



General Assembly

Substitute Bill No. 5215

February Session, 2014



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*) Sections 1 to 45,
2 inclusive, of this act may be cited as the "Connecticut Uniform Power
3 of Attorney Act."

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

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

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

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

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

16 (5) "Incapacity" means inability of an individual, even with

17 appropriate assistance, to perform the functions inherent in managing
18 his or her affairs because the individual:

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

22 (B) Is:

23 (i) missing;

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

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

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

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

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

44 (9) "Principal" means an individual who grants authority to an agent

45 in a power of attorney.

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

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

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

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

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

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

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

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

68 (1) A power to the extent it is coupled with an interest in the subject
69 of the power, including a power given to or for the benefit of a creditor
70 in connection with a credit transaction;

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

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

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

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

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

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

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

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

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

100 (2) The requirements for a military power of attorney pursuant to 10

101 USC 1044b, as amended from time to time.

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

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

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

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

126 Sec. 9. (NEW) (*Effective October 1, 2014*) (a) A power of attorney is
127 effective when executed unless the principal provides in the power of
128 attorney that it becomes effective at a future date or upon the
129 occurrence of a future event or contingency.

130 (b) If a power of attorney becomes effective upon the occurrence of a
131 future event or contingency, the principal, in the power of attorney,

132 may authorize one or more persons to determine in a writing or other
133 record that the event or contingency has occurred.

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

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

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

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

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

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

160 STATE OF)

161) SS:

162 COUNTY OF)

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

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

167 THAT specified contingency was:

168 THAT specified contingency has occurred.

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

170 L.S.

171

172 Witness

173

174 Witness

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

176

177 Commissioner of the Superior Court

178 Notary Public

179 My commission expires:

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

182 (1) The principal dies;

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

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

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

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

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

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

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

194 (1) The principal revokes the authority;

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

197 (3) The agent dies or resigns;

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

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

204 (i) A judge in a court proceeding;

205 (ii) A physician; or

206 (iii) A successor agent, designated in accordance with section 11 of
207 this act, if a written opinion of a physician cannot be obtained either

208 due to the refusal of an agent to be examined by a physician or due to
209 an agent's failure to execute an authorization to release medical
210 information; or

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

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

217 (6) The power of attorney terminates.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

280 (2) Act in good faith; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

324 diligence in selecting and monitoring the person.

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

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

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

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

347 Sec. 16. (NEW) (*Effective October 1, 2014*) (a) The following persons
348 may petition a court in accordance with subsection (d) of section 45a-
349 175 of the general statutes, as amended by this act, to construe a power
350 of attorney or review the agent's conduct, and grant appropriate relief:

351 (1) The principal or the agent;

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

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

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

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

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

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

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

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

368 (b) Upon motion by the principal, the court shall dismiss a petition
369 filed under this section, unless the court finds that the principal is
370 incapacitated within the meaning set forth in subdivision (5) of section
371 2 of this act.

372 Sec. 17. (NEW) (*Effective October 1, 2014*) An agent that violates
373 sections 1 to 45, inclusive, of this act is liable to the principal or the
374 principal's successors in interest for the amount required to:

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

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

379 Sec. 18. (NEW) (*Effective October 1, 2014*) Unless the power of
380 attorney provides a different method for an agent's resignation, an

381 agent may resign by giving notice to the principal and, if the principal
382 is incapacitated:

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

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

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

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

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

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

400 (c) A person that in good faith accepts an acknowledged power of
401 attorney without actual knowledge that the power of attorney is void,
402 invalid, or terminated, that the purported agent's authority is void,
403 invalid, or terminated, or that the agent is exceeding or improperly
404 exercising the agent's authority may rely upon the power of attorney
405 as if the power of attorney were genuine, valid and still in effect, the
406 agent's authority were genuine, valid and still in effect, and the agent
407 had not exceeded and had properly exercised the authority.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

467 (1) An order by a probate court or by a court of general jurisdiction

468 mandating acceptance of the power of attorney; and

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

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

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

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

485 Sec. 24. (NEW) (*Effective October 1, 2014*) (a) An agent under a power
486 of attorney may do the following on behalf of the principal or with the
487 principal's property only if the power of attorney expressly grants the
488 agent the authority and exercise of the authority is not otherwise
489 prohibited by another agreement or instrument to which the authority
490 or property is subject:

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

492 (2) Make a gift;

493 (3) Create or change rights of survivorship;

494 (4) Create or change a beneficiary designation;

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

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

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

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

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

509 (c) Subject to the provisions set forth in subsections (a), (b), (d) and
510 (e) of this section, if a power of attorney grants to an agent authority to
511 do all acts that a principal could do, the agent has the general authority
512 described in sections 27 to 39, inclusive, of this act.

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

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

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

524 (g) An act performed by an agent pursuant to a power of attorney

525 has the same effect and inures to the benefit of and binds the principal
526 and the principal's successors in interest as if the principal had
527 performed the act.

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

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

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

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

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

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

553 (3) Execute, acknowledge, seal, deliver, file or record any instrument
554 or communication the agent considers desirable to accomplish a

555 purpose of a transaction, including creating at any time a schedule
556 listing some or all of the principal's property and attaching it to the
557 power of attorney;

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

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

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

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

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

573 (9) Access communications intended for, and communicate on
574 behalf of, the principal, whether by mail, electronic transmission,
575 telephone or other means; and

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

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

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

583 property or a right incident to real property;

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

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

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

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

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

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

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

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

610 (6) Use, develop, alter, replace, remove, erect or install structures or

611 other improvements upon real property in or incident to which the
612 principal has, or claims to have, an interest or right;

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

617 (A) Selling or otherwise disposing of such stocks, bonds or other
618 property;

619 (B) Exercising or selling an option, right of conversion or similar
620 right with respect to such stocks, bonds or other property; and

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

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

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

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

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

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

639 tangible personal property;

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

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

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

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

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

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

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

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

658 (F) Using and making repairs, alterations or improvements to the
659 property; and

660 (6) Change the form of title of an interest in tangible personal
661 property.

