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February 17, 2015

Representative William Tong, Co-Chairperson
Judiciary Committee
Legislative Office Building, Room 2405
Hartford, CT 06106-1591

Dear Representative Tong:

I am an elder law attorney, with an office in Vernon, Connecticut. I am writing you to urge you to support HB 6774, An Act Concerning Adoption of the Connecticut Uniform Power of Attorney Act (the "UPPOAA").

Powers of attorney allow an individual (the "principal") to name another person to make financial decisions and act for him/her (the "agent"). These instruments are critical in planning in the event of one's future incapacity. Powers of attorney permit an individual to choose who will make financial decisions in the event of incapacity, rather than having a probate court appoint a conservator of the estate for that individual. Autonomy in our clients' decisions making is critical; powers of attorney allow our clients to exercise such autonomy.

Connecticut's current short form power of attorney law was enacted in 1965 and has never been amended. The existing power of attorney law is outdated. Issues that exist today did not exist in 1965, such as Individual Retirement Accounts and other forms of retirement benefits. The UPOAA will modernize powers of attorney in Connecticut as follows:

1. **Overly broad powers to the principal will be avoided:** In order for an agent to be authorized to do certain acts, the principal must grant the agent specific authority in the power of attorney.
2. **Elder Abuse will be deterred:** The agent's fiduciary duties are set out, including remedies and sanctions for an agent's abuse.
3. **Acceptance of powers of attorney by third parties will be promoted:** A notarized power of attorney will create a presumption that it is valid. The UPPOAA states that a person who accepts a notarized power of attorney may rely on it without incurring liability. Financial institutions often refuse to accept powers of attorney; this legislation will give financial institutions security that they will not incur liability for

Representative William Tong
February 17, 2015
Page 2.

accepting a notarized power of attorney in good faith. The legislation also provides for circumstances under which a third party may refuse to accept a power of attorney and sanctions against third parties for unlawful refusals to accept powers of attorney.

4. **Powers of attorney executed in other states valid in Connecticut:** The legislation will allow powers of attorney validly executed in other states to be accepted in Connecticut.

5. **Clarification of who can petition the court to construe the terms of a power of attorney and review an agent's conduct:** Our existing statute only provides authority for a limited number of individuals to request a court to review a power of attorney. The UPOAA expands the list of authorized individuals, thereby affording more opportunities for the protection of the principal.

Passage of the UPPOAA will allow for its safeguards to apply retroactively to existing powers of attorney executed under existing law. Existing powers of attorney will not be revoked or invalidated by the passage of the UPOAA.

The UPOAA was approved by the Uniform Law Commission in 2006 and endorsed by AARP in that same year. To date, seventeen (17) states have enacted the UPOAA: Alabama, Arkansas, Colorado, Hawaii, Idaho, Iowa, Maine, Maryland, Montana, Nebraska, Nevada, New Mexico, Ohio, Pennsylvania, Virginia, West Virginia and Wisconsin. I strongly urge you to support the passage of the UPOAA to make Connecticut the eighteenth jurisdiction to enact the legislation.

Sincerely,



Laurel D. Mangan