

Power of Attorney

(Durable POA not affected by death or incapacity.)

NOTE: The death of a principal who has executed a written power of attorney, durable or otherwise, does not revoke or terminate the agency as to the attorney-in-fact or other person, who, without actual knowledge of the death of the principal, acts in good faith under the power. Any action so taken, unless otherwise invalid or unenforceable, binds successors in interest of the principal.

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Alabama http://alisondb.legislature.state.al.us/alison/codeofalabama/1975/coatoc.htm , Scroll to Title 26, Article 1 General provisions	A power of attorney to which this chapter applies is durable, unless it expressly provides that it is terminated by the incapacity of the principal.	No	Not specified	No	death, disability, incompetency, or incapacity	
Alaska http://www.legis.state.ak.us/basis/folio.asp Select + Title 13, scroll to and select Chapter 26; scroll to sections 645 through 680	No	Yes, to establish disability of principal	Not specified	Yes	Death, revocation; incapacity (incapacity unless specifically stated otherwise - see Sec 13.26.675 (a) for qualifying wording)	
Arizona http://www.azleg.gov/viewdocument/?docName=http://www.azleg.gov/ars/14/05501.htm (Title 14; Chapter 5 Protection of Persons Under Disability and Their Property, Article 5 Powers of Attorney; statutes 14-5501 through 14-5507)	No	Yes	No (witnessed)	Yes	Death, revocation; incapacity (incapacity unless specifically stated otherwise - see Sec 13.26.675 (a) for qualifying wording)	
Arkansas http://www.lexisnexis.com/hottopics/arcodes/Default.asp (Use Explore; select "Ok Close," select "Title 28 Wills, Estates and Fiduciary Relationships," select "Subtitle 5 Fiduciary Relationships," select "Chapter 68 Uniform Power of Attorney Act")	No	Yes, or presence of judge to execute POA for disability	Yes, for affidavit of disability	No	Death, written revocation, court ordered appointment of guardian to principal	
California http://leginfo.legislature.ca.gov/faces/codes_displayExpandedBranch.xhtml?tocCode=PROB&division=4.5.&title=&part=&chapter=&article	No	No	Not specified	No	Death, incapacity	
Colorado http://www.lexisnexis.com/hottopics/michie/ select "Ok Close," select "I Agree," at left select Colorado Revised Statutes, select "TITLE 15 PROBATE, TRUSTS, AND FIDUCIARIES"; select "Colorado Probate Code"; select "Article 14 Persons Under Disability"; select "Part 7 Uniform Power of Attorney Act")	No; 15-14-704. Power of attorney is durable. (1) A power of attorney created on and after January 1, 2010, is durable unless it expressly provides that it is terminated by the	No	Not specified	Yes	Death, incapacity, revocation, accomplishment of purpose	

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	incapacity of the principal. (2) A power of attorney existing on December 31, 2009, is durable only if on that day the power of attorney is durable under section 15-14-501 or 15-14-745 (2).					
Connecticut Connecticut Durable Power of Attorney: https://www.cga.ct.gov/current/pub/chap_802e.htm Statutory Short Form Power of Attorney: https://www.cga.ct.gov/current/pub/chap_007.htm Durable Power of Attorney Bank Accounts: https://www.cga.ct.gov/current/pub/chap_007a.htm Springing Power of Attorney: https://www.cga.ct.gov/current/pub/chap_007b.htm Powers of appointment: https://www.cga.ct.gov/current/pub/chap_802f.htm	No; Sec. 45a-562. (Formerly Sec. 45-69o). Power of attorney to survive disability or incompetence. The subsequent disability or incompetence of a principal shall not revoke or terminate the authority of any person who acts under a power of attorney in a writing executed by the principal, if the writing contains the words "this power of attorney shall not be affected by the subsequent disability or incompetence of the principal," or words of similar import showing the intent of the principal that the authority conferred shall be exercisable notwithstanding the principal's subsequent disability or incompetence; provided the power of attorney is executed and witnessed in the same manner as provided for deeds in section 47-5.	Yes, to enact on specified occurrence	Not specified	Yes	Death, incapacity	
Delaware Title 12; Chapter 49 Durable POA: http://delcode.delaware.gov/title12/c049/index.shtml	No	No	Not specified	Yes	Sec 12:4904 (a) The death of a principal who has executed a written power of attorney, durable or otherwise, does not revoke nor terminate the agency as to the agent, or other person who, without	

