



Substitute House Bill No. 6774

Public Act No. 15-240

**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:

Section 1. (NEW) (*Effective July 1, 2016*) Sections 1 to 45, inclusive, of this act may be cited as the "Connecticut Uniform Power of Attorney Act".

Sec. 2. (NEW) (*Effective July 1, 2016*) As used in sections 1 to 45, inclusive, of this act:

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

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

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

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

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

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

(B) Is:

(i) Missing;

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

(iii) Outside the United States and unable to return.

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

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

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

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a fiduciary capacity or only by will.

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

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

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

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

(A) Execute or adopt a tangible symbol; or

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

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

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

Sec. 3. (NEW) (*Effective July 1, 2016*) The provisions of sections 1 to 45, inclusive, of this act apply to all powers of attorney except:

(1) A power to the extent it is coupled with an interest in the subject

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of the power, including a power given to or for the benefit of a creditor in connection with a credit transaction;

(2) A power to make health care decisions;

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

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

Sec. 4. (NEW) (*Effective July 1, 2016*) A power of attorney created under sections 1 to 45, inclusive, of this act is durable unless it expressly provides that it is terminated by the incapacity of the principal.

Sec. 5. (NEW) (*Effective July 1, 2016*) A power of attorney must be dated and signed by the principal or in the principal's conscious presence by another individual directed by the principal to sign the principal's name on the power of attorney and witnessed by two witnesses. A signature on a power of attorney is presumed to be genuine if the principal acknowledges the signature before a notary public, a commissioner of the Superior Court or other individual authorized by law to take acknowledgments.

Sec. 6. (NEW) (*Effective July 1, 2016*) (a) A power of attorney executed in this state on or after October 1, 2015, is valid if its execution complies with section 5 of this act.

(b) A power of attorney executed in this state before October 1, 2015, is valid if its execution complied with the law of this state as it existed at the time of execution.

(c) A power of attorney executed other than in this state is valid in

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this state if, when the power of attorney was executed, the execution complied with:

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

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

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

Sec. 7. (NEW) (*Effective July 1, 2016*) The meaning and effect of a power of attorney is determined by the law of the jurisdiction indicated in the power of attorney and, in the absence of an indication of jurisdiction, by the law of the jurisdiction in which the power of attorney was executed.

Sec. 8. (NEW) (*Effective July 1, 2016*) (a) In a power of attorney, a principal may nominate a conservator of the principal's estate or conservator of the principal's person for consideration by the court if protective proceedings for the principal's estate or person are begun after the principal executes the power of attorney. The court shall make its appointment in accordance with the principal's most recent nomination unless the court finds that the appointee, designee or nominee is unwilling or unable to serve or there is substantial evidence to disqualify such person.

(b) If, after a principal executes a power of attorney, a court appoints a conservator of the principal's estate or other fiduciary charged with the management of some or all of the principal's property, the court may continue, limit, suspend or terminate the power of attorney. If the power of attorney continues, the agent is accountable to the fiduciary

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as well as to the principal. If the power of attorney is suspended pursuant to this subsection, then the power of attorney shall be reinstated upon termination of the conservatorship as a result of the principal regaining capacity. The court shall have the authority to continue certain provisions of the power of attorney, but not others.

Sec. 9. (NEW) (*Effective July 1, 2016*) (a) A power of attorney is effective when executed unless the principal provides in the power of attorney that it becomes effective at a future date or upon the occurrence of a future event or contingency.

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

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

(1) Two independent physicians that the principal is incapacitated within the meaning set forth in subparagraph (A) of subdivision (5) of section 2 of this act; or

(2) A judge that the principal is incapacitated within the meaning set forth in subparagraph (B) of subdivision (5) of section 2 of this act.

(d) A person authorized by the principal in the power of attorney to determine that the principal is incapacitated may act as the principal's personal representative pursuant to the Health Insurance Portability and Accountability Act, Sections 1171 to 1179, inclusive, of the Social Security Act, 42 USC 1320d, as amended from time to time, and

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applicable federal regulations, to obtain access to the principal's health care information and communicate with the principal's health care provider.

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

AFFIDAVIT THAT POWER OF ATTORNEY IS IN FULL FORCE
AND EFFECT

STATE OF)
) SS:
COUNTY OF)

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

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

THAT specified contingency was:

THAT specified contingency has occurred.

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

.... L.S.

....

Witness

....

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Witness

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

....

Commissioner of the Superior Court

Notary Public

My commission expires:

Sec. 10. (NEW) (*Effective July 1, 2016*) (a) A power of attorney terminates when:

- (1) The principal dies;
- (2) The principal becomes incapacitated, if the power of attorney is not durable;
- (3) The principal revokes the power of attorney;
- (4) The power of attorney provides that it terminates;
- (5) The purpose of the power of attorney is accomplished;
- (6) The principal revokes the agent's authority or the agent dies, becomes incapacitated, or resigns and the power of attorney does not provide for another agent to act under the power of attorney; or
- (7) The power of attorney is terminated by a court pursuant to subsection (b) of section 8 of this act.

(b) An agent's authority terminates when:

- (1) The principal revokes the authority;
- (2) A court terminates the agent's authority pursuant to subsection

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(b) of section 8 of this act;

(3) The agent dies or resigns;

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

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

(i) A judge in a court proceeding;

(ii) Two independent physicians; or

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

(B) Within the meaning set forth in subparagraph (B) of subdivision (5) of section 2 of this act, by a judge;

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

(6) The power of attorney terminates.

