

Uniform Power of Attorney Act
Testimony by Representative Doug Wozniak

Madam Chair and Members of the Committee, I appreciate the opportunity to speak to the importance of replacing Michigan's Durable Power of Attorney Act with the Uniform Power of Attorney Act.

Having sponsored this same package of bills in 2020, 2022 and, again, earlier this year, I am very pleased to have similar legislation taken-up by our committee, this morning.

As a practicing attorney, who has specialized in the area of elder law for decades, I was very pleased, several years ago, to learn of the work being done by the Michigan Bar Association's Probate Section workgroup to align the Uniform Power of Attorney Act with other Michigan acts.

The concept of a "power of attorney" was first incorporated into the Uniform Probate Code in 1969 to offer an inexpensive method of surrogate decision making for those whose modest assets did not justify pre-incapacity planning with a trust or post-incapacity property management with a guardianship."

Fifty years after Michigan's adoption of the Durable Power of Attorney Act, the power-of-attorney is being used, by people of all economic means, for incapacity-planning, as well as convenience.

Adoption of the updated Uniform Power of Attorney Act is necessary because, over the years, Michigan, and other states, have adopted non-uniform provisions to deal with issues on which the Uniform Probate Code and the original Uniform Durable Power of Attorney Act are silent. The new act will provide uniformity on these issues and enhance the usefulness of the law.

The State Bar's Probate section workgroup spent countless hours working to ensure that the proposed legislation aligns with other state laws and is of significant benefit to the people of Michigan.

With that, I would encourage you to support this legislation.

Thank you.