



General Assembly

February Session, 2014

Raised Bill No. 5215

LCO No. 1107



Referred to Committee on JUDICIARY

Introduced by:
(JUD)

***AN ACT CONCERNING ADOPTION OF THE CONNECTICUT UNIFORM
POWER OF ATTORNEY ACT.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective October 1, 2014*) This act may be cited as
2 the "Connecticut Uniform Power of Attorney Act."

3 Sec. 2. (NEW) (*Effective October 1, 2014*) As used in sections 1 to 45,
4 inclusive, of this act:

5 (1) "Agent" means a person granted authority to act for a principal
6 under a power of attorney, whether denominated an agent, attorney in
7 fact, or otherwise. Agent includes an original agent, coagent, successor
8 agent and a person to which an agent's authority is delegated.

9 (2) "Durable" means, with respect to a power of attorney, not
10 terminated by the principal's incapacity.

11 (3) "Electronic" means relating to technology having electrical,
12 digital, magnetic, wireless, optical, electromagnetic or similar
13 capabilities.

14 (4) "Good faith" means honesty in fact.

15 (5) "Incapacity" means inability of an individual, even with
16 appropriate assistance, to perform the functions inherent in managing
17 his or her affairs because the individual:

18 (A) Has a mental, emotional or physical condition that results in the
19 individual being unable to receive and evaluate information or make
20 or communicate decisions; or

21 (B) Is:

22 (i) missing;

23 (ii) detained, including incarcerated in a penal system; or

24 (iii) outside the United States and unable to return.

25 (6) "Person" means an individual, corporation, business trust, estate,
26 trust, partnership, limited liability company, association, joint venture,
27 public corporation, government or governmental subdivision, agency,
28 or instrumentality or any other legal or commercial entity.

29 (7) "Power of attorney" means a writing or other record that grants
30 authority to an agent to act in the place of the principal, whether or not
31 the term power of attorney is used.

32 (8) "Presently exercisable general power of appointment" means,
33 with respect to property or a property interest subject to a power of
34 appointment, power exercisable at the time in question to vest absolute
35 ownership in the principal individually, the principal's estate, the
36 principal's creditors or the creditors of the principal's estate. The term
37 includes a power of appointment not exercisable until the occurrence
38 of a specified event, the satisfaction of an ascertainable standard, or the
39 passage of a specified period only after the occurrence of the specified
40 event, the satisfaction of the ascertainable standard, or the passage of
41 the specified period. The term does not include a power exercisable in

42 a fiduciary capacity or only by will.

43 (9) "Principal" means an individual who grants authority to an agent
44 in a power of attorney.

45 (10) "Property" means anything that may be the subject of
46 ownership, whether real or personal, or legal or equitable, or any
47 interest or right therein.

48 (11) "Record" means information that is inscribed on a tangible
49 medium or that is stored in an electronic or other medium and is
50 retrievable in perceivable form.

51 (12) "Sign" means, with present intent to authenticate or adopt a
52 record to:

53 (A) Execute or adopt a tangible symbol; or

54 (B) Attach to or logically associate with the record an electronic
55 sound, symbol or process.

56 (13) "State" means a state of the United States, the District of
57 Columbia, Puerto Rico, the United States Virgin Islands or any
58 territory or insular possession subject to the jurisdiction of the United
59 States.

60 (14) "Stocks and bonds" means stocks, bonds, mutual funds, and all
61 other types of securities and financial instruments, whether held
62 directly, indirectly or in any other manner. Stocks and bonds does not
63 include commodity futures contracts and call or put options on stocks
64 or stock indexes.

65 Sec. 3. (NEW) (*Effective October 1, 2014*) The provisions of sections 1
66 to 45, inclusive, of this act apply to all powers of attorney except:

67 (1) A power to the extent it is coupled with an interest in the subject
68 of the power, including a power given to or for the benefit of a creditor

69 in connection with a credit transaction;

70 (2) A power to make health care decisions;

71 (3) A proxy or other delegation to exercise voting rights or
72 management rights with respect to an entity; and

73 (4) A power created on a form prescribed by a government or
74 governmental subdivision, agency or instrumentality for a
75 governmental purpose.

76 Sec. 4. (NEW) (*Effective October 1, 2014*) A power of attorney created
77 under sections 1 to 45, inclusive, of this act is durable unless it
78 expressly provides that it is terminated by the incapacity of the
79 principal.

80 Sec. 5. (NEW) (*Effective October 1, 2014*) A power of attorney must be
81 dated and signed by the principal or in the principal's conscious
82 presence by another individual directed by the principal to sign the
83 principal's name on the power of attorney and witnessed by two
84 witnesses. A signature on a power of attorney is presumed to be
85 genuine if the principal acknowledges the signature before a notary
86 public or other individual authorized by law to take
87 acknowledgments.

88 Sec. 6. (NEW) (*Effective October 1, 2014*) (a) A power of attorney
89 executed in this state on or after October 1, 2014, is valid if its
90 execution complies with section 5 of this act.

91 (b) A power of attorney executed in this state before October 1, 2014,
92 is valid if its execution complied with the law of this state as it existed
93 at the time of execution.

94 (c) A power of attorney executed other than in this state is valid in
95 this state if, when the power of attorney was executed, the execution
96 complied with:

97 (1) The law of the jurisdiction that determines the meaning and
98 effect of the power of attorney pursuant to section 7 of this act; or

99 (2) The requirements for a military power of attorney pursuant to 10
100 USC 1044b, as amended from time to time.

101 (d) Except as otherwise provided by statute, other than sections 1 to
102 45, inclusive, of this act, or unless the power of attorney otherwise
103 provides, a photocopy or electronically transmitted copy of an original
104 power of attorney has the same effect as the original.

105 Sec. 7. (NEW) (*Effective October 1, 2014*) The meaning and effect of a
106 power of attorney is determined by the law of the jurisdiction
107 indicated in the power of attorney and, in the absence of an indication
108 of jurisdiction, by the law of the jurisdiction in which the power of
109 attorney was executed.

110 Sec. 8. (NEW) (*Effective October 1, 2014*) (a) In a power of attorney, a
111 principal may nominate a conservator of the principal's estate or
112 conservator of the principal's person for consideration by the court if
113 protective proceedings for the principal's estate or person are begun
114 after the principal executes the power of attorney. The court shall make
115 its appointment in accordance with the principal's most recent
116 nomination unless the court finds that the appointee, designee or
117 nominee is unwilling or unable to serve or there is substantial evidence
118 to disqualify such person.

119 (b) If, after a principal executes a power of attorney, a court appoints
120 a conservator of the principal's estate or other fiduciary charged with
121 the management of some or all of the principal's property, the agent is
122 accountable to the fiduciary as well as to the principal. The power of
123 attorney is not terminated and the agent's authority continues unless
124 limited, suspended or terminated by the court.

125 Sec. 9. (NEW) (*Effective October 1, 2014*) (a) A power of attorney is
126 effective when executed unless the principal provides in the power of

127 attorney that it becomes effective at a future date or upon the
128 occurrence of a future event or contingency.

129 (b) If a power of attorney becomes effective upon the occurrence of a
130 future event or contingency, the principal, in the power of attorney,
131 may authorize one or more persons to determine in a writing or other
132 record that the event or contingency has occurred.

133 (c) If a power of attorney becomes effective upon the principal's
134 incapacity and the principal has not authorized a person to determine
135 whether the principal is incapacitated, or the person authorized is
136 unable or unwilling to make the determination, the power of attorney
137 becomes effective upon a determination in a writing or other record
138 by:

139 (1) A physician that the principal is incapacitated within the
140 meaning set forth in subparagraph (A) of subdivision (5) of section 2 of
141 this act; or

142 (2) An attorney at law, a judge or an appropriate governmental
143 official that the principal is incapacitated within the meaning set forth
144 in subparagraph (B) of subdivision (5) of section 2 of this act.

145 (d) A person authorized by the principal in the power of attorney to
146 determine that the principal is incapacitated may act as the principal's
147 personal representative pursuant to the Health Insurance Portability
148 and Accountability Act, Sections 1171 to 1179, inclusive, of the Social
149 Security Act, 42 USC 1320d, as amended from time to time, and
150 applicable federal regulations, to obtain access to the principal's health
151 care information and communicate with the principal's health care
152 provider.

153 (e) If the principal, in the power of attorney, authorizes one or more
154 persons to determine in a written affidavit that the event or
155 contingency has occurred, as provided in subsection (b) of this section,
156 then the written affidavit may be in substantially the following form:

157 AFFIDAVIT THAT POWER OF ATTORNEY IS IN FULL FORCE
158 AND EFFECT

159 STATE OF)

160) SS:

161 COUNTY OF)

162 I, of, being duly sworn, depose and say:

163 THAT, of, as principal, did on, 20.., appoint me in a power
164 of attorney dated, 20.., to execute an affidavit that a specified
165 contingency had occurred;

166 THAT specified contingency was:

167 THAT specified contingency has occurred.

168 IN WITNESS WHEREOF, I have hereunto set my hand and seal.

169 L.S.

170

171 Witness

172

173 Witness

174 Subscribed and sworn to before me this day of, 20...

175

176 Commissioner of the Superior Court

177 Notary Public

178 My commission expires:

179 Sec. 10. (NEW) (*Effective October 1, 2014*) (a) A power of attorney
180 terminates when:

181 (1) The principal dies;

182 (2) The principal becomes incapacitated, if the power of attorney is
183 not durable;

184 (3) The principal revokes the power of attorney;

185 (4) The power of attorney provides that it terminates;

186 (5) The purpose of the power of attorney is accomplished;

187 (6) The principal revokes the agent's authority or the agent dies,
188 becomes incapacitated, or resigns and the power of attorney does not
189 provide for another agent to act under the power of attorney; or

190 (7) the power of attorney is terminated by a court pursuant to
191 subsection (b) of section 8 of this act.

192 (b) An agent's authority terminates when:

193 (1) The principal revokes the authority;

194 (2) A court terminates the agent's authority pursuant to subsection
195 (b) of section 8 of this act;

196 (3) The agent dies or resigns;

197 (4) The agent becomes incapacitated. Unless the power of attorney
198 otherwise provides, an agent shall be determined to be incapable of
199 acting as an agent upon a determination in a writing or other record
200 that the agent is incapacitated:

201 (A) Within the meaning set forth in subparagraph (A) of subdivision
202 (5) of section 2 of this act, by:

203 (i) A judge in a court proceeding;

204 (ii) A physician; or

205 (iii) A successor agent, designated in accordance with section 11 of
206 this act, if a written opinion of a physician cannot be obtained either
207 due to the refusal of an agent to be examined by a physician or due to
208 an agent's failure to execute an authorization to release medical
209 information; or

210 (B) Within the meaning set forth in subparagraph (B) of subdivision
211 (5) of section 2 of this act, by an attorney at law, a judge or an
212 appropriate governmental official.

