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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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SENATE BILL

No. 1207 Session of  
2018

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INTRODUCED BY HAYWOOD, YAW, GREENLEAF, KILLION, TARTAGLIONE,  
VULAKOVICH, RAFFERTY, MCGARRIGLE, COSTA, BROWNE AND YUDICHAK,  
JUNE 14, 2018

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REFERRED TO JUDICIARY, JUNE 14, 2018

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AN ACT

1 Amending Title 20 (Decedents, Estates and Fiduciaries) of the  
2 Pennsylvania Consolidated Statutes, in powers of attorney,  
3 providing for judicial relief.

4 The General Assembly of the Commonwealth of Pennsylvania  
5 hereby enacts as follows:

6 Section 1. Title 20 of the Pennsylvania Consolidated  
7 Statutes is amended by adding a section to read:

8 § 5615. Judicial relief.

9 (a) Petitioner.--Any of the following may petition a court  
10 to construe a power of attorney or review the agent's conduct  
11 and grant appropriate relief:

12 (1) The principal or the agent.

13 (2) A guardian, conservator or other fiduciary acting  
14 for the principal.

15 (3) A person authorized to make health care decisions  
16 for the principal.

17 (4) The principal's spouse, parent or descendant.

18 (5) An individual who could qualify as a presumptive

1 heir of the principal.

2 (6) A person named as a beneficiary:

3 (i) to receive any property, benefit or contractual  
4 right on the principal's death; or

5 (ii) of a trust created by or for the principal that  
6 has a financial interest in the principal's estate.

7 (7) A governmental agency having regulatory authority to  
8 protect the welfare of the principal.

9 (8) The principal's caregiver or another person that  
10 demonstrates sufficient interest in the principal's welfare.

11 (9) A person asked to accept the power of attorney.

12 (b) Principal.--Upon motion by the principal, the court  
13 shall dismiss a petition filed under this section, unless the  
14 court finds that the principal lacks capacity to revoke the  
15 agent's authority or the power of attorney.

16 Section 2. This act shall take effect in 60 days.