



Senate

General Assembly

File No. 201

January Session, 2015

Substitute Senate Bill No. 1005

Senate, March 25, 2015

The Committee on Aging reported through SEN. FLEXER of the 29th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

***AN ACT PROTECTING ELDERLY CONSUMERS FROM
EXPLOITATION AND ADOPTING THE CONNECTICUT UNIFORM
POWER OF ATTORNEY ACT.***

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

1 Section 1. Section 17b-450 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2015*):

3 For purposes of this section and sections [17b-450] 17b-451 to 17b-
4 461, inclusive, as amended by this act, and sections 5 and 8 of this act:

5 [(1) The term "elderly person" means any resident of Connecticut
6 who is sixty years of age or older.]

7 (1) "Abandonment" means the desertion or wilful forsaking of an
8 elderly person by a caretaker or the foregoing of duties or the
9 withdrawal or neglect of duties and obligations owed an elderly
10 person by a caretaker or other person.

11 (2) "Abuse" includes, but is not limited to, the wilful infliction of

12 physical pain, injury or mental anguish, or the wilful deprivation by a
13 caretaker of services that are necessary to maintain physical and
14 mental health.

15 (3) "Caretaker" means a person who has the responsibility for the
16 care of an elderly person as a result of a family relationship or who has
17 assumed the responsibility for the care of the elderly person
18 voluntarily, by contract or by order of a court of competent
19 jurisdiction.

20 (4) "Elderly person" means any person who is sixty years of age or
21 older.

22 (5) "Exploitation" means the knowing use, control or possession of
23 funds, assets or property of an elderly person or the attempt to use,
24 control or possess such funds, assets or property, with the intent to
25 temporarily or permanently deprive such elderly person of the use,
26 benefit or possession of such funds, assets or property by a person who
27 stands in a position of trust and confidence with such elderly person.
28 "Exploitation" may include, but is not limited to:

29 (A) A breach of a fiduciary relationship, such as the misuse of a
30 power of attorney or the abuse of a guardianship or conservatorship;

31 (B) Unauthorized taking of personal assets; or

32 (C) Misappropriation, misuse or transfer of moneys belonging to an
33 elderly person from a personal or joint account.

34 (6) "Person who stands in a position of trust and confidence" means
35 a person who (A) knows or should know that an elderly person lacks
36 the capacity to consent, or (B) by nature of such person's relationship
37 with such elderly person, deceives such elderly person into consenting
38 to the exploitation of such elderly person's funds, assets or property
39 with the intent to temporarily or permanently deprive such elderly
40 person of the use, benefit or possession of such funds, assets or
41 property for the benefit of a person other than such elderly person.

42 (7) "Financial agent" means an officer or employee of a financial
43 institution, as defined in section 32-350, who:

44 (A) Has direct contact with an elderly person within the officer's or
45 employee's scope of employment or professional practice and observes
46 or has knowledge of an incident the officer or employee believes in
47 good faith appears to be exploitation; or

48 (B) Reviews or approves an elderly person's financial documents,
49 records or transactions and has a reasonable suspicion based on a
50 pattern of withdrawals, transfers or other activity that exploitation has
51 occurred or may be occurring, based solely on the information present
52 at the time of reviewing or approving the document, record or
53 transaction.

54 (8) "Neglect" means a caretaker's failure to provide services that are
55 necessary to maintain an elderly person's physical or mental health or
56 self-neglect by an elderly person who is not able to provide for himself
57 or herself the services that are necessary to maintain physical and
58 mental health.

59 [(2) An elderly person shall be deemed to be "in need of protective
60 services" if such person is]

61 (9) "Person in need of protective services" means a person who is the
62 suspected victim of abuse, neglect, exploitation or abandonment or is
63 unable to perform or obtain services [which] that are necessary to
64 maintain physical and mental health.

65 [(3) The term "services which are necessary to maintain physical and
66 mental health" includes, but is]

67 (10) "Services that are necessary to maintain physical and mental
68 health" include, but are not limited to, the provision of medical care for
69 physical and mental health needs, the relocation of an elderly person
70 to a facility or institution able to offer such care, assistance in personal
71 hygiene, food, clothing, adequately heated and ventilated shelter,
72 protection from health and safety hazards, protection from

73 maltreatment the result of which includes, but is not limited to,
74 malnutrition, deprivation of necessities or physical punishment, and
75 transportation necessary to secure any of the above stated needs,
76 except that this term shall not include taking such person into custody
77 without consent except as provided in sections 17b-450 to 17b-461,
78 inclusive, as amended by this act.

79 [(4) The term "protective services" means services provided by the
80 state or other governmental or private organizations or individuals
81 which are necessary to prevent abuse, neglect, exploitation or
82 abandonment. Abuse includes, but is not limited to, the wilful
83 infliction of physical pain, injury or mental anguish, or the wilful
84 deprivation by a caretaker of services which are necessary to maintain
85 physical and mental health. Neglect refers to an elderly person who is
86 either living alone and not able to provide for himself or herself the
87 services which are necessary to maintain physical and mental health or
88 is not receiving such necessary services from the responsible caretaker.
89 Exploitation refers to the act or process of taking advantage of an
90 elderly person by another person or caretaker whether for monetary,
91 personal or other benefit, gain or profit. Abandonment refers to the
92 desertion or wilful forsaking of an elderly person by a caretaker or the
93 foregoing of duties or the withdrawal or neglect of duties and
94 obligations owed an elderly person by a caretaker or other person.

95 (5) The term "caretaker" means a person who has the responsibility
96 for the care of an elderly person as a result of family relationship or
97 who has assumed the responsibility for the care of the elderly
98 voluntarily, by contract or by order of a court of competent
99 jurisdiction.]

100 (11) "Protective services" means services provided by the state or
101 other governmental or private organizations or individuals that are
102 necessary to prevent abuse, neglect, exploitation or abandonment.

103 Sec. 2. Subsection (a) of section 17b-451 of the general statutes is
104 repealed and the following is substituted in lieu thereof (*Effective*
105 *October 1, 2015*):

106 (a) [Any physician] For purposes of this subsection, "mandated
107 reporter" means a: (1) Physician or surgeon licensed under the
108 provisions of chapter 370; [, any] (2) resident physician or intern in any
109 hospital in this state, whether or not so licensed; [, any] (3) registered
110 nurse; [, any] (4) nursing home administrator, nurse's aide or orderly
111 in a nursing home facility or residential care home; [, any] (5) financial
112 agent, as defined in section 17b-450, as amended by this act; (6) person
113 paid for caring for a patient in a nursing home facility or residential
114 care home; [, any] (7) staff person employed by a nursing home facility
115 or residential care home; [, any] (8) professional patients' advocate,
116 [any] provided no representative of the Office of the State Long-Term
117 Care Ombudsman shall be considered a professional patients'
118 advocate for purposes of this section; (9) licensed practical nurse; [,]
119 (10) medical examiner; [,] (11) dentist; [,] (12) optometrist; [,] (13)
120 chiropractor; [,] (14) podiatrist; [,] (15) social worker; [,] (16) clergyman;
121 [,] (17) police officer; [,] (18) pharmacist; [,] (19) psychologist; [or] (20)
122 physical therapist; [,] (21) person licensed or certified as an emergency
123 medical services provider pursuant to chapter 368d or chapter 384d,
124 including any such emergency medical services provider who is a
125 member of a municipal fire department; and [any] (22) person paid for
126 caring for an elderly person by any institution, organization, agency or
127 facility, [Such persons shall include] including, but not limited to, an
128 employee of a (A) community-based services provider, (B) senior
129 center, (C) home care agency, (D) homemaker and companion agency,
130 (E) adult day care center, (F) village-model community, and (G)
131 congregate housing facility. [,] Any mandated reporter who has
132 reasonable cause to suspect or believe that any elderly person has been
133 abused, neglected, exploited or abandoned, or is in a condition that is
134 the result of such abuse, neglect, exploitation or abandonment, or is in
135 need of protective services, shall [, not later than seventy-two hours
136 after such suspicion or belief arose,] report such information, or cause
137 a report to be made in any reasonable manner, not later than seventy-
138 two hours after such suspicion or belief arose to the Commissioner of
139 Social Services or to the person or persons designated by the
140 commissioner to receive such reports. Any [person required to report

141 under the provisions of this section] mandated reporter who fails to
142 make such report within the prescribed time period shall be fined not
143 more than five hundred dollars, except that, if such [person] mandated
144 reporter intentionally fails to make such report within the prescribed
145 time period, such person shall be guilty of a class C misdemeanor for
146 the first offense and a class A misdemeanor for any subsequent
147 offense. Any institution, organization, agency or facility employing
148 mandated reporters or other individuals to care for persons sixty years
149 of age or older shall provide mandatory training on detecting potential
150 abuse, [and] neglect, exploitation or abandonment of such persons and
151 inform such employees of their obligations under this section.

152 Sec. 3. Section 53a-119 of the general statutes is amended by adding
153 subdivision (19) as follows (*Effective October 1, 2015*):

154 (NEW) (19) Exploitation. A person commits exploitation when such
155 person stands in a position of trust and confidence with an elderly
156 person and knowingly uses, controls or possesses such elderly person's
157 funds, assets or property, or attempts to use, control or possess such
158 funds, assets or property, with the intent to temporarily or
159 permanently deprive such elderly person of the use, benefit or
160 possession of such funds, assets or property.

161 Sec. 4. Subsection (a) of section 53a-123 of the general statutes is
162 repealed and the following is substituted in lieu thereof (*Effective*
163 *October 1, 2015*):

164 (a) A person is guilty of larceny in the second degree when he
165 commits larceny, as defined in section 53a-119, as amended by this act,
166 and: (1) The property consists of a motor vehicle, the value of which
167 exceeds ten thousand dollars; [,] (2) the value of the property or service
168 exceeds ten thousand dollars; [,] (3) the property, regardless of its
169 nature or value, is taken from the person of another; [,] (4) the property
170 is obtained by defrauding a public community, and the value of such
171 property is two thousand dollars or less; [,] (5) the property, regardless
172 of its nature or value, is obtained by embezzlement, exploitation, as
173 defined in section 53a-119, as amended by this act, false pretenses or

174 false promise and the victim of such larceny is sixty years of age or
175 older or is blind or physically disabled, as defined in section 1-1f; [.] or
176 (6) the property, regardless of its value, consists of wire, cable or other
177 equipment used in the provision of telecommunications service and
178 the taking of such property causes an interruption in the provision of
179 emergency telecommunications service.

180 Sec. 5. (NEW) (*Effective October 1, 2015*) (a) An elderly person who
181 has been abused, neglected or exploited, as such terms are defined in
182 section 17b-450 of the general statutes, as amended by this act, may
183 have a cause of action against any perpetrator and may recover actual
184 and punitive damages for such abuse, neglect or exploitation together
185 with costs and a reasonable attorney's fee. The action may be brought
186 by the elderly person, or the elderly person's guardian or conservator,
187 by a person or organization acting on behalf of the elderly person with
188 the consent of such elderly person or the elderly person's guardian or
189 conservator or by the personal representative of the estate of a
190 deceased elderly victim without regard to whether the cause of death
191 resulted from the abuse, neglect or exploitation.

192 (b) An elderly person age sixty-five and older who brings a civil
193 action under this section may move the court to advance the trial on
194 the docket pursuant to section 52-192 of the general statutes. The
195 presiding judge, after consideration of the age and health of the party,
196 may advance the trial on the docket.

197 Sec. 6. (NEW) (*Effective October 1, 2015*) At any time in any
198 prosecution for larceny by exploitation, as defined in section 53a-119 of
199 the general statutes, as amended by this act, the Superior Court shall
200 have jurisdiction to render an order prohibiting the defendant from
201 transferring, depleting or otherwise alienating or diminishing any
202 funds, assets or property which there is probable cause to believe is
203 being used or is about to be used in any way that would constitute
204 exploitation. The burden of proof shall be by a preponderance of the
205 evidence and shall be on the state. A copy of the order shall be served
206 upon the defendant. At any time not later than thirty days after service

207 of the order, the defendant or any person claiming an interest in the
208 funds, assets or property may file a motion to release the funds, assets
209 or property. The court shall hold a hearing on the motion not later than
210 ten days after the motion is filed. If the prosecution of the charge is
211 dismissed, nolleed or results in acquittal, the court shall vacate the
212 order.

213 Sec. 7. (NEW) (*Effective October 1, 2015*) (a) (1) A person finally
214 adjudged guilty, either as the principal or accessory, of the crime of
215 larceny by exploitation, as defined in section 53a-119 of the general
216 statutes, as amended by this act, shall not inherit or receive any part of
217 the estate of the victim, whether under the provisions of any act
218 relating to intestate succession, or as devisee or legatee, or otherwise
219 under the will of the deceased, or receive any property as beneficiary
220 or survivor of the deceased. For the purposes of this subdivision, an
221 interested person may bring an action in the Superior Court for a
222 determination, by a preponderance of the evidence, that an heir,
223 devisee, legatee or beneficiary of the deceased who has predeceased
224 the interested person would have been adjudged guilty, either as the
225 principal or accessory, of exploitation had the heir, devisee, legatee or
226 beneficiary survived.

227 (2) With respect to inheritance under the will of the deceased, or
228 rights to property as heir, devisee, legatee or beneficiary of the
229 deceased, the person whose participation in the estate of another or
230 whose right to property as such heir, devisee, legatee or beneficiary is
231 so prevented under the provisions of this section shall be considered to
232 have predeceased the deceased victim.

233 (3) With respect to property owned in joint tenancy with rights of
234 survivorship with the deceased, such final adjudication as guilty shall
235 be a severance of the joint tenancy, and shall convert the joint tenancy
236 into a tenancy in common as to the person so adjudged and the
237 deceased but not as to any remaining joint tenant or tenants, such
238 severance being effective as of the time such adjudication of guilty
239 becomes final. When such jointly owned property is real property, a

240 certified copy of the final adjudication as guilty shall be recorded by
241 the fiduciary of the deceased's estate, or may be recorded by any other
242 interested party in the land records of the town where such real
243 property is situated.

244 (b) (1) A named beneficiary of a life insurance policy or annuity who
245 is adjudged guilty of larceny by exploitation against the holder of such
246 policy or annuity is not entitled to any benefit under the policy or
247 annuity, and the policy or annuity becomes payable as though such
248 beneficiary had predeceased the decedent.

249 (2) (A) A conviction of larceny by exploitation shall be conclusive
250 for the purposes of this subsection.

251 (B) For the purposes of this subsection, an interested person may
252 bring an action in the Superior Court for a determination, by a
253 preponderance of the evidence, that a named beneficiary who has
254 predeceased the interested person would have been found guilty of
255 larceny by exploitation had the named beneficiary survived.

256 (C) In the absence of such a conviction or determination, the
257 Superior Court may determine by the common law, including equity,
258 whether the named beneficiary is entitled to any benefit under the
259 policy or annuity.

260 (D) In any proceeding brought under this subsection, the burden of
261 proof shall be upon the person challenging the eligibility of the named
262 beneficiary for benefits under a life insurance policy or annuity.

263 (3) Any insurance company making payment according to the terms
264 of its policy or annuity is not liable for any additional payment by
265 reason of this section unless it has received at its home office or
266 principal address written notice of a claim under this section prior to
267 such payment.