213 (5) An action is filed for the dissolution or annulment of the agent's
214 marriage to the principal or their legal separation, unless the power of
215 attorney otherwise provides; or

216 (6) The power of attorney terminates.

217 (c) Unless the power of attorney otherwise provides, an agent's
218 authority is exercisable until the authority terminates under subsection
219 (b) of this section, notwithstanding a lapse of time since the execution
220 of the power of attorney.

221 (d) Termination of an agent's authority or of a power of attorney is
222 not effective as to the agent or another person that, without actual
223 knowledge of the termination, acts in good faith under the power of
224 attorney. An act so performed, unless otherwise invalid or
225 unenforceable, binds the principal and the principal's successors in
226 interest.

227 (e) Incapacity of the principal of a power of attorney that is not
228 durable does not revoke or terminate the power of attorney as to an
229 agent or other person that, without actual knowledge of the incapacity,
230 acts in good faith under the power of attorney. An act so performed,
231 unless otherwise invalid or unenforceable, binds the principal and the
232 principal's successors in interest.

233 (f) The execution of a power of attorney does not revoke a power of
234 attorney previously executed by the principal unless the subsequent
235 power of attorney provides that the previous power of attorney is
236 revoked or that all other powers of attorney are revoked.

237 Sec. 11. (NEW) (*Effective October 1, 2014*) (a) A principal may
238 designate two or more persons to act as coagents. Unless the power of
239 attorney otherwise provides, each coagent may exercise its authority
240 independently.

241 (b) A principal may designate one or more successor agents to act if
242 an agent resigns, dies, becomes incapacitated, is not qualified to serve
243 or declines to serve. A principal may grant authority to designate one
244 or more successor agents to an agent or other person designated by
245 name, office or function. Unless the power of attorney otherwise
246 provides, a successor agent:

247 (1) Has the same authority as that granted to the original agent; and

248 (2) May not act until all predecessor agents have resigned, died,
249 become incapacitated, are no longer qualified to serve or have declined
250 to serve.

251 (c) Except as otherwise provided in the power of attorney and
252 subsection (d) of this section, an agent that does not participate in or
253 conceal a breach of fiduciary duty committed by another agent,
254 including a predecessor agent, is not liable for the actions of the other
255 agent.

256 (d) An agent that has actual knowledge of a breach or imminent
257 breach of fiduciary duty by another agent shall notify the principal
258 and, if the principal is incapacitated, take any action reasonably
259 appropriate in the circumstances to safeguard the principal's best
260 interest. An agent that fails to notify the principal or take action as
261 required by this subsection is liable for the reasonably foreseeable
262 damages that could have been avoided if the agent had notified the

263 principal or taken such action.

264 Sec. 12. (NEW) (*Effective October 1, 2014*) Unless the power of
265 attorney otherwise provides, an agent is entitled to reimbursement of
266 expenses reasonably incurred on behalf of the principal and to
267 compensation that is reasonable under the circumstances.

268 Sec. 13. (NEW) (*Effective October 1, 2014*) Unless the power of
269 attorney otherwise provides, a person accepts appointment as an agent
270 under a power of attorney by exercising authority or performing
271 duties as an agent or by any other assertion or conduct indicating
272 acceptance.

273 Sec. 14. (NEW) (*Effective October 1, 2014*) (a) Notwithstanding
274 provisions in the power of attorney, an agent that has accepted
275 appointment shall:

276 (1) Act in accordance with the principal's reasonable expectations to
277 the extent actually known by the agent and, otherwise, in the
278 principal's best interest;

279 (2) Act in good faith; and

280 (3) Act only within the scope of authority granted in the power of
281 attorney.

282 (b) Unless the power of attorney otherwise provides, an agent that
283 has accepted appointment shall:

284 (1) Act loyally for the principal's benefit;

285 (2) Act so as not to create a conflict of interest that impairs the
286 agent's ability to act impartially in the principal's best interest;

287 (3) Act with the care, competence and diligence ordinarily exercised
288 by agents in similar circumstances;

289 (4) Keep a record of all receipts, disbursements and transactions

290 made on behalf of the principal;

291 (5) Cooperate with a person that has authority to make health care
292 decisions for the principal to carry out the principal's reasonable
293 expectations to the extent actually known by the agent and, otherwise,
294 act in the principal's best interest; and

295 (6) Attempt to preserve the principal's estate plan, to the extent
296 actually known by the agent, if preserving the plan is consistent with
297 the principal's best interest based on all relevant factors, including:

298 (A) The value and nature of the principal's property;

299 (B) The principal's foreseeable obligations and need for
300 maintenance;

301 (C) Minimization of taxes, including income, estate, inheritance,
302 generation skipping transfer and gift taxes; and

303 (D) Eligibility for a benefit, a program or assistance under a federal
304 or state statute or regulation.

305 (c) An agent that acts in good faith is not liable to any beneficiary of
306 the principal's estate plan for failure to preserve the plan.

307 (d) An agent that acts with care, competence and diligence for the
308 best interest of the principal is not liable solely because the agent also
309 benefits from the act or has an individual or conflicting interest in
310 relation to the property or affairs of the principal.

311 (e) If an agent is selected by the principal because of special skills or
312 expertise possessed by the agent or in reliance on the agent's
313 representation that the agent has special skills or expertise, the special
314 skills or expertise must be considered in determining whether the
315 agent has acted with care, competence and diligence under the
316 circumstances.

317 (f) Absent a breach of duty to the principal, an agent is not liable if
318 the value of the principal's property declines.

319 (g) An agent that exercises authority to delegate to another person
320 the authority granted by the principal or that engages another person
321 on behalf of the principal is not liable for an act, error of judgment or
322 default of that person if the agent exercises care, competence and
323 diligence in selecting and monitoring the person.

324 (h) Unless the power of attorney otherwise provides, an agent is not
325 required to disclose receipts, disbursements or transactions conducted
326 on behalf of the principal unless ordered by a court or requested by the
327 principal, a guardian, a conservator, another fiduciary acting for the
328 principal, a governmental agency having authority to protect the
329 welfare of the principal or, upon the death of the principal, by the
330 personal representative or successor in interest of the principal's estate.
331 If so requested, the agent shall comply with the request not later than
332 thirty days after the date of such request or provide a writing or other
333 record substantiating why additional time is needed, in which case, the
334 agent shall comply with the request not later than thirty days after the
335 date of providing such writing or record.

336 Sec. 15. (NEW) (*Effective October 1, 2014*) A provision in a power of
337 attorney relieving an agent of liability for breach of duty is binding on
338 the principal and the principal's successors in interest except to the
339 extent the provision:

340 (1) Relieves the agent of liability for breach of duty committed
341 dishonestly, with an improper motive or with reckless indifference to
342 the purposes of the power of attorney or the best interest of the
343 principal; or

344 (2) Was inserted as a result of an abuse of a confidential or fiduciary
345 relationship with the principal.

346 Sec. 16. (NEW) (*Effective October 1, 2014*) (a) The following persons

347 may petition a court in accordance with subsection (d) of section 45a-
348 175 of the general statutes, as amended by this act, to construe a power
349 of attorney or review the agent's conduct, and grant appropriate relief:

350 (1) The principal or the agent;

351 (2) A guardian, conservator or other fiduciary acting for the
352 principal;

353 (3) A person authorized to make health care decisions for the
354 principal;

355 (4) The principal's spouse, parent or descendant;

356 (5) An individual who would qualify as a presumptive heir of the
357 principal;

358 (6) A person named as a beneficiary to receive any property, benefit,
359 or contractual right on the principal's death or as a beneficiary of a
360 trust created by or for the principal that has a financial interest in the
361 principal's estate;

362 (7) A governmental agency having regulatory authority to protect
363 the welfare of the principal;

364 (8) The principal's caregiver or another person that demonstrates
365 sufficient interest in the principal's welfare; and

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

367 (b) Upon motion by the principal, the court shall dismiss a petition
368 filed under this section, unless the court finds that the principal is
369 incapacitated within the meaning set forth in subdivision (5) of section
370 2 of this act.

371 Sec. 17. (NEW) (*Effective October 1, 2014*) An agent that violates this
372 act is liable to the principal or the principal's successors in interest for
373 the amount required to:

374 (1) Restore the value of the principal's property to what it would
375 have been had the violation not occurred; and

376 (2) Reimburse the principal or the principal's successors in interest
377 for the reasonable attorney's fees and costs paid on the agent's behalf.

378 Sec. 18. (NEW) (*Effective October 1, 2014*) Unless the power of
379 attorney provides a different method for an agent's resignation, an
380 agent may resign by giving notice to the principal and, if the principal
381 is incapacitated:

382 (1) To the conservator of the estate, the conservator of the person
383 and guardian, if one has been appointed for the principal, and a
384 coagent or successor agent; or

385 (2) If there is no person described in subdivision (1) of this section,
386 to:

387 (A) A person reasonably believed by the agent to have sufficient
388 interest in the principal's welfare; or

389 (B) A governmental agency having authority to protect the welfare
390 of the principal.

391 Sec. 19. (NEW) (*Effective October 1, 2014*) (a) For purposes of this
392 section and section 20 of this act, "acknowledged" means purportedly
393 verified before a notary public or other individual authorized to take
394 acknowledgements.

395 (b) A person that in good faith accepts an acknowledged power of
396 attorney without actual knowledge that the signature is not genuine
397 may rely upon the presumption under section 5 of this act that the
398 signature is genuine.

399 (c) A person that in good faith accepts an acknowledged power of
400 attorney without actual knowledge that the power of attorney is void,
401 invalid, or terminated, that the purported agent's authority is void,

402 invalid, or terminated, or that the agent is exceeding or improperly
403 exercising the agent's authority may rely upon the power of attorney
404 as if the power of attorney were genuine, valid and still in effect, the
405 agent's authority were genuine, valid and still in effect, and the agent
406 had not exceeded and had properly exercised the authority.

407 (d) A person that is asked to accept an acknowledged power of
408 attorney may request, and rely upon, without further investigation:

409 (1) An agent's certification under penalty of perjury of any factual
410 matter concerning the principal, agent or power of attorney;

411 (2) An English translation of the power of attorney if the power of
412 attorney contains, in whole or in part, language other than English;
413 and

414 (3) An opinion of counsel as to any matter of law concerning the
415 power of attorney if the person making the request provides in a
416 writing or other record the reason for the request.

417 (e) An English translation or an opinion of counsel requested under
418 this section must be provided at the principal's expense unless the
419 request is made more than seven business days after the power of
420 attorney is presented for acceptance.

421 (f) For purposes of this section and section 20 of this act, a person
422 that conducts activities through employees and has implemented
423 commercially reasonable standards to communicate information
424 regarding powers of attorney among its employees is without actual
425 knowledge of a fact relating to a power of attorney, a principal or an
426 agent if the employee conducting the transaction involving the power
427 of attorney has followed such standards and nonetheless is without
428 actual knowledge of the fact.

