

Date of Hearing: March 24, 2026

ASSEMBLY COMMITTEE ON JUDICIARY  
Ash Kalra, Chair  
AB 2199 (Macedo) – As Introduced February 19, 2026

PROPOSED CONSENT

**SUBJECT:** STATUTORY FORM POWER OF ATTORNEY

**KEY ISSUE:** SHOULD THE STATUTORY FORM POWER OF ATTORNEY DOCUMENT BE REVISED AND MODERNIZED TO BETTER ADDRESS THE HANDLING OF DIGITAL ASSETS?

**SYNOPSIS**

*A power of attorney is a written authorization drafted by a natural person, known as the principal, giving agency to another person to make decisions for the principal should the person become incapacitated. Seeking to ensure that everyday Californians without legal training can easily designate a person to be their attorney-in-fact or agent (the person provided the authority through a power of attorney), existing law creates a statutory form power of attorney that a person can use to easily designate what powers a person is provided to make decisions on the principal's behalf. However, the statutory form has not been updated in fifteen years and has become obsolete. The existing statutory form fails to address powers related to managing digital assets including cryptocurrency, social media accounts, and personal data. The current form also does not enable a principal to name a successor should the original attorney-in-fact become incapacitated themselves.*

*This bill modernizes the statutory form power of attorney in several ways. First, the bill aligns the new form with the Revised Uniform Fiduciary Access to Digital Assets Act which was enacted five years after the last form update. Secondly, the bill authorizes the appointment of a successor attorney-in-fact. Finally, the bill reorganizes the exiting statutory form power of attorney to make the form more user friendly for ordinary Californians.*

*This bill is sponsored by the Trust and Estates Section of the California Lawyers Association and is supported by Technet. The proponents of the bill highlight the need to update the existing form to better address life in the modern digital world. The bill has no registered opposition.*

**SUMMARY:** Revises and recasts the statutory power of attorney form outlined in the Probate Code. Specifically, **this bill:**

- 1) Deletes the existing statutory power of attorney form.
- 2) Revises and recasts the statutory power of attorney form to add provisions permitting the following:
  - a) The appointment of a successor agent or agents and authorize the individual to nominate the agent or co-agents to be appointed as the conservator or co-conservators of the individual's estate; and

- b) The appointment of attorney for authority over digital assets, including authority over a catalogue of electronic communications without the content of the electronic communications sent or received, authority over the content of electronic communications sent or received, or authority over a catalogue of electronic communications and the content of electronic communications sent or received.
- 3) Specifies that the language granting powers in a statutory form power of attorney 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.

**EXISTING LAW:**

- 1) Establishes the Power of Attorney Law which may be cited as the Uniform Durable Power of Attorney Act. (Probate Code Section 4400 *et seq.*)
- 2) Defines “Power of Attorney” as a written instrument, however denominated, that is executed by a natural person having the capacity to contract and that grants authority to an attorney-in-fact, and that a power of attorney may be durable or nondurable. (Probate Code Section 4022.)
- 3) Authorizes a natural person having the capacity to contract may execute a power of attorney. (Probate Code Section 4120.)
- 4) Provides that in a power of attorney, a principal may 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. (Probate Code Section 4123 (a).)
- 5) Provides that 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. (Probate Code Section 4123 (c).)
- 6) 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;” or
  - c) Similar words showing the intent of the principal that the authority conferred shall be exercisable notwithstanding the principal’s subsequent incapacity. (Probate Code Section 4124.)
- 7) Deems a power of attorney 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 (1) by the principal or (2) in the principal's name by another adult in the principal's presence and at the principal's direction; or
  - c) The power of attorney is either (1) acknowledged before a notary public or (2) signed by at least two witnesses, as specified. (Probate Code Section 4121.)
- 8) Specifies the disclosures that must be made when executing a power of attorney. (Probate Code Section 4128.)
- 9) Adopts the Uniform Statutory Form Power of Attorney Act which specifies the contents of the statutory form power of attorney. (Probate Code Section 4400 *et seq.*)
- 10) Adopts the statutory form to grant power of attorney. (Probate Code Section 4401.)
- 11) Deems a statutory form power of attorney to be legally sufficient if all of the following requirements are satisfied:
- a) The wording of the form complies substantially with the form provided in Section 4401 of the Probate Code, as specified;
  - b) The form is properly completed; and
  - c) The signature of the principal is acknowledged. (Probate Code Section 4402.)
- 12) Adopts the Revised Uniform Fiduciary Access to Digital Assets Act to govern how a deceased person's digital assets are to be managed in probate. (Probate Code Section 870 *et seq.*)