268 Sec. 8. (*Effective October 1, 2015*) (a) The Commission on Aging, in
269 consultation with the Connecticut Elder Justice Coalition Coordinating
270 Council, the Department of Social Services, the Department on Aging,

271 the Office of the Long-Term Care Ombudsman and the Chief State's
272 Attorney, shall conduct a study concerning best practices for reporting
273 and identification of the abuse, neglect, exploitation and abandonment
274 of elderly persons. The study shall review: (1) Models nationwide for
275 reporting of such abuse, neglect, exploitation or abandonment, (2)
276 standardized definitions, measurements and uniform reporting
277 mechanisms to accurately capture the nature and scope of such abuse,
278 neglect, exploitation or abandonment in the state, and (3) methods to
279 promote and coordinate communication about such reporting among
280 local and state governmental entities, including law enforcement.

281 (b) Not later than January 1, 2016, the Commission on Aging shall
282 submit a report, in accordance with the provisions of section 11-4a of
283 the general statutes, to the joint standing committee of the General
284 Assembly having cognizance of matters relating to aging on the results
285 of the study conducted pursuant to subsection (a) of this section.

286 Sec. 9. (NEW) (*Effective October 1, 2015*) Sections 9 to 53, inclusive, of
287 this act may be cited as the "Connecticut Uniform Power of Attorney
288 Act."

289 Sec. 10. (NEW) (*Effective October 1, 2015*) As used in sections 9 to 53,
290 inclusive, of this act:

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

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

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

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

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

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

307 (B) Is:

308 (i) Missing;

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

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

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

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

318 (8) "Presently exercisable general power of appointment" means,
319 with respect to property or a property interest subject to a power of
320 appointment, power exercisable at the time in question to vest absolute
321 ownership in the principal individually, the principal's estate, the
322 principal's creditors or the creditors of the principal's estate. The term
323 includes a power of appointment not exercisable until the occurrence
324 of a specified event, the satisfaction of an ascertainable standard, or the
325 passage of a specified period only after the occurrence of the specified
326 event, the satisfaction of the ascertainable standard, or the passage of
327 the specified period. The term does not include a power exercisable in
328 a fiduciary capacity or only by will.

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

330 in a power of attorney.

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

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

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

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

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

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

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

351 Sec. 11. (NEW) (*Effective October 1, 2015*) The provisions of sections 9
352 to 53, inclusive, of this act apply to all powers of attorney except:

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

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

357 (3) A proxy or other delegation to exercise voting rights or

358 management rights with respect to an entity; and

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

362 Sec. 12. (NEW) (*Effective October 1, 2015*) A power of attorney
363 created under sections 9 to 53, inclusive, of this act is durable unless it
364 expressly provides that it is terminated by the incapacity of the
365 principal.

366 Sec. 13. (NEW) (*Effective October 1, 2015*) A power of attorney must
367 be dated and signed by the principal or in the principal's conscious
368 presence by another individual directed by the principal to sign the
369 principal's name on the power of attorney and witnessed by two
370 witnesses. A signature on a power of attorney is presumed to be
371 genuine if the principal acknowledges the signature before a notary
372 public or other individual authorized by law to take
373 acknowledgments.

374 Sec. 14. (NEW) (*Effective October 1, 2015*) (a) A power of attorney
375 executed in this state on or after October 1, 2015, is valid if its
376 execution complies with section 13 of this act.

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

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

383 (1) The law of the jurisdiction that determines the meaning and
384 effect of the power of attorney pursuant to section 15 of this act; or

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

387 (d) Except as otherwise provided by statute, other than sections 9 to
388 53, inclusive, of this act, or unless the power of attorney otherwise
389 provides, a photocopy or electronically transmitted copy of an original
390 power of attorney has the same effect as the original.

391 Sec. 15. (NEW) (*Effective October 1, 2015*) The meaning and effect of a
392 power of attorney is determined by the law of the jurisdiction
393 indicated in the power of attorney and, in the absence of an indication
394 of jurisdiction, by the law of the jurisdiction in which the power of
395 attorney was executed.

396 Sec. 16. (NEW) (*Effective October 1, 2015*) (a) In a power of attorney, a
397 principal may nominate a conservator of the principal's estate or
398 conservator of the principal's person for consideration by the court if
399 protective proceedings for the principal's estate or person are begun
400 after the principal executes the power of attorney. The court shall make
401 its appointment in accordance with the principal's most recent
402 nomination unless the court finds that the appointee, designee or
403 nominee is unwilling or unable to serve or there is substantial evidence
404 to disqualify such person.

405 (b) If, after a principal executes a power of attorney, a court appoints
406 a conservator of the principal's estate or other fiduciary charged with
407 the management of some or all of the principal's property, the power
408 of attorney is suspended unless the power of attorney provides
409 otherwise or unless the court appointing the conservator decides the
410 power of attorney should continue. If the power of attorney continues,
411 the agent is accountable to the fiduciary as well as to the principal. If
412 the power of attorney is suspended pursuant to this subsection, then
413 the power of attorney shall be reinstated upon termination of the
414 conservatorship as a result of the principal regaining capacity. The
415 court shall have the authority to continue certain provisions of the
416 power of attorney, but not others.

417 Sec. 17. (NEW) (*Effective October 1, 2015*) (a) A power of attorney is
418 effective when executed unless the principal provides in the power of
419 attorney that it becomes effective at a future date or upon the

420 occurrence of a future event or contingency.

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

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

431 (1) Two independent physicians that the principal is incapacitated
432 within the meaning set forth in subparagraph (A) of subdivision (5) of
433 section 10 of this act; or

434 (2) A judge or an appropriate governmental official that the
435 principal is incapacitated within the meaning set forth in
436 subparagraph (B) of subdivision (5) of section 10 of this act.

437 (d) A person authorized by the principal in the power of attorney to
438 determine that the principal is incapacitated may act as the principal's
439 personal representative pursuant to the Health Insurance Portability
440 and Accountability Act, Sections 1171 to 1179, inclusive, of the Social
441 Security Act, 42 USC 1320d, as amended from time to time, and
442 applicable federal regulations, to obtain access to the principal's health
443 care information and communicate with the principal's health care
444 provider.

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

449 AFFIDAVIT THAT POWER OF ATTORNEY IS IN FULL FORCE
450 AND EFFECT

451 STATE OF)

452) SS:

453 COUNTY OF)

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

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

458 THAT specified contingency was:

459 THAT specified contingency has occurred.

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

461 L.S.

462

463 Witness

464

465 Witness

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

467

468 Commissioner of the Superior Court

469 Notary Public

470 My commission expires:

471 Sec. 18. (NEW) (Effective October 1, 2015) (a) A power of attorney
472 terminates when:

473 (1) The principal dies;

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

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

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

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

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

482 (7) The power of attorney is terminated by a court pursuant to
483 subsection (b) of section 16 of this act.

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

485 (1) The principal revokes the authority;

486 (2) A court terminates the agent's authority pursuant to subsection
487 (b) of section 16 of this act;

488 (3) The agent dies or resigns;

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

493 (A) Within the meaning set forth in subparagraph (A) of subdivision
494 (5) of section 10 of this act, by:

495 (i) A judge in a court proceeding;

496 (ii) Two independent physicians; or

497 (iii) A successor agent, designated in accordance with section 19 of
498 this act, if a written opinion of a physician cannot be obtained either
499 due to the refusal of an agent to be examined by a physician or due to

500 an agent's failure to execute an authorization to release medical
501 information; or

502 (B) Within the meaning set forth in subparagraph (B) of subdivision
503 (5) of section 10 of this act, a judge or an appropriate governmental
504 official;

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

508 (6) The power of attorney terminates.

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

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

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

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

529 Sec. 19. (NEW) (*Effective October 1, 2015*) (a) A principal may

530 designate two or more persons to act as coagents. Unless the power of
531 attorney otherwise provides, each coagent may exercise its authority
532 independently. A person that in good faith accepts an acknowledged
533 power of attorney from one or more coagents without actual
534 knowledge that the power of attorney is void, invalid or terminated,
535 that the purported agent's authority is void, invalid or terminated, or
536 that the agent is exceeding or improperly exercising the agent's
537 authority may rely upon the power of attorney as if the power of
538 attorney were genuine, valid and still in effect, the agent's authority
539 were genuine, valid and still in effect, and the agent had not exceeded
540 and had properly exercised the authority.

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

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

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

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

556 (d) Except as otherwise provided in the power of attorney, an agent
557 that has actual knowledge of a breach or imminent breach of fiduciary
558 duty by another agent shall notify the principal and, if the principal is
559 incapacitated, take any action reasonably appropriate in the
560 circumstances to safeguard the principal's best interest. An agent that
561 fails to notify the principal or take action as required by this subsection

562 is liable for the reasonably foreseeable damages that could have been
563 avoided if the agent had notified the principal or taken such action.

564 Sec. 20. (NEW) (*Effective October 1, 2015*) Unless the power of
565 attorney otherwise provides, an agent is entitled to reimbursement of
566 expenses reasonably incurred on behalf of the principal and to
567 compensation that is reasonable under the circumstances.

568 Sec. 21. (NEW) (*Effective October 1, 2015*) Unless the power of
569 attorney otherwise provides, a person accepts appointment as an agent
570 under a power of attorney by exercising authority or performing
571 duties as an agent or by any other assertion or conduct indicating
572 acceptance.

573 Sec. 22. (NEW) (*Effective October 1, 2015*) (a) Notwithstanding
574 provisions in the power of attorney, an agent that has accepted
575 appointment shall:

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

580 (2) Act in good faith; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

612 (e) If an agent is selected by the principal because of special skills or
613 expertise possessed by the agent or in reliance on the agent's
614 representation that the agent has special skills or expertise, the special
615 skills or expertise must be considered in determining whether the
616 agent has acted with care, competence and diligence under the
617 circumstances.

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

619 the value of the principal's property declines.

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

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

638 Sec. 23. (NEW) (*Effective October 1, 2015*) A provision in a power of
639 attorney relieving an agent of liability for breach of duty is binding on
640 the principal and the principal's successors in interest except to the
641 extent the provision:

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

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

648 Sec. 24. (NEW) (*Effective October 1, 2015*) (a) The following persons
649 may petition a court in accordance with subsection (d) of section 45a-

650 175 of the general statutes, as amended by this act, to construe a power
651 of attorney or review the agent's conduct, and grant appropriate relief:

652 (1) The principal or the agent;

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

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

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

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

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

664 (7) A representative of the Division of Protective Services for the
665 Elderly with the Department of Social Services having regulatory
666 authority to protect the welfare of the principal;

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

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

670 (b) Upon motion by the principal, the court shall dismiss a petition
671 filed under this section, unless the court finds that the principal is
672 incapacitated within the meaning set forth in subdivision (5) of section
673 10 of this act.

674 Sec. 25. (NEW) (*Effective October 1, 2015*) An agent that violates
675 sections 9 to 53, inclusive, of this act is liable to the principal or the
676 principal's successors in interest for the amount required to:

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

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

681 Sec. 26. (NEW) (*Effective October 1, 2015*) Unless the power of
682 attorney provides a different method for an agent's resignation, an
683 agent may resign by giving notice to the principal and, if the principal
684 is incapacitated:

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

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

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

693 (B) A representative of the Division of Protective Services for the
694 Elderly within the Department of Social Services having authority to
695 protect the welfare of the principal.

696 Sec. 27. (NEW) (*Effective October 1, 2015*) (a) For purposes of this
697 section and section 28 of this act, "acknowledged" means purportedly
698 verified before a notary public or other individual authorized to take
699 acknowledgements.

700 (b) A person that in good faith accepts an acknowledged power of
701 attorney without actual knowledge that the signature is not genuine
702 may rely upon the presumption under section 13 of this act that the
703 signature is genuine.

704 (c) A person that in good faith accepts an acknowledged power of
705 attorney without actual knowledge that the power of attorney is void,

706 invalid, or terminated, that the purported agent's authority is void,
707 invalid, or terminated, or that the agent is exceeding or improperly
708 exercising the agent's authority may rely upon the power of attorney
709 as if the power of attorney were genuine, valid and still in effect, the
710 agent's authority were genuine, valid and still in effect, and the agent
711 had not exceeded and had properly exercised the authority.

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

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

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

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

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

726 (f) For purposes of this section and section 28 of this act, a person
727 that conducts activities through an employee is without actual
728 knowledge of a fact relating to: (1) A power of attorney, (2) a principal,
729 or (3) an agent if the employee conducting the activity involving such
730 power of attorney, principal or agent is without actual knowledge of
731 the fact.

732 Sec. 28. (NEW) (*Effective October 1, 2015*) (a) Except as provided in
733 subsection (b) of this section:

734 (1) A person shall either accept an acknowledged power of attorney
735 or request a certification a translation, or an opinion of counsel under

736 subsection (d) of section 27 of this act not later than seven business
737 days after presentation of the power of attorney for acceptance;

738 (2) If a person requests a certification, a translation, or an opinion of
739 counsel under subsection (d) of section 27 of this act, the person shall
740 accept the power of attorney not later than five business days after
741 receipt of the certification, translation, or opinion of counsel; and

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

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

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

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

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

754 (4) A request for a certification, a translation, or an opinion of
755 counsel under subsection (d) of section 27 of this act is refused;

756 (5) The person in good faith believes that the power is not valid or
757 that the agent does not have the authority to perform the act requested,
758 whether or not a certification, a translation, or an opinion of counsel
759 under subsection (d) of section 27 of this act has been requested or
760 provided; or

761 (6) The person makes, or has actual knowledge that another person
762 has made, a report to the Bureau of Aging, Community and Social
763 Work Services Division of the Department of Social Services stating a
764 good faith belief that the principal may be subject to physical or

765 financial abuse, neglect, exploitation or abandonment by the agent or a
766 person acting for or with the agent.

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

772 Sec. 29. (NEW) (*Effective October 1, 2015*) Unless displaced by a
773 provision of sections 9 to 53, inclusive, of this act, the principles of law
774 and equity supplement the provisions of sections 9 to 53, inclusive, of
775 this act.

776 Sec. 30. (NEW) (*Effective October 1, 2015*) The provisions of sections 9
777 to 53, inclusive, of this act do not supersede any other law applicable to
778 financial institutions or other entities, and the other law controls if
779 inconsistent with the provisions of sections 9 to 53, inclusive, of this
780 act.

781 Sec. 31. (NEW) (*Effective October 1, 2015*) The remedies under
782 sections 9 to 53, inclusive, of this act are not exclusive and do not
783 abrogate any right or remedy under the law of this state, other than
784 sections 9 to 53, inclusive, of this act.