429 Sec. 20. (NEW) (*Effective October 1, 2014*) (a) Except as provided in
430 subsection (b) of this section:

431 (1) A person shall either accept an acknowledged power of attorney
432 or request a certification a translation, or an opinion of counsel under
433 subsection (d) of section 19 of this act not later than seven business
434 days after presentation of the power of attorney for acceptance;

435 (2) If a person requests a certification, a translation, or an opinion of
436 counsel under subsection (d) of section 19 of this act, the person shall
437 accept the power of attorney not later than five business days after
438 receipt of the certification, translation, or opinion of counsel; and

439 (3) A person may not require an additional or different form of
440 power of attorney for authority granted in the power of attorney
441 presented.

442 (b) A person is not required to accept an acknowledged power of
443 attorney if:

444 (1) The person is not otherwise required to engage in a transaction
445 with the principal in the same circumstances;

446 (2) Engaging in a transaction with the agent or the principal in the
447 same circumstances would be inconsistent with state or federal law;

448 (3) The person has actual knowledge of the termination of the
449 agent's authority or of the power of attorney before exercise of the
450 power;

451 (4) A request for a certification, a translation, or an opinion of
452 counsel under subsection (d) of section 19 of this act is refused;

453 (5) The person in good faith believes that the power is not valid or
454 that the agent does not have the authority to perform the act requested,
455 whether or not a certification, a translation, or an opinion of counsel
456 under subsection (d) of section 19 of this act has been requested or
457 provided; or

458 (6) The person makes, or has actual knowledge that another person

459 has made, a report to the Bureau of Aging, Community and Social
460 Work Services Division of the Department of Social Services stating a
461 good faith belief that the principal may be subject to physical or
462 financial abuse, neglect, exploitation or abandonment by the agent or a
463 person acting for or with the agent.

464 (c) A person that refuses in violation of this section to accept an
465 acknowledged power of attorney is subject to:

466 (1) An order by a probate court or by a court of general jurisdiction
467 mandating acceptance of the power of attorney; and

468 (2) Liability for reasonable attorney's fees and costs incurred in any
469 action or proceeding that confirms the validity of the power of
470 attorney or mandates acceptance of the power of attorney.

471 Sec. 21. (NEW) (*Effective October 1, 2014*) Unless displaced by a
472 provision of sections 1 to 45, inclusive, of this act, the principles of law
473 and equity supplement the provisions of sections 1 to 45, inclusive, of
474 this act.

475 Sec. 22. (NEW) (*Effective October 1, 2014*) The provisions of sections 1
476 to 45, inclusive, of this act do not supersede any other law applicable to
477 financial institutions or other entities, and the other law controls if
478 inconsistent with the provisions of sections 1 to 45, inclusive, of this
479 act.

480 Sec. 23. (NEW) (*Effective October 1, 2014*) The remedies under
481 sections 1 to 45, inclusive, of this act are not exclusive and do not
482 abrogate any right or remedy under the law of this state, other than
483 sections 1 to 45, inclusive, of this act.

484 Sec. 24. (NEW) (*Effective October 1, 2014*) (a) An agent under a power
485 of attorney may do the following on behalf of the principal or with the
486 principal's property only if the power of attorney expressly grants the
487 agent the authority and exercise of the authority is not otherwise

488 prohibited by another agreement or instrument to which the authority
489 or property is subject:

490 (1) Create, amend, revoke, or terminate an inter vivos trust;

491 (2) Make a gift;

492 (3) Create or change rights of survivorship;

493 (4) Create or change a beneficiary designation;

494 (5) Delegate authority granted under the power of attorney;

495 (6) Waive the principal's right to be a beneficiary of a joint and
496 survivor annuity, including a survivor benefit under a retirement plan;

497 (7) Exercise fiduciary powers that the principal has authority to
498 delegate; or

499 (8) Disclaim property, including a power of appointment.

500 (b) Notwithstanding a grant of authority to do an act described in
501 subsection (a) of this section, unless the power of attorney otherwise
502 provides, an agent that is not an ancestor, spouse or descendant of the
503 principal may not exercise authority under a power of attorney to
504 create in the agent, or in an individual to whom the agent owes a legal
505 obligation of support, an interest in the principal's property, whether
506 by gift, right of survivorship, beneficiary designation, disclaimer or
507 otherwise.

508 (c) Subject to the provisions set forth in subsections (a), (b), (d) and
509 (e) of this section, if a power of attorney grants to an agent authority to
510 do all acts that a principal could do, the agent has the general authority
511 described in sections 26 to 38, inclusive, of this act.

512 (d) Unless the power of attorney otherwise provides, a grant of
513 authority to make a gift is subject to section 40 of this act.

514 (e) Subject to the provisions set forth in subsections (a), (b) and (d)
515 of this section, if the subjects over which authority is granted in a
516 power of attorney are similar or overlap, the broadest authority
517 controls.

518 (f) Authority granted in a power of attorney is exercisable with
519 respect to property that the principal has when the power of attorney
520 is executed or acquires later, whether or not the property is located in
521 this state and whether or not the authority is exercised or the power of
522 attorney is executed in this state.

523 (g) An act performed by an agent pursuant to a power of attorney
524 has the same effect and inures to the benefit of and binds the principal
525 and the principal's successors in interest as if the principal had
526 performed the act.

527 Sec. 25. (NEW) (*Effective October 1, 2014*) (a) An agent has authority
528 described in sections 24 to 40, inclusive, of this act if the power of
529 attorney refers to general authority with respect to the descriptive term
530 for the subjects stated in sections 27 to 40, inclusive, of this act or cites
531 the section in which the authority is described.

532 (b) A reference in a power of attorney to general authority with
533 respect to the descriptive term for a subject in sections 27 to 40,
534 inclusive, of this act or a citation to a section of sections 27 to 40,
535 inclusive, of this act incorporates the entire section as if it were set out
536 in full in the power of attorney.

537 (c) A principal may modify authority incorporated by reference.

538 Sec. 26. (NEW) (*Effective October 1, 2014*) Unless the power of
539 attorney otherwise provides, by executing a power of attorney that
540 incorporates by reference a subject described in sections 27 to 40,
541 inclusive, of this act or that grants to an agent authority to do all acts
542 that a principal could do pursuant to subsection (c) of section 24 of this
543 act, a principal authorizes the agent, with respect to that subject, to:

544 (1) Demand, receive, and obtain by litigation or otherwise, money or
545 another thing of value to which the principal is, may become, or claims
546 to be entitled, and conserve, invest, disburse or use anything so
547 received or obtained for the purposes intended;

548 (2) Contract in any manner with any person, on terms agreeable to
549 the agent, to accomplish a purpose of a transaction and perform,
550 rescind, cancel, terminate, reform, restate, release or modify the
551 contract or another contract made by or on behalf of the principal;

552 (3) Execute, acknowledge, seal, deliver, file or record any instrument
553 or communication the agent considers desirable to accomplish a
554 purpose of a transaction, including creating at any time a schedule
555 listing some or all of the principal's property and attaching it to the
556 power of attorney;

557 (4) Initiate, participate in, submit to alternative dispute resolution,
558 settle, oppose or propose or accept a compromise with respect to a
559 claim existing in favor of or against the principal or intervene in
560 litigation relating to the claim;

561 (5) Seek on the principal's behalf the assistance of a court or other
562 governmental agency to carry out an act authorized in the power of
563 attorney;

564 (6) Engage, compensate and discharge an attorney, accountant,
565 discretionary investment manager, expert witness or other advisor;

566 (7) Prepare, execute and file a record, report or other document to
567 safeguard or promote the principal's interest under a federal or state
568 statute or regulation;

569 (8) Communicate with any representative or employee of a
570 government or governmental subdivision, agency or instrumentality,
571 on behalf of the principal;

572 (9) Access communications intended for, and communicate on

573 behalf of, the principal, whether by mail, electronic transmission,
574 telephone or other means; and

575 (10) Do any lawful act with respect to the subject and all property
576 related to the subject.

577 Sec. 27. (NEW) (*Effective October 1, 2014*) Unless the power of
578 attorney otherwise provides, language in a power of attorney granting
579 general authority with respect to real property authorizes the agent to:

580 (1) Demand, buy, lease, receive, accept as a gift or as security for an
581 extension of credit or otherwise acquire or reject an interest in real
582 property or a right incident to real property;

583 (2) Sell; exchange; convey with or without covenants,
584 representations, or warranties; quitclaim; release; surrender; retain title
585 for security; encumber; partition; consent to partitioning; subject to an
586 easement or covenant; subdivide; apply for zoning or other
587 governmental permits; plat or consent to platting; develop; grant an
588 option concerning; lease; sublease; contribute to an entity in exchange
589 for an interest in that entity; or otherwise grant or dispose of an
590 interest in real property or a right incident to real property;

591 (3) Pledge or mortgage an interest in real property or right incident
592 to real property as security to borrow money or pay, renew or extend
593 the time of payment of a debt of the principal or a debt guaranteed by
594 the principal;

595 (4) Release, assign, satisfy or enforce by litigation or otherwise a
596 mortgage, deed of trust, conditional sale contract, encumbrance, lien or
597 other claim to real property which exists or is asserted;

598 (5) Manage or conserve an interest in real property or a right
599 incident to real property owned or claimed to be owned by the
600 principal, including:

601 (A) Insuring against liability or casualty or other loss;

602 (B) Obtaining or regaining possession of or protecting the interest or
603 right by litigation or otherwise;

604 (C) Paying, assessing, compromising or contesting taxes or
605 assessments or applying for and receiving refunds in connection with
606 such taxes or assessments; and

607 (D) Purchasing supplies, hiring assistance or labor and making
608 repairs or alterations to the real property;

609 (6) Use, develop, alter, replace, remove, erect or install structures or
610 other improvements upon real property in or incident to which the
611 principal has, or claims to have, an interest or right;

612 (7) Participate in a reorganization with respect to real property or an
613 entity that owns an interest in or right incident to real property and
614 receive, and hold and act with respect to stocks and bonds or other
615 property received in a plan of reorganization, including:

616 (A) Selling or otherwise disposing of them;

617 (B) Exercising or selling an option, right of conversion or similar
618 right with respect to them; and

619 (C) Exercising any voting rights in person or by proxy;

620 (8) Change the form of title of an interest in or right incident to real
621 property; and

622 (9) Dedicate to public use, with or without consideration, easements
623 or other real property in which the principal has, or claims to have, an
624 interest.