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					actual knowledge of the death of the principal, acts in good faith under the power. Any action so taken, unless otherwise invalid or unenforceable, binds the successors in interest of the principal. (b) The disability or incapacity of a principal who has previously executed a written power of attorney that is not a durable power does not revoke nor terminate the agency as to the agent, or other person who, without actual knowledge of the disability or incapacity of the principal, acts in good faith under the power. Any action so taken, unless otherwise invalid or unenforceable, binds the principal and the principal's successors in interest.	
Delaware Durable Personal POA: http://delcode.delaware.gov/title12/c049a/index.shtml	No	Yes	No	Yes	POA: Death, revocation, purpose is accomplished Agency: revocation, agent dies, becomes incapacitated or resigns	
District of Columbia http://dccode.elaws.us/code?no=21-20 VII http://dccode.elaws.us/code?no=21-21 Uniform General Power of Attorney	No	No	Not specified	Yes	Death, incapacity (if not durable poa), incompetency	
Florida http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&URL=0700-0799/0709/0709PartIContentsIndex.html&StatuteYear=2016&Title=%2D%3E2016%2D%3EChapter%20709%2D%3EPart%20I	No	Yes	No	No	Death, incapacity, revocation	
Georgia http://www.lexisnexis.com/hottopics/gacode/Default.asp (Use Explorer; Select Agree; Select Title 10 Commerce and Trade; Select Chapter 6 Agency; Select Article 7 Financial power of attorney)	No	No	Not specified	Yes, POA needs to sign agreeing to be agent	Death, incapacity or conservator, receiver appointed or other judicial proceeding	

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Hawaii Uniform Power of Attorney Act http://www.capitol.hawaii.gov/hrscurrent/Vol12_Ch0501-0588/HRS0551E/HRS_0551E-.htm	No	No	Not specified	No	Death, incapacity	
Idaho https://legislature.idaho.gov/statutesrules/idstat/Title15/T15CH12/	No, but is durable unless otherwise stated	No	Not specified	Yes	Death, incapacity, revocation by principal	
Illinois http://www.ilga.gov/legislation/ilcs/ilcs3.asp?ActID=2113&ChapterID=60	No; Customer decides categories of powers granted to agent on POA Form	No	Not specified	Yes	Death, incapacity, revocation	Agent must sign as well; The named agent shall furnish an affidavit or Agent's Certification and Acceptance of Authority
Indiana http://iga.in.gov/legislative/laws/2016/ic/titles/030/ Entire title opens; enter "Article 5" in the Search field	No	No	Not required, but if filed, must reference instrument #	No	Death, revocation	
Iowa https://www.legis.iowa.gov/publications/search At left: Select Iowa Law and Rules; select Code of Iowa; Select current year; select Title XV Judicial Branch and Judicial Procedures, Select Subtitle 4 Probate – Fiduciaries, Select Chapter 633B Powers of Attorney)	No; Section 633B.104 Durability of power of attorney. A power of attorney created under this chapter is durable unless the power of attorney expressly provides that it is terminated by the incapacity of the principal.	Yes	Not specified	Yes	Death, incapacity, revocation	
Kansas http://www.kslegislature.org/li/b2017_18/statute/058_000_0000_chapter/058_006_0000_article/ (Chapter 58. Personal and Real Property, Article 6. Powers and Letters of Attorney)	No	No	Not required	Yes	Death, disability unless the power of attorney is denominated a "durable power of attorney"	
Kentucky http://www.lrc.ky.gov/statutes/chapter.aspx?id=39156 Scroll to .370 "Power of attorney to convey or release property – Recording – Revocation"	No	No	Not specified	No	Death, disability, incapacity	
Kentucky						