785 Sec. 32. (NEW) (*Effective October 1, 2015*) (a) An agent under a power
786 of attorney may perform the activities listed in this subsection on
787 behalf of the principal or with the principal's property only if the
788 power of attorney expressly grants the agent the authority to perform
789 such activities and exercise of the authority to perform such activities
790 is not otherwise prohibited by another agreement or instrument to
791 which the authority or property is subject such as a trust agreement:

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

793 (2) Make a gift;

794 (3) Create or change rights of survivorship;

- 795 (4) Create or change a beneficiary designation;
- 796 (5) Delegate authority granted under the power of attorney;
- 797 (6) Waive the principal's right to be a beneficiary of a joint and
798 survivor annuity, including a survivor benefit under a retirement plan;
- 799 (7) Exercise fiduciary powers that the principal has authority to
800 delegate; or
- 801 (8) Disclaim property, including a power of appointment.
- 802 (b) Notwithstanding a grant of authority to perform an act
803 described in subsection (a) of this section, unless the power of attorney
804 otherwise provides, an agent that is not an ancestor, spouse or
805 descendant of the principal may not exercise authority under a power
806 of attorney to create in the agent, or in an individual to whom the
807 agent owes a legal obligation of support, an interest in the principal's
808 property, whether by gift, right of survivorship, beneficiary
809 designation, disclaimer or otherwise.
- 810 (c) Subject to the provisions set forth in subsections (a), (b), (d) and
811 (e) of this section, if a power of attorney grants to an agent authority to
812 perform all acts that a principal could perform, the agent has the
813 general authority described in sections 35 to 47, inclusive, of this act.
- 814 (d) Unless the power of attorney otherwise provides, a grant of
815 authority to make a gift is subject to section 48 of this act.
- 816 (e) Subject to the provisions set forth in subsections (a), (b) and (d)
817 of this section, if the subjects over which authority is granted in a
818 power of attorney are similar or overlap, the broadest authority
819 controls.
- 820 (f) Authority granted in a power of attorney is exercisable with
821 respect to property that the principal has when the power of attorney
822 is executed or acquires later, whether or not the property is located in
823 this state and whether or not the authority is exercised or the power of

824 attorney is executed in this state.

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

829 Sec. 33. (NEW) (*Effective October 1, 2015*) (a) An agent has authority
830 described in sections 32 to 48, inclusive, of this act if the power of
831 attorney refers to general authority with respect to the descriptive term
832 for the subjects stated in sections 35 to 48, inclusive, of this act or cites
833 the section in which the authority is described.

834 (b) A reference in a power of attorney to general authority with
835 respect to the descriptive term for a subject in sections 35 to 48,
836 inclusive, of this act or a citation to a section of sections 35 to 48,
837 inclusive, of this act incorporates the entire section as if it were set out
838 in full in the power of attorney.

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

840 Sec. 34. (NEW) (*Effective October 1, 2015*) Unless the power of
841 attorney otherwise provides, by executing a power of attorney that
842 incorporates by reference a subject described in sections 35 to 48,
843 inclusive, of this act or that grants to an agent authority to perform all
844 acts that a principal could perform pursuant to subsection (c) of section
845 32 of this act, a principal authorizes the agent, with respect to that
846 subject, to:

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

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

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

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

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

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

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

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

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

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

880 Sec. 35. (NEW) (*Effective October 1, 2015*) Unless the power of
881 attorney otherwise provides, language in a power of attorney granting
882 general authority with respect to real property authorizes the agent to:

883 (1) Demand, buy, lease, receive, accept as a gift or as security for an

884 extension of credit or otherwise acquire or reject an interest in real
885 property or a right incident to real property;

886 (2) Sell; exchange; convey with or without covenants,
887 representations, or warranties; quitclaim; release; surrender; retain title
888 for security; encumber; partition; consent to partitioning; subject to an
889 easement or covenant; subdivide; apply for zoning or other
890 governmental permits; plat or consent to platting; develop; grant an
891 option concerning; lease; sublease; contribute to an entity in exchange
892 for an interest in that entity; or otherwise grant or dispose of an
893 interest in real property or a right incident to real property;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

929 Sec. 36. (NEW) (*Effective October 1, 2015*) Unless the power of
930 attorney otherwise provides, language in a power of attorney granting
931 general authority with respect to tangible personal property authorizes
932 the agent to:

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

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

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

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

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

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

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

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

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

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

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

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

964 Sec. 37. (NEW) (*Effective October 1, 2015*) Unless the power of
965 attorney otherwise provides, language in a power of attorney granting
966 general authority with respect to stocks and bonds authorizes the
967 agent to:

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

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

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

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

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

978 Sec. 38. (NEW) (*Effective October 1, 2015*) Unless the power of
979 attorney otherwise provides, language in a power of attorney granting
980 general authority with respect to commodities and options authorizes
981 the agent to:

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

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

986 Sec. 39. (NEW) (*Effective October 1, 2015*) Unless the power of
987 attorney otherwise provides, language in a power of attorney granting
988 general authority with respect to banks and other financial institutions
989 authorizes the agent to:

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

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

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

998 (4) Withdraw by: Check, order, electronic funds transfer or
999 otherwise, money or property of the principal deposited with or left in
1000 the custody of a financial institution;

1001 (5) Receive statements of account, vouchers, notices and similar
1002 documents from a financial institution and act with respect to them;

1003 (6) Enter a safe deposit box or vault and withdraw or add to the
1004 contents;

1005 (7) Borrow money and pledge as security personal property of the
1006 principal necessary to borrow money or pay, renew or extend the time
1007 of payment of a debt of the principal or a debt guaranteed by the
1008 principal;

1009 (8) Make, assign, draw, endorse, discount, guarantee and negotiate
1010 promissory notes, checks, drafts and other negotiable or nonnegotiable
1011 paper of the principal or payable to the principal or the principal's
1012 order, transfer money, receive the cash or other proceeds of those
1013 transactions and accept a draft drawn by a person upon the principal
1014 and pay it when due;

1015 (9) Receive for the principal and act upon a sight draft, warehouse
1016 receipt, or other document of title whether tangible or electronic, or
1017 other negotiable or nonnegotiable instrument;

1018 (10) Apply for, receive and use letters of credit, credit and debit
1019 cards, electronic transaction authorizations and traveler's checks from
1020 a financial institution and give an indemnity or other agreement in
1021 connection with letters of credit; and

1022 (11) Consent to an extension of the time of payment with respect to
1023 commercial paper or a financial transaction with a financial institution.

1024 Sec. 40. (NEW) (*Effective October 1, 2015*) Subject to the terms of a
1025 document or an agreement governing an entity or an entity ownership
1026 interest, and unless the power of attorney otherwise provides,
1027 language in a power of attorney granting general authority with

- 1028 respect to operation of an entity or business authorizes the agent to:
- 1029 (1) Operate, buy, sell, enlarge, reduce, or terminate an ownership
1030 interest;
- 1031 (2) Perform a duty or discharge a liability and exercise in person or
1032 by proxy a right, power, privilege or option that the principal has, may
1033 have or claims to have;
- 1034 (3) Enforce the terms of an ownership agreement;
- 1035 (4) Initiate, participate in, submit to alternative dispute resolution,
1036 settle, oppose, or propose or accept a compromise with respect to
1037 litigation to which the principal is a party because of an ownership
1038 interest;
- 1039 (5) Exercise in person or by proxy, or enforce by litigation or
1040 otherwise, a right, power, privilege or option the principal has or
1041 claims to have as the holder of stocks and bonds;
- 1042 (6) Initiate, participate in, submit to alternative dispute resolution,
1043 settle, oppose, or propose or accept a compromise with respect to
1044 litigation to which the principal is a party concerning stocks and
1045 bonds;
- 1046 (7) With respect to an entity or business owned solely by the
1047 principal:
- 1048 (A) Continue, modify, renegotiate, extend and terminate a contract
1049 made by or on behalf of the principal with respect to the entity or
1050 business before execution of the power of attorney;
- 1051 (B) Determine:
- 1052 (i) The location of its operation;
- 1053 (ii) The nature and extent of its business;
- 1054 (iii) The methods of manufacturing, selling, merchandising,

- 1055 financing, accounting and advertising employed in its operation;
- 1056 (iv) The amount and types of insurance carried; and
- 1057 (v) The mode of engaging, compensating and dealing with its
1058 employees and accountants, attorneys or other advisors;
- 1059 (C) Change the name or form of organization under which the
1060 entity or business is operated and enter into an ownership agreement
1061 with other persons to take over all or part of the operation of the entity
1062 or business; and
- 1063 (D) Demand and receive money due or claimed by the principal or
1064 on the principal's behalf in the operation of the entity or business and
1065 control and disburse the money in the operation of the entity or
1066 business;
- 1067 (8) Put additional capital into an entity or business in which the
1068 principal has an interest;
- 1069 (9) Join in a plan of reorganization, consolidation, conversion,
1070 domestication or merger of the entity or business;
- 1071 (10) Sell or liquidate all or part of an entity or business;
- 1072 (11) Establish the value of an entity or business under a buyout
1073 agreement to which the principal is a party;
- 1074 (12) Prepare, sign, file and deliver reports, compilations of
1075 information, returns or other papers with respect to an entity or
1076 business and make related payments; and
- 1077 (13) Pay, compromise or contest taxes, assessments, fines or
1078 penalties and perform any other act to protect the principal from
1079 illegal or unnecessary taxation, assessments, fines or penalties, with
1080 respect to an entity or business, including attempts to recover, in any
1081 manner permitted by law, money paid before or after the execution of
1082 the power of attorney.

1083 Sec. 41. (NEW) (*Effective October 1, 2015*) Unless the power of
1084 attorney otherwise provides, language in a power of attorney granting
1085 general authority with respect to insurance and annuities authorizes
1086 the agent to:

1087 (1) Continue, pay the premium or make a contribution on, modify,
1088 exchange, rescind, release or terminate a contract procured by or on
1089 behalf of the principal which insures or provides an annuity to either
1090 the principal or another person, whether or not the principal is a
1091 beneficiary under the contract;

1092 (2) Procure new, different and additional contracts of insurance and
1093 annuities for the principal and the principal's spouse, children and
1094 other dependents, and select the amount, type of insurance or annuity
1095 and mode of payment;

1096 (3) Pay the premium or make a contribution on, modify, exchange,
1097 rescind, release or terminate a contract of insurance or annuity
1098 procured by the agent;

1099 (4) Apply for and receive a loan secured by a contract of insurance
1100 or annuity;

1101 (5) Surrender and receive the cash surrender value on a contract of
1102 insurance or annuity;

1103 (6) Exercise an election;

1104 (7) Exercise investment powers available under a contract of
1105 insurance or annuity;

1106 (8) Change the manner of paying premiums on a contract of
1107 insurance or annuity;

1108 (9) Change or convert the type of insurance or annuity with respect
1109 to which the principal has or claims to have authority described in this
1110 section;

1111 (10) Apply for and procure a benefit or assistance under a federal or

1112 state statute or regulation to guarantee or pay premiums of a contract
1113 of insurance on the life of the principal;

1114 (11) Collect, sell, assign, hypothecate, borrow against or pledge the
1115 interest of the principal in a contract of insurance or annuity;

1116 (12) Select the form and timing of the payment of proceeds from a
1117 contract of insurance or annuity; and

1118 (13) Pay, from proceeds or otherwise, compromise or contest and
1119 apply for refunds in connection with, a tax or assessment levied by a
1120 taxing authority with respect to a contract of insurance or annuity or
1121 its proceeds or liability accruing by reason of the tax or assessment.

1122 Sec. 42. (NEW) (*Effective October 1, 2015*) (a) For purposes of this
1123 section, "estate, trust or other beneficial interest" means a trust, probate
1124 estate, guardianship, conservatorship, escrow or custodianship or a
1125 fund from which the principal is, may become or claims to be, entitled
1126 to a share or payment.

1127 (b) Unless the power of attorney otherwise provides, language in a
1128 power of attorney granting general authority with respect to estates,
1129 trusts and other beneficial interests authorizes the agent to:

1130 (1) Accept, receive, receipt for, sell, assign, pledge or exchange a
1131 share in or payment from an estate, trust or other beneficial interest;

1132 (2) Demand or obtain money or another thing of value to which the
1133 principal is, may become or claims to be, entitled by reason of an
1134 estate, trust or other beneficial interest, by litigation or otherwise;

1135 (3) Exercise for the benefit of the principal a presently exercisable
1136 general power of appointment held by the principal;

1137 (4) Initiate, participate in, submit to alternative dispute resolution,
1138 settle, oppose, or propose or accept a compromise with respect to
1139 litigation to ascertain the meaning, validity or effect of a deed, will,
1140 declaration of trust or other instrument or transaction affecting the

1141 interest of the principal;

1142 (5) Initiate, participate in, submit to alternative dispute resolution,
1143 settle, oppose, or propose or accept a compromise with respect to
1144 litigation to remove, substitute or surcharge a fiduciary;

1145 (6) Conserve, invest, disburse or use anything received for an
1146 authorized purpose; and

1147 (7) Transfer an interest of the principal in real property, stocks and
1148 bonds, accounts with financial institutions or securities intermediaries,
1149 insurance, annuities and other property to the trustee of a revocable
1150 trust created by the principal as settlor.

1151 Sec. 43. (NEW) (*Effective October 1, 2015*) Unless the power of
1152 attorney otherwise provides, language in a power of attorney granting
1153 general authority with respect to claims and litigation authorizes the
1154 agent to:

1155 (1) Assert and maintain before a court or administrative agency a
1156 claim, claim for relief, cause of action, counterclaim, offset, recoupment
1157 or defense, including an action to recover property or other thing of
1158 value, recover damages sustained by the principal, eliminate or modify
1159 tax liability, or seek an injunction, specific performance or other relief;

1160 (2) Bring an action to determine adverse claims or intervene or
1161 otherwise participate in litigation;

1162 (3) Seek an attachment, garnishment, order of arrest or other
1163 preliminary, provisional or intermediate relief and use an available
1164 procedure to effect or satisfy a judgment, order or decree;

1165 (4) Make or accept a tender, offer of judgment or admission of facts,
1166 submit a controversy on an agreed statement of facts, consent to
1167 examination and bind the principal in litigation;

1168 (5) Submit to alternative dispute resolution, settle and propose or
1169 accept a compromise;

1170 (6) Waive the issuance and service of process upon the principal,
1171 accept service of process, appear for the principal, designate persons
1172 upon which process directed to the principal may be served, execute
1173 and file or deliver stipulations on the principal's behalf, verify
1174 pleadings, seek appellate review, procure and give surety and
1175 indemnity bonds, contract and pay for the preparation and printing of
1176 records and briefs, receive, execute, and file or deliver a consent,
1177 waiver, release, confession of judgment, satisfaction of judgment,
1178 notice, agreement or other instrument in connection with the
1179 prosecution, settlement or defense of a claim or litigation;

1180 (7) Act for the principal with respect to bankruptcy or insolvency,
1181 whether voluntary or involuntary, concerning the principal or some
1182 other person, or with respect to a reorganization, receivership or
1183 application for the appointment of a receiver or trustee which affects
1184 an interest of the principal in property or other thing of value;

1185 (8) Pay a judgment, award or order against the principal or a
1186 settlement made in connection with a claim or litigation; and

1187 (9) Receive money or other thing of value paid in settlement of or as
1188 proceeds of a claim or litigation.