625 Sec. 28. (NEW) (*Effective October 1, 2014*) Unless the power of
626 attorney otherwise provides, language in a power of attorney granting
627 general authority with respect to tangible personal property authorizes
628 the agent to:

629 (1) Demand, buy, receive, accept as a gift or as security for an
630 extension of credit or otherwise acquire or reject ownership or
631 possession of tangible personal property or an interest in tangible
632 personal property;

633 (2) Sell; exchange; convey with or without covenants,
634 representations, or warranties; quitclaim; release; surrender; create a
635 security interest in; grant options concerning; lease; sublease; or
636 otherwise dispose of tangible personal property or an interest in
637 tangible personal property;

638 (3) Grant a security interest in tangible personal property or an
639 interest in tangible personal property as security to borrow money or
640 pay, renew or extend the time of payment of a debt of the principal or
641 a debt guaranteed by the principal;

642 (4) Release, assign, satisfy or enforce by litigation or otherwise, a
643 security interest, lien or other claim on behalf of the principal, with
644 respect to tangible personal property or an interest in tangible personal
645 property;

646 (5) Manage or conserve tangible personal property or an interest in
647 tangible personal property on behalf of the principal, including:

648 (A) Insuring against liability or casualty or other loss;

649 (B) Obtaining or regaining possession of or protecting the property
650 or interest, by litigation or otherwise;

651 (C) Paying, assessing, compromising or contesting taxes or
652 assessments or applying for and receiving refunds in connection with
653 such taxes or assessments;

654 (D) Moving the property from place to place;

655 (E) Storing the property for hire or on a gratuitous bailment; and

656 (F) Using and making repairs, alterations or improvements to the
657 property; and

658 (6) Change the form of title of an interest in tangible personal
659 property.

660 Sec. 29. (NEW) (*Effective October 1, 2014*) Unless the power of
661 attorney otherwise provides, language in a power of attorney granting
662 general authority with respect to stocks and bonds authorizes the
663 agent to:

664 (1) Buy, sell and exchange stocks and bonds;

665 (2) Establish, continue, modify or terminate an account with respect
666 to stocks and bonds;

667 (3) Pledge stocks and bonds as security to borrow, pay, renew or
668 extend the time of payment of a debt of the principal;

669 (4) Receive certificates and other evidences of ownership with
670 respect to stocks and bonds; and

671 (5) Exercise voting rights with respect to stocks and bonds in person
672 or by proxy, enter into voting trusts and consent to limitations on the
673 right to vote.

674 Sec. 30. (NEW) (*Effective October 1, 2014*) Unless the power of
675 attorney otherwise provides, language in a power of attorney granting
676 general authority with respect to commodities and options authorizes
677 the agent to:

678 (1) Buy, sell, exchange, assign, settle and exercise commodity
679 futures contracts and call or put options on stocks or stock indexes
680 traded on a regulated option exchange; and

681 (2) Establish, continue, modify and terminate option accounts.

682 Sec. 31. (NEW) (*Effective October 1, 2014*) Unless the power of

683 attorney otherwise provides, language in a power of attorney granting
684 general authority with respect to banks and other financial institutions
685 authorizes the agent to:

686 (1) Continue, modify and terminate an account or other banking
687 arrangement made by or on behalf of the principal;

688 (2) Establish, modify, and terminate an account or other banking
689 arrangement with a bank, trust company, savings and loan association,
690 credit union, thrift company, brokerage firm or other financial
691 institution selected by the agent;

692 (3) Contract for services available from a financial institution,
693 including renting a safe deposit box or space in a vault;

694 (4) Withdraw by: Check, order, electronic funds transfer or
695 otherwise, money or property of the principal deposited with or left in
696 the custody of a financial institution;

697 (5) Receive statements of account, vouchers, notices and similar
698 documents from a financial institution and act with respect to them;

699 (6) Enter a safe deposit box or vault and withdraw or add to the
700 contents;

701 (7) Borrow money and pledge as security personal property of the
702 principal necessary to borrow money or pay, renew or extend the time
703 of payment of a debt of the principal or a debt guaranteed by the
704 principal;

705 (8) Make, assign, draw, endorse, discount, guarantee and negotiate
706 promissory notes, checks, drafts and other negotiable or nonnegotiable
707 paper of the principal or payable to the principal or the principal's
708 order, transfer money, receive the cash or other proceeds of those
709 transactions and accept a draft drawn by a person upon the principal
710 and pay it when due;

711 (9) Receive for the principal and act upon a sight draft, warehouse
712 receipt, or other document of title whether tangible or electronic, or
713 other negotiable or nonnegotiable instrument;

714 (10) Apply for, receive and use letters of credit, credit and debit
715 cards, electronic transaction authorizations and traveler's checks from
716 a financial institution and give an indemnity or other agreement in
717 connection with letters of credit; and

718 (11) Consent to an extension of the time of payment with respect to
719 commercial paper or a financial transaction with a financial institution.

720 Sec. 32. (NEW) (*Effective October 1, 2014*) Subject to the terms of a
721 document or an agreement governing an entity or an entity ownership
722 interest, and unless the power of attorney otherwise provides,
723 language in a power of attorney granting general authority with
724 respect to operation of an entity or business authorizes the agent to:

725 (1) Operate, buy, sell, enlarge, reduce, or terminate an ownership
726 interest;

727 (2) Perform a duty or discharge a liability and exercise in person or
728 by proxy a right, power, privilege or option that the principal has, may
729 have or claims to have;

730 (3) Enforce the terms of an ownership agreement;

731 (4) Initiate, participate in, submit to alternative dispute resolution,
732 settle, oppose, or propose or accept a compromise with respect to
733 litigation to which the principal is a party because of an ownership
734 interest;

735 (5) Exercise in person or by proxy, or enforce by litigation or
736 otherwise, a right, power, privilege or option the principal has or
737 claims to have as the holder of stocks and bonds;

738 (6) Initiate, participate in, submit to alternative dispute resolution,

739 settle, oppose, or propose or accept a compromise with respect to
740 litigation to which the principal is a party concerning stocks and
741 bonds;

742 (7) With respect to an entity or business owned solely by the
743 principal:

744 (A) Continue, modify, renegotiate, extend and terminate a contract
745 made by or on behalf of the principal with respect to the entity or
746 business before execution of the power of attorney;

747 (B) Determine:

748 (i) The location of its operation;

749 (ii) The nature and extent of its business;

750 (iii) The methods of manufacturing, selling, merchandising
751 financing, accounting and advertising employed in its operation;

752 (iv) The amount and types of insurance carried; and

753 (v) The mode of engaging, compensating and dealing with its
754 employees and accountants, attorneys or other advisors;

755 (C) Change the name or form of organization under which the
756 entity or business is operated and enter into an ownership agreement
757 with other persons to take over all or part of the operation of the entity
758 or business; and

759 (D) Demand and receive money due or claimed by the principal or
760 on the principal's behalf in the operation of the entity or business and
761 control and disburse the money in the operation of the entity or
762 business;

763 (8) Put additional capital into an entity or business in which the
764 principal has an interest;

765 (9) Join in a plan of reorganization, consolidation, conversion,
766 domestication or merger of the entity or business;

767 (10) Sell or liquidate all or part of an entity or business;

768 (11) Establish the value of an entity or business under a buy out
769 agreement to which the principal is a party;

770 (12) Prepare, sign, file and deliver reports, compilations of
771 information, returns or other papers with respect to an entity or
772 business and make related payments; and

773 (13) Pay, compromise or contest taxes, assessments, fines or
774 penalties and perform any other act to protect the principal from
775 illegal or unnecessary taxation, assessments, fines or penalties, with
776 respect to an entity or business, including attempts to recover, in any
777 manner permitted by law, money paid before or after the execution of
778 the power of attorney.

779 Sec. 33. (NEW) (*Effective October 1, 2014*) Unless the power of
780 attorney otherwise provides, language in a power of attorney granting
781 general authority with respect to insurance and annuities authorizes
782 the agent to:

783 (1) Continue, pay the premium or make a contribution on, modify,
784 exchange, rescind, release or terminate a contract procured by or on
785 behalf of the principal which insures or provides an annuity to either
786 the principal or another person, whether or not the principal is a
787 beneficiary under the contract;

788 (2) Procure new, different and additional contracts of insurance and
789 annuities for the principal and the principal's spouse, children and
790 other dependents, and select the amount, type of insurance or annuity
791 and mode of payment;

792 (3) Pay the premium or make a contribution on, modify, exchange,
793 rescind, release or terminate a contract of insurance or annuity

794 procured by the agent;

795 (4) Apply for and receive a loan secured by a contract of insurance
796 or annuity;

797 (5) Surrender and receive the cash surrender value on a contract of
798 insurance or annuity;

799 (6) Exercise an election;

800 (7) Exercise investment powers available under a contract of
801 insurance or annuity;

802 (8) Change the manner of paying premiums on a contract of
803 insurance or annuity;

804 (9) Change or convert the type of insurance or annuity with respect
805 to which the principal has or claims to have authority described in this
806 section;

807 (10) Apply for and procure a benefit or assistance under a federal or
808 state statute or regulation to guarantee or pay premiums of a contract
809 of insurance on the life of the principal;

810 (11) Collect, sell, assign, hypothecate, borrow against or pledge the
811 interest of the principal in a contract of insurance or annuity;

812 (12) Select the form and timing of the payment of proceeds from a
813 contract of insurance or annuity; and

814 (13) Pay, from proceeds or otherwise, compromise or contest and
815 apply for refunds in connection with, a tax or assessment levied by a
816 taxing authority with respect to a contract of insurance or annuity or
817 its proceeds or liability accruing by reason of the tax or assessment.

818 Sec. 34. (NEW) (*Effective October 1, 2014*) (a) For purposes of this
819 section, "estate, trust or other beneficial interest" means a trust, probate
820 estate, guardianship, conservatorship, escrow or custodianship or a

821 fund from which the principal is, may become or claims to be, entitled
822 to a share or payment.

823 (b) Unless the power of attorney otherwise provides, language in a
824 power of attorney granting general authority with respect to estates,
825 trusts and other beneficial interests authorizes the agent to:

826 (1) Accept, receive, receipt for, sell, assign, pledge or exchange a
827 share in or payment from an estate, trust or other beneficial interest;

828 (2) Demand or obtain money or another thing of value to which the
829 principal is, may become or claims to be, entitled by reason of an
830 estate, trust or other beneficial interest, by litigation or otherwise;

831 (3) Exercise for the benefit of the principal a presently exercisable
832 general power of appointment held by the principal;

833 (4) Initiate, participate in, submit to alternative dispute resolution,
834 settle, oppose, or propose or accept a compromise with respect to
835 litigation to ascertain the meaning, validity or effect of a deed, will,
836 declaration of trust or other instrument or transaction affecting the
837 interest of the principal;

838 (5) Initiate, participate in, submit to alternative dispute resolution,
839 settle, oppose, or propose or accept a compromise with respect to
840 litigation to remove, substitute or surcharge a fiduciary;

841 (6) Conserve, invest, disburse or use anything received for an
842 authorized purpose; and

843 (7) Transfer an interest of the principal in real property, stocks and
844 bonds, accounts with financial institutions or securities intermediaries,
845 insurance, annuities and other property to the trustee of a revocable
846 trust created by the principal as settlor.