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

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

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

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

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

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

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

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

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

684 Sec. 31. (NEW) (*Effective October 1, 2014*) Unless the power of
685 attorney otherwise provides, language in a power of attorney granting
686 general authority with respect to banks and other financial institutions
687 authorizes the agent to:

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

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

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

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

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

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

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

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

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

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

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

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

727 (1) Operate, buy, sell, enlarge, reduce, or terminate an ownership
728 interest;

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

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

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

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

740 (6) Initiate, participate in, submit to alternative dispute resolution,
741 settle, oppose, or propose or accept a compromise with respect to
742 litigation to which the principal is a party concerning stocks and
743 bonds;

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

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

749 (B) Determine:

- 750 (i) The location of its operation;
- 751 (ii) The nature and extent of its business;
- 752 (iii) The methods of manufacturing, selling, merchandising,
753 financing, accounting and advertising employed in its operation;
- 754 (iv) The amount and types of insurance carried; and
- 755 (v) The mode of engaging, compensating and dealing with its
756 employees and accountants, attorneys or other advisors;
- 757 (C) Change the name or form of organization under which the
758 entity or business is operated and enter into an ownership agreement
759 with other persons to take over all or part of the operation of the entity
760 or business; and
- 761 (D) Demand and receive money due or claimed by the principal or
762 on the principal's behalf in the operation of the entity or business and
763 control and disburse the money in the operation of the entity or
764 business;
- 765 (8) Put additional capital into an entity or business in which the
766 principal has an interest;
- 767 (9) Join in a plan of reorganization, consolidation, conversion,
768 domestication or merger of the entity or business;
- 769 (10) Sell or liquidate all or part of an entity or business;
- 770 (11) Establish the value of an entity or business under a buyout
771 agreement to which the principal is a party;
- 772 (12) Prepare, sign, file and deliver reports, compilations of
773 information, returns or other papers with respect to an entity or
774 business and make related payments; and
- 775 (13) Pay, compromise or contest taxes, assessments, fines or

776 penalties and perform any other act to protect the principal from
777 illegal or unnecessary taxation, assessments, fines or penalties, with
778 respect to an entity or business, including attempts to recover, in any
779 manner permitted by law, money paid before or after the execution of
780 the power of attorney.

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

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

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

794 (3) Pay the premium or make a contribution on, modify, exchange,
795 rescind, release or terminate a contract of insurance or annuity
796 procured by the agent;

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

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

801 (6) Exercise an election;

802 (7) Exercise investment powers available under a contract of
803 insurance or annuity;

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

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

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

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

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

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

820 Sec. 34. (NEW) (*Effective October 1, 2014*) (a) For purposes of this
821 section, "estate, trust or other beneficial interest" means a trust, probate
822 estate, guardianship, conservatorship, escrow or custodianship or a
823 fund from which the principal is, may become or claims to be, entitled
824 to a share or payment.

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

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

830 (2) Demand or obtain money or another thing of value to which the
831 principal is, may become or claims to be, entitled by reason of an

832 estate, trust or other beneficial interest, by litigation or otherwise;

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

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

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

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

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

849 Sec. 35. (NEW) (*Effective October 1, 2014*) Unless the power of
850 attorney otherwise provides, language in a power of attorney granting
851 general authority with respect to claims and litigation authorizes the
852 agent to:

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

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

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

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

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

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

878 (7) Act for the principal with respect to bankruptcy or insolvency,
879 whether voluntary or involuntary, concerning the principal or some
880 other person, or with respect to a reorganization, receivership or
881 application for the appointment of a receiver or trustee which affects
882 an interest of the principal in property or other thing of value;

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

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

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

890 authorizes the agent to:

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

895 (A) The principal's children;

896 (B) Other individuals legally entitled to be supported by the
897 principal; and

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

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

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

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

906 (B) Paying the operating costs, including interest, amortization
907 payments, repairs, improvements and taxes, for premises owned by
908 the principal or occupied by those individuals;

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

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

916 (6) Act as the principal's personal representative pursuant to the

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

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

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

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

934 (b) Authority with respect to personal and family maintenance is
935 neither dependent upon, nor limited by, authority that an agent may
936 or may not have with respect to gifts under sections 1 to 45, inclusive,
937 of this act.

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

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

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

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

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

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

963 (5) Initiate, participate in, submit to alternative dispute resolution,
964 settle, oppose, or propose or accept a compromise with respect to
965 litigation concerning any benefit or assistance the principal may be
966 entitled to receive under a federal or state statute or regulation; and

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

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

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

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

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

984 (4) An annuity or mutual fund custodial account under 26 USC
985 403(b), as amended from time to time;

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

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

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

991 (b) Unless the power of attorney otherwise provides, language in a
992 power of attorney granting general authority with respect to
993 retirement plans authorizes the agent to:

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

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

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

999 (4) Make contributions to a retirement plan;

1000 (5) Exercise investment powers available under a retirement plan;
1001 and

1002 (6) Borrow from, sell assets to or purchase assets from a retirement
1003 plan.

1004 Sec. 39. (NEW) (*Effective October 1, 2014*) Unless the power of
1005 attorney otherwise provides, language in a power of attorney granting
1006 general authority with respect to taxes authorizes the agent to:

1007 (1) Prepare, sign and file federal, state, local and foreign income,
1008 gift, payroll, property, Federal Insurance Contributions Act and other
1009 tax returns, claims for refunds, requests for extension of time, petitions
1010 regarding tax matters and any other tax related documents, including,
1011 receipts, offers, waivers, consents, including consents and agreements
1012 under 26 USC 2032A, as amended from time to time, closing
1013 agreements and any power of attorney required by the Internal
1014 Revenue Service or other taxing authority with respect to a tax year
1015 upon which the statute of limitations has not run and the following
1016 twenty-five tax years;

1017 (2) Pay taxes due, collect refunds, post bonds, receive confidential
1018 information and contest deficiencies determined by the Internal
1019 Revenue Service or other taxing authority;

1020 (3) Exercise any election available to the principal under federal,
1021 state, local or foreign tax law; and

1022 (4) Act for the principal in all tax matters for all periods before the
1023 Internal Revenue Service, or other taxing authority.