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

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

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

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

Sec. 11. (NEW) (*Effective July 1, 2016*) (a) A principal may designate two or more persons to act as coagents. Unless the power of attorney otherwise provides by use of the word "severally" in the power of attorney that each agent acting alone is able to exercise the power conferred, each coagent shall exercise its authority jointly. A person that in good faith accepts an acknowledged power of attorney from one or more coagents without actual knowledge that the power of attorney is void, invalid or terminated, that the purported agent's authority is void, invalid or terminated, or that the agent is exceeding or improperly exercising the agent's authority may rely upon the power of attorney as if the power of attorney were genuine, valid and still in effect, the agent's authority were genuine, valid and still in effect, and the agent had not exceeded and had properly exercised the authority.

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

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

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

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

(d) Except as otherwise provided in the power of attorney, an agent that has actual knowledge of a breach or imminent breach of fiduciary duty by another agent shall notify the principal and, if the principal is incapacitated, take any action reasonably appropriate in the circumstances to safeguard the principal's best interest. An agent that fails to notify the principal or take action as required by this subsection, specifically with respect to the theft or misappropriation of the principal's property by another agent, is liable for the reasonably foreseeable damages that could have been avoided if the agent had notified the principal or taken such action relating to such theft or misappropriation.

Sec. 12. (NEW) (*Effective July 1, 2016*) Unless the power of attorney otherwise provides, an agent is entitled to reimbursement of expenses reasonably incurred on behalf of the principal and to compensation

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that is reasonable under the circumstances.

Sec. 13. (NEW) (*Effective July 1, 2016*) Once a power of attorney is delivered, unless the power of attorney otherwise provides, a person accepts appointment as an agent under a power of attorney by exercising authority or performing duties as an agent or by any other assertion or conduct indicating acceptance.

Sec. 14. (NEW) (*Effective July 1, 2016*) (a) Notwithstanding provisions in the power of attorney, an agent that has accepted appointment shall:

(1) Act in accordance with the principal's reasonable expectations, and, if such expectations are unknown, make reasonable efforts to ascertain the principal's expectations and act, otherwise, in the principal's best interest;

(2) Act in good faith; and

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

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

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

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

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

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

(5) Cooperate with a person that has authority to make health care

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decisions for the principal to carry out the principal's reasonable expectations to the extent actually known by the agent and, otherwise, act in the principal's best interest; and

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

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

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

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

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

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

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

(e) If an agent is selected by the principal because of special skills or expertise possessed by the agent or in reliance on the agent's representation that the agent has special skills or expertise, the special skills or expertise must be considered in determining whether the agent has acted with care, competence and diligence under the circumstances. An agent shall not be considered to have special skills or expertise solely because such agent is an attorney.

(f) Absent a breach of duty to the principal, an agent is not liable if

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the value of the principal's property declines.

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

(h) Unless the power of attorney otherwise provides, an agent is not required to disclose receipts, disbursements or transactions conducted on behalf of the principal unless ordered by a court or requested by the principal, a guardian, a conservator, another fiduciary acting for the principal, a representative of the Division of Protective Services for the Elderly within the Department of Social Services or, upon the death of the principal, by the personal representative or successor in interest of the principal's estate. If so requested, the agent shall comply with the request not later than thirty days after the date of such request or provide a writing or other record substantiating why additional time is needed, in which case, the agent shall comply with the request not later than thirty days after the date of providing such writing or record.

Sec. 15. (NEW) (*Effective July 1, 2016*) A provision in a power of attorney relieving an agent of liability for breach of duty is binding on the principal and the principal's successors in interest except to the extent the provision:

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

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

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Sec. 16. (NEW) (*Effective July 1, 2016*) (a) The following persons may petition a court in accordance with subsection (d) of section 45a-175 of the general statutes, as amended by this act, to construe a power of attorney or review the agent's conduct, and grant appropriate relief:

(1) The principal or the agent;

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

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

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

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

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

(7) A representative of the Division of Protective Services for the Elderly within the Department of Social Services;

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

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

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

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Sec. 17. (NEW) (*Effective July 1, 2016*) An agent that violates sections 1 to 45, inclusive, of this act is liable to the principal or the principal's successors in interest for the amount required to:

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

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

Sec. 18. (NEW) (*Effective July 1, 2016*) Unless the power of attorney provides a different method for an agent's resignation, an agent may resign by giving notice to the principal and, if the principal is incapacitated:

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

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

(A) The principal's spouse and children, if any, or a person reasonably believed by the agent to have sufficient interest in the principal's welfare; or

(B) A representative of the Division of Protective Services for the Elderly within the Department of Social Services.

Sec. 19. (NEW) (*Effective July 1, 2016*) (a) For purposes of this section and section 20 of this act, "acknowledged" means purportedly verified before a notary public, a commissioner of the Superior Court or other individual authorized to take acknowledgements.

(b) A person that in good faith accepts an acknowledged power of attorney without actual knowledge that the signature is not genuine

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may rely upon the presumption under section 5 of this act that the signature is genuine.

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

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

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

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

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

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

(f) For purposes of this section and section 20 of this act, a person that conducts activities through an employee is without actual knowledge of a fact relating to: (1) A power of attorney, (2) a principal, or (3) an agent if the employee conducting the activity involving such

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power of attorney, principal or agent is without actual knowledge of the fact.

Sec. 20. (NEW) (*Effective July 1, 2016*) (a) Except as provided in subsection (b) of this section:

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

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

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

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

(1) The principal is not otherwise eligible or is not otherwise qualified to enter the transaction with the person;

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

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

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

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

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

(c) A person that refuses in violation of this section to accept an acknowledged power of attorney is subject to an order by a probate court or by a court of general jurisdiction mandating acceptance of the power of attorney. The court may award reasonable attorney's fees and costs incurred to the prevailing party in such action.

Sec. 21. (NEW) (*Effective July 1, 2016*) Unless displaced by a provision of sections 1 to 45, inclusive, of this act, the principles of law and equity supplement the provisions of sections 1 to 45, inclusive, of this act.