847 Sec. 35. (NEW) (*Effective October 1, 2014*) Unless the power of
848 attorney otherwise provides, language in a power of attorney granting

849 general authority with respect to claims and litigation authorizes the
850 agent to:

851 (1) Assert and maintain before a court or administrative agency a
852 claim, claim for relief, cause of action, counterclaim, offset, recoupment
853 or defense, including an action to recover property or other thing of
854 value, recover damages sustained by the principal, eliminate or modify
855 tax liability, or seek an injunction, specific performance or other relief;

856 (2) Bring an action to determine adverse claims or intervene or
857 otherwise participate in litigation;

858 (3) Seek an attachment, garnishment, order of arrest or other
859 preliminary, provisional or intermediate relief and use an available
860 procedure to effect or satisfy a judgment, order or decree;

861 (4) Make or accept a tender, offer of judgment or admission of facts,
862 submit a controversy on an agreed statement of facts, consent to
863 examination and bind the principal in litigation;

864 (5) Submit to alternative dispute resolution, settle and propose or
865 accept a compromise;

866 (6) Waive the issuance and service of process upon the principal,
867 accept service of process, appear for the principal, designate persons
868 upon which process directed to the principal may be served, execute
869 and file or deliver stipulations on the principal's behalf, verify
870 pleadings, seek appellate review, procure and give surety and
871 indemnity bonds, contract and pay for the preparation and printing of
872 records and briefs, receive, execute, and file or deliver a consent,
873 waiver, release, confession of judgment, satisfaction of judgment,
874 notice, agreement or other instrument in connection with the
875 prosecution, settlement or defense of a claim or litigation;

876 (7) Act for the principal with respect to bankruptcy or insolvency,
877 whether voluntary or involuntary, concerning the principal or some

878 other person, or with respect to a reorganization, receivership or
879 application for the appointment of a receiver or trustee which affects
880 an interest of the principal in property or other thing of value;

881 (8) Pay a judgment, award or order against the principal or a
882 settlement made in connection with a claim or litigation; and

883 (9) Receive money or other thing of value paid in settlement of or as
884 proceeds of a claim or litigation.

885 Sec. 36. (NEW) (*Effective October 1, 2014*) (a) Unless the power of
886 attorney otherwise provides, language in a power of attorney granting
887 general authority with respect to personal and family maintenance
888 authorizes the agent to:

889 (1) Perform the acts necessary to maintain the customary standard
890 of living of the principal, the principal's spouse and the following
891 individuals, whether living when the power of attorney is executed or
892 later born:

893 (A) The principal's children;

894 (B) Other individuals legally entitled to be supported by the
895 principal; and

896 (C) The individuals whom the principal has customarily supported
897 or indicated the intent to support;

898 (2) Make periodic payments of child support and other family
899 maintenance required by a court or governmental agency or an
900 agreement to which the principal is a party;

901 (3) Provide living quarters for the individuals described in
902 subdivision (1) of this subsection by:

903 (A) Purchase, lease or other contract; or

904 (B) Paying the operating costs, including interest, amortization

905 payments, repairs, improvements and taxes, for premises owned by
906 the principal or occupied by those individuals;

907 (4) Provide normal domestic help, usual vacations and travel
908 expenses and funds for shelter, clothing, food, appropriate education,
909 including post secondary and vocational education and other current
910 living costs for the individuals described in subdivision (1) of this
911 subsection;

912 (5) Pay expenses for necessary health care and custodial care on
913 behalf of the individuals described in subdivision (1) of this subsection;

914 (6) Act as the principal's personal representative pursuant to the
915 Health Insurance Portability and Accountability Act, Sections 1171 to
916 1179, inclusive, of the Social Security Act, 42 USC 1320d, as amended
917 from time to time, and applicable federal regulations, in making
918 decisions related to the past, present or future payment for the
919 provision of health care consented to by the principal or anyone
920 authorized under the law of this state to consent to health care on
921 behalf of the principal;

922 (7) Continue any provision made by the principal for automobiles or
923 other means of transportation, including registering, licensing,
924 insuring and replacing them, for the individuals described in
925 subdivision (1) of this subsection;

926 (8) Maintain credit and debit accounts for the convenience of the
927 individuals described in subdivision (1) of this subsection and open
928 new accounts; and

929 (9) Continue payments incidental to the membership or affiliation of
930 the principal in a religious institution, club, society, order or other
931 organization or to continue contributions to those organizations.

932 (b) Authority with respect to personal and family maintenance is
933 neither dependent upon, nor limited by, authority that an agent may

934 or may not have with respect to gifts under this act.

935 Sec. 37. (NEW) (*Effective October 1, 2014*) (a) For purposes of this
936 section, "benefits from governmental programs or civil or military
937 service" means any benefit, program or assistance provided under a
938 federal or state statute or regulation including Social Security,
939 Medicare and Medicaid.

940 (b) Unless the power of attorney otherwise provides, language in a
941 power of attorney granting general authority with respect to benefits
942 from governmental programs or civil or military service authorizes the
943 agent to:

944 (1) Execute vouchers in the name of the principal for allowances and
945 reimbursements payable by the United States or a foreign government
946 or by a state or subdivision of a state to the principal, including
947 allowances and reimbursements for transportation of the individuals
948 described in subdivision (a) of subsection (1) of section 36 of this act,
949 and for shipment of their household effects;

950 (2) Take possession and order the removal and shipment of
951 property of the principal from a post, warehouse, depot, dock or other
952 place of storage or safekeeping, either governmental or private, and
953 execute and deliver a release, voucher, receipt, bill of lading, shipping
954 ticket, certificate or other instrument for that purpose;

955 (3) Enroll in, apply for, select, reject, change, amend or discontinue,
956 on the principal's behalf, a benefit or program;

957 (4) Prepare, file, and maintain a claim of the principal for a benefit
958 or assistance, financial or otherwise, to which the principal may be
959 entitled under a federal or state statute or regulation;

960 (5) Initiate, participate in, submit to alternative dispute resolution,
961 settle, oppose, or propose or accept a compromise with respect to
962 litigation concerning any benefit or assistance the principal may be

963 entitled to receive under a federal or state statute or regulation; and

964 (6) Receive the financial proceeds of a claim described in
965 subdivision (4) of this subsection and conserve, invest, disburse or use
966 for a lawful purpose anything so received.

967 Sec. 38. (NEW) (*Effective October 1, 2014*) (a) For purposes of this
968 section, "retirement plan" means a plan or account created by an
969 employer, the principal or another individual to provide retirement
970 benefits or deferred compensation of which the principal is a
971 participant, beneficiary or owner, including a plan or account under
972 the following sections of the of the Internal Revenue Code of 1986, or
973 any subsequent corresponding internal revenue code of the United
974 States, as amended from time to time:

975 (1) An individual retirement account under 26 USC 408, as amended
976 from time to time;

977 (2) A Roth individual retirement account under 26 USC 408A, as
978 amended from time to time;

979 (3) A deemed individual retirement account under 26 USC 408(q), as
980 amended from time to time;

981 (4) An annuity or mutual fund custodial account under 26 USC
982 403(b), as amended from time to time;

983 (5) A pension, profit sharing, stock bonus or other retirement plan
984 qualified under 26 USC 401(a), as amended from time to time;

985 (6) A plan under 26 USC 457(b), as amended from time to time; and

986 (7) A nonqualified deferred compensation plan under 26 USC 409A,
987 as amended from time to time.

988 (b) Unless the power of attorney otherwise provides, language in a
989 power of attorney granting general authority with respect to

990 retirement plans authorizes the agent to:

991 (1) Select the form and timing of payments under a retirement plan
992 and withdraw benefits from a plan;

993 (2) Make a rollover, including a direct trustee to trustee rollover, of
994 benefits from one retirement plan to another;

995 (3) Establish a retirement plan in the principal's name;

996 (4) Make contributions to a retirement plan;

997 (5) Exercise investment powers available under a retirement plan;
998 and

999 (6) Borrow from, sell assets to or purchase assets from a retirement
1000 plan.

1001 Sec. 39. (NEW) (*Effective October 1, 2014*) Unless the power of
1002 attorney otherwise provides, language in a power of attorney granting
1003 general authority with respect to taxes authorizes the agent to:

1004 (1) Prepare, sign and file federal, state, local and foreign income,
1005 gift, payroll, property, Federal Insurance Contributions Act and other
1006 tax returns, claims for refunds, requests for extension of time, petitions
1007 regarding tax matters and any other tax related documents, including,
1008 receipts, offers, waivers, consents, including consents and agreements
1009 under 26 USC 2032A, as amended from time to time, closing
1010 agreements and any power of attorney required by the Internal
1011 Revenue Service or other taxing authority with respect to a tax year
1012 upon which the statute of limitations has not run and the following
1013 twenty-five tax years;

1014 (2) Pay taxes due, collect refunds, post bonds, receive confidential
1015 information and contest deficiencies determined by the Internal
1016 Revenue Service or other taxing authority;

1017 (3) Exercise any election available to the principal under federal,
1018 state, local or foreign tax law; and

1019 (4) Act for the principal in all tax matters for all periods before the
1020 Internal Revenue Service, or other taxing authority.

1021 Sec. 40. (NEW) (*Effective October 1, 2014*) (a) For purposes of this
1022 section, a gift "for the benefit of" a person includes a gift to a trust, an
1023 account under the Uniform Transfers to Minors Act and a tuition
1024 savings account or prepaid tuition plan as defined under 26 USC 529,
1025 as amended from time to time.

1026 (b) Unless the power of attorney otherwise provides, language in a
1027 power of attorney granting general authority with respect to gifts
1028 authorizes the agent only to:

1029 (1) Make outright to, or for the benefit of, a person, a gift of any of
1030 the principal's property, including by the exercise of a presently
1031 exercisable general power of appointment held by the principal, in an
1032 amount per donee not to exceed the annual dollar limits of the federal
1033 gift tax exclusion under 26 USC 2503(b), as amended from time to time,
1034 without regard to whether the federal gift tax exclusion applies to the
1035 gift, or if the principal's spouse agrees to consent to a split gift
1036 pursuant to 26 USC 2513, as amended from time to time, in an amount
1037 per donee not to exceed twice the annual federal gift tax exclusion
1038 limit; and

1039 (2) Consent, pursuant to 26 USC 2513, as amended from time to
1040 time, to the splitting of a gift made by the principal's spouse in an
1041 amount per donee not to exceed the aggregate annual gift tax
1042 exclusions for both spouses.

1043 (c) An agent may make a gift of the principal's property only as the
1044 agent determines is consistent with the principal's objectives if actually
1045 known by the agent and, if unknown, as the agent determines is
1046 consistent with the principal's best interest based on all relevant

1047 factors, including:

1048 (1) The value and nature of the principal's property;

1049 (2) The principal's foreseeable obligations and need for
1050 maintenance;

1051 (3) Minimization of taxes, including income, estate, inheritance,
1052 generation skipping transfer and gift taxes;

1053 (4) Eligibility for a benefit, a program, or assistance under a federal
1054 or state statute or regulation; and

1055 (5) The principal's personal history of making or joining in making
1056 gifts.