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http://www.lrc.ky.gov/statutes/chapter.aspx?id=39165 Scroll to 386.093						
Louisiana http://www.legis.la.gov/Legis/Law.aspx?d=110021 Mandate Representation http://www.legis.la.gov/Legis/Law.aspx?d=110066 Termination of the Mandate and of the Authority of the Mandatary http://www.legis.la.gov/Legis/Law.aspx?d=814368 Powers of attorney, procuracy, and mandate; written notice of revocation	No	No	Not specified	No	Death, disability, destruction of document, written revocation	?
Maine http://legislature.maine.gov/statutes/18-A/title18-Ach5sec0.html Scroll to statutes 901-964	Durable unless otherwise stated	Yes	Not specified	Form for Agent's Certification	Death, incapacity (if the POA is not durable), revocation	
Maryland http://www.michie.com/maryland/lpext.dll?f=templates&fn=main-h.htm&cp=mdcode (select Code of Maryland and Rules; select "I Agree," at left select "+" Estates and Trusts, select "+" Title 17 Maryland General and Limited Power of Attorney)	No	Yes	No	Yes	Death, disability, incompetence	
Massachusetts https://malegislature.gov/Laws/GeneralLaws/PartII/TitleII/Chapter190B/ArticleV Scroll to sections 5-501 to 5-507	No	No	Not specified	No	At notice of death, disability, incapacity	
Michigan http://www.legislature.mi.gov/%28S%28kgct14qxfu1daw12autbt1w%29%29/mileg.aspx?page=getObject&objectName=mcl-386-1998-V-5	No	No	Not specified	Yes	Death, disability (actual knowledge), expressed revocation for durable	
Minnesota https://www.revisor.mn.gov/statutes/?id=523&view=chapter	No	Not required, but available	Not required, but available	Yes	Death, date of termination, divorce	
Mississippi http://www.lexisnexis.com/hottopics/mscode/ Select "I Agree," at left scroll to Title 87 select "+"; select "+" Chapter 3 Power and Letters of Attorney	No	No	Not required, but available	No	Death, disability, incapacity	
Missouri http://www.moga.mo.gov/mostatutes/ChaptersIndex/chaptIndex404.html Scroll to chapter 404.700 through 737	No	No	No	No	Death, incapacity	
Montana	A power of attorney created under this part is durable unless it	No	Not specified	Yes	Death, incapacity, incompetence	

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http://leg.mt.gov/bills/mca/title_0720/chapter_0310/part_0030/sections_index.html Uniform Power of Attorney Act	expressly provides that it is terminated by the incapacity of the principal.					
Nebraska http://nebraskalegislature.gov/laws/browse-chapters.php?chapter=30 (scroll to "Sections 30-4001 to 30-4045 shall be known and may be cited as the Nebraska Uniform Power of Attorney Act.")	A power of attorney created after January 1, 2013, under the Nebraska Uniform Power of Attorney Act is durable unless it expressly provides that it is terminated by the incapacity of the principal.	Only to prove lack of knowledge of death or incapacity	No	Yes	Death, disability	
Nevada http://www.leg.state.nv.us/NRS/NRS-162A.html	No	No	Not specified	Yes	Death, incapacity, revocation	
New Hampshire http://www.gencourt.state.nh.us/rsa/html/NHTOC/NHTOC-LII-506.htm See Sections 506:5, 506:6, 506:7 http://www.gencourt.state.nh.us/rsa/html/NHTOC/NHTOC-LVI-566.htm Powers of Appointment	No	No	Not required	No	Death, disability or incompetence, revocation	n/a
New Jersey http://lis.njleg.state.nj.us/cgi-bin/om_isapi.dll?clientID=465362435&depth=2&expandheadings=off&headingswithhits=on&infobase=statutes.nfo&softpage=TOC_Frame_Pg42 Scroll to and select Title 46; Select Chapter 2B	No	No	Not specified	No	Power of Attorney Not Revoked Until Notice (46:2B-8.5)	
New Mexico http://public.nmcompcomm.us/nmpublic/gateway.dll/?f=templates&fn=default.htm Select at left Statutes, Rules and Const; Select NMSA; scroll down select "+" to open more Chapters; Select CHAPTER 45 Uniform Probate Code; Select Article 5B Uniform Power of Attorney	A power of attorney created under the Uniform Power of Attorney Act is durable unless it expressly provides that it is terminated by the incapacity of the principal.	Yes	Not specified	Yes	Death, incapacity, revocation	

