

SENATE JUDICIARY COMMITTEE
Senator Thomas Umberg, Chair
2025-2026 Regular Session

AB 2199 (Macedo)
Version: February 19, 2026
Hearing Date: June 9, 2026
Fiscal: No
Urgency: No
AM

SUBJECT

Statutory form power of attorney

DIGEST

This bill updates the statutes governing the form power of attorney (Form POA) to, among other things, align the form with the provisions of the Revised Uniform Fiduciary Access to Digital Assets Act and enable the naming of a successor should the original named attorney-in-fact become incapacitated.

EXECUTIVE SUMMARY

Existing law authorizes an individual to appoint another as their attorney-in-fact or agent to act on their behalf in legal matters. Powers of attorney are particularly useful when individuals become incapacitated or otherwise unable to make legal and financial decisions for themselves. California has had a statutory Form POA since 1994, but it has not been revised since 2011. In the interim, the Legislature enacted the Revised Uniform Fiduciary Access to Digital Assets Act to establish procedures for a decedent's personal representative or trustee to obtain digital assets and electronic information from the custodian of those assets and information for the purpose of administering the estate or trust. This bill seeks to update the Form POA to account for the enactment of the Revised Uniform Fiduciary Access to Digital Assets Act, allow the naming of a successor agent, and makes various other changes to provide for a clearer form.

The bill is sponsored by the California Lawyers Association, Trust and Estates Section and is supported by California Advocates for Nursing Home Reform and TechNet. No timely opposition was received by the Committee.

PROPOSED CHANGES TO THE LAW

Existing law:

- 1) Enacts the Power of Attorney Law and authorizes a person having the capacity to contract to execute a power of attorney. (Prob. Code § 4400 et seq.; § 4120.)
- 2) Authorizes certain sections of the Power of Attorney Law to be cited as the Uniform Durable Power of Attorney Act. (Prob. Code § 4001.)
- 3) Authorizes a principal to grant authority to an attorney-in-fact to act on the principal's behalf with respect to all lawful subjects and purposes or with respect to one or more express subjects or purposes, and that the attorney-in-fact may be granted authority with regard to the principal's property, personal care, or any other matter.
 - a) With regard to property matters, a power of attorney may grant authority to make decisions concerning all or part of the principal's real and personal property, whether owned by the principal at the time of the execution of the power of attorney or thereafter acquired or whether located in this state or elsewhere, without the need for a description of each item or parcel of property.
 - b) With regard to personal care, a power of attorney may grant authority to make decisions relating to the personal care of the principal, including, but not limited to, determining where the principal will live, providing meals, hiring household employees, providing transportation, handling mail, and arranging recreation and entertainment. (Prob. Code § 4123.)
- 4) Specifies that a power of attorney is legally sufficient if all of the following requirements are satisfied:
 - a) the power of attorney contains the date of its execution;
 - b) the power of attorney is signed either (i) by the principal or (ii) in the principal's name by another adult in the principal's presence and at the principal's direction; and
 - c) the power of attorney is either (i) acknowledged before a notary public or (ii) signed by at least two witnesses who satisfy specified requirements. (Prob. Code § 4121.)
- 5) Provides that a durable power of attorney is a power of attorney by which a principal designates another person as attorney-in-fact in writing and the power of attorney contains any of the following statements:
 - a) "This power of attorney shall not be affected by subsequent incapacity of the principal."
 - b) "This power of attorney shall become effective upon the incapacity of the principal."

- c) Similar words showing the intent of the principal that the authority conferred shall be exercisable notwithstanding the principal's subsequent incapacity. (Prob. Code § 4124.)
- 6) Provides that a statutory Form POA is legally sufficient if certain requirements are satisfied and provides for a Form POA. (Prob. Code §§ 4401 & 4402.)
- 7) Enacts the Revised Uniform Fiduciary Access to Digital Assets Act to establish procedures for a decedent's personal representative or trustee to obtain digital assets and electronic information from the custodian of those assets and information for the purpose of administering the estate or trust. (Prob. Code §§ 870 et seq.)

This bill:

- 1) Revises and recasts the statutory Form POA to authorize the following:
 - a) appointment of a successor agent or agents and authority for the principal to nominate the agent or co-agents to be appointed as the conservator or co-conservators of the principal's estate; and
 - b) appointment of attorney-in-fact for authority over digital assets, as provided.
- 2) Provides that in a statutory Form POA the language granting powers with respect to digital assets, catalogue of electronic communications, and content of electronic communications has the same meanings as set forth in the Revised Uniform Fiduciary Access to Digital Assets Act.