1057 Sec. 41. (NEW) (*Effective October 1, 2014*) A document substantially
1058 in the following form may be used to create a statutory form power of
1059 attorney that has the meaning and effect prescribed by sections 1 to 45,
1060 inclusive, of this act.

1061 CONNECTICUT
1062 STATUTORY FORM POWER OF ATTORNEY
1063 IMPORTANT INFORMATION

1064 This power of attorney authorizes another person (your agent) to
1065 make decisions concerning your property for you (the principal). Your
1066 agent will be able to make decisions and act with respect to your
1067 property (including your money) whether or not you are able to act for
1068 yourself. The meaning of authority over subjects listed on this form is
1069 explained in the Connecticut Uniform Power of Attorney Act.

1070 This power of attorney does not authorize the agent to make health
1071 care decisions for you.

1072 You should select someone you trust to serve as your agent. Unless
1073 you specify otherwise, generally the agent's authority will continue

1074 until you die or revoke the power of attorney or the agent resigns or is
1075 unable to act for you.

1076 Your agent is entitled to reasonable compensation unless you state
1077 otherwise in the special instructions.

1078 This form provides for designation of one agent. If you wish to
1079 name more than one agent you may name a coagent in the special
1080 instructions. Coagents are not required to act together unless you
1081 include that requirement in the special instructions.

1082 If your agent is unable or unwilling to act for you, your power of
1083 attorney will end unless you have named a successor agent. You may
1084 also name a second successor agent.

1085 This power of attorney becomes effective immediately unless you
1086 state otherwise in the special instructions.

1087 If you have questions about the power of attorney or the authority
1088 you are granting to your agent, you should seek legal advice before
1089 signing this form.

1090 **DESIGNATION OF AGENT**

1091 I _____ name the following person
1092 (Name of Principal)

1093 as my agent:

1094 Name of Agent: _____

1095 Agent's Address: _____

1096 **DESIGNATION OF SUCCESSOR AGENT(S) (OPTIONAL)**

1097 If my agent is unable or unwilling to act for me, I name as my
1098 successor agent:

1099 Name of Successor Agent:_____

1100 Successor Agent's Address:_____

1101 If my successor agent is unable or unwilling to act for me, I name as
1102 my second successor agent:

1103 Name of Second Successor Agent:_____

1104 Second Successor Agent's Address:_____

1105 GRANT OF GENERAL AUTHORITY

1106 I grant my agent and any successor agent general authority to act
1107 for me with respect to the following subjects as defined in the
1108 Connecticut Uniform Power of Attorney Act, sections 1 to 45,
1109 inclusive, of this act:

1110 (INITIAL each subject you want to include in the agent's general
1111 authority. If you wish to grant general authority over all of the subjects
1112 you may initial "All Preceding Subjects" instead of initialing each
1113 subject.)

1114 () Real Property

1115 () Tangible Personal Property

1116 () Stocks and Bonds

1117 () Commodities and Options

1118 () Banks and Other Financial Institutions

1119 () Operation of Entity or Business

1120 () Insurance and Annuities

1121 () Estates, Trusts and Other Beneficial Interests

1122 Claims and Litigation

1123 Personal and Family Maintenance

1124 Benefits from Governmental Programs or Civil or Military
1125 Service

1126 Retirement Plans

1127 Taxes

1128 All Preceding Subjects

1129 GRANT OF SPECIFIC AUTHORITY (OPTIONAL)

1130 My agent MAY NOT do any of the following specific acts for me
1131 UNLESS I have INITIALED the specific authority listed below:

1132 (CAUTION: Granting any of the following will give your agent the
1133 authority to take actions that could significantly reduce your property
1134 or change how your property is distributed at your death. INITIAL
1135 ONLY the specific authority you WANT to give your agent.)

1136 YOU SHOULD SEEK LEGAL ADVICE BEFORE INCLUDING THE
1137 FOLLOWING POWERS.

1138 Make a gift, subject to the limitations of the Connecticut
1139 Uniform Power of Attorney Act and any special instructions in this
1140 power of attorney. Unless otherwise provided in the special
1141 instructions, gifts per recipient may not exceed the annual dollar limits
1142 of the federal gift tax exclusion under Internal Revenue Code Section
1143 2503(b), or if the principal's spouse agrees to consent to a split gift
1144 pursuant to Internal Revenue Code Section 2513, in an amount per
1145 recipient not to exceed twice the annual federal gift tax exclusion limit.
1146 In addition, an agent must determine that gifts are consistent with the
1147 principal's objectives if actually known by the agent and, if unknown,
1148 as the agent determines is consistent with the principal's best interest

1149 based on all relevant factors.

1150 Create or change rights of survivorship

1151 Create or change a beneficiary designation

1152 Authorize another person to exercise the authority granted
1153 under this power of attorney

1154 Waive the principal's right to be a beneficiary of a joint and
1155 survivor annuity, including a survivor benefit under a retirement plan

1156 Exercise fiduciary powers that the principal has authority to
1157 delegate

1158 Disclaim or refuse an interest in property, including a power
1159 of appointment

1160 **LIMITATION ON AGENT'S AUTHORITY**

1161 An agent that is not my ancestor, spouse, or descendant MAY NOT
1162 use my property to benefit the agent or a person to whom the agent
1163 owes an obligation of support unless I have included that authority in
1164 the special instructions.

1165 **SPECIAL INSTRUCTIONS (OPTIONAL)**

1166 You may give special instructions on the following lines:

1167 _____
1168 _____
1169 _____
1170 _____
1171 _____
1172 _____

1173 I approve these special instructions

1174 _____
1175 Your Signature Date

1176 EFFECTIVE DATE

1177 This power of attorney is effective immediately unless I have stated
1178 otherwise in the special instructions.

1179 NOMINATION OF CONSERVATOR (OPTIONAL)

1180 Initial below if you want to include the following provision(s):

1181 (___) I hereby nominate the same person(s) that I have named as my
1182 agent(s) under this power of attorney as conservator(s) of my estate if
1183 it becomes necessary for a court to appoint a conservator of my estate.

1184 (___) In the event that a court appoints my agent(s) as my
1185 conservator(s), I request that my conservator(s) not be required to post
1186 a bond.

1187 RELIANCE ON THIS POWER OF ATTORNEY

1188 Any person, including my agent, may rely upon the validity of this
1189 power of attorney or a copy of it unless that person knows it has
1190 terminated or is invalid.

1191 SIGNATURE AND ACKNOWLEDGMENT

1192 Signed in the presence of:

1193

1194 _____
1195 Witness Signature Your Signature Date

1196

1197 _____
1198 Witness Signature Your Signature Date

1199 Your Name Printed

1200 _____

1201 _____

1202 Your Address

1203 _____

1204 Your Telephone Number

1205

1206 State of _____

1207 County of _____

1208 This document was acknowledged before me On _____

1209 (Date)

1210 by _____.

1211 (Name of Principal)

1212

1213 _____ (Seal, if any)

1214 Signature of Commissioner of Superior Court/Notary

1215 My commission expires: _____

1216 **IMPORTANT INFORMATION FOR AGENT**

1217 **Agent's Duties**

1218 When you accept the authority granted under this power of
1219 attorney, a special legal relationship is created between you and the
1220 principal. This relationship continues until you resign or the power of
1221 attorney is terminated or revoked. You must:

1222 (1) Do what you know the principal reasonably expects you to do

1223 with the principal's property or, if you do not know the principal's
1224 expectations, act in the principal's best interest;

1225 (2) Act in good faith;

1226 (3) Do nothing beyond the authority granted in this power of
1227 attorney; and

1228 (4) Disclose your identity as an agent whenever you act for the
1229 principal by writing or printing the name of the principal and signing
1230 your own name as "agent" in the following manner:

1231 (Principal's Name) by (Your Signature) as Agent

1232 Unless the special instructions in this power of attorney state
1233 otherwise, you must also:

1234 (1) Act loyally for the principal's benefit;

1235 (2) Avoid conflicts that would impair your ability to act in the
1236 principal's best interest;

1237 (3) Act with care, competence, and diligence;

1238 (4) Keep a record of all receipts, disbursements, and transactions
1239 made on behalf of the principal;

1240 (5) Cooperate with any person that has authority to make health
1241 care decisions for the principal to do what you know the principal
1242 reasonably expects or, if you do not know the principal's expectations,
1243 to act in the principal's best interest; and

1244 (6) Attempt to preserve the principal's estate plan if you know the
1245 plan and preserving the plan is consistent with the principal's best
1246 interest.

1247 Termination of Agent's Authority

1248 You must stop acting on behalf of the principal if you learn of any
1249 event that terminates this power of attorney or your authority under
1250 this power of attorney. Events that terminate a power of attorney or
1251 your authority to act under a power of attorney include:

1252 (1) Death of the principal;

1253 (2) The principal's revocation of the power of attorney or your
1254 authority;

1255 (3) The occurrence of a termination event stated in the power of
1256 attorney;

1257 (4) The purpose of the power of attorney is fully accomplished; or

1258 (5) If you are married to the principal, a legal action is filed with a
1259 court to end your marriage, or for your legal separation, unless the
1260 special instructions in this power of attorney state that such an action
1261 will not terminate your authority.

1262 **Liability of Agent**

1263 The meaning of the authority granted to you is defined in the
1264 Connecticut Uniform Power of Attorney Act, sections 1 to 45,
1265 inclusive, of this act. If you violate the Connecticut Uniform Power of
1266 Attorney Act, sections 1 to 45, inclusive, of this act or act outside the
1267 authority granted, you may be liable for any damages caused by your
1268 violation.

1269 If there is anything about this document or your duties that you do
1270 not understand, you should seek legal advice.

1271 Sec. 42. (NEW) (*Effective October 1, 2014*) The following optional
1272 form may be used by an agent to certify facts concerning a power of
1273 attorney.

1274 **AGENT'S CERTIFICATION AS TO THE**

1275 VALIDITY OF POWER OF ATTORNEY AND AGENT'S
1276 AUTHORITY

1277 State of _____

1278 County of _____

1279 I, _____ (Name of Agent), certify under penalty of
1280 false statement that _____ (Name of Principal) granted
1281 me authority as an agent or successor agent in a power of attorney
1282 dated _____.