1189 Sec. 44. (NEW) (*Effective October 1, 2015*) (a) Unless the power of
1190 attorney otherwise provides, language in a power of attorney granting
1191 general authority with respect to personal and family maintenance
1192 authorizes the agent to:

1193 (1) Perform the acts necessary to maintain the customary standard
1194 of living of the principal, the principal's spouse and the following
1195 individuals, whether living when the power of attorney is executed or
1196 later born:

1197 (A) The principal's children;

1198 (B) Other individuals legally entitled to be supported by the
1199 principal; and

1200 (C) The individuals whom the principal has customarily supported
1201 or indicated the intent to support;

1202 (2) Make periodic payments of child support and other family
1203 maintenance required by a court or governmental agency or an
1204 agreement to which the principal is a party;

1205 (3) Provide living quarters for the individuals described in
1206 subdivision (1) of this subsection by:

1207 (A) Purchase, lease or other contract; or

1208 (B) Paying the operating costs, including interest, amortization
1209 payments, repairs, improvements and taxes, for premises owned by
1210 the principal or occupied by those individuals;

1211 (4) Provide normal domestic help, usual vacations and travel
1212 expenses and funds for shelter, clothing, food, appropriate education,
1213 including post secondary and vocational education and other current
1214 living costs for the individuals described in subdivision (1) of this
1215 subsection;

1216 (5) Pay expenses for necessary health care and custodial care on
1217 behalf of the individuals described in subdivision (1) of this subsection;

1218 (6) Act as the principal's personal representative pursuant to the
1219 Health Insurance Portability and Accountability Act, Sections 1171 to
1220 1179, inclusive, of the Social Security Act, 42 USC 1320d, as amended
1221 from time to time, and applicable federal regulations, in making
1222 decisions related to the past, present or future payment for the
1223 provision of health care consented to by the principal or anyone
1224 authorized under the law of this state to consent to health care on
1225 behalf of the principal;

1226 (7) Continue any provision made by the principal for automobiles or
1227 other means of transportation, including registering, licensing,
1228 insuring and replacing them, for the individuals described in
1229 subdivision (1) of this subsection;

1230 (8) Maintain credit and debit accounts for the convenience of the
1231 individuals described in subdivision (1) of this subsection and open
1232 new accounts; and

1233 (9) Continue payments incidental to the membership or affiliation of
1234 the principal in a religious institution, club, society, order or other
1235 organization or continue contributions to those organizations.

1236 (b) Authority with respect to personal and family maintenance is
1237 neither dependent upon, nor limited by, authority that an agent may
1238 or may not have with respect to gifts under sections 9 to 53, inclusive,
1239 of this act.

1240 Sec. 45. (NEW) (*Effective October 1, 2015*) (a) For purposes of this
1241 section, "benefits from governmental programs or civil or military
1242 service" means any benefit, program or assistance provided under a
1243 federal or state statute or regulation including Social Security,
1244 Medicare and Medicaid.

1245 (b) Unless the power of attorney otherwise provides, language in a
1246 power of attorney granting general authority with respect to benefits
1247 from governmental programs or civil or military service authorizes the
1248 agent to:

1249 (1) Execute vouchers in the name of the principal for allowances and
1250 reimbursements payable by the United States or a foreign government
1251 or by a state or subdivision of a state to the principal, including
1252 allowances and reimbursements for transportation of the individuals
1253 described in subdivision (1) of subsection (a) of section 44 of this act,
1254 and for shipment of their household effects;

1255 (2) Take possession and order the removal and shipment of
1256 property of the principal from a post, warehouse, depot, dock or other
1257 place of storage or safekeeping, either governmental or private, and
1258 execute and deliver a release, voucher, receipt, bill of lading, shipping
1259 ticket, certificate or other instrument for that purpose;

1260 (3) Enroll in, apply for, select, reject, change, amend or discontinue,

1261 on the principal's behalf, a benefit or program;

1262 (4) Prepare, file, and maintain a claim of the principal for a benefit
1263 or assistance, financial or otherwise, to which the principal may be
1264 entitled under a federal or state statute or regulation;

1265 (5) Initiate, participate in, submit to alternative dispute resolution,
1266 settle, oppose, or propose or accept a compromise with respect to
1267 litigation concerning any benefit or assistance the principal may be
1268 entitled to receive under a federal or state statute or regulation; and

1269 (6) Receive the financial proceeds of a claim described in
1270 subdivision (4) of this subsection and conserve, invest, disburse or use
1271 for a lawful purpose anything so received.

1272 Sec. 46. (NEW) (*Effective October 1, 2015*) (a) For purposes of this
1273 section, "retirement plan" means a plan or account created by an
1274 employer, the principal or another individual to provide retirement
1275 benefits or deferred compensation of which the principal is a
1276 participant, beneficiary or owner, including a plan or account under
1277 the following sections of the of the Internal Revenue Code of 1986, or
1278 any subsequent corresponding internal revenue code of the United
1279 States, as amended from time to time:

1280 (1) An individual retirement account under 26 USC 408, as amended
1281 from time to time;

1282 (2) A Roth individual retirement account under 26 USC 408A, as
1283 amended from time to time;

1284 (3) A deemed individual retirement account under 26 USC 408(q), as
1285 amended from time to time;

1286 (4) An annuity or mutual fund custodial account under 26 USC
1287 403(b), as amended from time to time;

1288 (5) A pension, profit sharing, stock bonus or other retirement plan
1289 qualified under 26 USC 401(a), as amended from time to time;

1290 (6) A plan under 26 USC 457(b), as amended from time to time; and

1291 (7) A nonqualified deferred compensation plan under 26 USC 409A,
1292 as amended from time to time.

1293 (b) Unless the power of attorney otherwise provides, language in a
1294 power of attorney granting general authority with respect to
1295 retirement plans authorizes the agent to:

1296 (1) Select the form and timing of payments under a retirement plan
1297 and withdraw benefits from a plan;

1298 (2) Make a rollover, including a direct trustee to trustee rollover, of
1299 benefits from one retirement plan to another;

1300 (3) Establish a retirement plan in the principal's name;

1301 (4) Make contributions to a retirement plan;

1302 (5) Exercise investment powers available under a retirement plan;
1303 and

1304 (6) Borrow from, sell assets to or purchase assets from a retirement
1305 plan.

1306 Sec. 47. (NEW) (*Effective October 1, 2015*) Unless the power of
1307 attorney otherwise provides, language in a power of attorney granting
1308 general authority with respect to taxes authorizes the agent to:

1309 (1) Prepare, sign and file federal, state, local and foreign income,
1310 gift, payroll, property, Federal Insurance Contributions Act and other
1311 tax returns, claims for refunds, requests for extension of time, petitions
1312 regarding tax matters and any other tax related documents, including,
1313 receipts, offers, waivers, consents, including consents and agreements
1314 under 26 USC 2032A, as amended from time to time, closing
1315 agreements and any power of attorney required by the Internal
1316 Revenue Service or other taxing authority with respect to a tax year
1317 upon which the statute of limitations has not run and the following
1318 twenty-five tax years;

1319 (2) Pay taxes due, collect refunds, post bonds, receive confidential
1320 information and contest deficiencies determined by the Internal
1321 Revenue Service or other taxing authority;

1322 (3) Exercise any election available to the principal under federal,
1323 state, local or foreign tax law; and

1324 (4) Act for the principal in all tax matters for all periods before the
1325 Internal Revenue Service, or other taxing authority.

1326 Sec. 48. (NEW) (*Effective October 1, 2015*) (a) For purposes of this
1327 section, a gift "for the benefit of" a person includes a gift to a trust, an
1328 account under the Uniform Transfers to Minors Act and a tuition
1329 savings account or prepaid tuition plan as defined under 26 USC 529,
1330 as amended from time to time.

1331 (b) Unless the power of attorney otherwise provides, language in a
1332 power of attorney granting general authority with respect to gifts
1333 authorizes the agent only to:

1334 (1) Make outright to, or for the benefit of, a person, a gift of any of
1335 the principal's property, including by the exercise of a presently
1336 exercisable general power of appointment held by the principal, in an
1337 amount per donee not to exceed the annual dollar limits of the federal
1338 gift tax exclusion under 26 USC 2503(b), as amended from time to time,
1339 without regard to whether the federal gift tax exclusion applies to the
1340 gift, or if the principal's spouse agrees to consent to a split gift
1341 pursuant to 26 USC 2513, as amended from time to time, in an amount
1342 per donee not to exceed twice the annual federal gift tax exclusion
1343 limit; and

1344 (2) Consent, pursuant to 26 USC 2513, as amended from time to
1345 time, to the splitting of a gift made by the principal's spouse in an
1346 amount per donee not to exceed the aggregate annual gift tax
1347 exclusions for both spouses.

1348 (c) An agent may make a gift of the principal's property only as the
1349 agent determines is consistent with the principal's objectives if actually

1350 known by the agent and, if unknown, as the agent determines is
1351 consistent with the principal's best interest based on all relevant
1352 factors, including:

1353 (1) The value and nature of the principal's property;

1354 (2) The principal's foreseeable obligations and need for
1355 maintenance;

1356 (3) Minimization of taxes, including income, estate, inheritance,
1357 generation skipping transfer and gift taxes;

1358 (4) Eligibility for a benefit, a program, or assistance under a federal
1359 or state statute or regulation; and

1360 (5) The principal's personal history of making or joining in making
1361 gifts.

1362 Sec. 49. (NEW) (*Effective October 1, 2015*) A document substantially
1363 in the following form may be used to create a statutory form power of
1364 attorney that has the meaning and effect prescribed by sections 9 to 53,
1365 inclusive, of this act.

1366 CONNECTICUT
1367 STATUTORY FORM POWER OF ATTORNEY
1368 IMPORTANT INFORMATION

1369 This power of attorney authorizes another person (your agent) to
1370 make decisions concerning your property for you (the principal). Your
1371 agent will be able to make decisions and act with respect to your
1372 property (including your money) whether or not you are able to act for
1373 yourself. The meaning of authority over subjects listed on this form is
1374 explained in the Connecticut Uniform Power of Attorney Act.

1375 This power of attorney does not authorize the agent to make health
1376 care decisions for you.

1377 You should select someone you trust to serve as your agent. Unless

1378 you specify otherwise, generally the agent's authority will continue
1379 until you die or revoke the power of attorney or the agent resigns or is
1380 unable to act for you.

1381 Your agent is entitled to reasonable compensation unless you state
1382 otherwise in the special instructions.

1383 This form provides for designation of one agent. If you wish to
1384 name more than one agent you may name a coagent in the special
1385 instructions. Coagents are not required to act together unless you
1386 include that requirement in the special instructions.

1387 If your agent is unable or unwilling to act for you, your power of
1388 attorney will end unless you have named a successor agent. You may
1389 also name a second successor agent.

1390 This power of attorney becomes effective immediately unless you
1391 state otherwise in the special instructions.

1392 If you have questions about the power of attorney or the authority
1393 you are granting to your agent, you should seek legal advice before
1394 signing this form.

1395 DESIGNATION OF AGENT

1396 I _____ name the following person
1397 (Name of Principal)

1398
1399 as my agent:

1400 Name of Agent: _____

1401 Agent's Address: _____

1402 DESIGNATION OF SUCCESSOR AGENT(S) (OPTIONAL)

1403 If my agent is unable or unwilling to act for me, I name as my
1404 successor agent:

1405 Name of Successor Agent:_____

1406 Successor Agent's Address:_____

1407 If my successor agent is unable or unwilling to act for me, I name as
1408 my second successor agent:

1409 Name of Second Successor Agent:_____

1410 Second Successor Agent's Address:_____

1411 GRANT OF GENERAL AUTHORITY

1412 I grant my agent and any successor agent general authority to act
1413 for me with respect to the following subjects as defined in the
1414 Connecticut Uniform Power of Attorney Act, sections 9 to 53,
1415 inclusive, of this act:

1416 (INITIAL each subject you want to include in the agent's general
1417 authority. If you wish to grant general authority over all of the subjects
1418 you may initial "All Preceding Subjects" instead of initialing each
1419 subject.)

1420 (___) Real Property

1421 (___) Tangible Personal Property

1422 (___) Stocks and Bonds

1423 (___) Commodities and Options

1424 (___) Banks and Other Financial Institutions

1425 (___) Operation of Entity or Business

1426 (___) Insurance and Annuities

1427 (___) Estates, Trusts and Other Beneficial Interests

1428 (___) Claims and Litigation

- 1429 Personal and Family Maintenance
- 1430 Benefits from Governmental Programs or Civil or Military
- 1431 Service
- 1432 Retirement Plans
- 1433 Taxes
- 1434 All Preceding Subjects

1435 GRANT OF SPECIFIC AUTHORITY (OPTIONAL)

1436 My agent MAY NOT do any of the following specific acts for me
1437 UNLESS I have INITIALED the specific authority listed below:

1438 (CAUTION: Granting any of the following will give your agent the
1439 authority to take actions that could significantly reduce your property
1440 or change how your property is distributed at your death. INITIAL
1441 ONLY the specific authority you WANT to give your agent.)

1442 YOU SHOULD SEEK LEGAL ADVICE BEFORE INCLUDING THE
1443 FOLLOWING POWERS.

1444 Make a gift, subject to the limitations of the Connecticut
1445 Uniform Power of Attorney Act and any special instructions in this
1446 power of attorney. Unless otherwise provided in the special
1447 instructions, gifts per recipient may not exceed the annual dollar limits
1448 of the federal gift tax exclusion under Internal Revenue Code Section
1449 2503(b), or if the principal's spouse agrees to consent to a split gift
1450 pursuant to Internal Revenue Code Section 2513, in an amount per
1451 recipient not to exceed twice the annual federal gift tax exclusion limit.
1452 In addition, an agent must determine that gifts are consistent with the
1453 principal's objectives if actually known by the agent and, if unknown,
1454 as the agent determines is consistent with the principal's best interest
1455 based on all relevant factors.

- 1456 Create or change rights of survivorship

1457 () Create or change a beneficiary designation

1458 () Authorize another person to exercise the authority granted
1459 under this power of attorney

1460 () Waive the principal's right to be a beneficiary of a joint and
1461 survivor annuity, including a survivor benefit under a retirement plan

1462 () Exercise fiduciary powers that the principal has authority to
1463 delegate

1464 () Disclaim or refuse an interest in property, including a power
1465 of appointment

1466 LIMITATION ON AGENT'S AUTHORITY

1467 An agent that is not my ancestor, spouse, or descendant MAY NOT
1468 use my property to benefit the agent or a person to whom the agent
1469 owes an obligation of support unless I have included that authority in
1470 the special instructions.

1471 SPECIAL INSTRUCTIONS (OPTIONAL)

1472 You may give special instructions on the following lines:

1473 _____
1474 _____
1475 _____
1476 _____
1477 _____
1478 _____

1479 I approve these special instructions

1480 _____
1481 Your Signature Date

1482 EFFECTIVE DATE

1483 This power of attorney is effective immediately unless I have stated

1484 otherwise in the special instructions.

1485 NOMINATION OF CONSERVATOR (OPTIONAL)

1486 Initial below if you want to include the following provision(s):

1487 (___) I hereby nominate the same person(s) that I have named as my
1488 agent(s) under this power of attorney as conservator(s) of my estate if
1489 it becomes necessary for a court to appoint a conservator of my estate.

1490 (___) In the event that a court appoints my agent(s) as my
1491 conservator(s), I request that my conservator(s) not be required to post
1492 a bond.

1493 RELIANCE ON THIS POWER OF ATTORNEY

1494 Any person, including my agent, may rely upon the validity of this
1495 power of attorney or a copy of it unless that person knows it has
1496 terminated or is invalid.