1024 Sec. 40. (NEW) (*Effective October 1, 2014*) (a) For purposes of this
1025 section, a gift "for the benefit of" a person includes a gift to a trust, an
1026 account under the Uniform Transfers to Minors Act and a tuition
1027 savings account or prepaid tuition plan as defined under 26 USC 529,
1028 as amended from time to time.

1029 (b) Unless the power of attorney otherwise provides, language in a
1030 power of attorney granting general authority with respect to gifts
1031 authorizes the agent only to:

1032 (1) Make outright to, or for the benefit of, a person, a gift of any of
1033 the principal's property, including by the exercise of a presently

1034 exercisable general power of appointment held by the principal, in an
1035 amount per donee not to exceed the annual dollar limits of the federal
1036 gift tax exclusion under 26 USC 2503(b), as amended from time to time,
1037 without regard to whether the federal gift tax exclusion applies to the
1038 gift, or if the principal's spouse agrees to consent to a split gift
1039 pursuant to 26 USC 2513, as amended from time to time, in an amount
1040 per donee not to exceed twice the annual federal gift tax exclusion
1041 limit; and

1042 (2) Consent, pursuant to 26 USC 2513, as amended from time to
1043 time, to the splitting of a gift made by the principal's spouse in an
1044 amount per donee not to exceed the aggregate annual gift tax
1045 exclusions for both spouses.

1046 (c) An agent may make a gift of the principal's property only as the
1047 agent determines is consistent with the principal's objectives if actually
1048 known by the agent and, if unknown, as the agent determines is
1049 consistent with the principal's best interest based on all relevant
1050 factors, including:

1051 (1) The value and nature of the principal's property;

1052 (2) The principal's foreseeable obligations and need for
1053 maintenance;

1054 (3) Minimization of taxes, including income, estate, inheritance,
1055 generation skipping transfer and gift taxes;

1056 (4) Eligibility for a benefit, a program, or assistance under a federal
1057 or state statute or regulation; and

1058 (5) The principal's personal history of making or joining in making
1059 gifts.

1060 Sec. 41. (NEW) (*Effective October 1, 2014*) A document substantially
1061 in the following form may be used to create a statutory form power of
1062 attorney that has the meaning and effect prescribed by sections 1 to 45,

1091 you are granting to your agent, you should seek legal advice before
1092 signing this form.

1093 **DESIGNATION OF AGENT**

1094 I _____ name the following person
1095 (Name of Principal)

1096 as my agent:

1097 Name of Agent: _____

1098 Agent's Address: _____

1099 **DESIGNATION OF SUCCESSOR AGENT(S) (OPTIONAL)**

1100 If my agent is unable or unwilling to act for me, I name as my
1101 successor agent:

1102 Name of Successor Agent: _____

1103 Successor Agent's Address: _____

1104 If my successor agent is unable or unwilling to act for me, I name as
1105 my second successor agent:

1106 Name of Second Successor Agent: _____

1107 Second Successor Agent's Address: _____

1108 **GRANT OF GENERAL AUTHORITY**

1109 I grant my agent and any successor agent general authority to act
1110 for me with respect to the following subjects as defined in the
1111 Connecticut Uniform Power of Attorney Act, sections 1 to 45,
1112 inclusive, of this act:

1113 (INITIAL each subject you want to include in the agent's general
1114 authority. If you wish to grant general authority over all of the subjects

1115 you may initial "All Preceding Subjects" instead of initialing each
1116 subject.)

1117 Real Property

1118 Tangible Personal Property

1119 Stocks and Bonds

1120 Commodities and Options

1121 Banks and Other Financial Institutions

1122 Operation of Entity or Business

1123 Insurance and Annuities

1124 Estates, Trusts and Other Beneficial Interests

1125 Claims and Litigation

1126 Personal and Family Maintenance

1127 Benefits from Governmental Programs or Civil or Military
1128 Service

1129 Retirement Plans

1130 Taxes

1131 All Preceding Subjects

1132 GRANT OF SPECIFIC AUTHORITY (OPTIONAL)

1133 My agent MAY NOT do any of the following specific acts for me
1134 UNLESS I have INITIALED the specific authority listed below:

1135 (CAUTION: Granting any of the following will give your agent the
1136 authority to take actions that could significantly reduce your property
1137 or change how your property is distributed at your death. INITIAL

1138 ONLY the specific authority you WANT to give your agent.)

1139 YOU SHOULD SEEK LEGAL ADVICE BEFORE INCLUDING THE
1140 FOLLOWING POWERS.

1141 (___) Make a gift, subject to the limitations of the Connecticut
1142 Uniform Power of Attorney Act and any special instructions in this
1143 power of attorney. Unless otherwise provided in the special
1144 instructions, gifts per recipient may not exceed the annual dollar limits
1145 of the federal gift tax exclusion under Internal Revenue Code Section
1146 2503(b), or if the principal's spouse agrees to consent to a split gift
1147 pursuant to Internal Revenue Code Section 2513, in an amount per
1148 recipient not to exceed twice the annual federal gift tax exclusion limit.
1149 In addition, an agent must determine that gifts are consistent with the
1150 principal's objectives if actually known by the agent and, if unknown,
1151 as the agent determines is consistent with the principal's best interest
1152 based on all relevant factors.

