

# Pennsylvania Power of Attorney Update Guide

Why old POAs fail — and what a current Pennsylvania durable financial power of attorney must include.

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## The problem with old powers of attorney

Pennsylvania's Act 95 of 2014 overhauled the power of attorney statute, effective January 1, 2015. Powers of attorney signed before that date, or drafted from generic online templates, are now routinely rejected by banks, brokerages, and title companies. The rejection is usually discovered only when the family needs the POA most — during a health crisis.

## What Pennsylvania now requires

- Specific statutory Notice at the start of the document, signed by the principal (20 Pa.C.S. § 5601(c))
- Separate Acknowledgment signed by the agent before acting (20 Pa.C.S. § 5601(d))
- Signature in front of two witnesses and a notary (witnesses cannot be the agent or the notary)
- Express grant of 'hot powers' if the agent can make gifts, create or amend trusts, change beneficiaries, or disclaim inheritances
- Successor agent provisions

## Durable vs. springing

A durable power of attorney remains effective if the principal becomes incapacitated. This is the point of the document. A springing POA only takes effect on incapacity, usually requiring a doctor's certification. Banks often delay acting on springing POAs while they verify the certification. We generally recommend a durable POA that is effective immediately, with a trusted agent.

## When to replace your POA

- Signed before January 1, 2015
- Older than 7–10 years, even if technically compliant
- After divorce, marriage, or remarriage
- After the death or incapacity of the named agent or successor
- When a major financial institution has already refused it
- After a significant change in assets or family circumstances

## Common mistakes

- Using a witness who is also the agent or notary
- Granting 'all powers I have' without listing the hot powers
- Naming co-agents without saying whether they act jointly or independently
- Failing to name at least one successor agent
- Using an out-of-state form that does not match Pennsylvania's statute

## What a POA does not do

A power of attorney is only useful if signed before incapacity. Once a court finds that a person is incapacitated, the only path forward is guardianship — a public, court-supervised process that strips the person's rights. The POA is the document that prevents that.

## How to update

Do not amend an old POA with a handwritten note. The cleanest approach is to revoke the old POA in writing and execute a new one that fully complies with current Pennsylvania law. Provide copies to your banks, brokerage, and agent, and keep the original in a safe, accessible place.

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This guide is for general educational purposes and does not create an attorney-client relationship or constitute legal advice. Pennsylvania law changes, and your facts may require a different strategy. Consult an attorney before acting.

For a Pennsylvania-specific consultation, call Quinlan Law Group at (717) 724-7503 or visit [paestateplanning.attorney](http://paestateplanning.attorney).