1497 SIGNATURE AND ACKNOWLEDGMENT

1498 Signed in the presence of:

1499 _____
1500 Witness Signature Your Signature Date

1501 _____
1502 Witness Signature Your Signature Date

1503 Your Name Printed

1504 _____

1505 _____

1506 Your Address
1507 _____

1508 Your Telephone Number

1509 State of _____

1510 County of _____

1511 This document was acknowledged before me On _____,
1512 (Date)

1513 by _____.
1514 (Name of Principal)

1515 _____ (Seal, if any)

1516 Signature of Commissioner of Superior Court/Notary

1517 My commission expires: _____

1518 IMPORTANT INFORMATION FOR AGENT

1519 Agent's Duties

1520 When you accept the authority granted under this power of
1521 attorney, a special legal relationship is created between you and the
1522 principal. This relationship continues until you resign or the power of
1523 attorney is terminated or revoked. You must:

1524 (1) Do what you know the principal reasonably expects you to do
1525 with the principal's property or, if you do not know the principal's
1526 expectations, act in the principal's best interest;

1527 (2) Act in good faith;

1528 (3) Do nothing beyond the authority granted in this power of
1529 attorney; and

1530 (4) Disclose your identity as an agent whenever you act for the
1531 principal by writing or printing the name of the principal and signing
1532 your own name as "agent" in the following manner:

1533 (Principal's Name) by (Your Signature) as Agent

1534 Unless the special instructions in this power of attorney state
1535 otherwise, you must also:

1536 (1) Act loyally for the principal's benefit;

1537 (2) Avoid conflicts that would impair your ability to act in the
1538 principal's best interest;

1539 (3) Act with care, competence, and diligence;

1540 (4) Keep a record of all receipts, disbursements, and transactions
1541 made on behalf of the principal;

1542 (5) Cooperate with any person that has authority to make health
1543 care decisions for the principal to do what you know the principal
1544 reasonably expects or, if you do not know the principal's expectations,
1545 to act in the principal's best interest; and

1546 (6) Attempt to preserve the principal's estate plan if you know the
1547 plan and preserving the plan is consistent with the principal's best
1548 interest.

1549 Termination of Agent's Authority

1550 You must stop acting on behalf of the principal if you learn of any
1551 event that terminates this power of attorney or your authority under
1552 this power of attorney. Events that terminate a power of attorney or
1553 your authority to act under a power of attorney include:

1554 (1) Death of the principal;

1555 (2) The principal's revocation of the power of attorney or your
1556 authority;

1557 (3) The occurrence of a termination event stated in the power of
1558 attorney;

1559 (4) The purpose of the power of attorney is fully accomplished; or

1560 (5) If you are married to the principal, a legal action is filed with a
1561 court to end your marriage, or for your legal separation, unless the
1562 special instructions in this power of attorney state that such an action
1563 will not terminate your authority.

1564 Liability of Agent

1565 The meaning of the authority granted to you is defined in the
1566 Connecticut Uniform Power of Attorney Act, sections 9 to 53,
1567 inclusive, of this act. If you violate the Connecticut Uniform Power of
1568 Attorney Act, sections 9 to 53, inclusive, of this act or act outside the
1569 authority granted, you may be liable for any damages caused by your
1570 violation.

1571 If there is anything about this document or your duties that you do
1572 not understand, you should seek legal advice.

1573 Sec. 50. (NEW) (Effective October 1, 2015) The following optional
1574 form may be used by an agent to certify facts concerning a power of
1575 attorney.

1576 AGENT'S CERTIFICATION AS TO THE

1577 VALIDITY OF POWER OF ATTORNEY AND AGENT'S
1578 AUTHORITY

1579 State of _____

1580 County of _____

1581 I, _____ (Name of Agent), certify under penalty of
1582 false statement that _____ (Name of Principal) granted
1583 me authority as an agent or successor agent in a power of attorney
1584 dated _____.

1585 I further certify that to my knowledge:

1586 (1) the Principal is alive and has not revoked the Power of Attorney
1587 or my authority to act under the Power of Attorney and the Power of
1588 Attorney and my authority to act under the Power of Attorney have
1589 not terminated;

1590 (2) if the Power of Attorney was drafted to become effective upon
1591 the happening of an event or contingency, the event or contingency
1592 has occurred;

1593 (3) if I was named as a successor agent, the prior agent is no longer
1594 able or willing to serve; and

1595 (4) _____
1596 _____
1597 _____
1598 _____

1599 (Insert other relevant statements)

1600 SIGNATURE AND ACKNOWLEDGMENT

1601 _____
1602 Agent's Signature Date

1603 _____
1604 Agent's Name Printed

1605 _____
1606 _____

1607 Agent's Address

1608 _____
1609 Agent's Telephone Number

1610 This document was acknowledged before me on _____,
1611 (Date)

1612 by _____.
1613 (Name of Agent)

1614 _____ (Seal, if any)
1615 Signature of Commissioner of Superior Court/Notary

1616 My commission expires: _____

1617 Sec. 51. (NEW) (*Effective October 1, 2015*) In applying and construing
1618 the provisions of sections 9 to 53, inclusive, of this act, consideration
1619 must be given to the need to promote uniformity of the law with
1620 respect to its subject matter among the states that enact it.

1621 Sec. 52. (NEW) (*Effective October 1, 2015*) Sections 9 to 53, inclusive,
1622 of this act modify, limit, and supersede the federal Electronic
1623 Signatures in Global and National Commerce Act, 15 USC 7001 et seq.,
1624 but do not modify, limit, or supersede Section 101(c) of that act, 15
1625 USC 7001(c), or authorize electronic delivery of any of the notices
1626 described in Section 3(b) of that act, 15 USC 7003(b).

1627 Sec. 53. (NEW) (*Effective October 1, 2015*) (a) Except as otherwise
1628 provided in sections 9 to 53, inclusive, of this act, on October 1, 2015,
1629 said sections apply to:

1630 (1) A power of attorney created before, on, or after October 1, 2015;

1631 (2) A judicial proceeding concerning a power of attorney
1632 commenced on or after October 1, 2015;

1633 (3) A judicial proceeding concerning a power of attorney
1634 commenced before October 1, 2015, unless the court finds that
1635 application of a provision of sections 9 to 53, inclusive, of this act
1636 would substantially interfere with the effective conduct of the judicial
1637 proceeding or prejudice the rights of a party, in which case that
1638 provision does not apply and the superseded law applies; and

1639 (b) An act performed by an agent under a power of attorney before

1640 October 1, 2015, is not affected by sections 9 to 53, inclusive, of this act.

1641 Sec. 54. Subsection (a) of section 45a-98 of the general statutes is
1642 repealed and the following is substituted in lieu thereof (*Effective*
1643 *October 1, 2015*):

1644 (a) Courts of probate in their respective districts shall have the
1645 power to (1) grant administration of intestate estates of persons who
1646 have died domiciled in their districts and of intestate estates of persons
1647 not domiciled in this state which may be granted as provided by
1648 section 45a-303; (2) admit wills to probate of persons who have died
1649 domiciled in their districts or of nondomiciliaries whose wills may be
1650 proved in their districts as provided in section 45a-287; (3) except as
1651 provided in section 45a-98a or as limited by an applicable statute of
1652 limitations, determine title or rights of possession and use in and to
1653 any real, tangible or intangible property that constitutes, or may
1654 constitute, all or part of any trust, any decedent's estate, or any estate
1655 under control of a guardian or conservator, which trust or estate is
1656 otherwise subject to the jurisdiction of the Probate Court, including the
1657 rights and obligations of any beneficiary of the trust or estate and
1658 including the rights and obligations of any joint tenant with respect to
1659 survivorship property; (4) except as provided in section 45a-98a,
1660 construe the meaning and effect of any will or trust agreement if a
1661 construction is required in connection with the administration or
1662 distribution of a trust or estate otherwise subject to the jurisdiction of
1663 the Probate Court, or, upon petition from a beneficiary as defined in
1664 section 45a-175, as amended by this act, with respect to an inter vivos
1665 trust, if that trust is or could be subject to jurisdiction of the court for
1666 an accounting pursuant to section 45a-175, as amended by this act,
1667 provided such an accounting need not be required; (5) except as
1668 provided in section 45a-98a, apply the doctrine of cy pres or
1669 approximation; (6) to the extent provided for in section 45a-175, as
1670 amended by this act, call executors, administrators, trustees,
1671 guardians, conservators, persons appointed to sell the land of minors,
1672 and [attorneys-in-fact] agents acting under powers of attorney created
1673 in accordance with [section 45a-562] sections 9 to 53, inclusive, of this

1674 act, to account concerning the estates entrusted to their charge or for
1675 other relief as provided in sections 9 to 53, inclusive, of this act; and (7)
1676 make any lawful orders or decrees to carry into effect the power and
1677 jurisdiction conferred upon them by the laws of this state.

1678 Sec. 55. Section 45a-175 of the general statutes is repealed and the
1679 following is substituted in lieu thereof (*Effective October 1, 2015*):

1680 (a) Courts of probate shall have jurisdiction of the interim and final
1681 accounts of testamentary trustees, trustees appointed by the courts of
1682 probate, conservators, guardians, persons appointed by probate courts
1683 to sell the land of minors, executors, administrators and trustees in
1684 insolvency, and, to the extent provided for in this section, shall have
1685 jurisdiction of accounts of the actions of trustees of inter vivos trusts
1686 and [attorneys-in-fact] agents acting under powers of attorney.

1687 (b) A trustee or settlor of an inter vivos trust or an attorney-in-fact
1688 or the successor of the trustee, settlor [or attorney-in-fact or the grantor
1689 of such power of attorney] or his legal representative may make
1690 application to the court of probate for the district where the trustee, or
1691 any one of them, [or the attorney-in-fact] has any place of business or
1692 to the court of probate for the district where the trustee or any one of
1693 them or the settlor [or the attorney-in-fact or the grantor of the power]
1694 resides or, in the case of a deceased settlor, [or grantor,] to the court of
1695 probate having jurisdiction over the estate of the settlor [or grantor] or
1696 for the district in which the settlor [or grantor] resided immediately
1697 prior to death for submission to the jurisdiction of the court of an
1698 account for allowance of the trustee's [or attorney's] actions under such
1699 trust. [or power.]

1700 (c) (1) Any beneficiary of an inter vivos trust may petition a court of
1701 probate having jurisdiction under this section for an accounting by the
1702 trustee or trustees. The court may, after hearing with notice to all
1703 interested parties, grant the petition and require an accounting for
1704 such periods of time as it determines are reasonable and necessary on
1705 finding that: (A) The beneficiary has an interest in the trust sufficient to
1706 entitle him to an accounting, (B) cause has been shown that an

1707 accounting is necessary, and (C) the petition is not for the purpose of
1708 harassment.

1709 (2) A court of probate shall have jurisdiction to require an
1710 accounting under subdivision (1) of this subsection if (A) a trustee of
1711 the trust resides in its district, (B) in the case of a corporate trustee, the
1712 trustee has any place of business in the district, (C) any of the trust
1713 assets are maintained or evidences of intangible property of the trust
1714 are situated in the district, or (D) the settlor resides in the district or, in
1715 the case of a deceased settlor, resided in the district immediately prior
1716 to death.

1717 (3) As used in subdivision (1) of this subsection, "beneficiary" means
1718 any person currently receiving payments of income or principal from
1719 the trust, or who may be entitled to receive income or principal or both
1720 from the trust at some future date, or the legal representative of such
1721 person.

1722 (d) Any of the persons specified in section 24 of this act may make
1723 application to the court of probate for the district where the agent has
1724 any place of business or to the court of probate for the district where
1725 the agent or the principal resides or, in the case of a deceased principal,
1726 to the court of probate having jurisdiction over the estate of the
1727 principal or for the district in which the principal resided immediately
1728 prior to death, for an accounting or other relief as provided in section
1729 24 of this act. The court shall grant the petition if filed by the principal,
1730 agent, guardian, conservator or other fiduciary acting for the principal.
1731 The court may grant a petition filed by any other person specified in
1732 section 24 of this act if it finds that (1) the petitioner has an interest
1733 sufficient to entitle him to the relief requested, (2) cause has been
1734 shown that such relief is necessary, and (3) the petition is not for the
1735 purpose of harassment.

1736 [(d)] (e) The action to submit an accounting to the court, whether by
1737 an inter vivos trustee or [attorney] agent acting under a power of
1738 attorney or whether pursuant to petition of another party, shall not
1739 subject the trust or the power of attorney to the continuing jurisdiction

1740 of the Probate Court.

1741 [(e)] (f) If the court finds such appointment to be necessary and in
1742 the best interests of the estate, the court upon its own motion may
1743 appoint an auditor to be selected from a list provided by the Probate
1744 Court Administrator, to examine accounts over which the court has
1745 jurisdiction under this section, except those accounts on matters in
1746 which the fiduciary or cofiduciary is a corporation having trust
1747 powers. The Probate Court Administrator shall promulgate
1748 regulations in accordance with section 45a-77 concerning the
1749 compilation of a list of qualified auditors. Costs of the audit may be
1750 charged to the fiduciary, any party in interest and the estate, in such
1751 proportion as the court shall direct if the court finds such charge to be
1752 equitable. Any such share may be paid from the fund established
1753 under section 45a-82, subject to the approval of the Probate Court
1754 Administrator, if it is determined that the person obligated to pay such
1755 share is unable to pay or to charge such amount to the estate would
1756 cause undue hardship.

1757 [(f)] (g) Upon the allowance of any such account, the court shall
1758 determine the rights of the fiduciaries or the [attorney-in-fact] agent
1759 under a power of attorney rendering the account and of the parties
1760 interested in the account, including the relief authorized under section
1761 25 of this act, subject to appeal as in other cases. The court shall cause
1762 notice of the hearing on the account to be given in such manner and to
1763 such parties as it directs.

1764 [(g)] (h) In any action under this section, the Probate Court shall
1765 have, in addition to powers pursuant to this section, all the powers
1766 available to a judge of the Superior Court at law and in equity
1767 pertaining to matters under this section.

1768 Sec. 56. Subsection (b) of section 45a-645 of the general statutes is
1769 repealed and the following is substituted in lieu thereof (*Effective*
1770 *October 1, 2015*):

1771 (b) The designation shall be executed, witnessed and revoked in the

1772 same manner as provided for wills in sections 45a-251 and 45a-257, or
1773 a power of attorney executed in accordance with section 13 of this act,
1774 except that any person who is so designated as a conservator shall not
1775 qualify as a witness.

1776 Sec. 57. Section 45a-650 of the general statutes is repealed and the
1777 following is substituted in lieu thereof (*Effective October 1, 2015*):

1778 (a) At any hearing on an application for involuntary representation,
1779 before the court receives any evidence regarding the condition of the
1780 respondent or of the respondent's affairs, the court shall require clear
1781 and convincing evidence that the court has jurisdiction, that the
1782 respondent has been given notice as required in section 45a-649, and
1783 that the respondent has been advised of the right to retain an attorney
1784 pursuant to section 45a-649a and is either represented by an attorney
1785 or has waived the right to be represented by an attorney. The
1786 respondent shall have the right to attend any hearing held under this
1787 section.

1788 (b) The rules of evidence applicable to civil matters in the Superior
1789 Court shall apply to all hearings pursuant to this section. All testimony
1790 at a hearing held pursuant to this section shall be given under oath or
1791 affirmation.

1792 (c) (1) After making the findings required under subsection (a) of
1793 this section, the court shall receive evidence regarding the respondent's
1794 condition, the capacity of the respondent to care for himself or herself
1795 or to manage his or her affairs, and the ability of the respondent to
1796 meet his or her needs without the appointment of a conservator.
1797 Unless waived by the court pursuant to subdivision (2) of this
1798 subsection, medical evidence shall be introduced from one or more
1799 physicians licensed to practice medicine in this state who have
1800 examined the respondent not more than forty-five days prior to the
1801 hearing, except that for a person with intellectual disability, as defined
1802 in section 1-1g, psychological evidence may be introduced in lieu of
1803 such medical evidence from a psychologist licensed pursuant to
1804 chapter 383 who has examined the respondent not more than forty-five

1805 days prior to the hearing. The evidence shall contain specific
1806 information regarding the respondent's condition and the effect of the
1807 respondent's condition on the respondent's ability to care for himself
1808 or herself or to manage his or her affairs. The court may also consider
1809 such other evidence as may be available and relevant, including, but
1810 not limited to, a summary of the physical and social functioning level
1811 or ability of the respondent, and the availability of support services
1812 from the family, neighbors, community or any other appropriate
1813 source. Such evidence may include, if available, reports from the social
1814 work service of a general hospital, municipal social worker, director of
1815 social service, public health nurse, public health agency, psychologist,
1816 coordinating assessment and monitoring agencies, or such other
1817 persons as the court considers qualified to provide such evidence.