1153 (___) Create or change rights of survivorship

1154 (___) Create or change a beneficiary designation

1155 (___) Authorize another person to exercise the authority granted
1156 under this power of attorney

1157 (___) Waive the principal's right to be a beneficiary of a joint and
1158 survivor annuity, including a survivor benefit under a retirement plan

1159 (___) Exercise fiduciary powers that the principal has authority to
1160 delegate

1161 (___) Disclaim or refuse an interest in property, including a power
1162 of appointment

1163 **LIMITATION ON AGENT'S AUTHORITY**

1164 An agent that is not my ancestor, spouse, or descendant MAY NOT
1165 use my property to benefit the agent or a person to whom the agent

1166 owes an obligation of support unless I have included that authority in
1167 the special instructions.

1168 SPECIAL INSTRUCTIONS (OPTIONAL)

1169 You may give special instructions on the following lines:

1170 _____
1171 _____
1172 _____
1173 _____
1174 _____
1175 _____

1176 I approve these special instructions

1177 _____
1178 Your Signature Date

1179 EFFECTIVE DATE

1180 This power of attorney is effective immediately unless I have stated
1181 otherwise in the special instructions.

1182 NOMINATION OF CONSERVATOR (OPTIONAL)

1183 Initial below if you want to include the following provision(s):

1184 (___) I hereby nominate the same person(s) that I have named as my
1185 agent(s) under this power of attorney as conservator(s) of my estate if
1186 it becomes necessary for a court to appoint a conservator of my estate.

1187 (___) In the event that a court appoints my agent(s) as my
1188 conservator(s), I request that my conservator(s) not be required to post
1189 a bond.

1190 RELIANCE ON THIS POWER OF ATTORNEY

1191 Any person, including my agent, may rely upon the validity of this

1192 power of attorney or a copy of it unless that person knows it has
1193 terminated or is invalid.

1194 SIGNATURE AND ACKNOWLEDGMENT

1195 Signed in the presence of:

1196 _____
1197 Witness Signature Your Signature Date

1198 _____
1199 Witness Signature Your Signature Date

1200 Your Name Printed
1201 _____

1202 _____
1203 Your Address

1204 _____
1205 Your Telephone Number

1206 State of _____

1207 County of _____

1208 This document was acknowledged before me On _____,
1209 (Date)

1210 by _____.
1211 (Name of Principal)

1212 _____ (Seal, if any)

1213 Signature of Commissioner of Superior Court/Notary

1214 My commission expires: _____

1215 **IMPORTANT INFORMATION FOR AGENT**

1216 **Agent's Duties**

1217 When you accept the authority granted under this power of
1218 attorney, a special legal relationship is created between you and the
1219 principal. This relationship continues until you resign or the power of
1220 attorney is terminated or revoked. You must:

1221 (1) Do what you know the principal reasonably expects you to do
1222 with the principal's property or, if you do not know the principal's
1223 expectations, act in the principal's best interest;

1224 (2) Act in good faith;

1225 (3) Do nothing beyond the authority granted in this power of
1226 attorney; and

1227 (4) Disclose your identity as an agent whenever you act for the
1228 principal by writing or printing the name of the principal and signing
1229 your own name as "agent" in the following manner:

1230 (Principal's Name) by (Your Signature) as Agent

1231 Unless the special instructions in this power of attorney state
1232 otherwise, you must also:

1233 (1) Act loyally for the principal's benefit;

1234 (2) Avoid conflicts that would impair your ability to act in the
1235 principal's best interest;

1236 (3) Act with care, competence, and diligence;

1237 (4) Keep a record of all receipts, disbursements, and transactions
1238 made on behalf of the principal;

1239 (5) Cooperate with any person that has authority to make health
1240 care decisions for the principal to do what you know the principal
1241 reasonably expects or, if you do not know the principal's expectations,
1242 to act in the principal's best interest; and

1243 (6) Attempt to preserve the principal's estate plan if you know the
1244 plan and preserving the plan is consistent with the principal's best
1245 interest.

1246 **Termination of Agent's Authority**

1247 You must stop acting on behalf of the principal if you learn of any
1248 event that terminates this power of attorney or your authority under
1249 this power of attorney. Events that terminate a power of attorney or
1250 your authority to act under a power of attorney include:

1251 (1) Death of the principal;

1252 (2) The principal's revocation of the power of attorney or your
1253 authority;

1254 (3) The occurrence of a termination event stated in the power of
1255 attorney;

1256 (4) The purpose of the power of attorney is fully accomplished; or

1257 (5) If you are married to the principal, a legal action is filed with a
1258 court to end your marriage, or for your legal separation, unless the
1259 special instructions in this power of attorney state that such an action
1260 will not terminate your authority.

1261 **Liability of Agent**

1262 The meaning of the authority granted to you is defined in the
1263 Connecticut Uniform Power of Attorney Act, sections 1 to 45,

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

1268 If there is anything about this document or your duties that you do
1269 not understand, you should seek legal advice.

1270 Sec. 42. (NEW) (*Effective October 1, 2014*) The following optional
1271 form may be used by an agent to certify facts concerning a power of
1272 attorney.

1273 AGENT'S CERTIFICATION AS TO THE
1274 VALIDITY OF POWER OF ATTORNEY AND AGENT'S
1275 AUTHORITY

1276 State of _____

1277 County of _____

1278 I, _____ (Name of Agent), certify under penalty of
1279 false statement that _____ (Name of Principal) granted
1280 me authority as an agent or successor agent in a power of attorney
1281 dated _____.

1282 I further certify that to my knowledge:

1283 (1) the Principal is alive and has not revoked the Power of Attorney
1284 or my authority to act under the Power of Attorney and the Power of
1285 Attorney and my authority to act under the Power of Attorney have
1286 not terminated;

1287 (2) if the Power of Attorney was drafted to become effective upon
1288 the happening of an event or contingency, the event or contingency
1289 has occurred;

1290 (3) if I was named as a successor agent, the prior agent is no longer

1291 able or willing to serve; and

1292 (4) _____

1293 _____

1294 _____

1295 _____

1296 (Insert other relevant statements)

1297 SIGNATURE AND ACKNOWLEDGMENT

1298 _____

1299 Agent's Signature Date

1300 _____

1301 Agent's Name Printed

1302 _____

1303 _____

1304 Agent's Address

1305 _____

1306 Agent's Telephone Number

1307 This document was acknowledged before me on _____

1308 (Date)

1309 by _____.