Sec. 22. (NEW) (*Effective July 1, 2016*) The provisions of sections 1 to 45, inclusive, of this act do not supersede any other law applicable to financial institutions or other entities, and the other law controls if inconsistent with the provisions of sections 1 to 45, inclusive, of this act.

Sec. 23. (NEW) (*Effective July 1, 2016*) The remedies under sections 1 to 45, inclusive, of this act are not exclusive and do not abrogate any right or remedy under the law of this state, other than sections 1 to 45, inclusive, of this act.

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Sec. 24. (NEW) (*Effective July 1, 2016*) (a) An agent under a power of attorney may perform the activities listed in this subsection on behalf of the principal or with the principal's property only if the power of attorney expressly grants the agent the authority to perform such activities and exercise of the authority to perform such activities is not otherwise prohibited by another agreement or instrument to which the authority or property is subject such as a trust agreement:

(1) Create, amend, revoke, or terminate an inter vivos trust, provided, in the case of a trust established for a disabled person pursuant to 42 USC 1396p(d)(4)(A) or 42 USC 1396p(d)(4)(C), the creation of such trust by an agent shall be only as permitted by federal law;

(2) Make a gift;

(3) Create or change rights of survivorship;

(4) Create or change a beneficiary designation;

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

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

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

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

(b) Notwithstanding a grant of authority to perform an act described in subsection (a) of this section, unless the power of attorney otherwise provides, an agent that is not an ancestor, spouse or descendant of the principal may not exercise authority under a power of attorney to create in the agent, or in an individual to whom the agent owes a legal obligation of support, an interest in the principal's

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property, whether by gift, right of survivorship, beneficiary designation, disclaimer or otherwise.

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

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

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

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

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

Sec. 25. (NEW) (*Effective July 1, 2016*) (a) An agent has authority described in sections 24 to 40, inclusive, of this act if the power of attorney refers to general authority with respect to the descriptive term for the subjects stated in sections 27 to 40, inclusive, of this act or cites the section in which the authority is described.

(b) A reference in a power of attorney to general authority with respect to the descriptive term for a subject in sections 27 to 40,

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inclusive, of this act or a citation to a section of sections 27 to 40, inclusive, of this act incorporates the entire section as if it were set out in full in the power of attorney.

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

Sec. 26. (NEW) (*Effective July 1, 2016*) Unless the power of attorney otherwise provides, by executing a power of attorney that incorporates by reference a subject described in sections 27 to 40, inclusive, of this act or that grants to an agent authority to perform all acts that a principal could perform pursuant to subsection (c) of section 24 of this act, a principal authorizes the agent, with respect to that subject, to:

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

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

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

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

(5) Seek on the principal's behalf the assistance of a court or other

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governmental agency to carry out an act authorized in the power of attorney;

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

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

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

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

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

Sec. 27. (NEW) (*Effective July 1, 2016*) Unless the power of attorney otherwise provides, language in a power of attorney granting general authority with respect to real property authorizes the agent to:

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

(2) Sell; exchange; convey with or without covenants, representations, or warranties; quitclaim; release; surrender; retain title for security; encumber; partition; consent to partitioning; subject to an easement or covenant; subdivide; apply for zoning or other governmental permits; plat or consent to platting; develop; grant an option concerning; lease; sublease; contribute to an entity in exchange

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for an interest in that entity; or otherwise grant or dispose of an interest in real property or a right incident to real property;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Sec. 28. (NEW) (*Effective July 1, 2016*) Unless the power of attorney otherwise provides, language in a power of attorney granting general authority with respect to tangible personal property authorizes the agent to:

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

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

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

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

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

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

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

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

(D) Moving the property from place to place;

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

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

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

Sec. 29. (NEW) (*Effective July 1, 2016*) Unless the power of attorney otherwise provides, language in a power of attorney granting general authority with respect to stocks and bonds authorizes the agent to:

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

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

(3) Pledge stocks and bonds as security to borrow, pay, renew or

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extend the time of payment of a debt of the principal;

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

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

Sec. 30. (NEW) (*Effective July 1, 2016*) Unless the power of attorney otherwise provides, language in a power of attorney granting general authority with respect to commodities and options authorizes the agent to:

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

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

Sec. 31. (NEW) (*Effective July 1, 2016*) Unless the power of attorney otherwise provides, language in a power of attorney granting general authority with respect to banks and other financial institutions authorizes the agent to:

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

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

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

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

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

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

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

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

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

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

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

Sec. 32. (NEW) (*Effective July 1, 2016*) Subject to the terms of a

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document or an agreement governing an entity or an entity ownership interest, and unless the power of attorney otherwise provides, language in a power of attorney granting general authority with respect to operation of an entity or business authorizes the agent to:

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

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

(3) Enforce the terms of an ownership agreement;

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

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

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

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

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

(B) Determine:

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- (i) The location of its operation;
 - (ii) The nature and extent of its business;
 - (iii) The methods of manufacturing, selling, merchandising, financing, accounting and advertising employed in its operation;
 - (iv) The amount and types of insurance carried; and
 - (v) The mode of engaging, compensating and dealing with its employees and accountants, attorneys or other advisors;
- (C) Change the name or form of organization under which the entity or business is operated and enter into an ownership agreement with other persons to take over all or part of the operation of the entity or business; and
- (D) Demand and receive money due or claimed by the principal or on the principal's behalf in the operation of the entity or business and control and disburse the money in the operation of the entity or business;
- (8) Put additional capital into an entity or business in which the principal has an interest;
- (9) Join in a plan of reorganization, consolidation, conversion, domestication or merger of the entity or business;
- (10) Sell or liquidate all or part of an entity or business;
- (11) Establish the value of an entity or business under a buyout agreement to which the principal is a party;
- (12) Prepare, sign, file and deliver reports, compilations of information, returns or other papers with respect to an entity or business and make related payments; and

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

Sec. 33. (NEW) (*Effective July 1, 2016*) Unless the power of attorney otherwise provides, language in a power of attorney granting general authority with respect to insurance and annuities authorizes the agent to:

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

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

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

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

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

(6) Exercise an election;

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

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

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

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

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

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

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

Sec. 34. (NEW) (*Effective July 1, 2016*) (a) For purposes of this section, "estate, trust or other beneficial interest" means a trust, probate estate, guardianship, conservatorship, escrow or custodianship or a fund from which the principal is, may become or claims to be, entitled to a share or payment.