1283 I further certify that to my knowledge:

1284 (1) the Principal is alive and has not revoked the Power of Attorney
1285 or my authority to act under the Power of Attorney and the Power of
1286 Attorney and my authority to act under the Power of Attorney have
1287 not terminated;

1288 (2) if the Power of Attorney was drafted to become effective upon
1289 the happening of an event or contingency, the event or contingency
1290 has occurred;

1291 (3) if I was named as a successor agent, the prior agent is no longer
1292 able or willing to serve; and

1293 (4) _____

1294 _____

1295 _____

1296 _____

1297 (Insert other relevant statements)

1298 SIGNATURE AND ACKNOWLEDGMENT

1299 _____

1300 Agent's Signature

_____ Date

1301 _____

1302 Agent's Name Printed

1303 _____

1304 _____

1305 Agent's Address

1306 _____

1307 Agent's Telephone Number

1308 This document was acknowledged before me on _____,

1309 (Date)

1310 by _____.

1311 (Name of Agent)

1312

1313 _____ (Seal, if any)

1314 Signature of Commissioner of Superior Court/Notary

1315 My commission expires: _____

1316 Sec. 43. (NEW) (*Effective October 1, 2014*) In applying and construing
1317 the provisions of sections 1 to 45, inclusive, of this act, consideration
1318 must be given to the need to promote uniformity of the law with
1319 respect to its subject matter among the states that enact it.

1320 Sec. 44. (NEW) (*Effective October 1, 2014*) This act modifies, limits,
1321 and supersedes the federal Electronic Signatures in Global and
1322 National Commerce Act, 15 USC 7001 et seq., but does not modify,
1323 limit, or supersede Section 101(c) of that act, 15 USC 7001(c), or
1324 authorize electronic delivery of any of the notices described in Section
1325 3(b) of that act, 15 USC 7003(b).

1326 Sec. 45. (NEW) (*Effective October 1, 2014*) (a) Except as otherwise
1327 provided in sections 1 to 45, inclusive, of this act, on October 1, 2014,

1328 said sections apply to:

1329 (1) A power of attorney created before, on, or after October 1, 2014;

1330 (2) A judicial proceeding concerning a power of attorney
1331 commenced on or after October 1, 2014;

1332 (3) A judicial proceeding concerning a power of attorney
1333 commenced before October 1, 2014, unless the court finds that
1334 application of a provision of sections 1 to 45, inclusive, of this act
1335 would substantially interfere with the effective conduct of the judicial
1336 proceeding or prejudice the rights of a party, in which case that
1337 provision does not apply and the superseded law applies; and

1338 (b) An act performed by an agent under a power of attorney before
1339 October 1, 2014, is not affected by sections 1 to 45, inclusive, of this act.

1340 Sec. 46. Subsection (a) of section 45a-98 of the general statutes is
1341 repealed and the following is substituted in lieu thereof (*Effective*
1342 *October 1, 2014*):

1343 (a) Courts of probate in their respective districts shall have the
1344 power to (1) grant administration of intestate estates of persons who
1345 have died domiciled in their districts and of intestate estates of persons
1346 not domiciled in this state which may be granted as provided by
1347 section 45a-303; (2) admit wills to probate of persons who have died
1348 domiciled in their districts or of nondomiciliaries whose wills may be
1349 proved in their districts as provided in section 45a-287; (3) except as
1350 provided in section 45a-98a or as limited by an applicable statute of
1351 limitations, determine title or rights of possession and use in and to
1352 any real, tangible or intangible property that constitutes, or may
1353 constitute, all or part of any trust, any decedent's estate, or any estate
1354 under control of a guardian or conservator, which trust or estate is
1355 otherwise subject to the jurisdiction of the Probate Court, including the
1356 rights and obligations of any beneficiary of the trust or estate and
1357 including the rights and obligations of any joint tenant with respect to

1358 survivorship property; (4) except as provided in section 45a-98a,
1359 construe the meaning and effect of any will or trust agreement if a
1360 construction is required in connection with the administration or
1361 distribution of a trust or estate otherwise subject to the jurisdiction of
1362 the Probate Court, [or, with respect to] an inter vivos trust, if that trust
1363 is or could be subject to jurisdiction of the court for an accounting
1364 pursuant to section 45a-175, provided such an accounting need not be
1365 required, or a power of attorney in accordance with section 16 of this
1366 act; (5) except as provided in section 45a-98a, apply the doctrine of cy
1367 pres or approximation; (6) to the extent provided for in section 45a-175,
1368 call executors, administrators, trustees, guardians, conservators,
1369 persons appointed to sell the land of minors, and [attorneys-in-fact]
1370 agents acting under powers of attorney created in accordance with
1371 section [45a-562] sections 1 to 45, inclusive, of this act, to account
1372 concerning the estates entrusted to their charge or for other relief as
1373 provided in sections 1 to 45, inclusive, of this act; and (7) make any
1374 lawful orders or decrees to carry into effect the power and jurisdiction
1375 conferred upon them by the laws of this state.

1376 Sec. 47. Section 45a-175 of the general statutes is repealed and the
1377 following is substituted in lieu thereof (*Effective October 1, 2014*):

1378 (a) Courts of probate shall have jurisdiction of the interim and final
1379 accounts of testamentary trustees, trustees appointed by the courts of
1380 probate, conservators, guardians, persons appointed by probate courts
1381 to sell the land of minors, executors, administrators and trustees in
1382 insolvency, and, to the extent provided for in this section, shall have
1383 jurisdiction of accounts of the actions of trustees of inter vivos trusts
1384 and [attorneys-in-fact] agents acting under powers of attorney.

1385 (b) A trustee or settlor of an inter vivos trust or an attorney-in-fact
1386 or the successor of the trustee, settlor [or attorney-in-fact or the grantor
1387 of such power of attorney] or his legal representative may make
1388 application to the court of probate for the district where the trustee, or
1389 any one of them, [or the attorney-in-fact] has any place of business or

1390 to the court of probate for the district where the trustee or any one of
1391 them or the settlor [or the attorney-in-fact or the grantor of the power]
1392 resides or, in the case of a deceased settlor or grantor, to the court of
1393 probate having jurisdiction over the estate of the settlor [or grantor] or
1394 for the district in which the settlor [or grantor] resided immediately
1395 prior to death for submission to the jurisdiction of the court of an
1396 account for allowance of the trustee's [or attorney's] actions under such
1397 trust. [or power.]

1398 (c) (1) Any beneficiary of an inter vivos trust may petition a court of
1399 probate having jurisdiction under this section for an accounting by the
1400 trustee or trustees. The court may, after hearing with notice to all
1401 interested parties, grant the petition and require an accounting for
1402 such periods of time as it determines are reasonable and necessary on
1403 finding that: (A) The beneficiary has an interest in the trust sufficient to
1404 entitle him to an accounting, (B) cause has been shown that an
1405 accounting is necessary, and (C) the petition is not for the purpose of
1406 harassment.

1407 (2) A court of probate shall have jurisdiction to require an
1408 accounting under subdivision (1) of subsection (c) of this section if (A)
1409 a trustee of the trust resides in its district, (B) in the case of a corporate
1410 trustee, the trustee has any place of business in the district, (C) any of
1411 the trust assets are maintained or evidences of intangible property of
1412 the trust are situated in the district, or (D) the settlor resides in the
1413 district or, in the case of a deceased settlor, resided in the district
1414 immediately prior to death.

1415 (3) As used in subdivision (1) of subsection (c) of this section,
1416 "beneficiary" means any person currently receiving payments of
1417 income or principal from the trust, or who may be entitled to receive
1418 income or principal or both from the trust at some future date, or the
1419 legal representative of such person.

1420 (d) Any of the persons specified in section 16 of this act may make

1421 application to the court of probate for the district where the agent has
1422 any place of business or to the court of probate for the district where
1423 the agent or the principal resides or, in the case of a deceased principal,
1424 to the court of probate having jurisdiction over the estate of the
1425 principal or for the district in which the principal resided immediately
1426 prior to death, for an accounting or other relief as provided in
1427 section 16 of this act. The court shall grant the petition if filed by the
1428 principal, agent, guardian, conservator or other fiduciary acting for the
1429 principal. The court may grant a petition filed by any other person
1430 specified in section 16 of this act if it finds that (1) the petitioner has an
1431 interest sufficient to entitle him to the relief requested, (2) cause has
1432 been shown that such relief is necessary, and (3) the petition is not for
1433 the purpose of harassment.

1434 [(d)] (e) The action to submit an accounting to the court, whether by
1435 an inter vivos trustee or [attorney] agent acting under a power of
1436 attorney or whether pursuant to petition of another party, shall not
1437 subject the trust or the power of attorney to the continuing jurisdiction
1438 of the Probate Court.

1439 [(e)] (f) If the court finds such appointment to be necessary and in
1440 the best interests of the estate, the court upon its own motion may
1441 appoint an auditor to be selected from a list provided by the Probate
1442 Court Administrator, to examine accounts over which the court has
1443 jurisdiction under this section, except those accounts on matters in
1444 which the fiduciary or cofiduciary is a corporation having trust
1445 powers. The Probate Court Administrator shall promulgate
1446 regulations in accordance with section 45a-77 concerning the
1447 compilation of a list of qualified auditors. Costs of the audit may be
1448 charged to the fiduciary, any party in interest and the estate, in such
1449 proportion as the court shall direct if the court finds such charge to be
1450 equitable. Any such share may be paid from the fund established
1451 under section 45a-82, subject to the approval of the Probate Court
1452 Administrator, if it is determined that the person obligated to pay such
1453 share is unable to pay or to charge such amount to the estate would

1454 cause undue hardship.

1455 [(f)] (g) Upon the allowance of any such account, the court shall
1456 determine the rights of the fiduciaries or the [attorney-in-fact] agent
1457 under a power of attorney rendering the account and of the parties
1458 interested in the account, including the relief authorized under section
1459 17 of this act, subject to appeal as in other cases. The court shall cause
1460 notice of the hearing on the account to be given in such manner and to
1461 such parties as it directs.

1462 [(g)] (h) In any action under this section, the Probate Court shall
1463 have, in addition to powers pursuant to this section, all the powers
1464 available to a judge of the Superior Court at law and in equity
1465 pertaining to matters under this section.

1466 Sec. 48. Subsection (b) of section 45a-645 of the general statutes is
1467 repealed and the following is substituted in lieu thereof (*Effective*
1468 *October 1, 2014*):

1469 (b) The designation shall be executed, witnessed and revoked in the
1470 same manner as provided for wills in sections 45a-251 and 45a-257, or
1471 a power of attorney executed in accordance with section 5 of this act,
1472 except that any person who is so designated as a conservator shall not
1473 qualify as a witness.

1474 Sec. 49. Section 45a-650 of the general statutes is repealed and the
1475 following is substituted in lieu thereof (*Effective October 1, 2014*):

1476 (a) At any hearing on an application for involuntary representation,
1477 before the court receives any evidence regarding the condition of the
1478 respondent or of the respondent's affairs, the court shall require clear
1479 and convincing evidence that the court has jurisdiction, that the
1480 respondent has been given notice as required in section 45a-649, and
1481 that the respondent has been advised of the right to retain an attorney
1482 pursuant to section 45a-649a and is either represented by an attorney
1483 or has waived the right to be represented by an attorney. The

1484 respondent shall have the right to attend any hearing held under this
1485 section.