1818 (2) The court may waive the requirement that medical evidence be
1819 presented if it is shown that the evidence is impossible to obtain
1820 because of the absence of the respondent or the respondent's refusal to
1821 be examined by a physician or that the alleged incapacity is not
1822 medical in nature. If such requirement is waived, the court shall make
1823 a specific finding in any decree issued on the application stating why
1824 medical evidence was not required.

1825 (3) Any hospital, psychiatric, psychological or medical record or
1826 report filed with the court pursuant to this subsection shall be
1827 confidential.

1828 (d) Upon the filing of an application for involuntary representation
1829 pursuant to section 45a-648, the court shall issue an order for the
1830 disclosure of the medical information required pursuant to this section
1831 and any psychological information submitted with respect to a person
1832 with intellectual disability pursuant to subsection (c) of this section to
1833 the respondent's attorney and, upon request, to the respondent. The
1834 court may issue an order for the disclosure of such information to any
1835 other person as the court determines necessary.

1836 (e) Notwithstanding the provisions of section 45a-7, the court may
1837 hold the hearing on the application at a place other than its usual

1838 courtroom if it would facilitate attendance by the respondent.

1839 (f) (1) If the court finds by clear and convincing evidence that the
1840 respondent is incapable of managing the respondent's affairs, that the
1841 respondent's affairs cannot be managed adequately without the
1842 appointment of a conservator and that the appointment of a
1843 conservator is the least restrictive means of intervention available to
1844 assist the respondent in managing the respondent's affairs, the court
1845 may appoint a conservator of his or her estate after considering the
1846 factors set forth in subsection (g) of this section.

1847 (2) If the court finds by clear and convincing evidence that the
1848 respondent is incapable of caring for himself or herself, that the
1849 respondent cannot be cared for adequately without the appointment of
1850 a conservator and that the appointment of a conservator is the least
1851 restrictive means of intervention available to assist the respondent in
1852 caring for himself or herself, the court may appoint a conservator of his
1853 or her person after considering the factors set forth in subsection (g) of
1854 this section.

1855 (3) No conservator may be appointed if the respondent's personal
1856 needs and property management are being met adequately by an
1857 agency or individual appointed pursuant to section [1-43,] 19a-575a,
1858 19a-577, 19a-580e or 19a-580g.

1859 (g) When determining whether a conservator should be appointed
1860 the court shall consider the following factors: (1) The abilities of the
1861 respondent; (2) the respondent's capacity to understand and articulate
1862 an informed preference regarding the care of his or her person or the
1863 management of his or her affairs; (3) any relevant and material
1864 information obtained from the respondent; (4) evidence of the
1865 respondent's past preferences and life style choices; (5) the
1866 respondent's cultural background; (6) the desirability of maintaining
1867 continuity in the respondent's life and environment; (7) whether the
1868 respondent had previously made adequate alternative arrangements
1869 for the care of his or her person or for the management of his or her
1870 affairs, including, but not limited to, the execution of a durable power

1871 of attorney, springing power of attorney, the appointment of a health
1872 care representative or health care agent, the execution of a living will
1873 or trust or the execution of any other similar document; (8) any
1874 relevant and material evidence from the respondent's family and any
1875 other person regarding the respondent's past practices and
1876 preferences; and (9) any supportive services, technologies or other
1877 means that are available to assist the respondent in meeting his or her
1878 needs.

1879 (h) The respondent or conserved person may appoint, designate or
1880 nominate a conservator or successor conservator pursuant to section
1881 19a-575a, 19a-580e, 19a-580g or 45a-645, as amended by this act, or
1882 may, orally or in writing, nominate a conservator or successor
1883 conservator who shall be appointed unless the court finds that the
1884 appointee, designee or nominee is unwilling or unable to serve or there
1885 is substantial evidence to disqualify such person. If there is no such
1886 appointment, designation or nomination or if the court does not
1887 appoint the person appointed, designated or nominated by the
1888 respondent or conserved person, the court may appoint any qualified
1889 person, authorized public official or corporation in accordance with
1890 subsections (a) and (b) of section 45a-644. In considering whom to
1891 appoint as conservator or successor conservator, the court shall
1892 consider (1) the extent to which a proposed conservator has knowledge
1893 of the respondent's or conserved person's preferences regarding the
1894 care of his or her person or the management of his or her affairs, (2) the
1895 ability of the proposed conservator to carry out the duties,
1896 responsibilities and powers of a conservator, (3) the cost of the
1897 proposed conservatorship to the estate of the respondent or conserved
1898 person, (4) the proposed conservator's commitment to promoting the
1899 respondent's or conserved person's welfare and independence, and (5)
1900 any existing or potential conflicts of interest of the proposed
1901 conservator.

1902 (i) If the court appoints a conservator of the estate of the respondent,
1903 the court shall require a probate bond. The court may, if it considers it
1904 necessary for the protection of the respondent, require a bond of any

1905 conservator of the person appointed under this section.

1906 (j) Absent the court's order to the contrary and except as otherwise
1907 provided in subsection (b) of section 19a-580e, a conservator appointed
1908 pursuant to this section shall be bound by all health care decisions
1909 properly made by the conserved person's health care representative.

1910 (k) In assigning the duties of a conservator under this section the
1911 court may, in accordance with section 16 of this act, limit, suspend or
1912 terminate the authority of an agent designated by the conserved
1913 person to act under a power of attorney.

1914 [(k) A] (l) Except as provided in subsection (k) of this section, a
1915 conserved person and his agent under a power of attorney shall retain
1916 all rights and authority not expressly assigned to the conservator.

1917 [(l)] (m) The court shall assign to a conservator appointed under this
1918 section only the duties and authority that are the least restrictive
1919 means of intervention necessary to meet the needs of the conserved
1920 person. The court shall find by clear and convincing evidence that such
1921 duties and authority restrict the decision-making authority of the
1922 conserved person only to the extent necessary to provide for the
1923 personal needs or property management of the conserved person. Such
1924 personal needs and property management shall be provided in a
1925 manner appropriate to the conserved person. The court shall make a
1926 finding of the clear and convincing evidence that supports the need for
1927 each duty and authority assigned to the conservator.

1928 [(m)] (n) Nothing in this chapter shall impair, limit or diminish a
1929 conserved person's right to retain an attorney to represent such person
1930 or to seek redress of grievances in any court or administrative agency,
1931 including proceedings in the nature of habeas corpus arising out of
1932 any limitations imposed on the conserved person by court action taken
1933 under this chapter, chapter 319i, chapter 319j or section 45a-242. In any
1934 other proceeding in which the conservator has retained counsel for the
1935 conserved person, the conserved person may request the Court of
1936 Probate to direct the conservator to substitute an attorney chosen by

1937 the conserved person.

1938 Sec. 58. Section 47-5 of the general statutes is repealed and the
1939 following is substituted in lieu thereof (*Effective October 1, 2015*):

1940 (a) All conveyances of land shall be: (1) In writing; (2) if the grantor
1941 is a natural person, subscribed, with or without a seal, by the grantor
1942 with his own hand or with his mark with his name annexed to it or by
1943 his [attorney] agent authorized for that purpose by a power executed,
1944 acknowledged and witnessed in the manner provided for conveyances
1945 or, if the grantor is a corporation, limited liability company or
1946 partnership, subscribed by a duly authorized person; (3)
1947 acknowledged by the grantor, his [attorney] agent or such duly
1948 authorized person (A) to be his free act and deed, or (B) in any manner
1949 permitted under chapter 6 or chapter 8; and (4) attested to by two
1950 witnesses with their own hands.

1951 (b) A document conveying land shall also include the current
1952 mailing address of the grantee.

1953 (c) In addition to the requirements of subsection (a) of this section,
1954 the execution of a deed or other conveyance of real property pursuant
1955 to a power of attorney shall be deemed sufficient if done in
1956 substantially the following form:

1957 Name of Owner of Record

1958 By: (Signature of [Attorney-in-Fact] Agent) L.S.

1959 Name of Signatory

1960 His/Her [Attorney-in-Fact] Agent

1961 (d) Nothing in subsection (c) of this section precludes the use of any
1962 other legal form of execution of deed or other conveyance of real
1963 property.

1964 Sec. 59. Subsection (c) of section 19a-580f of the general statutes is
1965 repealed and the following is substituted in lieu thereof (*Effective*

1966 *October 1, 2015*):

1967 (c) A power of attorney for health care decisions properly executed
 1968 prior to October 1, 2006, shall have the same power and effect as
 1969 provided under section 1-55, revision of 1958 revised to January 1,
 1970 2015, in effect at the time of its execution.

1971 Sec. 60. Section 45a-582 of the general statutes is repealed and the
 1972 following is substituted in lieu thereof (*Effective October 1, 2015*):

1973 An interest that exists on October 1, 1981, as to which, if a present
 1974 interest, the time for delivering a disclaimer under [section 45a-562,]
 1975 subsections (3) and (35) of section 45a-234, subsections (4) and (19) of
 1976 section 45a-235, and sections 45a-578 to 45a-584, inclusive, has not
 1977 expired or, if a future interest, the interest has not become indefeasibly
 1978 vested or the taker finally ascertained, may be disclaimed within nine
 1979 months after October 1, 1981.

1980 Sec. 61. Sections 1-42 to 1-56, inclusive, of the general statutes,
 1981 sections 1-56h to 1-56k, inclusive, of the general statutes and section
 1982 45a-562 of the general statutes are repealed. (*Effective October 1, 2015*)

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2015</i>	17b-450
Sec. 2	<i>October 1, 2015</i>	17b-451(a)
Sec. 3	<i>October 1, 2015</i>	53a-119
Sec. 4	<i>October 1, 2015</i>	53a-123(a)
Sec. 5	<i>October 1, 2015</i>	New section
Sec. 6	<i>October 1, 2015</i>	New section
Sec. 7	<i>October 1, 2015</i>	New section
Sec. 8	<i>October 1, 2015</i>	New section
Sec. 9	<i>October 1, 2015</i>	New section
Sec. 10	<i>October 1, 2015</i>	New section
Sec. 11	<i>October 1, 2015</i>	New section
Sec. 12	<i>October 1, 2015</i>	New section
Sec. 13	<i>October 1, 2015</i>	New section
Sec. 14	<i>October 1, 2015</i>	New section

Sec. 15	<i>October 1, 2015</i>	New section
Sec. 16	<i>October 1, 2015</i>	New section
Sec. 17	<i>October 1, 2015</i>	New section
Sec. 18	<i>October 1, 2015</i>	New section
Sec. 19	<i>October 1, 2015</i>	New section
Sec. 20	<i>October 1, 2015</i>	New section
Sec. 21	<i>October 1, 2015</i>	New section
Sec. 22	<i>October 1, 2015</i>	New section
Sec. 23	<i>October 1, 2015</i>	New section
Sec. 24	<i>October 1, 2015</i>	New section
Sec. 25	<i>October 1, 2015</i>	New section
Sec. 26	<i>October 1, 2015</i>	New section
Sec. 27	<i>October 1, 2015</i>	New section
Sec. 28	<i>October 1, 2015</i>	New section
Sec. 29	<i>October 1, 2015</i>	New section
Sec. 30	<i>October 1, 2015</i>	New section
Sec. 31	<i>October 1, 2015</i>	New section
Sec. 32	<i>October 1, 2015</i>	New section
Sec. 33	<i>October 1, 2015</i>	New section
Sec. 34	<i>October 1, 2015</i>	New section
Sec. 35	<i>October 1, 2015</i>	New section
Sec. 36	<i>October 1, 2015</i>	New section
Sec. 37	<i>October 1, 2015</i>	New section
Sec. 38	<i>October 1, 2015</i>	New section
Sec. 39	<i>October 1, 2015</i>	New section
Sec. 40	<i>October 1, 2015</i>	New section
Sec. 41	<i>October 1, 2015</i>	New section
Sec. 42	<i>October 1, 2015</i>	New section
Sec. 43	<i>October 1, 2015</i>	New section
Sec. 44	<i>October 1, 2015</i>	New section
Sec. 45	<i>October 1, 2015</i>	New section
Sec. 46	<i>October 1, 2015</i>	New section
Sec. 47	<i>October 1, 2015</i>	New section
Sec. 48	<i>October 1, 2015</i>	New section
Sec. 49	<i>October 1, 2015</i>	New section
Sec. 50	<i>October 1, 2015</i>	New section
Sec. 51	<i>October 1, 2015</i>	New section
Sec. 52	<i>October 1, 2015</i>	New section
Sec. 53	<i>October 1, 2015</i>	New section
Sec. 54	<i>October 1, 2015</i>	45a-98(a)
Sec. 55	<i>October 1, 2015</i>	45a-175

Sec. 56	<i>October 1, 2015</i>	45a-645(b)
Sec. 57	<i>October 1, 2015</i>	45a-650
Sec. 58	<i>October 1, 2015</i>	47-5
Sec. 59	<i>October 1, 2015</i>	19a-580f(c)
Sec. 60	<i>October 1, 2015</i>	45a-582
Sec. 61	<i>October 1, 2015</i>	Repealer section

Statement of Purpose:

In Section 1(2), "means" was changed to "includes" for internal consistency; in Section 2(a)(21), "licensed and certified as an emergency medical services provider pursuant to chapter 384d" was changed to "licensed or certified as an emergency medical services provider pursuant to chapter 368d or chapter 384d" for accuracy; in Section 5(a), "as defined" was changed to "as such terms are defined" and "victim" was changed to "elderly victim" for clarity; in Section 6, "as amended by this act" was inserted after "general statutes" for clarity; and in section 53, "2014" was changed to "2015" for accuracy and internal consistency.

AGE *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 16 \$	FY 17 \$
Resources of the General Fund	GF - Potential Revenue Gain	Less than 5,000	Less than 5,000

Municipal Impact: None

Explanation

The bill is anticipated to result in a minimal revenue gain of less than \$5,000 by expanding mandatory reporters of elder abuse and expanding larceny in the 2nd degree.

The bill expands mandatory reports of elder abuse to include certain emergency medical service providers and financial institution officers. This provision is not anticipated to result in a fiscal impact as there have been no charges filed under the existing mandatory report of elderly abuse statute in the past 10 years.

The bill also expands larceny in the 2nd degree, a class C felony. In FY 14 there were 1,137 total charges of larceny in the 2nd degree, of which 697 charges were dismissed, 421 accepted a plea bargain, and 15 were guilty, which resulted in fine revenue of \$2,500.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

Sources: Judicial Department Offenses and Revenue Database

OLR Bill Analysis**sSB 1005*****AN ACT PROTECTING ELDERLY CONSUMERS FROM EXPLOITATION AND ADOPTING THE CONNECTICUT UNIFORM POWER OF ATTORNEY ACT.*****SUMMARY:**

This bill makes a number of changes regarding elder abuse and enacts the Uniform Power of Attorney Act.