1310 (Name of Agent)

1311 _____ (Seal, if any)

1312 Signature of Commissioner of Superior Court/Notary

1313 My commission expires: _____

1314 Sec. 43. (NEW) (*Effective October 1, 2014*) In applying and construing

1315 the provisions of sections 1 to 45, inclusive, of this act, consideration
1316 must be given to the need to promote uniformity of the law with
1317 respect to its subject matter among the states that enact it.

1318 Sec. 44. (NEW) (*Effective October 1, 2014*) Sections 1 to 45, inclusive,
1319 of this act modify, limit, and supersede the federal Electronic
1320 Signatures in Global and National Commerce Act, 15 USC 7001 et seq.,
1321 but do not modify, limit, or supersede Section 101(c) of that act, 15
1322 USC 7001(c), or authorize electronic delivery of any of the notices
1323 described in Section 3(b) of that act, 15 USC 7003(b).

1324 Sec. 45. (NEW) (*Effective October 1, 2014*) (a) Except as otherwise
1325 provided in sections 1 to 45, inclusive, of this act, on October 1, 2014,
1326 said sections apply to:

1327 (1) A power of attorney created before, on, or after October 1, 2014;

1328 (2) A judicial proceeding concerning a power of attorney
1329 commenced on or after October 1, 2014;

1330 (3) A judicial proceeding concerning a power of attorney
1331 commenced before October 1, 2014, unless the court finds that
1332 application of a provision of sections 1 to 45, inclusive, of this act
1333 would substantially interfere with the effective conduct of the judicial
1334 proceeding or prejudice the rights of a party, in which case that
1335 provision does not apply and the superseded law applies; and

1336 (b) An act performed by an agent under a power of attorney before
1337 October 1, 2014, is not affected by sections 1 to 45, inclusive, of this act.

1338 Sec. 46. Subsection (a) of section 45a-98 of the general statutes is
1339 repealed and the following is substituted in lieu thereof (*Effective*
1340 *October 1, 2014*):

1341 (a) Courts of probate in their respective districts shall have the
1342 power to (1) grant administration of intestate estates of persons who
1343 have died domiciled in their districts and of intestate estates of persons

1344 not domiciled in this state which may be granted as provided by
1345 section 45a-303; (2) admit wills to probate of persons who have died
1346 domiciled in their districts or of nondomiciliaries whose wills may be
1347 proved in their districts as provided in section 45a-287; (3) except as
1348 provided in section 45a-98a or as limited by an applicable statute of
1349 limitations, determine title or rights of possession and use in and to
1350 any real, tangible or intangible property that constitutes, or may
1351 constitute, all or part of any trust, any decedent's estate, or any estate
1352 under control of a guardian or conservator, which trust or estate is
1353 otherwise subject to the jurisdiction of the Probate Court, including the
1354 rights and obligations of any beneficiary of the trust or estate and
1355 including the rights and obligations of any joint tenant with respect to
1356 survivorship property; (4) except as provided in section 45a-98a,
1357 construe the meaning and effect of any will or trust agreement if a
1358 construction is required in connection with the administration or
1359 distribution of a trust or estate otherwise subject to the jurisdiction of
1360 the Probate Court, [or, with respect to] an inter vivos trust, if that trust
1361 is or could be subject to jurisdiction of the court for an accounting
1362 pursuant to section 45a-175, provided such an accounting need not be
1363 required, or a power of attorney in accordance with section 16 of this
1364 act; (5) except as provided in section 45a-98a, apply the doctrine of cy
1365 pres or approximation; (6) to the extent provided for in section 45a-175,
1366 call executors, administrators, trustees, guardians, conservators,
1367 persons appointed to sell the land of minors, and [attorneys-in-fact]
1368 agents acting under powers of attorney created in accordance with
1369 section [45a-562] sections 1 to 45, inclusive, of this act, to account
1370 concerning the estates entrusted to their charge or for other relief as
1371 provided in sections 1 to 45, inclusive, of this act; and (7) make any
1372 lawful orders or decrees to carry into effect the power and jurisdiction
1373 conferred upon them by the laws of this state.

1374 Sec. 47. Section 45a-175 of the general statutes is repealed and the
1375 following is substituted in lieu thereof (*Effective October 1, 2014*):

1376 (a) Courts of probate shall have jurisdiction of the interim and final

1377 accounts of testamentary trustees, trustees appointed by the courts of
1378 probate, conservators, guardians, persons appointed by probate courts
1379 to sell the land of minors, executors, administrators and trustees in
1380 insolvency, and, to the extent provided for in this section, shall have
1381 jurisdiction of accounts of the actions of trustees of inter vivos trusts
1382 and [attorneys-in-fact] agents acting under powers of attorney.

1383 (b) A trustee or settlor of an inter vivos trust or an attorney-in-fact
1384 or the successor of the trustee, settlor [or attorney-in-fact or the grantor
1385 of such power of attorney] or his legal representative may make
1386 application to the court of probate for the district where the trustee, or
1387 any one of them, [or the attorney-in-fact] has any place of business or
1388 to the court of probate for the district where the trustee or any one of
1389 them or the settlor [or the attorney-in-fact or the grantor of the power]
1390 resides or, in the case of a deceased settlor or grantor, to the court of
1391 probate having jurisdiction over the estate of the settlor [or grantor] or
1392 for the district in which the settlor [or grantor] resided immediately
1393 prior to death for submission to the jurisdiction of the court of an
1394 account for allowance of the trustee's [or attorney's] actions under such
1395 trust. [or power.]