COMMENTS

1. Stated need for the bill

The author writes:

Lawmakers need to make life easier for the people they serve. AB 2199 will allow residents to manage their finances, communications and records through email, social media, and other digital accounts. It updates antiquated laws into modern times.

AB 2199 allows people to name backup decision-makers, clarify who they want to serve if a court ever appoints a Conservator, and give clear permission for trusted agents to manage digital assets when necessary.

2. This bill seeks to enact updates to the statutory Form POA.

The sponsors of the bill point out that the existing Form POA has not been updated since 2011 with the passage of AB 1082 (Gatto, Ch. 113, Stats. 2011). In that time, the

form has become outdated due to the enactment of the Revised Uniform Fiduciary Access to Digital Assets Act, which established procedures for a decedent's personal representative or trustee to obtain digital assets and electronic information from the custodian of those assets and information for the purpose of administering the estate or trust. (AB 691 (Calderon, Ch. 551, Stats. 2016).) In 2016, it was expanded to additionally apply to a fiduciary acting as a conservator appointed by the court to manage the estate of a living individual or an agent acting as an attorney-in-fact who is granted authority under a durable or nondurable power of attorney. (SB 1458 (Allen, Ch. 799, Stats. 2024).) The author and sponsors of the bill note that without an update to the statutory Form POA, an attorney-in-fact cannot adequately manage digital assets including cryptocurrency, social media accounts, and other electronic data. Additionally, the existing Form POA does not allow for the naming of a successor agent should the named agent become incapacitated or pass away. The revised form provides for this option, should a principal choose to name a successor agent.

3. Statements in support

The California Lawyers Association, Trust and Estates Section, the sponsor of the bill, writes in support stating:

AB 2199 would update, clarify, and improve the California Statutory Power of Attorney (POA) form. The POA form is approved by the Legislature and allows a person (the principal) to grant authority to someone else (the agent) to manage financial and other non-medical matters, as specified in the form. The POA form is widely available for the public to use. It was last updated in 2011.

The existing POA form is outdated. In particular, it is not consistent with California's Revised Uniform Fiduciary Access to Digital Assets Act (RUFADAA) (Probate Code §§ 870-884). SB 1458 (Allen; Stats. 2024, ch. 799) amended RUFADAA by, among other changes, adding agents acting under a power of attorney to the statutory scheme, giving these agents the legal authority to manage digital assets in the same way they manage tangible assets. These changes have not been incorporated into the POA form.

SUPPORT

California Lawyers Association, Trust and Estates Section (sponsor)
California Advocates for Nursing Home Reform
TechNet

OPPOSITION

None received

RELATED LEGISLATION

Pending Legislation: None known.

Prior Legislation:

SB 1458 (Allen, Ch. 799, Stats. 2024) expanded the Revised Uniform Fiduciary Access to Digital Assets Act to additionally apply to a fiduciary acting as a conservator appointed by the court to manage the estate of a living individual or an agent acting as an attorney-in-fact who is granted authority under a durable or nondurable power of attorney, as provided.

SB 873 (Beall, Ch. 585, Stats. 2016) specified that the immunity granted under the Revised Uniform Fiduciary Access to Digital Assets Act to a custodian and its officers, employees, and agents for an act or omission done in good faith and in compliance with the Acts does not apply in a case of gross negligence or willful or wanton misconduct.

AB 691 (Calderon, Ch. 551, Stats. 2016) enacted the Revised Uniform Fiduciary Access to Digital Assets Act to establish procedures for a decedent's personal representative or trustee to obtain digital assets and electronic information from the custodian of those assets and information for the purpose of administering the estate or trust.

AB 1082 (Gatto, Ch. 113, Stats. 2011) updated the statutes governing the Form POA.

SB 158 (Machado, Ch. 251, Stats. 2005) revised the Form POA to remove the requirement of the principal's Social Security Number.

SB 1907 (Campbell, Ch. 307, Stats. 2004) recast the provisions for powers of attorney under the Probate Code.

PRIOR VOTES

Assembly Floor (Ayes 68, Noes 0)
Assembly Judiciary Committee (Ayes 12, Noes 0)