Regarding elder abuse, the bill:

1. makes certain emergency medical service providers and financial institution officers and employees mandated reporters of elderly abuse, limits which patient advocates are mandated reporters, and expands training requirements for employees of certain entities who care for someone age 60 or older;
2. makes it a form of 2nd degree larceny to obtain property by exploiting a victim who is age 60 or older, blind, or physically disabled and allows the court to prohibit the defendant from disposing of property involved in the alleged exploitation;
3. prohibits someone convicted of larceny by exploitation from inheriting, receiving insurance benefits, or receiving certain property from a deceased victim;
4. gives abused, neglected, or exploited elderly people a civil cause of action against perpetrators; and
5. requires the Commission on Aging to study best practices for reporting and identifying elderly abuse, neglect, exploitation, and abandonment.

The bill also enacts the Uniform Power of Attorney Act and repeals

current law governing powers of attorney (POA). Compared to current law, the bill, among other things:

1. more extensively covers agents' authority, duties, and liabilities;
2. allows a principal to grant an agent authority over more subjects, with more specific powers for agents described under each subject than under current law;
3. makes a POA created under its provisions durable, meaning its effectiveness continues when the principal becomes incapacitated, unless the POA expressly states otherwise (currently, for a POA to be durable, it must expressly state that it continues after incapacity and be executed and witnessed like a deed) (§§ 12 & 61);
4. authorizes certain people to petition the probate court to review a POA or an agent's conduct;
5. requires people to accept POAs in most circumstances, allows people to request information about them, and limits when people can refuse to accept them; and
6. provides sample POA forms to implement the bill's provisions (§§ 49 & 50).

The bill gives the probate court power to construe POAs, require agents to account to the court about estates under their control, and provide relief (§ 54).

Finally, the bill makes technical and conforming changes.

EFFECTIVE DATE: October 1, 2015

§§ 1-2 — REPORTING ELDER ABUSE

Definitions

The bill changes the definition of exploitation for things such as reporting suspected exploitation, training mandated reporters, and

protective investigations and services the Department of Social Services (DSS) provides.

Currently, elderly exploitation occurs when someone takes advantage of an elderly person whether for monetary, personal, or other benefit, gain, or profit. The bill instead defines it as when a person (1) is in a position of trust and confidence with an elderly person; (2) knowingly uses, controls, or possesses the person's funds, assets, or property or attempts to do so; and (3) intends to temporarily or permanently deprive the person of their use, benefit, or possession. This includes:

1. breach of a fiduciary relationship, such as misusing a power of attorney or abusing guardianship or conservatorship;
2. unauthorized use of personal assets; or
3. misappropriating, misusing, or transferring an elderly person's money from a personal or joint account.

The bill defines a person in a "position of trust and confidence" as someone who (1) knows or should know that the elderly person lacks capacity to consent or deceives the elderly person into consenting, by the nature of their relationship, to exploitation of funds, assets, or property and (2) intends to temporarily or permanently deprive the elderly person of the use, benefit, or possession of funds, assets, or property to benefit someone else.

Mandated Reporters

The law requires certain professionals (mandated reporters) to notify DSS when they reasonably suspect an elderly person (1) has been abused, neglected, abandoned, or exploited or (2) needs protective services. The bill adds as mandated reporters:

1. the following licensed or certified emergency medical service providers: paramedics; emergency medical responders, technicians, advanced technicians, and technician-paramedics;

service instructors; and any of these professionals who are members of a municipal fire department and

2. certain financial agents, including officers and employees of banks, savings banks, credit unions, trust companies, savings and loan associations, insurance companies, investment companies, mortgage bankers, trustees, executors, pension or retirement funds, other fiduciaries, and private financial institutions.

To be a mandated reporter, a financial agent must (1) have direct contact with an elderly person within the scope of employment or professional practice and observe or have knowledge of an incident that they believe in good faith appears to be exploitation or (2) review or approve an elderly person's financial documents, records, or transactions and have a reasonable suspicion based on a pattern of withdrawals, transfers, or other activity that exploitation has or may be occurring.

The bill also limits the types of patient advocates who are mandated reporters to those who are professional patients' advocates and excludes Office of the Long-Term Care Ombudsman representatives.

In addition to those discussed above, the following people are already mandated reporters:

1. licensed physicians, surgeons, and practical nurses;
2. hospital resident physicians and interns, registered nurses, medical examiners, dentists, optometrists, chiropractors, podiatrists, social workers, pharmacists, psychologists, and physical therapists;
3. members of the clergy;
4. police officers;
5. nursing home administrators, nurses' aides, orderlies, staff

employees, and others paid to care for patients in nursing homes or residential care homes;

6. anyone paid by an institution, organization, agency, or facility to care for an elderly person, including employees of (a) community-based service providers, (b) senior centers, (c) home care and homemaker-companion agencies, (d) adult day care centers, (e) village-model communities, and (f) congregate housing facilities.

Failure to make a report is punishable by a fine of up to \$500. An intentional failure to report is a class C misdemeanor for a first offense (punishable by up to three months in prison, a fine of up to \$500, or both) and a class A misdemeanor for a subsequent offense (punishable by up to one year in prison, a fine of up to \$2,000, or both).

Training

The bill expands the training that institutions, organizations, agencies, and facilities employing individuals to care for someone age 60 or older must provide their employees. The bill requires this training to cover detecting elderly exploitation and abandonment, in addition to the current topics of abuse and neglect and informing employees of their reporting responsibilities.

§§ 3-4 & 6-7 — LARCENY BY EXPLOITATION

§§ 3-4 — 2nd Degree Larceny

The bill makes it a form of 2nd degree larceny to obtain property by exploitation, regardless of its value, when the victim is age 60 or older, blind, or physically disabled. This crime is a class C felony punishable by one to 10 years in prison, a fine of up to \$10,000, or both. This penalty already applies when the property involved is obtained from such persons by embezzlement, false pretenses, or false promise.

Under the bill, a person obtains property by exploitation when he or she (1) is in a position of trust and confidence with an elderly person; (2) knowingly uses, controls, or possesses the person's funds, assets, or property or attempts to do so; and (3) intends to temporarily or

permanently deprive the person of their use, benefit, or possession.

By law, larceny generally involves intentionally depriving someone of property or wrongfully appropriating it. Depending on the property's value, the penalty for larceny ranges from a class C misdemeanor (punishable by up to three months in prison, a fine of up to \$500, or both) to a class B felony (punishable by one to 20 years in prison, a fine of up to \$15,000, or both).

§ 6 — Court Order to Protect Funds

During a prosecution for this crime, the bill allows the state to show, by a preponderance of the evidence, that there is probable cause to believe that funds, assets, or property are being used or about to be used in a way that constitutes exploitation. If the state does so, the Superior Court can issue an order prohibiting the defendant from transferring, depleting, alienating, or diminishing the funds, assets, or property. The bill requires service of the order on the defendant and allows the defendant or someone else with an interest, within 30 days of service, to file a motion for release of the property. The court must hold a hearing on a motion within 10 days of its filing.

The court must vacate its order if the larceny charge is dismissed (including when the state declines to prosecute) or the defendant is acquitted.

§ 7 — Inheritance and Estates

The bill prohibits someone convicted of larceny by exploitation from inheriting or receiving part of the estate from the victim. This applies when a conviction as a principal or accessory of the crime is final. The bill also excludes from inheriting or receiving someone who would have been found guilty of the offense, as a principal or accessory, if he or she had survived, as determined by the Superior Court by a preponderance of the evidence in an action brought by an interested person.

The bill prohibits a named beneficiary on an insurance policy or annuity from receiving any benefits if he or she is convicted of larceny

by exploitation against the person who is the subject of the policy or annuity. The bill also allows an interested party to bring a court action to determine by a preponderance of the evidence that a beneficiary who predeceased the interested person would have been found guilty of this crime. If there is neither a conviction or action by an interested party, the bill allows a court to determine, based on the common law including equity, that the person is not entitled to benefits. A person challenging someone else's entitlement to benefits has the burden of proof in one of these proceedings.

When a person is prohibited from inheriting or receiving part of an estate under the bill's provisions, he or she is considered to have predeceased the deceased victim for purposes of determining inheritance and distributing the estate.

Under the bill, an insurance company that makes a payment under a policy's or annuity's terms is not liable for additional payments under the bill's provisions unless, before making the payment, it received a written notice of claim under the bill's provisions at its home office or principal address.

If a person found guilty of this offense owned property with the deceased in joint tenancy with right of survivorship (where two or more people jointly own the property and the survivor takes full ownership), the bill makes the person and the deceased tenants in common (where each owns an interest that can be transferred and the interest does not end when the person dies) when the conviction is final. If real property was jointly owned, the estate fiduciary must record a certified copy of the final conviction on the town land records and any other interested party may do so.

The law contains similar provisions for victims of murder with special circumstances, murder, felony murder, arson murder, 1st degree manslaughter with or without a firearm, or a similar crime in another jurisdiction (CGS § 45a-447).

§ 5 — CIVIL ACTION FOR ABUSED, NEGLECTED, OR EXPLOITED ELDERLY PEOPLE

The bill gives abused, neglected, or exploited elderly people a cause of action against their perpetrators and allows them to recover actual and punitive damages, costs, and reasonable attorney's fees. It allows the following people to bring the suit:

1. the elderly person;
2. his or her guardian or conservator;
3. another person or an organization acting on the elderly person's behalf with consent from the elderly person or his or her guardian or conservator; or
4. the personal representative of a deceased elderly victim's estate, regardless of whether the perpetrator caused the death.

The bill allows someone age 65 and older who files one of these suits to ask the court to advance the trial on the docket under a law that gives cases involving people at least age 65 precedence over most other civil actions. The presiding judge can advance the trial after considering the person's age and health.

§ 8 — STUDY ON REPORTING ELDER ABUSE, NEGLECT, EXPLOITATION, AND ABANDONMENT

The bill requires the Commission on Aging to study best practices for reporting and identifying abuse, neglect, exploitation, and abandonment of elderly people, including:

1. models nationwide for reporting;
2. standardized definitions, measurements, and uniform reporting mechanisms for accurate data collection in Connecticut; and
3. methods to promote and coordinate communication about reporting among state and local government entities.

The commission must consult with the Connecticut Elder Justice

Coalition Coordinating Council, DSS, Department on Aging, Office of the Long-Term Care Ombudsman, and chief state's attorney. It must report the study's results to the Aging Committee by January 1, 2016.

§§ 9-61 — UNIFORM POWER OF ATTORNEY ACT

The bill enacts the Uniform Power of Attorney Act and repeals current law governing POAs, including a statutory POA form, a list of powers the principal can grant an agent in different subjects, and provisions terminating a POA when a conservator of the estate is appointed for a principal who can no longer manage his or her own affairs. Current law allows a principal to grant an agent authority over subjects such as real estate, stocks and bonds, banking transactions, litigation, and personal relationships.

A POA is a document used by a person (the principal) to designate someone (the agent) to make decisions and act on the principal's behalf. POAs generally name the agent and the powers granted to him or her.

§§ 11& 53 — *Applicability*

The bill applies to all POAs except a:

1. POA to the extent it is coupled with an interest in the subject of the power, including a power given to or for a creditor's benefit in a credit transaction;
2. POA to make health care decisions;
3. proxy or other delegation of voting or management rights relating to an entity; or
4. POA created on a government form for a governmental purpose.

It generally applies to (1) POAs regardless of when they were created, (2) judicial proceedings about a POA starting on or after October 1, 2015, and (3) judicial proceedings commenced before that date unless the court finds that applying one of the bill's provisions

substantially interferes with the proceeding or prejudices a party's rights. The bill does not affect an act by an agent under a POA before October 1, 2015.

§§ 13-15 — Validity of a POA

Under the bill, a POA executed in Connecticut before October 1, 2015 is valid if it complies with the legal requirements in place at the time of its execution. A POA executed on or after that date is valid if (1) the principal or someone he or she directs signs the principal's name and dates the document and (2) two people witness it.

Signatures by someone other than the principal must take place in the principal's conscious presence. A signature is presumed genuine if the principal acknowledges it before a person authorized to take acknowledgements, such as a notary.

The bill makes an out-of-state POA valid in Connecticut if, at the time of execution, it complied with the requirements of (1) the jurisdiction where it was created, (2) the jurisdiction indicated in the POA, or (3) federal law if it is a military POA. Under the bill, the law of the jurisdiction where the POA was created or the jurisdiction indicated in the POA determines a POA's meaning and effect.

The bill gives a photocopy or electronic copy of the original POA the same effect as the original unless another statute or the POA provides otherwise.

§§ 16 & 56-57 — Conservators

The bill allows a principal to nominate a conservator of the estate or conservator of a person in a POA. By law, a probate court can appoint a (1) conservator of the estate for someone who is incapable of managing his or her affairs and (2) conservator of the person for someone who is incapable of caring for himself or herself.

If the principal is the subject of a protective proceeding after executing the POA, the bill requires the court to appoint the person most recently nominated as conservator in a POA unless (1) the person

is unwilling or unable to serve or (2) substantial evidence shows he or she should be disqualified.

Unless the POA provides otherwise, the bill suspends a POA when a court appoints a conservator of the estate or another fiduciary to manage some or all of the principal's property. A court appointing a conservator can limit, suspend, or terminate an agent's authority, and the agent retains authority not assigned to the conservator. The court can allow the POA to continue, in which case the agent is accountable to the fiduciary and principal. The court can continue certain provisions of the POA while excluding others. The bill reinstates a suspended POA when the principal regains capacity and the conservatorship ends.

§ 17 — When a POA Becomes Effective

Under the bill, a POA is effective when it is executed unless the POA specifies otherwise.

The principal may, in any POA effective based on a future event or contingency, authorize someone to determine in a record that the event or contingency has occurred. If the contingency is the principal's incapacity, and the POA does not designate anyone to determine the principal's incapacity or the authorized person is unable or unwilling to do so, the bill requires the determination in a record from:

1. two independent physicians stating that the principal has a mental, emotional, or physical condition that makes him or her unable to receive and evaluate information or make or communicate decisions or
2. a judge or an appropriate government official who states that the principal is missing, detained (including incarcerated), or outside the United States and unable to return.

The bill authorizes a person chosen to determine incapacity in a POA to act as the principal's personal representative under the federal Health Insurance Portability and Accountability Act (HIPAA) and

regulations to access health care information and communicate with health care providers.

The bill provides a sample affidavit form if the POA authorizes someone to determine that an event or contingency occurred.

§§ 18 & 19 — Terminating a POA or Agent’s Authority

POA. A POA terminates when the:

1. principal dies;
2. principal becomes incapacitated, if the POA is not durable;
3. principal revokes it;
4. POA states that it terminates;
5. POA’s purpose is accomplished;
6. principal revokes the agent’s authority or the agent dies, is incapacitated, or resigns, and the POA does not provide for another agent; or
7. court decides to terminate the POA in connection with a conservatorship proceeding.

A principal’s execution of a subsequent POA does not revoke a previous one unless the new one specifies that it does or states that it revokes all previous POAs.

Agent’s Authority. Unless the POA provides otherwise, an agent may exercise his or her authority until the authority terminates regardless of the amount of time since executing the POA.

The bill terminates an agent’s authority when the:

1. principal revokes the authority;
2. court appoints a conservator and chooses to terminate the agent’s authority;

3. agent dies, resigns, or becomes incapacitated;
4. agent is the principal's spouse and an action is filed to dissolve or annul the agent's marriage to the principal or for legal separation (the POA can provide that this provision does not apply); or
5. POA terminates.