1396 (c) (1) Any beneficiary of an inter vivos trust may petition a court of
1397 probate having jurisdiction under this section for an accounting by the
1398 trustee or trustees. The court may, after hearing with notice to all
1399 interested parties, grant the petition and require an accounting for
1400 such periods of time as it determines are reasonable and necessary on
1401 finding that: (A) The beneficiary has an interest in the trust sufficient to
1402 entitle him to an accounting, (B) cause has been shown that an
1403 accounting is necessary, and (C) the petition is not for the purpose of
1404 harassment.

1405 (2) A court of probate shall have jurisdiction to require an
1406 accounting under subdivision (1) of subsection (c) of this section if (A)
1407 a trustee of the trust resides in its district, (B) in the case of a corporate
1408 trustee, the trustee has any place of business in the district, (C) any of
1409 the trust assets are maintained or evidences of intangible property of

1410 the trust are situated in the district, or (D) the settlor resides in the
1411 district or, in the case of a deceased settlor, resided in the district
1412 immediately prior to death.

1413 (3) As used in subdivision (1) of subsection (c) of this section,
1414 "beneficiary" means any person currently receiving payments of
1415 income or principal from the trust, or who may be entitled to receive
1416 income or principal or both from the trust at some future date, or the
1417 legal representative of such person.

1418 (d) Any of the persons specified in section 16 of this act may make
1419 application to the court of probate for the district where the agent has
1420 any place of business or to the court of probate for the district where
1421 the agent or the principal resides or, in the case of a deceased principal,
1422 to the court of probate having jurisdiction over the estate of the
1423 principal or for the district in which the principal resided immediately
1424 prior to death, for an accounting or other relief as provided in
1425 section 16 of this act. The court shall grant the petition if filed by the
1426 principal, agent, guardian, conservator or other fiduciary acting for the
1427 principal. The court may grant a petition filed by any other person
1428 specified in section 16 of this act if it finds that (1) the petitioner has an
1429 interest sufficient to entitle him to the relief requested, (2) cause has
1430 been shown that such relief is necessary, and (3) the petition is not for
1431 the purpose of harassment.

1432 [(d)] (e) The action to submit an accounting to the court, whether by
1433 an inter vivos trustee or [attorney] agent acting under a power of
1434 attorney or whether pursuant to petition of another party, shall not
1435 subject the trust or the power of attorney to the continuing jurisdiction
1436 of the Probate Court.

1437 [(e)] (f) If the court finds such appointment to be necessary and in
1438 the best interests of the estate, the court upon its own motion may
1439 appoint an auditor to be selected from a list provided by the Probate
1440 Court Administrator, to examine accounts over which the court has
1441 jurisdiction under this section, except those accounts on matters in

1442 which the fiduciary or cofiduciary is a corporation having trust
1443 powers. The Probate Court Administrator shall promulgate
1444 regulations in accordance with section 45a-77 concerning the
1445 compilation of a list of qualified auditors. Costs of the audit may be
1446 charged to the fiduciary, any party in interest and the estate, in such
1447 proportion as the court shall direct if the court finds such charge to be
1448 equitable. Any such share may be paid from the fund established
1449 under section 45a-82, subject to the approval of the Probate Court
1450 Administrator, if it is determined that the person obligated to pay such
1451 share is unable to pay or to charge such amount to the estate would
1452 cause undue hardship.

1453 ~~[(f)]~~ (g) Upon the allowance of any such account, the court shall
1454 determine the rights of the fiduciaries or the [attorney-in-fact] agent
1455 under a power of attorney rendering the account and of the parties
1456 interested in the account, including the relief authorized under section
1457 17 of this act, subject to appeal as in other cases. The court shall cause
1458 notice of the hearing on the account to be given in such manner and to
1459 such parties as it directs.

1460 ~~[(g)]~~ (h) In any action under this section, the Probate Court shall
1461 have, in addition to powers pursuant to this section, all the powers
1462 available to a judge of the Superior Court at law and in equity
1463 pertaining to matters under this section.

1464 Sec. 48. Subsection (b) of section 45a-645 of the general statutes is
1465 repealed and the following is substituted in lieu thereof (*Effective*
1466 *October 1, 2014*):

1467 (b) The designation shall be executed, witnessed and revoked in the
1468 same manner as provided for wills in sections 45a-251 and 45a-257, or
1469 a power of attorney executed in accordance with section 5 of this act,
1470 except that any person who is so designated as a conservator shall not
1471 qualify as a witness.

1472 Sec. 49. Section 45a-650 of the general statutes is repealed and the

1473 following is substituted in lieu thereof (*Effective October 1, 2014*):

1474 (a) At any hearing on an application for involuntary representation,
1475 before the court receives any evidence regarding the condition of the
1476 respondent or of the respondent's affairs, the court shall require clear
1477 and convincing evidence that the court has jurisdiction, that the
1478 respondent has been given notice as required in section 45a-649, and
1479 that the respondent has been advised of the right to retain an attorney
1480 pursuant to section 45a-649a and is either represented by an attorney
1481 or has waived the right to be represented by an attorney. The
1482 respondent shall have the right to attend any hearing held under this
1483 section.

1484 (b) The rules of evidence in civil actions adopted by the judges of
1485 the Superior Court shall apply to all hearings pursuant to this section.
1486 All testimony at a hearing held pursuant to this section shall be given
1487 under oath or affirmation.

