multiple Agents Required to Act Jointly	Presumably depends on language in the power of attorney.
Statutory Form	No.
Springing POA Permitted	Yes. §§ 3502(c) and 3508(b).
Comments	Under Vermont case law, an agent can establish a trust for the principal, <i>In re Estate of Kurrelmeyer</i> , 2006 VT 19, 1679 Vt. 359, 895 A.2d 207, but an agent can only amend a trust if the power of attorney grants such a power. 14A V.S.A. § 401.

Current as of June, 2019

VIRGINIA

ACTEC 50 State (plus D.C.) Survey of Powers of Attorney

General Citations	Va. Code § 64.2-1600 <i>et seq.</i>
Based on Uniform Power of Attorney Act	Yes.
Presumption of Durability	Yes. § 64.2-1602.
Execution Requirements	Signature required. Signature presumed genuine if acknowledged before notary public. § 64.2-1603.
Power to Make Gifts	Yes, if expressly granted. §§ 64.2-1622A.2 and 64.2-1638. Agent may petition court for authority to make gifts. § 64.2-1614C. Note that § 64.2-1622.H provides that a general “do all acts” clause by default includes the power to make gifts in accordance with the principal’s past personal history of giving.
Court Appointment of Guardian/Conservator Revokes POA	No. The agent is accountable to the conservator/guardian as well as to the principal. The agent’s authority continues unless limited, suspended, or terminated by the court. § 64.2-1606B
Multiple Agents Required to Act Jointly	No. Unless the power of attorney otherwise provides, each co-agent may exercise the authority independently. § 64.2-1609.
Statutory Form	No.
Springing POA Permitted	Yes. § 64.2-1607.
Comments	Enacted UPOAA 2010.

Current as of June, 2019

WASHINGTON

ACTEC 50 State (plus D.C.) Survey of Powers of Attorney

General Citations	Wash. Rev. Code § 11.125.010 <i>et seq.</i>
Based on Uniform Power of Attorney Act	Yes.
Presumption of Durability	No. Durability language required. § 11.125.040.
Execution Requirements	Must be signed and dated by the principal and either acknowledged before a notary public or other official or attested by two or more competent witnesses who are neither home care providers for the principal nor care providers at an adult family home or long-term care facility in which the principal resides, and who are unrelated to the principal or agent by blood, marriage, or state registered domestic partnership. Signature is presumed to be genuine if acknowledged before a notary public or other official. § 11.125.050.
Power to Make Gifts	Yes, if expressly granted. §§ 11.125.240(1)(b) and 11.125.390.
Court Appointment of Guardian/Conservator Revokes POA	Until 1/1/2021: Yes, if the court appoints a guardian for all of the principal's property, unless the power of attorney is continued by the court. If the guardian is appointed for some but not all of the principal's property, the power of attorney shall not terminate or be modified, except to the extent ordered by the court. § 11.125.080. After 12/31/2020: No, unless authorized by the court.
Multiple Agents Required to Act Jointly	Yes. Unless the power of attorney otherwise provides, the co-agents must exercise their authority jointly. § 11.125.110(1).
Statutory Form	No.
Springing POA Permitted	Yes. §§ 11.125.040 and 11.125.090.
Comments	Enacted UPOAA 2016. Adopted the Uniform Guardianship Act, effective 1/1/2021.

Current as of June, 2019

WEST VIRGINIA

ACTEC 50 State (plus D.C.) Survey of Powers of Attorney

General Citations	W. Va. Code § 39B-1-101 <i>et seq.</i>
Based on Uniform Power of Attorney Act	Yes.
Presumption of Durability	Yes. § 39B-1-104.
Execution Requirements	Must be signed and acknowledged before a notary or other official. § 39B-1-105.
Power to Make Gifts	Yes, if expressly granted. §§ 39B-2-101(a)(2) and 39B-2-117.
Court Appointment of Guardian/Conservator Revokes POA	Yes. If court appoints a conservator, the agent is accountable to the conservator as well as to the principal. Unless otherwise ordered by the court, the power of attorney and the agent's authority terminates upon the appointment. § 39B-1-108(b).
Multiple Agents Required to Act Jointly	No. Unless the power of attorney otherwise provides, each co-agent may exercise the authority independently. § 39B-1-111.
Statutory Form	Yes. § 39B-3-101.
Springing POA Permitted	Yes. § 39B-1-109.
Comments	Enacted UPOAA 2012.

Current as of June, 2019

WISCONSIN

ACTEC 50 State (plus D.C.) Survey of Powers of Attorney

General Citations	Wisc. Stat. Ann. Chapter 244 § 244.01 <i>et seq.</i>
Based on Uniform Power of Attorney Act	Yes.
Presumption of Durability	Yes. § 244.04.
Execution Requirements	Signature required. Signature presumed genuine if acknowledged before notary public. § 244.05.
Power to Make Gifts	Yes, if expressly granted. §§ 244.41 and 244.57.
Court Appointment of Guardian/Conservator Revokes POA	No. The agent is accountable to the conservator/guardian as well as to the principal. The agent's authority continues unless limited, suspended, or terminated by the court. § 244.04.
Multiple Agents Required to Act Jointly	No. Unless the power of attorney otherwise provides, each co-agent may exercise the authority independently. § 244.11.
Statutory Form	Yes. § 244.61.
Springing POA Permitted	Yes. § 244.09.
Comments	Enacted UPOAA 2010.

Current as of June, 2019

WYOMING

ACTEC 50 State (plus D.C.) Survey of Powers of Attorney

General Citations	Wyo. Stat. Ann. § 3-9-101 <i>et seq.</i>
Based on Uniform Power of Attorney Act	Yes.
Presumption of Durability	Yes. § 3-9-104.
Execution Requirements	Signature required. Signature presumed genuine if acknowledged before notary public or other official. § 3-9-105.
Power to Make Gifts	Yes, if expressly granted. §§ 3-9-201 and 3-9-217.
Court Appointment of Guardian/Conservator Revokes POA	No. The agent is accountable to the conservator as well as to the principal. The agent's authority continues unless limited, suspended, or terminated by the court. § 3-9-108(b).
Multiple Agents Required to Act Jointly	No. Unless the power of attorney otherwise provides, each co-agent may exercise the authority independently. § 3-9-111.
Statutory Form	Yes. § 3-9-301.
Springing POA Permitted	Yes. § 3-9-109(a).
Comments	Enacted UPOAA 2017.

Current as of June, 2019