Unless the POA provides otherwise, an agent is incapacitated when there is a determination in a record that the agent:

1. has a mental, emotional, or physical condition that makes him or her unable to receive and evaluate information or make or communicate decisions, as determined by (a) a judge in a court proceeding, (b) two independent physicians, or (c) a successor agent if the primary agent refuses to be examined by a physician or fails to execute a release of medical information or
2. is missing, detained (including in prison), or outside the U.S. and unable to return, as determined by a judge or an appropriate government official.

Binding Actions After Termination. The principal and his or her successors are bound by an agent's actions after an agent's authority or the POA terminates when the agent or other person does not know of the termination and acts in good faith under the POA. This also applies when a POA that is not durable terminates due to the principal's incapacity. But a principal is not bound by acts that are otherwise invalid or unenforceable.

§§ 14, 19-22 & 26 — Agents

§ 19 — Coagents. A POA may designate two or more coagents who can exercise their authority independently, unless the POA provides otherwise. A person who in good faith accepts an acknowledged POA from a coagent without knowing the POA or the agent's authority is void, invalid, or terminated or the agent is

exceeding or improperly using his or her authority, can rely on the POA .

§ 19 — Successor Agents. The POA can also designate successor agents to replace an agent who resigns, dies, is incapacitated, is unqualified, or declines to serve. The POA can grant authority to designate successor agents to (1) an agent or (2) a person designated by name, office, or function. Unless the POA provides otherwise, a successor agent has the same authority as the original agent and cannot act until there are no predecessor agents.

§ 20 — Compensation. Unless the POA provides otherwise, an agent is entitled to (1) reimbursement for expenses reasonably incurred on the principal's behalf and (2) reasonable compensation.

§ 21 — Accepting Appointments. Unless the POA provides otherwise, a person accepts an appointment as agent if he or she uses the agent's authority, performs the agent's duties, or takes other actions indicating acceptance.

§ 22 — Duties. Regardless of the POA's provisions, an agent who accepts an appointment must act:

1. according to the principal's reasonable expectations, make reasonable efforts to determine them if they are unknown, and otherwise act in the principal's best interest;
2. in good faith; and
3. within the POA's granted authority.

The bill sets additional rules for agents but allows the POA to alter these provisions. Unless the POA provides otherwise, the agent must:

1. act loyally for the principal's benefit;
2. avoid conflicts of interest that impair 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 records of receipts, disbursements, and transactions made on the principal's behalf;
5. cooperate with someone who has authority to make the principal's health care decisions to carry out the principal's reasonable expectations, if actually known, and otherwise act in the principal's best interest; and
6. attempt to preserve the principal's estate plan if the agent actually knows about it and it is consistent with the principal's best interest based on all relevant factors.

For actions regarding the principal's estate, the agent must consider factors including (1) the property's value and nature; (2) the principal's foreseeable obligations and need for maintenance; (3) minimizing taxes; and (4) eligibility for federal or state benefits, programs, or assistance.

§ 22(h) — Disclosing Certain Records. Unless the POA provides otherwise, an agent is not required to disclose receipts, disbursements, or transactions unless ordered by a court or requested by:

1. the principal;
2. a guardian, conservator, or other fiduciary acting for the principal;
3. a representative of DSS' Division of Protective Services for the Elderly who has authority to protect the principal's welfare; or
4. the personal representative or successor in interest of the principal's estate after the principal's death.

An agent must (1) comply with a request for these documents within 30 days or (2) explain in a record why he or she needs additional time and comply within 30 days of providing the record.

§ 26 — Resignation. Unless the POA provides a different method, an agent may resign by notifying the principal. If the principal is incapacitated, the agent must notify:

1. any appointed guardian, conservator of the estate or person, and any coagent or successor agent or
2. if none of the above exist, the principal's spouse and children, someone reasonably believed to have sufficient interest in the principal's welfare, or a representative of DSS' Division of Protective Services for the Elderly who has authority to protect the principal's welfare.

§§ 19, 22-23 & 25 — Agent Liability

Protections. The bill protects an agent from liability under certain circumstances. Specifically, he or she is not liable:

1. to beneficiaries of an estate plan for failing to preserve it if he or she acts in good faith;
2. solely because he or she also benefits from an act or has an interest or conflict about the principal's property or affairs if the agent acts with care, competence, and diligence for the principal's best interest;
3. if the principal's property declines in value, unless the agent breached a duty;
4. for the acts, errors, or defaults of someone to whom the agent delegates his or her authority or engages on the principal's behalf, if the agent selected and monitored the person using care, competence, and diligence; and
5. for the actions of another agent, if he or she did not participate in or conceal the other agent's breach of fiduciary duty, unless the POA provides otherwise.

An agent with knowledge of a breach or an imminent breach must,

unless the POA provides otherwise, notify the principal and take reasonable steps to safeguard an incapacitated principal's interests. An agent who fails to take these actions is liable for reasonably foreseeable damages that could have been avoided by taking the required action.

Special Skills. When determining whether an agent acted appropriately under the circumstances, the bill requires considering an agent's special skills or expertise if he or she was selected as agent because of them or in reliance on the agent's representations about them.

Waiving Liability. The bill makes binding a POA provision relieving an agent of liability for breaching a duty, unless it:

1. relates to a breach involving dishonesty, improper motive, or reckless indifference to the POA's purpose or the principal's best interest or
2. was included because of an abuse of a confidential or fiduciary relationship with the principal.

Liability to Principal and Successors. An agent who violates the bill's provisions is liable to the principal or his or her successors in interest for:

1. an amount required to restore the value of the principal's property to what it would have been if the violation did not occur and
2. reasonable attorney's fees and costs paid on the agent's behalf.

§§ 24 & 55 — Petitioning Probate Court to Review POA or Agent's Conduct

The following people may petition the probate court to construe a POA, review an agent's conduct, or obtain relief, such as an accounting:

1. the principal or agent;
2. a guardian, conservator, or other fiduciary acting for the principal;
3. a person authorized to make the principal's health care decisions;
4. the principal's spouse, parent, descendant, or caregiver;
5. an individual who (a) would qualify as the principal's presumptive heir or (b) demonstrates sufficient interest in the principal's welfare, such as a caregiver;
6. a person named as a beneficiary to receive property, a benefit, or a contractual right when the principal dies or a trust beneficiary with a financial interest in the principal's estate;
7. a representative of DSS' Division of Protective Services for the Elderly who has authority to protect the principal's welfare; or
8. a person asked to accept the POA.

The person must apply to the probate court in the district (1) where the agent has a place of business; (2) where the agent or principal resides; or (3) if the principal is deceased, with jurisdiction over the estate or where the principal resided immediately before death.

The bill requires the probate court to grant the petition if it is filed by the principal, agent, guardian, conservator, or other fiduciary. It may do so for any of the people listed above if (1) the petitioner has sufficient interest to be entitled to relief, (2) there is cause shown for the relief requested, and (3) the petition is not intended to harass. The court must dismiss a petition on the principal's motion unless he or she is incapacitated.

§§ 27 & 28 — Accepting a POA

Acknowledged POA. A person who in good faith accepts an

acknowledged POA may rely on the bill's presumption that the signature on the POA is genuine (see § 13), as long as the person accepting it does not know that the signature is not genuine. Such a person can rely on the POA if he or she does not know that the (1) POA or the agent's authority is void, invalid, or terminated or (2) agent is exceeding or improperly exercising his or her authority.

Requesting Information. A person asked to accept an acknowledged POA may request and rely on:

1. an agent's certification under penalty of perjury of any fact concerning the principal, agent, or POA;
2. an English translation of any part of the POA in another language; and
3. a counsel's opinion regarding any legal matter involving the POA if the reason for the request is put in a record.

The principal must pay the expense of a translation or opinion if the request for one is made within seven days of presenting the POA for acceptance.

Actual Knowledge of Facts Relating to the POA. A person or business entity that conducts activities through an employee does not have actual knowledge of a fact involving the POA, principal, or agent if the employee conducting the activity does not know the fact.

Accepting a POA. A person must either accept an acknowledged POA or request information as described above within seven business days of being presented with the POA. If information is requested, the person must accept the POA within five business days of receiving the response.

No one may require an additional or different POA regarding the same authority in a presented POA.

Refusing a POA. A person may refuse to accept an acknowledged

POA if:

1. he or she cannot engage in a transaction because the principal is not eligible or qualified to engage in the transaction;
2. he or she knows that the agent's authority or the POA terminated;
3. the transaction would violate state or federal law;
4. a request for information as described above was refused;
5. he or she has a good faith belief the POA is invalid or the agent lacks authority regarding a particular act, whether or not the person requests or receives additional information through the above process; or
6. he or she makes or knows someone has made a report to DSS' Bureau of Aging with a good faith belief that the principal is subject to physical or financial abuse, neglect, exploitation, or abandonment by the agent or someone connected to the agent.

But a probate court or the Superior Court can require a person who refuses to accept an acknowledged POA in violation of the bill to accept it. The court can award reasonable attorney's fees and costs that the prevailing party incurred in the action.

§§ 32-48 — Agent's Powers

If the POA expressly grants authority, and exercising the authority is not prohibited by another agreement or instrument to which the authority or property is subject, such as a trust, an agent may perform the following activities:

1. create, change, revoke, or terminate an inter vivos trust (i.e., one created and effective during a person's lifetime);
2. make a gift;
3. create or change survivorship rights or a beneficiary

designation;

4. delegate authority under the POA;
5. waive the principal's right to be a beneficiary of a joint and survivor annuity;
6. exercise fiduciary powers that the principal can delegate; or
7. disclaim property.

An agent who is not the principal's ancestor, spouse, or descendant may not create an interest in the principal's property in the agent or someone the agent is legally obligated to support. But the bill allows the POA to specify otherwise.

The bill also provides that:

1. when authorities granted an agent are similar and overlap, the broadest authority controls;
2. an agent can exercise authority over property the principal has when executing the POA or that is acquired later, regardless of which state it is in or whether the POA is executed in Connecticut; and
3. an agent's act under a POA binds the principal and his or her successors as if the principal performed the act.

§§ 32-34 – Incorporating Powers in a POA. A POA granting an agent authority to do all the acts the principal could do gives the agent the general authority to perform all the functions for the subjects listed below in Table 1, except a grant of authority regarding gifts is subject to the bill's provisions unless the POA provides otherwise.

The bill gives an agent all of the authority described above and in Table 1 below, if the POA refers to general authority and uses the descriptive terms for the subjects or cites the relevant sections of the bill for those subjects. Such a reference regarding a subject or citation

incorporates all of the provisions regarding that subject. The bill allows a principal to modify an authority incorporated by reference.

The bill provides that a POA incorporating the subjects listed in Table 1 by reference or granting an agent authority to do all the acts that the principal could do authorizes the agent, for each subject, to take a number of actions, such as:

1. demanding, receiving, or using money to which the principal is entitled;
2. entering and changing contracts;
3. executing documents;
4. seeking court or government assistance;
5. paying professionals, such as lawyers and advisors;
6. initiating, participating in, and settling legal claims;
7. communicating with government officials;
8. accessing and making the principal's communications; and
9. doing other lawful acts.

But the bill allows the POA to provide otherwise.

§§ 35-48 — Granting Authority by Subject. The bill describes the specific actions an agent can perform when in a POA grants an agent general authority over a subject. But the bill allows a POA to provide otherwise. Table 1 lists each subject covered by the bill and provides examples of the authority the bill gives to an agent under each subject.

Table 1: Agent's Powers Authorized by the Bill, by Subject

Subject (§)	Examples of Agent's Specific Authority Regarding the Subject
Real property (§ 35)	Selling and making certain property transfers, applying for government permits, mortgaging the property and taking other credit-related actions, and using or altering structures

Tangible personal property (§ 36)	Selling and making certain property transfers, granting security interests, and managing the property
Stocks and bonds (§ 37)	Buying and selling stocks and bonds, changing accounts related to them, using them to borrow money, and exercising voting rights
Commodities and options (§ 38)	Buying and selling commodities and options and changing accounts related to them
Banks and financial institutions (§ 39)	Making changes to accounts or contracting for services with these institutions, using safe deposit boxes, borrowing money, and using checks or other forms of payment
Operating an entity or business (§ 40)	Subject to a document or agreement governing an entity or ownership interest: operating or making changes to ownership interests, performing duties or discharging liabilities, exercising rights, taking certain actions when the principal is the sole owner, adding capital to the entity, and taking part in certain transactions
Insurance and annuities (§ 41)	Paying premiums and making changes to insurance contracts and annuities, acquiring loans based on an insurance or annuity contract, exercising elections and investment powers, determining payments from insurance contracts or annuities, and paying related taxes
Estates, trusts, and other beneficial interests (§ 42)	Accepting and disposing of payments from a trust, estate, or beneficial interest; exercising a power of appointment; and transferring securities to the trustee of a revocable trust
Claims and litigation (§ 43)	Asserting claims before courts and administrative agencies, seeking relief and satisfying judgments, accepting service of process, acting for the principal in bankruptcy proceedings, paying judgments, and settling claims
Personal and family maintenance (§ 44)	Acting to maintain the customary standard of living and providing living quarters for the principal and certain others, making support payments required by law or agreement, paying health care expenses, and providing for transportation and other needs and expenses
Benefits from government programs and civil or military service (§ 45)	Making changes regarding the principal's enrollment in benefit programs, making benefit claims, and receiving claim proceeds
Retirement plans (§ 46)	Determining how to receive payments from plans, creating and contributing to plans, making investments, and making decisions regarding assets
Taxes (§ 47)	Preparing and filing income, gift, payroll, and other taxes; paying taxes and claiming refunds; receiving confidential information from taxing authorities; and acting for the principal in all matters before taxing authorities
Gifts (§ 48)	Making gifts with consideration of certain federal tax consequences and consistent with the principal's objectives, if known, or as the agent determines are in the principal's best interest based on certain factors

§§ 29-31 & 51-52 — Other Provisions

Under the bill:

1. the principles of law and equity generally supplement the bill's provisions (§ 29);
2. the bill's provisions do not supersede other laws on financial institutions, and other entities and the other laws control if they are inconsistent with the bill (§ 30); and
3. the bill's remedies do not limit other rights and remedies under state law (§ 31).

In applying and construing the bill's provisions, consideration must be given to the need to promote uniformity with respect to its subject matter among states that have enacted the uniform provisions (§ 51).

The bill provides that it modifies, limits, and supersedes the federal Electronic Signatures in Global and National Commerce Act (E-SIGN). But it does not (1) modify, limit, or supersede E-SIGN's provisions on consumer disclosures (such as when consumers are considered to have consented to electronic disclosures) or (2) authorize electronic delivery of specified notices that are not subject to E-SIGN (§ 52). The bill does not specify how it relates to the Connecticut Uniform Electronic Transactions Act (CUETA) (CGS §§ 1-266 to -286), which also validates the use of electronic records and signatures.

The probate court generally has jurisdiction to construe the meaning and effect of an inter vivos trust if the court could order an accounting. The bill limits this jurisdiction to cases where a trust beneficiary petitions the court for this purpose (§ 54).

BACKGROUND

Related Bill

sSB 706, favorably reported by the Aging Committee, contains similar provisions on mandated reporters of elder abuse.

sSB 896, favorably reported by the Human Services Committee, also changes definitions related to reporting suspected elderly exploitation, training mandated reporters, and protective investigations and DSS

services.

COMMITTEE ACTION

Aging Committee

Joint Favorable Substitute

Yea 13 Nay 0 (03/05/2015)