1488 (c) After making the findings required under subsection (a) of this
1489 section, the court shall receive evidence regarding the respondent's
1490 condition, the capacity of the respondent to care for himself or herself
1491 or to manage his or her affairs, and the ability of the respondent to
1492 meet his or her needs without the appointment of a conservator.
1493 Unless waived by the court pursuant to this subsection, evidence shall
1494 be introduced from one or more physicians licensed to practice
1495 medicine in the state who have examined the respondent within forty-
1496 five days preceding the hearing. The evidence shall contain specific
1497 information regarding the respondent's condition and the effect of the
1498 respondent's condition on the respondent's ability to care for himself
1499 or herself or to manage his or her affairs. The court may also consider
1500 such other evidence as may be available and relevant, including, but
1501 not limited to, a summary of the physical and social functioning level
1502 or ability of the respondent, and the availability of support services
1503 from the family, neighbors, community or any other appropriate
1504 source. Such evidence may include, if available, reports from the social
1505 work service of a general hospital, municipal social worker, director of

1506 social service, public health nurse, public health agency, psychologist,
1507 coordinating assessment and monitoring agencies, or such other
1508 persons as the court considers qualified to provide such evidence. The
1509 court may waive the requirement that medical evidence be presented if
1510 it is shown that the evidence is impossible to obtain because of the
1511 absence of the respondent or the respondent's refusal to be examined
1512 by a physician or that the alleged incapacity is not medical in nature. If
1513 such requirement is waived, the court shall make a specific finding in
1514 any decree issued on the application stating why medical evidence
1515 was not required. Any hospital, psychiatric or medical record or report
1516 filed with the court pursuant to this subsection shall be confidential.

1517 (d) Upon the filing of an application for involuntary representation
1518 pursuant to section 45a-648, the court shall issue an order for the
1519 disclosure of the medical information required pursuant to this section
1520 to the respondent's attorney and, upon request, to the respondent. The
1521 court may issue an order for the disclosure of such medical
1522 information to any other person as the court determines necessary.

1523 (e) Notwithstanding the provisions of section 45a-7, the court may
1524 hold the hearing on the application at a place other than its usual
1525 courtroom if it would facilitate attendance by the respondent.

1526 (f) (1) If the court finds by clear and convincing evidence that the
1527 respondent is incapable of managing the respondent's affairs, that the
1528 respondent's affairs cannot be managed adequately without the
1529 appointment of a conservator and that the appointment of a
1530 conservator is the least restrictive means of intervention available to
1531 assist the respondent in managing the respondent's affairs, the court
1532 may appoint a conservator of his or her estate after considering the
1533 factors set forth in subsection (g) of this section.

1534 (2) If the court finds by clear and convincing evidence that the
1535 respondent is incapable of caring for himself or herself, that the
1536 respondent cannot be cared for adequately without the appointment of
1537 a conservator and that the appointment of a conservator is the least

1538 restrictive means of intervention available to assist the respondent in
1539 caring for himself or herself, the court may appoint a conservator of his
1540 or her person after considering the factors set forth in subsection (g) of
1541 this section.

1542 (3) No conservator may be appointed if the respondent's personal
1543 needs and property management are being met adequately by an
1544 agency or individual appointed pursuant to section [1-43,] 19a-575a,
1545 19a-577, 19a-580e or 19a-580g.

1546 (g) When determining whether a conservator should be appointed
1547 the court shall consider the following factors: (1) The abilities of the
1548 respondent; (2) the respondent's capacity to understand and articulate
1549 an informed preference regarding the care of his or her person or the
1550 management of his or her affairs; (3) any relevant and material
1551 information obtained from the respondent; (4) evidence of the
1552 respondent's past preferences and life style choices; (5) the
1553 respondent's cultural background; (6) the desirability of maintaining
1554 continuity in the respondent's life and environment; (7) whether the
1555 respondent had previously made adequate alternative arrangements
1556 for the care of his or her person or for the management of his or her
1557 affairs, including, but not limited to, the execution of a durable power
1558 of attorney, springing power of attorney, the appointment of a health
1559 care representative or health care agent, the execution of a living will
1560 or trust or the execution of any other similar document; (8) any
1561 relevant and material evidence from the respondent's family and any
1562 other person regarding the respondent's past practices and
1563 preferences; and (9) any supportive services, technologies or other
1564 means that are available to assist the respondent in meeting his or her
1565 needs.

1566 (h) The respondent or conserved person may appoint, designate or
1567 nominate a conservator pursuant to section 19a-580e, 19a-580g or 45a-
1568 645, or may, orally or in writing, nominate a conservator who shall be
1569 appointed unless the court finds that the appointee, designee or
1570 nominee is unwilling or unable to serve or there is substantial evidence

1571 to disqualify such person. If there is no such appointment, designation
1572 or nomination or if the court does not appoint the person appointed,
1573 designated or nominated by the respondent or conserved person, the
1574 court may appoint any qualified person, authorized public official or
1575 corporation in accordance with subsections (a) and (b) of section 45a-
1576 644. In considering whom to appoint as conservator, the court shall
1577 consider (1) the extent to which a proposed conservator has knowledge
1578 of the respondent's or conserved person's preferences regarding the
1579 care of his or her person or the management of his or her affairs, (2) the
1580 ability of the proposed conservator to carry out the duties,
1581 responsibilities and powers of a conservator, (3) the cost of the
1582 proposed conservatorship to the estate of the respondent or conserved
1583 person, (4) the proposed conservator's commitment to promoting the
1584 respondent's or conserved person's welfare and independence, and (5)
1585 any existing or potential conflicts of interest of the proposed
1586 conservator.

1587 (i) If the court appoints a conservator of the estate of the respondent,
1588 the court shall require a probate bond. The court may, if it considers it
1589 necessary for the protection of the respondent, require a bond of any
1590 conservator of the person appointed under this section.

1591 (j) Absent the court's order to the contrary and except as otherwise
1592 provided in subsection (b) of section 19a-580e, a conservator appointed
1593 pursuant to this section shall be bound by all health care decisions
1594 properly made by the conserved person's health care representative.

1595 (k) In assigning the duties of a conservator under this section the
1596 court may, in accordance with section 8 of this act, limit, suspend or
1597 terminate the authority of an agent designated by the conserved
1598 person to act under a power of attorney.

