

SENATE No. 2969

The Commonwealth of Massachusetts

—
**In the One Hundred and Ninety-Fourth General Court
(2025-2026)**
—

SENATE, February 26, 2026.

The committee on The Judiciary to whom was referred the petition (accompanied by bill, Senate, No. 1138) of John F. Keenan, Jason M. Lewis, Brendan P. Crighton, Patrick M. O'Connor and others for legislation to clarify a right of a durable power of attorney, report the accompanying bill (Senate, No. 2969).

For the committee,
Lydia Edwards

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An Act clarifying a right of a durable power of attorney.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Section 402 of chapter 203E of the general laws, as appearing in the 2022
2 Official Edition, is hereby amended by inserting at the end thereof the following subsection:-

3 “(d) Notwithstanding the foregoing, a settlor’s power to create a trust may be exercised
4 by (1) an agent under a power of attorney only to the extent expressly authorized by the terms of
5 the power of attorney or (2) a conservator as authorized by Article 5 of chapter 190B.”

6 SECTION 2. This act shall apply to trusts created on or after July 8, 2012.