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

(1) Accept, receive, receipt for, sell, assign, pledge or exchange a

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share in or payment from an estate, trust or other beneficial interest;

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

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

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

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

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

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

Sec. 35. (NEW) (*Effective July 1, 2016*) Unless the power of attorney otherwise provides, language in a power of attorney granting general authority with respect to claims and litigation authorizes the agent to:

(1) Assert and maintain before a court or administrative agency a claim, claim for relief, cause of action, counterclaim, offset, recoupment or defense, including an action to recover property or other thing of value, recover damages sustained by the principal, eliminate or modify

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tax liability, or seek an injunction, specific performance or other relief;

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

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

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

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

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

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

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

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

Sec. 36. (NEW) (*Effective July 1, 2016*) (a) Unless the power of attorney otherwise provides, language in a power of attorney granting general authority with respect to personal and family maintenance authorizes the agent to:

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

(A) The principal's children;

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

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

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

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

(A) Purchase, lease or other contract; or

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

(4) Provide normal domestic help, usual vacations and travel expenses and funds for shelter, clothing, food, appropriate education,

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including post secondary and vocational education and other current living costs for the individuals described in subdivision (1) of this subsection;

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

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

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

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

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

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

Sec. 37. (NEW) (*Effective July 1, 2016*) (a) For purposes of this section,

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"benefits from governmental programs or civil or military service" means any benefit, program or assistance provided under a federal or state statute or regulation including Social Security, Medicare and Medicaid.

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

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

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

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

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

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

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

Sec. 38. (NEW) (*Effective July 1, 2016*) (a) For purposes of this section, "retirement plan" means a plan or account created by an employer, the principal or another individual to provide retirement benefits or deferred compensation of which the principal is a participant, beneficiary or owner, including a plan or account under the following sections of the Internal Revenue Code of 1986, or any subsequent corresponding internal revenue code of the United States, as amended from time to time:

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

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

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

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

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

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

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

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

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- (1) Select the form and timing of payments under a retirement plan and withdraw benefits from a plan;
- (2) Make a rollover, including a direct trustee to trustee rollover, of benefits from one retirement plan to another;
- (3) Establish a retirement plan in the principal's name;
- (4) Make contributions to a retirement plan;
- (5) Exercise investment powers available under a retirement plan;
and
- (6) Borrow from, sell assets to or purchase assets from a retirement plan.

Sec. 39. (NEW) (*Effective July 1, 2016*) Unless the power of attorney otherwise provides, language in a power of attorney granting general authority with respect to taxes authorizes the agent to:

- (1) Prepare, sign and file federal, state, local and foreign income, gift, payroll, property, federal Insurance Contributions Act and other tax returns, claims for refunds, requests for extension of time, petitions regarding tax matters and any other tax related documents, including, receipts, offers, waivers, consents, including consents and agreements under 26 USC 2032A, as amended from time to time, closing agreements and any power of attorney required by the Internal Revenue Service or other taxing authority with respect to a tax year upon which the statute of limitations has not run and the following twenty-five tax years;
- (2) Pay taxes due, collect refunds, post bonds, receive confidential information and contest deficiencies determined by the Internal Revenue Service or other taxing authority;
- (3) Exercise any election available to the principal under federal,

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state, local or foreign tax law; and

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

Sec. 40. (NEW) (*Effective July 1, 2016*) (a) For purposes of this section, a gift "for the benefit of" a person includes a gift to a trust, an account under the Uniform Transfers to Minors Act and a tuition savings account or prepaid tuition plan as defined under 26 USC 529, as amended from time to time.

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

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

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

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

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factors, including:

- (1) The value and nature of the principal's property;
- (2) The principal's foreseeable obligations and need for maintenance;
- (3) Minimization of taxes, including income, estate, inheritance, generation skipping transfer and gift taxes;
- (4) Eligibility for a benefit, a program, or assistance under a federal or state statute or regulation; and
- (5) The principal's personal history of making or joining in making gifts.

Sec. 41. (NEW) (*Effective July 1, 2016*) (a) The use of the following form in the creation of a power of attorney is authorized, and, when used, it shall be construed in accordance with the provisions of sections 1 to 45, inclusive, of this act:

"Notice: The powers granted by this document are broad and sweeping. They are defined in Connecticut Uniform Power of Attorney Act, which expressly permits the use of any other or different form of power of attorney desired by the parties concerned. The grantor of any power of attorney or the agent may make application to a court of probate for an accounting as provided in subsection (b) of section 45a-175, of the general statutes. This power of attorney does not authorize the agent to make health care decisions for you.

Know All Persons by These Presents, which are intended to constitute a GENERAL POWER OF ATTORNEY pursuant to Connecticut Uniform Power of Attorney Act:

That I (insert name and address of the principal) do hereby appoint (insert name and address of the agent, or each agent, if

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more than one is designated) my agent(s) TO ACT

If more than one agent is designated and the principal wishes each agent alone to be able to exercise the power conferred, insert in this blank the word 'severally'. Failure to make any insertion or the insertion of the word 'jointly' shall require the agents to act jointly.