**FISCAL EFFECT:** As currently in print this bill is keyed non-fiscal.

**COMMENTS:** To simplify the process of appointing a person as an attorney-in-fact or agent, more commonly referred to as giving a person power of attorney, the existing law provides for a statutory form power of attorney. This form, however, has not been updated for well over a decade and is now obsolete. In particular, the form omits new statutory references to the handling of digital assets found in the Revised Uniform Fiduciary Access to Digital Assets Act. This bill would revise and modernize the statutory power of attorney form to address digital assets and to generally make the form more user friendly. In support of this bill the author writes:

Lawmakers need to make life easier for the people it serves. 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.

***What is power of attorney?*** A power of attorney is a written authorization drafted by a natural person, known as the principal, giving agency to another person to make decisions for the principal should the person become incapacitated. The law generally refers to the person provided the decision-making authority as attorney-in-fact or the agent of the principal. So long as the minimum statutory requirements of Probate Code Section 4121 are met, a power of

attorney is valid. However, to make creating a power of attorney easier for a principal without legal training, Probate Code Section 4401 provides for a standard form in statute. The existing statutory form permits a principal to, essentially, check off the portions of the form conveying specific powers to the attorney-in-fact. By the nature of the check-off form, any power identified on the form but not checked by the principal does not confer to the attorney-in-fact.

Although convenient for principals without legal training, the nature of the check-off system of the statutory power of attorney form means that any power not included in the statutory form cannot be conveyed to the attorney-in-fact using the statutory form alone. While the statutory form is quite comprehensive, when new asset classes or medical innovations occur the form may become outdated. The proponents of this measure note that the existing form, which was last updated in 2011 with the passage of AB 1082 (Gatto) Chap. 113, Stats. 2011, has become obsolete with the subsequent enactment of the Revised Uniform Fiduciary Access to Digital Assets Act. (AB 691 (Calderon) Chap. 551, Stats. 2016.) The author and proponents of the bill note that without an update to the statutory power-of-attorney form, an attorney-in-fact cannot adequately manage digital assets including cryptocurrency, social media accounts, and electronic data.

***The existing statutory power of attorney form fails to address an incapacitated attorney-in-fact.*** Much like a will, most Californians may only ever fill out a power of attorney form once or twice in their life, as the documents are designed to be durable and only come into use upon a significant event in a person's life. Given that many power of attorney documents are not updated regularly, an attorney-in-fact themselves might become incapacitated or die before the form is ever modified. This problem is especially relevant for principals filling out the statutory power of attorney form as that form does not permit for the naming of a successor attorney-in-fact. Under the existing law, should an attorney-in-fact be unable to perform their duties, the principal would be left in legal limbo with no person clearly authorized to make critical decisions for an incapacitated principal.

***This bill modernizes and clarifies the statutory power of attorney form.*** Given the above discussed deficiencies with the existing statutory form power of attorney and the fact that the form hasn't been updated in fifteen years, this bill aims to modernize the statutory form in several ways. First, this bill incorporates several new categories of powers related to digital assets to incorporate aspects of the Revised Uniform Fiduciary Access to Digital Assets Act into the statutory form power of attorney. The bill also reorganizes the form to make it more user friendly, including adopting new headers and clarifying some legal language. Finally, the new statutory form power of attorney will permit the principal to designate a successor attorney-in-fact and to permit the attorney-in-fact to serve as a conservator, should such an action become necessary.

***ARGUMENTS IN SUPPORT:*** This bill is sponsored by the California Lawyers Association. In support of the bill, they write:

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.

**REGISTERED SUPPORT / OPPOSITION:****Support**

California Lawyers Association (sponsor)  
Technet

**Opposition**

None on file

**Analysis Prepared by:** Nicholas Liedtke / JUD. / (916) 319-2334