

Further Amendments Made to the Law Governing Powers of Attorney

March 30, 2021

Governor Cuomo has signed the much-anticipated chapter amendments (“Chapter Amendments”) as part of the major changes to New York’s power of attorney (“POA”) law that take effect June 13, 2021. The Chapter Amendments contain several significant provisions that supplement the major amendments enacted in December of 2020.

The December 2020 amendments, among other things, remove the requirement for a Statutory Gifts Rider, require only substantial conformance with the statutory short form POA, and allow damages to be recovered against third parties (such as financial institutions) who unreasonably refuse to accept a valid statutory short form POA. Our prior advisory detailing these and other forthcoming changes can be found [here](#).

The Chapter Amendments result in three additional changes to the POA law:

1. The addition of a requirement that two disinterested witnesses sign the POA form. The witnesses must not be named in the POA as agents or permissible recipients of gifts; however, the notary who takes the acknowledgment may serve as one of the witnesses.
2. The exemption of the Department of Health, including social services districts in the administration of the Medicaid program or other public health insurance programs, from the requirement that third parties honor or reject a statutory short form POA within ten business days.
3. Technical changes to the statutory short form sections relating to the designation of multiple agents to only require a principal to initial if he or she wishes to authorize multiple agents to act separately.

If you have any questions regarding the new power of attorney law, please feel free to contact Joseph D. Simon at (516) 357-3710 or via email at jsimon@cullenllp.com, Elizabeth A. Murphy at (516) 296-9154 or via email at emurphy@cullenllp.com, or Mandy Xu at (516) 357-3850 or via email at mxu@cullenllp.com.

Please note that this is a general overview of the issues addressed and does not constitute legal advice.

Practices

- Regulatory and Compliance

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