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New York http://public.leginfo.state.ny.us/lawssrch.cgi?NVLWQ Scroll to and select GOB General Obligations; Select Title 15 Statutory Short Form and Other Powers of Attorney for Financial and Estate Planning	§ 5-1501A. Power of attorney not affected by incapacity. 1. A power of attorney is durable unless it expressly provides that it is terminated by the incapacity of the principal.	No	Not specified	Yes	Death; incapacitated if the POA is not durable; revocation	
North Carolina http://www.ncga.state.nc.us/gascripts/Statutes/StatutesTOC.pl?Chapter=0032A	No	No	Yes	Yes	Death, incapacity, incompetence	No power of attorney executed pursuant to the provisions of this Article shall be valid subsequent to the principal's incapacity or mental incompetence unless it is registered in the office of the register of deeds of that county in this State designated in the power of attorney, or if no place of registration is designated, in the office of the register of deeds of the county in which the principal has his legal residence at the time of such registration or, if the principal has no legal residence in this State at the time of registration or the attorney-in-fact is uncertain as to the principal's residence in this State, in some county in the State in which the principal owns property or the county in which one

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						or more of the attorneys-in-fact reside.
North Dakota http://www.legis.nd.gov/cencode/t30-1c30.html Select 30.1-30 Uniform Durable Power of Attorney Act to open PDF	No	No	Not specified	No	Death, disability, incapacity	
Ohio http://codes.ohio.gov/orc/1337 CHAPTER 1337 POWER OF ATTORNEY	No	No	Yes (for enabling and revoking both)	Yes	Death, disability, incapacity	
Oklahoma http://www.oklegislature.gov/osStatuesTitle.aspx Scroll to and Select Title 58. Probate Procedure to open PDF; scroll to see §58 1071 through 1077	No	Yes	No	No	Death, disability, incapacity	
Oregon https://www.oregonlegislature.gov/bills_laws/ors/ors127.html	No	No	Not specified	No	Revocation	
Pennsylvania http://www.legis.state.pa.us/cfdocs/legis/LI/consCheck.cfm?txtType=HTM&ttl=20&div=0&chpt=56	No	Yes	Yes	No	Death, disability, incapacity, divorce	56.5601. (c) Notice.-- All powers of attorney shall include the following notice in capital letters at the beginning of the power of attorney. The notice shall be signed by the principal.
Rhode Island http://webserver.rilin.state.ri.us/Statutes/TITLE18/18-16/INDEX.HTM	No	No	Not Specified	Yes	Revocable at any time in any manner declarant is able to communicate intent to revoke	Durable POA executed in another state in compliance with laws of that state is valid
South Carolina http://www.scstatehouse.gov/code/t62c008.php	A power of attorney created pursuant to this part after the effective date is durable unless it expressly provides that it is terminated by the incapacity of the principal. 62-8-104.	No	No	No	Death, incapacity (if the poa is not durable), revocation, purpose is accomplished	

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South Dakota http://sdlegislature.gov/Statutes/Codified_Laws/DisplayStatute.aspx?Type=Statute&Statute=59	No	No	Yes	No	Revocation, death, incapacity	
Tennessee http://www.lexisnexis.com/hottopics/tncode Select "I Agree"; scroll to Title 34, select the "+" to open the chapters in the statute, select "Chapter 6 Power of Attorney"	No		No	No	34-6-105. Effect of death, disability or incapacity of principal. (a) The death of a principal who has executed a written power of attorney, durable or otherwise, does not revoke or terminate the agency as to the attorney in fact or other person, who, without actual knowledge of the death of the principal, acts in good faith under the power. Any action so taken, unless otherwise invalid or unenforceable, binds successors in interest of the principal. (b) The disability or incapacity of a principal who has previously executed a written power of attorney that is not a durable power does not revoke or terminate the agency as to the attorney in fact or other person, who without actual knowledge of the disability or incapacity of the principal, acts in good faith under the power. Any action so taken, unless otherwise invalid or unenforceable, binds the principal and the principal's successors in interest.	
Texas General Provisions Durable POA: http://www.statutes.legis.state.tx.us/Docs/ES/htm/ES.751.htm Statutory Durable POA: http://www.statutes.legis.state.tx.us/Docs/ES/htm/ES.752.htm	No	No	No	Yes, but not exclusive	Death, revocation, agent resigns, guardian is appointed for the estate	Can be springing