First: In my name, place and stead in any way which I myself could do, if I were personally present, with respect to the following matters as each of them is defined in the Connecticut Uniform Power of Attorney Act to the extent that I am permitted by law to act through an agent:

(Strike out and initial in the opposite box any one or more of the subdivisions as to which the principal does NOT desire to give the agent authority. Such elimination of any one or more of subdivisions (A) to (M), inclusive, shall automatically constitute an elimination also of subdivision (N).)

To strike out any subdivision the principal must draw a line through the text of that subdivision AND write his initials in the box opposite.

- (A) real estate transactions (real property); ()
- (B) chattel and goods transactions (tangible personal property); ()
- (C) bond, share and commodity transactions (stocks and bonds); ()
- (D) banking transactions (banks and other financial institutions); ()
- (E) business operating transactions (operation of entity or business); ()
- (F) insurance transactions (insurance and annuities); ()
- (G) estate transactions (estates, trusts, and other beneficial ()

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- interests);
- (H) claims and litigation; ()
- (I) personal relationships and affairs (personal and family maintenance); ()
- (J) benefits from military service (benefits from governmental programs or civil or military service); ()
- (K) records, reports and statements; ()
- (L) retirement plans; ()
- (M) taxes; ()
- (N) all other matters; ()
-
-
-
-

(Special provisions and limitations may be included in the statutory form power of attorney only if they conform to the requirements of the Connecticut Uniform Power of Attorney Act.)

(Strike out below and initial in the opposite box any one or more of the subdivisions as to which the principal does NOT desire to give the agent authority. To strike out any subdivision the principal must draw a line through the text of that subdivision AND write his initials in the box opposite.)

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

YOU SHOULD SEEK LEGAL ADVICE BEFORE
INCLUDING THE FOLLOWING POWERS:

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- (O) Create, amend, revoke or terminate an inter vivos trust, ()
provided in the case of a trust established for a disabled
person pursuant to 42 USC 1396p (d)(4)(A) or 42 USC
1396p (d)(4)(C), the creation of such trust by an agent
shall be only as permitted by federal law

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

- (Q) Create or change rights of survivorship ()

- (R) Create or change a beneficiary designation ()

- (S) Authorize another person to exercise the authority ()
granted under this power of attorney

- (T) Waive the principal's right to be a beneficiary of a joint ()
and survivor annuity, including a survivor benefit under
a retirement plan

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- (U) Exercise fiduciary powers that the principal has authority ()
to delegate

- (V) Disclaim or refuse an interest in property, including a ()
power of appointment

Second: With full and unqualified authority to delegate any or all of the foregoing powers to any person or persons whom my agent(s) shall select;

Third: Hereby ratifying and confirming all that said agent(s) or substitute(s) do or cause to be done.

Fourth:

LIMITATION ON AGENT'S AUTHORITY

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

Fifth:

DESIGNATION OF SUCCESSOR AGENT(S) (OPTIONAL)

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

Name of Successor Agent: _____

Successor Agent's Address: _____

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

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Name of Second Successor Agent: _____

Second Successor Agent's Address: _____

Sixth:

EFFECTIVE DATE

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

In Witness Whereof I have hereunto signed my name and affixed my seal this day of, 20...

.... (Signature of Principal) (Seal)

(ACKNOWLEDGMENT)

The execution of this statutory form power of attorney shall be duly acknowledged by the principal in the manner prescribed for the acknowledgment of a conveyance of real property.

No provision of this chapter shall be construed to bar the use of any other or different form of power of attorney desired by the parties concerned.

Every statutory form power of attorney shall contain, in boldface type or a reasonable equivalent thereof, the "Notice" at the beginning of this section.

(b) A power of attorney is a "statutory form power of attorney", as this phrase is used in sections 1 to 45, inclusive, of this act, when it is in writing, has been duly acknowledged by the principal and contains the exact wording of clause First set forth in subsection (a) of this section, except that any one or more of subdivisions (A) to (V) may be stricken out and initialed by the principal, in which case the subdivisions so

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stricken out and initialed and also subdivision (N) shall be deemed eliminated. A statutory form power of attorney may contain modifications or additions of the types described in sections 1 to 45, inclusive, of this act.

(c) If more than one agent is designated by the principal, such agents, in the exercise of the powers conferred, shall act jointly unless the principal specifically provides in such statutory short form power of attorney that they are to act severally.

(d) (1) The principal may indicate that a power of attorney duly acknowledged in accordance with this section shall take effect upon the occurrence of a specified contingency, including a date certain or the occurrence of an event, provided that an agent designated by the principal executes a written affidavit that such contingency has occurred.

(2) The principal may indicate the circumstance or date certain upon which the power of attorney shall cease to be effective.

(e) The following optional informational form may be used as part of the Statutory Form or as part of a separate document from the Statutory Form.

IMPORTANT INFORMATION FOR AGENT

Agent's Duties

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

(1) Do what you know the principal reasonably expects you to do with the principal's property or, if you do not know the principal's

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expectations, act in the principal's best interest;

(2) Act in good faith;

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

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

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

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

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

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

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

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

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

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

Termination of Agent's Authority

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

- (1) Death of the principal;
- (2) The principal's revocation of the power of attorney or your authority;
- (3) The occurrence of a termination event stated in the power of attorney;
- (4) The purpose of the power of attorney is fully accomplished; or
- (5) If you are married to the principal, a legal action is filed with a court to end your marriage through divorce or annulment, or for your legal separation, unless the special instructions in this power of attorney state that such an action will not terminate your authority.

Liability of Agent

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

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

Sec. 42. (NEW) (*Effective July 1, 2016*) The following optional form may be used by an agent to certify facts concerning a power of attorney.

