

UNIFORM POWER OF ATTORNEY ACT (EXCERPT)
Act 187 of 2023

556.317 Authority of agent; gifts.

Sec. 217.

(1) Unless the power of attorney provides otherwise, language in a power granting general authority with respect to gifts authorizes the agent to make outright gifts of the principal's property, including by the exercise of a presently exercisable general power of appointment held by the principal, to, or for the benefit of, a person or persons as the agent determines is consistent with the principal's objectives if actually known by the agent and, to the extent the principal's objectives are unknown, as the agent determines is consistent with the principal's best interest based on all relevant factors, including the following:

- (a) The value and nature of the principal's property.
- (b) The principal's foreseeable obligations and need for maintenance, including anticipated private-pay nursing or assisted-living care costs incurred in a facility or at home.
- (c) The desirability of minimizing taxes, including income, estate, inheritance, generation-skipping transfer, and gift taxes.
- (d) Eligibility for a benefit, a program, or assistance under a statute or regulation, including eligibility for assistance with nursing or assisted-living care in a facility or at home.
- (e) The principal's personal history of making gifts.

(2) As used in this section, a gift "for the benefit of" a person includes, without limitation, a gift in trust, an account under the Michigan uniform transfers to minors act, 1998 PA 433, MCL 554.521 to 554.552, a tuition savings account or prepaid tuition plan as described under section 529 of the internal revenue code of 1986, 26 USC 529, and an ABLE account as defined under section 529A of the internal revenue code of 1986, 26 USC 529A.

History: 2023, Act 187, Eff. July 1, 2024