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Utah https://le.utah.gov/xcode/Title75/Chapter9/75-9.html	A power of attorney created under this chapter is durable unless it expressly provides that it is terminated by the incapacity of the principal. (75-9-104)	Yes	Not specified	Yes	Death, incapacity (if the poa is not durable), revocation, purpose is accomplished	
Vermont http://www.lexisnexis.com/hottopics/vtstatutesconstrules/ Select Vermont Statutes Annotated, Select "I Agree"; scroll to Title 14, select Part 4, scroll to and select Chapter 123	No	Yes	Not specified	No	Revocation by the principal, divorce of the principal and spouse where the spouse is the agent, disability or incapacity of the principal except if durable	
Virginia http://law.lis.virginia.gov/vacode/title64.2/chapter16/	A power of attorney created under this chapter is durable unless it expressly provides that it is terminated by the incapacity of the principal. (§ 64.2-1602)	Yes	No	No	Death, incapacity(if the poa is not durable), revocation, poa provides that it terminates, purpose is accomplished	
Washington http://app.leg.wa.gov/RCW/default.aspx?cite=11.125	No	A power of attorney must be signed and dated by the principal, and the signature must be either acknowledged before a notary public or other individual authorized by law to take acknowledgments, or attested by two or more competent witnesses who are neither home care providers for the principal nor care providers at an adult	Not specified	No	Destruction of document, written notice, divorce	RCW 11.125.110 Coagents — Successor agents — Liability. (Effective January 1, 2017.) (1) A principal may designate in a power of attorney two or more persons to act as coagents. Unless the power of attorney otherwise provides, all coagents must exercise their authority jointly; provided, however, a coagent may delegate that coagent's authority to another coagent.

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		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, by subscribing their names to the power of attorney, while in the presence of the principal and at the principal's direction or request. (RCW 11.125.050 (1))				(2) A principal may designate one or more successor agents to act if an agent resigns, dies, becomes incapacitated, is not qualified to serve, or declines to serve. A principal may grant authority to designate one or more successor agents to an agent or other person designated by name, office, or function.
West Virginia http://www.legis.state.wv.us/WVCODE/Code.cfm?chap=39b&art=1	No	Yes	Yes	Yes	Death, incapacity (if poa is not durable), revocation, purpose is accomplished	A power of attorney created under this act is durable unless it expressly provides that it is terminated by the incapacity of the principal. (§39B-1-104.)
Wisconsin http://docs.legis.wisconsin.gov/statutes/statutes/244	No	No	Not specified	Yes	Death, incapacitated (if the power of attorney so provides), revocation, purpose is accomplished	244.11 Coagents and successor agents. (1) A principal may designate in a power of attorney 2 or more persons to act as coagents. Unless the power of attorney otherwise provides, each coagent may exercise its authority independently. (2) A principal may designate in a power of attorney one or more successor agents to act if an agent

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						resigns, dies, becomes incapacitated, is not qualified to serve, or declines to serve. A principal may grant authority to designate one or more successor agents to an agent or other person designated by name, office, or function.
Wyoming http://legisweb.state.wy.us/NXT/gateway.dll?f=templates&fn=default.htm	No	No	Only for revocation	No	Death, disability, incompetence	3-5-102. (b) If the exercise of the power requires execution and delivery of any instrument which is recordable, the affidavit when authenticated for record is likewise recordable