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

State of _____

County of _____

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

I further certify that to my knowledge:

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

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

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

(4) _____

(Insert other relevant statements)

SIGNATURE AND ACKNOWLEDGMENT

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(Agent's Signature) (Date)

(Agent's Name Printed)

(Agent's Address)

(Agent's Telephone Number)

This document was acknowledged before me on _____,
(Date)

by _____.
(Name of Agent)

(Signature of Commissioner of Superior Court/Notary) (Seal, if any)

My commission expires: _____

Sec. 43. (NEW) (*Effective July 1, 2016*) In applying and construing the provisions of sections 1 to 45, inclusive, of this act, consideration must be given to the need to promote uniformity of the law with respect to its subject matter among the states that enact it.

Sec. 44. (NEW) (*Effective July 1, 2016*) Sections 1 to 45, inclusive, of this act modify, limit, and supersede the federal Electronic Signatures in Global and National Commerce Act, 15 USC 7001 et seq., but do not modify, limit, or supersede Section 101(c) of that act, 15 USC 7001(c), or authorize electronic delivery of any of the notices described in Section

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3(b) of that act, 15 USC 7003(b).

Sec. 45. (NEW) (*Effective July 1, 2016*) (a) Except as otherwise provided in sections 1 to 45, inclusive, of this act, on October 1, 2015, said sections apply to:

(1) A power of attorney created before, on, or after October 1, 2015;

(2) A judicial proceeding concerning a power of attorney commenced on or after October 1, 2015; and

(3) A judicial proceeding concerning a power of attorney commenced before October 1, 2015, unless the court finds that application of a provision of sections 1 to 45, inclusive, of this act would substantially interfere with the effective conduct of the judicial proceeding or prejudice the rights of a party, in which case that provision does not apply and the superseded law applies.

(b) An act performed by an agent under a power of attorney before October 1, 2015, is not affected by sections 1 to 45, inclusive, of this act.

Sec. 46. Subsection (a) of section 45a-98 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2016*):

(a) Courts of probate in their respective districts shall have the power to (1) grant administration of intestate estates of persons who have died domiciled in their districts and of intestate estates of persons not domiciled in this state which may be granted as provided by section 45a-303; (2) admit wills to probate of persons who have died domiciled in their districts or of nondomiciliaries whose wills may be proved in their districts as provided in section 45a-287; (3) except as provided in section 45a-98a or as limited by an applicable statute of limitations, determine title or rights of possession and use in and to any real, tangible or intangible property that constitutes, or may

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constitute, all or part of any trust, any decedent's estate, or any estate under control of a guardian or conservator, which trust or estate is otherwise subject to the jurisdiction of the Probate Court, including the rights and obligations of any beneficiary of the trust or estate and including the rights and obligations of any joint tenant with respect to survivorship property; (4) except as provided in section 45a-98a, construe the meaning and effect of (A) any will or trust agreement if a construction is required in connection with the administration or distribution of a trust or estate otherwise subject to the jurisdiction of the Probate Court; [or, with respect to an inter vivos trust, if that trust is or could be subject to jurisdiction of the court for an accounting pursuant to section 45a-175,] (B) an inter vivos trust upon a petition that meets the requirements for a petition for an accounting pursuant to subsection (b) or (c) of section 45a-175, as amended by this act, provided such an accounting need not be required; or (C) a power of attorney pursuant to section 16 of this act; (5) except as provided in section 45a-98a, apply the doctrine of cy pres or approximation; (6) to the extent provided for in section 45a-175, as amended by this act, call executors, administrators, trustees, guardians, conservators, persons appointed to sell the land of minors, and [attorneys-in-fact] agents acting under powers of attorney created in accordance with [section 45a-562] sections 1 to 45, inclusive, of this act, to account concerning the estates entrusted to their charge or for other relief as provided in sections 1 to 45, inclusive, of this act; and (7) make any lawful orders or decrees to carry into effect the power and jurisdiction conferred upon them by the laws of this state.

Sec. 47. Section 45a-175 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2016*):

(a) Courts of probate shall have jurisdiction of the interim and final accounts of testamentary trustees, trustees appointed by the courts of probate, conservators, guardians, persons appointed by probate courts

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to sell the land of minors, executors, administrators and trustees in insolvency, and, to the extent provided for in this section, shall have jurisdiction of accounts of the actions of trustees of inter vivos trusts and [attorneys-in-fact] agents acting under powers of attorney.

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

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

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

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

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

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

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

[(e)] (f) If the court finds such appointment to be necessary and in the best interests of the estate, the court upon its own motion may appoint an auditor to be selected from a list provided by the Probate

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Court Administrator, to examine accounts over which the court has jurisdiction under this section, except those accounts on matters in which the fiduciary or cofiduciary is a corporation having trust powers. The Probate Court Administrator shall promulgate regulations in accordance with section 45a-77 concerning the compilation of a list of qualified auditors. Costs of the audit may be charged to the fiduciary, any party in interest and the estate, in such proportion as the court shall direct if the court finds such charge to be equitable. Any such share may be paid from the fund established under section 45a-82, subject to the approval of the Probate Court Administrator, if it is determined that the person obligated to pay such share is unable to pay or to charge such amount to the estate would cause undue hardship.

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

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

Sec. 48. Subsection (b) of section 45a-645 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2016*):

(b) The designation shall be executed, witnessed and revoked in the same manner as provided for wills in sections 45a-251 and 45a-257, or a power of attorney executed in accordance with section 5 of this act,

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except that any person who is so designated as a conservator shall not qualify as a witness.

Sec. 49. Section 45a-650 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2016*):

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

(b) The rules of evidence applicable to civil matters in the Superior Court shall apply to all hearings pursuant to this section. All testimony at a hearing held pursuant to this section shall be given under oath or affirmation.