1599 [(k) A] (l) Except as provided in subsection (k) of this section, a
1600 conserved person and his agent under a power of attorney shall retain
1601 all rights and authority not expressly assigned to the conservator.

1602 [(l)] (m) The court shall assign to a conservator appointed under this
1603 section only the duties and authority that are the least restrictive
1604 means of intervention necessary to meet the needs of the conserved
1605 person. The court shall find by clear and convincing evidence that such
1606 duties and authority restrict the decision-making authority of the
1607 conserved person only to the extent necessary to provide for the
1608 personal needs or property management of the conserved person. Such
1609 personal needs and property management shall be provided in a
1610 manner appropriate to the conserved person. The court shall make a
1611 finding of the clear and convincing evidence that supports the need for
1612 each duty and authority assigned to the conservator.

1613 [(m)] (n) Nothing in this chapter shall impair, limit or diminish a
1614 conserved person's right to retain an attorney to represent such person
1615 or to seek redress of grievances in any court or administrative agency,
1616 including proceedings in the nature of habeas corpus arising out of
1617 any limitations imposed on the conserved person by court action taken
1618 under this chapter, chapter 319i, chapter 319j or section 45a-242. In any
1619 other proceeding in which the conservator has retained counsel for the
1620 conserved person, the conserved person may request the Court of
1621 Probate to direct the conservator to substitute an attorney chosen by
1622 the conserved person.

1623 Sec. 50. Section 47-5 of the 2014 supplement to the general statutes is
1624 repealed and the following is substituted in lieu thereof (*Effective*
1625 *October 1, 2014*):

1626 (a) All conveyances of land shall be: (1) In writing; (2) if the grantor
1627 is a natural person, subscribed, with or without a seal, by the grantor
1628 with his own hand or with his mark with his name annexed to it or by
1629 his [attorney] agent authorized for that purpose by a power executed,
1630 acknowledged and witnessed in the manner provided for conveyances
1631 or, if the grantor is a corporation, limited liability company or
1632 partnership, subscribed by a duly authorized person; (3)
1633 acknowledged by the grantor, his [attorney] agent or such duly
1634 authorized person (A) to be his free act and deed, or (B) in any manner

1635 permitted under chapter 6 or chapter 8; and (4) attested to by two
1636 witnesses with their own hands.

1637 (b) A document conveying land shall also include the current
1638 mailing address of the grantee.

1639 (c) In addition to the requirements of subsection (a) of this section,
1640 the execution of a deed or other conveyance of real property pursuant
1641 to a power of attorney shall be deemed sufficient if done in
1642 substantially the following form:

1643 Name of Owner of Record
 1644 By: (Signature of [Attorney-in-Fact] Agent) L.S.
 1645 Name of Signatory
 1646 His/Her [Attorney-in-Fact] Agent

1647 (d) Nothing in subsection (c) of this section precludes the use of any
1648 other legal form of execution of deed or other conveyance of real
1649 property.

1650 Sec. 51. Subsection (c) of section 19a-580f of the general statutes is
1651 repealed and the following is substituted in lieu thereof (*Effective*
1652 *October 1, 2014*):

1653 (c) A power of attorney for health care decisions properly executed
1654 prior to October 1, 2006, shall have the same power and effect as
1655 provided under section 1-55, revision of 1958, revised to January 1,
1656 2013, in effect at the time of its execution.

1657 Sec. 52. Sections 1-42 to 1-56, inclusive, of the general statutes and
1658 sections 1-56h to 1-56k, inclusive, of the general statutes are repealed.
1659 (*Effective October 1, 2014*)

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2014</i>	New section

Sec. 2	<i>October 1, 2014</i>	New section
Sec. 3	<i>October 1, 2014</i>	New section
Sec. 4	<i>October 1, 2014</i>	New section
Sec. 5	<i>October 1, 2014</i>	New section
Sec. 6	<i>October 1, 2014</i>	New section
Sec. 7	<i>October 1, 2014</i>	New section
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
Sec. 22	<i>October 1, 2014</i>	New section
Sec. 23	<i>October 1, 2014</i>	New section
Sec. 24	<i>October 1, 2014</i>	New section
Sec. 25	<i>October 1, 2014</i>	New section
Sec. 26	<i>October 1, 2014</i>	New section
Sec. 27	<i>October 1, 2014</i>	New section
Sec. 28	<i>October 1, 2014</i>	New section
Sec. 29	<i>October 1, 2014</i>	New section
Sec. 30	<i>October 1, 2014</i>	New section
Sec. 31	<i>October 1, 2014</i>	New section
Sec. 32	<i>October 1, 2014</i>	New section
Sec. 33	<i>October 1, 2014</i>	New section
Sec. 34	<i>October 1, 2014</i>	New section
Sec. 35	<i>October 1, 2014</i>	New section
Sec. 36	<i>October 1, 2014</i>	New section
Sec. 37	<i>October 1, 2014</i>	New section
Sec. 38	<i>October 1, 2014</i>	New section
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	<i>October 1, 2014</i>	45a-175
Sec. 48	<i>October 1, 2014</i>	45a-645(b)
Sec. 49	<i>October 1, 2014</i>	45a-650
Sec. 50	<i>October 1, 2014</i>	47-5
Sec. 51	<i>October 1, 2014</i>	19a-580f(c)
Sec. 52	<i>October 1, 2014</i>	Repealer section

Statement of Legislative Commissioners:

In sections 1, 17, 36(b) and 44, references to "this act" were changed to "sections 1 to 45, inclusive, of this act" for accuracy. In section 24(c), "sections 26 to 38" was changed to "section 27 to 39" for accuracy. In section 27(7), two references to "them" were changed to "such stocks, bonds or other property" for clarity and sections 52 and 53 containing the repealer provisions were combined into section 52 for accuracy.

JUD *Joint Favorable Subst. -LCO*