

States Laws on Revocation of DPOAHC								
State			Statute			Capacity required for revocation		
Alabama	Ala §26-1A-110; §26-1-404(c)(1); §22-8A-5	unclear-does not explicitly state capacity required		New Jersey	NJ Stat. Ann 26:2H-57	requirements for execution of an advance directie pursuant to c 26:2H-56- be of sound mind and no duress		
Alaska	AS §13.52.020(a)	Mental health POA requires competency- not explicite for healthcaare		New Mexio	NM Stat 24-7A-3	yes- explicitly while having capacity		
Arizona	ARS §36-3202	unclear- regular POA having capacity is not Mental Health Power of Attorney §36-3285 explicitly states principle has to be capable as defined in §36-3281-D		New York	NY PBH 29-C-2985	Yes- a competent adult explicit		
Arkansas	Ark Code 20-6-104(a)	yes explicit having capacity		North Carolina	in document	Yes- at anytime while I am competent I may revoke this power of attorney in writing- communicaing my intent to revoke in any clear and consistent manner to my		
California	Probate Code 4701	Unclear- no explicit language for capacity to revoke		North Dakota	ND Cent Code 23-06.5-05	Unclear- not explicit- must have capaity to execute-		
		unclear- nothing in this section or in a medical power of attorney shall be construed to abrogate or limit any rights of the principal, including the right to revoke an agent's authority						
Colorado	CRS 15-14-506 4(a)	Unclear- no explicit language for capacity to revoke		Ohio	Ohis Rev Code 1337.14	unclear/No statute does not explicitly require capacity in the revocation clause		
Connecticut	connecticut law help	Unclear- no explicit language for capacity to revoke		Oklahoma	63O S 3101.6	No, regardless of mental or physical condition		
				Oregon	Or Rev Stat 127.545	Yes- explicit requires principl to be capable at the time of revocation-		
Delaware	16 (Del.C.2501) and upcoming 2025	yes- explicit mentally competent or presumed to have capacity		Pennsylvania	20 Pa CSA 5459(a)	Yes-explicit states while of sound mind		
District of Columbia	DC Code 21-2208(a)	yes- explicitly has the capacity to create the principal may revoke		Rhode Island	R.I. Gen Laws 23-4.10-3(a)	No explicit without regard to mental or physical condition		
Florida	Fla Stat 765.104(1)	yes- competent princial implies capacity is required						
Georgia	Ga 31-32-6(a)	No-explicit that revocatin may occur without regard to mental state or competency		South Carolina	SC Cpde 62-5-512(a)	Unclear- no explicit language for capacity to revoke		
		Unclear- may revoke all or part of an advance health care directive, other than the designation of an agent at any timke and in any manner that communicates intent to revoke						
Hawaii	Hawai'I Rev Stat 327E-4(a) Advanced Mental Health care directive	unclear, revocation is effective when the maker-a competent person-exercises the methods listed		South Dakota	59-6-11 59-7	Unclear revocation language		
Idaho	Idaho Code 39-4510,4511, 4511A	No- specifically states without regard to mental or physical condition so capacity language is absent for revocation		Tennessee	Tenn. Code 34-6-2079(c)	yes- presumption of capacity so capacity is assumed affecting burden of proof		
Illinois	755 ILCS 45/4-6(a)	unclear- practice materials and statute presume the declarant is capable when revoking- refers to a competnet delclarent signing in section 28-may revoke tjat advamce directive		Texas	Texas 166.155	No without regard to whether the principal iscompetent or the principal's mental state		
		No- says without regard to mental or physical condition, so not required, though a presumption of capacity exists						
Indiana	Ind Code 16-36-7-32	No/unclear- voluntary revocation by principal does not revoke or terminate the agency w/o actual knowledge		Utah	Utah code Ann 75A-3-307	Unclear- no explicit language for capacity to revoke		
Iowa	Iowa Code 144B.8(1)	yes-explicit with decisional capacity						
		No explicit without regard to mental or physical condition		Vermont	Vt Stat Tit 18 9704 (a)(1)	Yes- a principal with capacity may amend, suspend or revoke		
Kansas	58-628			Virginia	VA 54.1-2985	yes-explicit capable of understanding the nature and consequences of his actions		
Kentucky	KRS chapt 311.627			Washington	Wash. Rev code 70.122.040	No-without regard to the declarer'smental state or competency		
Louisiana	La. 1151.3			West Virginia	W Va Code 16-30-18	Unclear- no explicit language for capacity to revoke		
		yes explicit with capacity				yes- if a principal after excuting a power of attorney for healthcare is adjudicated impompetent, thePOA for healthcare remains in effect		
Maine	Me Rev Stat Tit 18-C 5-804			Wisconsin	Wis Stat 155.40 2(m)			
Maryland	Md Health-General code 5-601-618 5-604(c)	yes, explicit with capacity		Wyoming	Wyo Stat 35-22-404	yes explicit with capacity		
		yes-statute presumes capacity unless a court has determined principal lacks capacity- if incapacitated, revocation isn't effective unti capacity returns						
Massachusetts	Mass GenLaws ch. 201D 6-7	No- even if the patient is unable to participate in medical treatment decisions a patient my revoke a patient advocate designation at any time and in any manner byw hcih they are able to communicate an intent to revoke-court decides intent if disputed- mental health waiver to revoke		Virginia	VA 54.1-2985	yes-explicit capable of understanding the nature and consequences of his actions		
Michigan	Mich Cop Laws 700.5506-5515 70.5510(1)	yes- explcit with capacity and presumption of capacity		Washington	Wash. Rev code 70.122.040	No-without regard to the declarer'smental state or competency		
Minnesota	Minn Stat 145C.09 and 10	Unclear- no explicit language for capacity to revoke		West Virginia	W Va Code 16-30-18	yes- if a principal after excuting a power of attorney for healthcare is adjudicated impompetent, thePOA for healthcare remains in effect		
				Wisconsin	Wis Stat 155.40 2(m)			
Mississippi	Miss code Ann 41-41-207			Wyoming	Wyo Stat 35-22-404	yes explicit with capacity		

*The information contained herein was gathered with the help of AI, is for educational purposes only, and is not to be relied upon for legal accuracy.