(c) (1) After making the findings required under subsection (a) of this section, the court shall receive evidence regarding the respondent's condition, the capacity of the respondent to care for himself or herself or to manage his or her affairs, and the ability of the respondent to meet his or her needs without the appointment of a conservator. Unless waived by the court pursuant to subdivision (2) of this subsection, medical evidence shall be introduced from one or more physicians licensed to practice medicine in this state who have examined the respondent not more than forty-five days prior to the hearing, except that for a person with intellectual disability, as defined in section 1-1g, psychological evidence may be introduced in lieu of such medical evidence from a psychologist licensed pursuant to

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chapter 383 who has examined the respondent not more than forty-five days prior to the hearing. The evidence shall contain specific information regarding the respondent's condition and the effect of the respondent's condition on the respondent's ability to care for himself or herself or to manage his or her affairs. The court may also consider such other evidence as may be available and relevant, including, but not limited to, a summary of the physical and social functioning level or ability of the respondent, and the availability of support services from the family, neighbors, community or any other appropriate source. Such evidence may include, if available, reports from the social work service of a general hospital, municipal social worker, director of social service, public health nurse, public health agency, psychologist, coordinating assessment and monitoring agencies, or such other persons as the court considers qualified to provide such evidence.

(2) The court may waive the requirement that medical evidence be presented if it is shown that the evidence is impossible to obtain because of the absence of the respondent or the respondent's refusal to be examined by a physician or that the alleged incapacity is not medical in nature. If such requirement is waived, the court shall make a specific finding in any decree issued on the application stating why medical evidence was not required.

(3) Any hospital, psychiatric, psychological or medical record or report filed with the court pursuant to this subsection shall be confidential.

(d) Upon the filing of an application for involuntary representation pursuant to section 45a-648, the court shall issue an order for the disclosure of the medical information required pursuant to this section and any psychological information submitted with respect to a person with intellectual disability pursuant to subsection (c) of this section to the respondent's attorney and, upon request, to the respondent. The court may issue an order for the disclosure of such information to any

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other person as the court determines necessary.

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

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

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

(3) No conservator may be appointed if the respondent's personal needs and property management are being met adequately by an agency or individual appointed pursuant to the provisions of sections 8 and 41 of this act, or section [1-43,] 19a-575a, 19a-577, 19a-580e, as amended by this act, or 19a-580g.

(g) When determining whether a conservator should be appointed the court shall consider the following factors: (1) The abilities of the respondent; (2) the respondent's capacity to understand and articulate an informed preference regarding the care of his or her person or the

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management of his or her affairs; (3) any relevant and material information obtained from the respondent; (4) evidence of the respondent's past preferences and life style choices; (5) the respondent's cultural background; (6) the desirability of maintaining continuity in the respondent's life and environment; (7) whether the respondent had previously made adequate alternative arrangements for the care of his or her person or for the management of his or her affairs, including, but not limited to, the execution of a durable power of attorney, springing power of attorney, the appointment of a health care representative or health care agent, the execution of a living will or trust or the execution of any other similar document; (8) any relevant and material evidence from the respondent's family and any other person regarding the respondent's past practices and preferences; and (9) any supportive services, technologies or other means that are available to assist the respondent in meeting his or her needs.

(h) The respondent or conserved person may appoint, designate or nominate a conservator or successor conservator pursuant to section 19a-575a, 19a-580e, as amended by this act, 19a-580g or 45a-645, as amended by this act, or may, orally or in writing, nominate a conservator or successor conservator who shall be appointed unless the court finds that the appointee, designee or nominee is unwilling or unable to serve or there is substantial evidence to disqualify such person. If there is no such appointment, designation or nomination or if the court does not appoint the person appointed, designated or nominated by the respondent or conserved person, the court may appoint any qualified person, authorized public official or corporation in accordance with subsections (a) and (b) of section 45a-644. In considering whom to appoint as conservator or successor conservator, the court shall consider (1) the extent to which a proposed conservator has knowledge of the respondent's or conserved person's preferences regarding the care of his or her person or the management of his or her

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affairs, (2) the ability of the proposed conservator to carry out the duties, responsibilities and powers of a conservator, (3) the cost of the proposed conservatorship to the estate of the respondent or conserved person, (4) the proposed conservator's commitment to promoting the respondent's or conserved person's welfare and independence, and (5) any existing or potential conflicts of interest of the proposed conservator.

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

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

(k) In assigning the duties of a conservator under this section the court may, in accordance with section 8 of this act, limit, suspend or terminate the authority of an agent designated by the conserved person to act under a power of attorney; and the court shall enter a specific order as to whether the authority of the agent is limited, suspended or terminated.

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

[(l)] (m) The court shall assign to a conservator appointed under this section only the duties and authority that are the least restrictive means of intervention necessary to meet the needs of the conserved person. The court shall find by clear and convincing evidence that such duties and authority restrict the decision-making authority of the

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conserved person only to the extent necessary to provide for the personal needs or property management of the conserved person. Such personal needs and property management shall be provided in a manner appropriate to the conserved person. The court shall make a finding of the clear and convincing evidence that supports the need for each duty and authority assigned to the conservator.

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

Sec. 50. Section 47-5 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2016*):

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

(b) A document conveying land shall also include the current

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mailing address of the grantee.

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

Name of Owner of Record

By: (Signature of [Attorney-in-Fact] Agent) L.S.

Name of Signatory

His/Her [Attorney-in-Fact] Agent

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

Sec. 51. Subsection (c) of section 19a-580f of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2016*):

(c) A power of attorney for health care decisions properly executed prior to October 1, 2006, shall have the same power and effect as provided under section 1-55, of the general statutes, revision of 1958 revised to January 1, 2015, in effect at the time of its execution.