1486 (b) The rules of evidence in civil actions adopted by the judges of
1487 the Superior Court shall apply to all hearings pursuant to this section.
1488 All testimony at a hearing held pursuant to this section shall be given
1489 under oath or affirmation.

1490 (c) After making the findings required under subsection (a) of this
1491 section, the court shall receive evidence regarding the respondent's
1492 condition, the capacity of the respondent to care for himself or herself
1493 or to manage his or her affairs, and the ability of the respondent to
1494 meet his or her needs without the appointment of a conservator.
1495 Unless waived by the court pursuant to this subsection, evidence shall
1496 be introduced from one or more physicians licensed to practice
1497 medicine in the state who have examined the respondent within forty-
1498 five days preceding the hearing. The evidence shall contain specific
1499 information regarding the respondent's condition and the effect of the
1500 respondent's condition on the respondent's ability to care for himself
1501 or herself or to manage his or her affairs. The court may also consider
1502 such other evidence as may be available and relevant, including, but
1503 not limited to, a summary of the physical and social functioning level
1504 or ability of the respondent, and the availability of support services
1505 from the family, neighbors, community or any other appropriate
1506 source. Such evidence may include, if available, reports from the social
1507 work service of a general hospital, municipal social worker, director of
1508 social service, public health nurse, public health agency, psychologist,
1509 coordinating assessment and monitoring agencies, or such other
1510 persons as the court considers qualified to provide such evidence. The
1511 court may waive the requirement that medical evidence be presented if
1512 it is shown that the evidence is impossible to obtain because of the
1513 absence of the respondent or the respondent's refusal to be examined
1514 by a physician or that the alleged incapacity is not medical in nature. If
1515 such requirement is waived, the court shall make a specific finding in
1516 any decree issued on the application stating why medical evidence

1517 was not required. Any hospital, psychiatric or medical record or report
1518 filed with the court pursuant to this subsection shall be confidential.

1519 (d) Upon the filing of an application for involuntary representation
1520 pursuant to section 45a-648, the court shall issue an order for the
1521 disclosure of the medical information required pursuant to this section
1522 to the respondent's attorney and, upon request, to the respondent. The
1523 court may issue an order for the disclosure of such medical
1524 information to any other person as the court determines necessary.

1525 (e) Notwithstanding the provisions of section 45a-7, the court may
1526 hold the hearing on the application at a place other than its usual
1527 courtroom if it would facilitate attendance by the respondent.

1528 (f) (1) If the court finds by clear and convincing evidence that the
1529 respondent is incapable of managing the respondent's affairs, that the
1530 respondent's affairs cannot be managed adequately without the
1531 appointment of a conservator and that the appointment of a
1532 conservator is the least restrictive means of intervention available to
1533 assist the respondent in managing the respondent's affairs, the court
1534 may appoint a conservator of his or her estate after considering the
1535 factors set forth in subsection (g) of this section.

1536 (2) If the court finds by clear and convincing evidence that the
1537 respondent is incapable of caring for himself or herself, that the
1538 respondent cannot be cared for adequately without the appointment of
1539 a conservator and that the appointment of a conservator is the least
1540 restrictive means of intervention available to assist the respondent in
1541 caring for himself or herself, the court may appoint a conservator of his
1542 or her person after considering the factors set forth in subsection (g) of
1543 this section.

1544 (3) No conservator may be appointed if the respondent's personal
1545 needs and property management are being met adequately by an
1546 agency or individual appointed pursuant to section [1-43,] 19a-575a,
1547 19a-577, 19a-580e or 19a-580g.

1548 (g) When determining whether a conservator should be appointed
1549 the court shall consider the following factors: (1) The abilities of the
1550 respondent; (2) the respondent's capacity to understand and articulate
1551 an informed preference regarding the care of his or her person or the
1552 management of his or her affairs; (3) any relevant and material
1553 information obtained from the respondent; (4) evidence of the
1554 respondent's past preferences and life style choices; (5) the
1555 respondent's cultural background; (6) the desirability of maintaining
1556 continuity in the respondent's life and environment; (7) whether the
1557 respondent had previously made adequate alternative arrangements
1558 for the care of his or her person or for the management of his or her
1559 affairs, including, but not limited to, the execution of a durable power
1560 of attorney, springing power of attorney, the appointment of a health
1561 care representative or health care agent, the execution of a living will
1562 or trust or the execution of any other similar document; (8) any
1563 relevant and material evidence from the respondent's family and any
1564 other person regarding the respondent's past practices and
1565 preferences; and (9) any supportive services, technologies or other
1566 means that are available to assist the respondent in meeting his or her
1567 needs.

1568 (h) The respondent or conserved person may appoint, designate or
1569 nominate a conservator pursuant to section 19a-580e, 19a-580g or 45a-
1570 645, or may, orally or in writing, nominate a conservator who shall be
1571 appointed unless the court finds that the appointee, designee or
1572 nominee is unwilling or unable to serve or there is substantial evidence
1573 to disqualify such person. If there is no such appointment, designation
1574 or nomination or if the court does not appoint the person appointed,
1575 designated or nominated by the respondent or conserved person, the
1576 court may appoint any qualified person, authorized public official or
1577 corporation in accordance with subsections (a) and (b) of section 45a-
1578 644. In considering whom to appoint as conservator, the court shall
1579 consider (1) the extent to which a proposed conservator has knowledge
1580 of the respondent's or conserved person's preferences regarding the

1581 care of his or her person or the management of his or her affairs, (2) the
1582 ability of the proposed conservator to carry out the duties,
1583 responsibilities and powers of a conservator, (3) the cost of the
1584 proposed conservatorship to the estate of the respondent or conserved
1585 person, (4) the proposed conservator's commitment to promoting the
1586 respondent's or conserved person's welfare and independence, and (5)
1587 any existing or potential conflicts of interest of the proposed
1588 conservator.

1589 (i) If the court appoints a conservator of the estate of the respondent,
1590 the court shall require a probate bond. The court may, if it considers it
1591 necessary for the protection of the respondent, require a bond of any
1592 conservator of the person appointed under this section.

1593 (j) Absent the court's order to the contrary and except as otherwise
1594 provided in subsection (b) of section 19a-580e, a conservator appointed
1595 pursuant to this section shall be bound by all health care decisions
1596 properly made by the conserved person's health care representative.

1597 (k) In assigning the duties of a conservator under this section the
1598 court may, in accordance with section 8 of this act, limit, suspend or
1599 terminate the authority of an agent designated by the conserved
1600 person to act under a power of attorney.

1601 ~~[(k) A]~~ (l) Except as provided in subsection (k) of this section, a
1602 conserved person and his agent under a power of attorney shall retain
1603 all rights and authority not expressly assigned to the conservator.

1604 ~~[(l)]~~ (m) The court shall assign to a conservator appointed under this
1605 section only the duties and authority that are the least restrictive
1606 means of intervention necessary to meet the needs of the conserved
1607 person. The court shall find by clear and convincing evidence that such
1608 duties and authority restrict the decision-making authority of the
1609 conserved person only to the extent necessary to provide for the
1610 personal needs or property management of the conserved person. Such
1611 personal needs and property management shall be provided in a

1612 manner appropriate to the conserved person. The court shall make a
1613 finding of the clear and convincing evidence that supports the need for
1614 each duty and authority assigned to the conservator.

1615 [(m)] (n) Nothing in this chapter shall impair, limit or diminish a
1616 conserved person's right to retain an attorney to represent such person
1617 or to seek redress of grievances in any court or administrative agency,
1618 including proceedings in the nature of habeas corpus arising out of
1619 any limitations imposed on the conserved person by court action taken
1620 under this chapter, chapter 319i, chapter 319j or section 45a-242. In any
1621 other proceeding in which the conservator has retained counsel for the
1622 conserved person, the conserved person may request the Court of
1623 Probate to direct the conservator to substitute an attorney chosen by
1624 the conserved person.

1625 Sec. 50. Section 47-5 of the 2014 supplement to the general statutes is
1626 repealed and the following is substituted in lieu thereof (*Effective*
1627 *October 1, 2014*):

1628 (a) All conveyances of land shall be: (1) In writing; (2) if the grantor
1629 is a natural person, subscribed, with or without a seal, by the grantor
1630 with his own hand or with his mark with his name annexed to it or by
1631 his [attorney] agent authorized for that purpose by a power executed,
1632 acknowledged and witnessed in the manner provided for conveyances
1633 or, if the grantor is a corporation, limited liability company or
1634 partnership, subscribed by a duly authorized person; (3)
1635 acknowledged by the grantor, his [attorney] agent or such duly
1636 authorized person (A) to be his free act and deed, or (B) in any manner
1637 permitted under chapter 6 or chapter 8; and (4) attested to by two
1638 witnesses with their own hands.

1639 (b) A document conveying land shall also include the current
1640 mailing address of the grantee.

1641 (c) In addition to the requirements of subsection (a) of this section,
1642 the execution of a deed or other conveyance of real property pursuant

Sec. 8	<i>October 1, 2014</i>	New section
Sec. 9	<i>October 1, 2014</i>	New section
Sec. 10	<i>October 1, 2014</i>	New section
Sec. 11	<i>October 1, 2014</i>	New section
Sec. 12	<i>October 1, 2014</i>	New section
Sec. 13	<i>October 1, 2014</i>	New section
Sec. 14	<i>October 1, 2014</i>	New section
Sec. 15	<i>October 1, 2014</i>	New section
Sec. 16	<i>October 1, 2014</i>	New section
Sec. 17	<i>October 1, 2014</i>	New section
Sec. 18	<i>October 1, 2014</i>	New section
Sec. 19	<i>October 1, 2014</i>	New section
Sec. 20	<i>October 1, 2014</i>	New section
Sec. 21	<i>October 1, 2014</i>	New section
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Sec. 26	<i>October 1, 2014</i>	New section
Sec. 27	<i>October 1, 2014</i>	New section
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Sec. 39	<i>October 1, 2014</i>	New section
Sec. 40	<i>October 1, 2014</i>	New section
Sec. 41	<i>October 1, 2014</i>	New section
Sec. 42	<i>October 1, 2014</i>	New section
Sec. 43	<i>October 1, 2014</i>	New section
Sec. 44	<i>October 1, 2014</i>	New section
Sec. 45	<i>October 1, 2014</i>	New section
Sec. 46	<i>October 1, 2014</i>	45a-98(a)

Sec. 47	October 1, 2014	45a-175
Sec. 48	October 1, 2014	45a-645(b)
Sec. 49	October 1, 2014	45a-650
Sec. 50	October 1, 2014	47-5
Sec. 51	October 1, 2014	19a-580f(c)
Sec. 52	October 1, 2014	Repealer section
Sec. 53	October 1, 2014	Repealer section

Statement of Purpose:

To adopt the Uniform Power of Attorney Act in this state.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]