Sec. 52. Section 45a-582 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2016*):

An interest that exists on October 1, 1981, as to which, if a present interest, the time for delivering a disclaimer under [section 45a-562,] subsections (3) and (35) of section 45a-234, subsections (4) and (19) of section 45a-235, and sections 45a-578 to 45a-584, inclusive, has not expired or, if a future interest, the interest has not become indefeasibly

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vested or the taker finally ascertained, may be disclaimed within nine months after October 1, 1981.

Sec. 53. Subsection (a) of section 45a-660 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2016*):

(a) (1) A conserved person may, at any time, petition the court of probate having jurisdiction for the termination of a conservatorship. A petition for termination of a conservatorship shall be determined by a preponderance of the evidence. The conserved person shall not be required to present medical evidence at such a hearing. A hearing on the petition shall be held not later than thirty days after the date the petition was filed in the Court of Probate, unless the hearing is continued for good cause. If such hearing is not held within such thirty-day period or continuance period, if applicable, the conservatorship shall terminate. If the court of probate having jurisdiction finds a conserved person to be capable of caring for himself or herself, the court shall, upon hearing and after notice, order that the conservatorship of the person be terminated. The court may also order the reinstatement of any authority of any agent under a power of attorney that was previously limited, suspended or terminated by the court because of the conservatorship. If the court finds upon hearing and after notice which the court prescribes, that a conserved person is capable of managing his or her own affairs, the court shall order that the conservatorship of the estate be terminated and that the remaining portion of the conserved person's property be restored to the conserved person. (2) If the court finds upon hearing and after notice which the court prescribes that a conserved person has no assets of any kind remaining except for that amount allowed by subsection (c) of section 17b-80, the court may order that the conservatorship of the estate be terminated. The court shall thereupon order distribution of the remaining assets to the conservator of the

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person or, if there is no conservator or the conservator declines or is unable to accept or the conservator is the Commissioner of Social Services, to some suitable person, to be determined by the court, to hold for the benefit of the conserved person, upon such conservator or person giving such probate bond, if any, as the court orders. (3) If any conserved person having a conservator dies, the conserved person's property other than property which has accrued from the sale of the conserved person's real property shall be delivered to the conserved person's executor or administrator. The unexpended proceeds of the conserved person's real property sold as aforesaid shall go into the hands of the executor or administrator, to be distributed as such real property would have been.

Sec. 54. Subsection (a) of section 19a-580e of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2016*):

(a) Except as authorized by a court of competent jurisdiction, a conservator shall comply with a conserved person's individual health care instructions and other wishes, if any, expressed while the conserved person had capacity and to the extent known to the conservator, and the conservator may not revoke the conserved person's advance health care directive or a directive executed in accordance with [subdivision (14) of section 1-52 or] section 45a-318, as amended by this act, unless the appointing court expressly so authorizes.

Sec. 55. Subdivision (2) of subsection (a) of section 45a-318 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2016*):

(2) Any conservator of the person authorized pursuant to subdivision (5) of subsection (a) of section 45a-656 to act on behalf of a conserved person, or any agent authorized [pursuant to subdivision

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(14) of section 1-52] to act on behalf of a principal may execute in advance of such conserved person's or principal's death a written document, subscribed by such conservator or agent and attested by two witnesses, either: (A) Directing the disposition of such conserved person's or principal's body upon the death of such conserved person or principal, which document may also designate an individual to have custody and control of such conserved person's or principal's body and to act as agent to carry out such directions; or (B) if there are no directions for disposition, designating an individual to have custody and control of the disposition of such conserved person's or principal's body upon the death of such conserved person or principal. Such disposition shall include, but not be limited to, cremation, incineration, disposition of cremains, burial, method of interment and cryogenic preservation. Any such document may designate an alternate to an individual designated under subparagraph (A) or (B) of this subdivision. A document executed by a conservator pursuant to this subdivision shall include provisions indicating that such document (i) is valid if the person is under conservatorship at the time of his or her death, and (ii) terminates upon the termination of the conservatorship when such termination occurs prior to the death of the conserved person.

Sec. 56. Section 29-1f of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2016*):

(a) The clearinghouse established under section 29-1e shall collect, process, maintain and disseminate information to assist in the location of any missing person who (1) is eighteen years of age or older and has a mental impairment, or (2) is sixty-five years of age or older, provided a missing person report prepared by the Department of Emergency Services and Public Protection has been filed by such missing person's relative, guardian, conservator or [attorney-in-fact] agent appointed by the missing person in accordance with [chapter 7] sections 1 to 45,

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inclusive of this act, any health care representative appointed by the missing person in accordance with section 19a-576 or a nursing home administrator, as defined in section 19a-511, or, pursuant to section 17a-465b, by an employee of the Department of Mental Health and Addiction Services who is certified under the provisions of sections 7-294a to 7-294e, inclusive. Such relative, guardian, conservator, [attorney-in-fact] agent, health care representative, nursing home administrator or employee shall attest under penalty of perjury that the missing person (A) is eighteen years of age or older and has a mental impairment, or (B) is sixty-five years of age or older. No other proof shall be required in order to verify that the missing person meets the criteria to be eligible for assistance under this subsection. Such relative, guardian, conservator, [attorney-in-fact] agent, health care representative, nursing home administrator or employee who files a missing person report shall immediately notify the clearinghouse or law enforcement agency if the missing person's location has been determined.

(b) Subject to available resources, the clearinghouse established by section 29-1e may collect, process, maintain and disseminate information to assist in the location of missing persons other than children and those persons who are eligible for assistance under subsection (a) of this section.

Sec. 57. Sections 1-42 to 1-56, inclusive, of the general statutes, sections 1-56h to 1-56k, inclusive, of the general statutes and section 45a-562 of the general statutes are repealed. (*Effective July 1, 2016*)

Approved July 7, 2015