



General Assembly

January Session, 2015

***Raised Bill No. 6774***

LCO No. 3452



Referred to Committee on JUDICIARY

Introduced by:  
(JUD)

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

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

1 Section 1. (NEW) (*Effective October 1, 2015*) Sections 1 to 45,  
2 inclusive, of this act may be cited as the "Connecticut Uniform Power  
3 of Attorney Act."

4 Sec. 2. (NEW) (*Effective October 1, 2015*) As used in sections 1 to 45,  
5 inclusive, of this act:

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

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

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

14 capabilities.

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

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

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

22 (B) Is:

23 (i) Missing;

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

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

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

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

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

41 event, the satisfaction of the ascertainable standard, or the passage of  
42 the specified period. The term does not include a power exercisable in  
43 a fiduciary capacity or only by will.

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

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

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

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

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

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

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

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

66 Sec. 3. (NEW) (*Effective October 1, 2015*) The provisions of sections 1  
67 to 45, inclusive, of this act apply to all powers of attorney except:

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

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

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

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

77 Sec. 4. (NEW) (*Effective October 1, 2015*) A power of attorney created  
78 under sections 1 to 45, inclusive, of this act is durable unless it  
79 expressly provides that it is terminated by the incapacity of the  
80 principal.

81 Sec. 5. (NEW) (*Effective October 1, 2015*) A power of attorney must be  
82 dated and signed by the principal or in the principal's conscious  
83 presence by another individual directed by the principal to sign the  
84 principal's name on the power of attorney and witnessed by two  
85 witnesses. A signature on a power of attorney is presumed to be  
86 genuine if the principal acknowledges the signature before a notary  
87 public or other individual authorized by law to take  
88 acknowledgments.

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

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

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

97 complied with:

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

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

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

106 Sec. 7. (NEW) (*Effective October 1, 2015*) The meaning and effect of a  
107 power of attorney is determined by the law of the jurisdiction  
108 indicated in the power of attorney and, in the absence of an indication  
109 of jurisdiction, by the law of the jurisdiction in which the power of  
110 attorney was executed.

111 Sec. 8. (NEW) (*Effective October 1, 2015*) (a) In a power of attorney, a  
112 principal may nominate a conservator of the principal's estate or  
113 conservator of the principal's person for consideration by the court if  
114 protective proceedings for the principal's estate or person are begun  
115 after the principal executes the power of attorney. The court shall make  
116 its appointment in accordance with the principal's most recent  
117 nomination unless the court finds that the appointee, designee or  
118 nominee is unwilling or unable to serve or there is substantial evidence  
119 to disqualify such person.

120 (b) If, after a principal executes a power of attorney, a court appoints  
121 a conservator of the principal's estate or other fiduciary charged with  
122 the management of some or all of the principal's property, the power  
123 of attorney is suspended unless the power of attorney provides  
124 otherwise or unless the court appointing the conservator decides the  
125 power of attorney should continue. If the power of attorney continues,  
126 the agent is accountable to the fiduciary as well as to the principal. If

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

132 Sec. 9. (NEW) (*Effective October 1, 2015*) (a) A power of attorney is  
133 effective when executed unless the principal provides in the power of  
134 attorney that it becomes effective at a future date or upon the  
135 occurrence of a future event or contingency.

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

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

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

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

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

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

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

164 AFFIDAVIT THAT POWER OF ATTORNEY IS IN FULL FORCE  
165 AND EFFECT

166 STATE OF )

167 ) SS:

168 COUNTY OF )

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

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

173 THAT specified contingency was: ....

174 THAT specified contingency has occurred.

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

176 .... L.S.

177 ....

178 Witness

179 ....

180 Witness

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

182 ....

183 Commissioner of the Superior Court

184 Notary Public

185 My commission expires: ....

186 Sec. 10. (NEW) (*Effective October 1, 2015*) (a) A power of attorney  
187 terminates when:

188 (1) The principal dies;

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

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

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

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

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

197 (7) The power of attorney is terminated by a court pursuant to  
198 subsection (b) of section 8 of this act.

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

200 (1) The principal revokes the authority;

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

203 (3) The agent dies or resigns;

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

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

210 (i) A judge in a court proceeding;

211 (ii) Two independent physicians; or

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

217 (B) Within the meaning set forth in subparagraph (B) of subdivision  
218 (5) of section 2 of this act, a judge or an appropriate governmental  
219 official;

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

223 (6) The power of attorney terminates.

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

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

232 unenforceable, binds the principal and the principal's successors in  
233 interest.

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

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

244 Sec. 11. (NEW) (*Effective October 1, 2015*) (a) A principal may  
245 designate two or more persons to act as coagents. Unless the power of  
246 attorney otherwise provides, each coagent may exercise its authority  
247 independently. A person that in good faith accepts an acknowledged  
248 power of attorney from one or more coagents without actual  
249 knowledge that the power of attorney is void, invalid or terminated,  
250 that the purported agent's authority is void, invalid or terminated, or  
251 that the agent is exceeding or improperly exercising the agent's  
252 authority may rely upon the power of attorney as if the power of  
253 attorney were genuine, valid and still in effect, the agent's authority  
254 were genuine, valid and still in effect, and the agent had not exceeded  
255 and had properly exercised the authority.

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

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

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

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

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

279 Sec. 12. (NEW) (*Effective October 1, 2015*) Unless the power of  
280 attorney otherwise provides, an agent is entitled to reimbursement of  
281 expenses reasonably incurred on behalf of the principal and to  
282 compensation that is reasonable under the circumstances.

283 Sec. 13. (NEW) (*Effective October 1, 2015*) Unless the power of  
284 attorney otherwise provides, a person accepts appointment as an agent  
285 under a power of attorney by exercising authority or performing  
286 duties as an agent or by any other assertion or conduct indicating  
287 acceptance.

288 Sec. 14. (NEW) (*Effective October 1, 2015*) (a) Notwithstanding  
289 provisions in the power of attorney, an agent that has accepted  
290 appointment shall:

291 (1) Act in accordance with the principal's reasonable expectations,  
292 and, if such expectations are unknown, make reasonable efforts to

293 ascertain the principal's expectations and act, otherwise, in the  
294 principal's best interest;

295 (2) Act in good faith; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

327 (e) If an agent is selected by the principal because of special skills or  
328 expertise possessed by the agent or in reliance on the agent's  
329 representation that the agent has special skills or expertise, the special  
330 skills or expertise must be considered in determining whether the  
331 agent has acted with care, competence and diligence under the  
332 circumstances.

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

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

340 (h) Unless the power of attorney otherwise provides, an agent is not  
341 required to disclose receipts, disbursements or transactions conducted  
342 on behalf of the principal unless ordered by a court or requested by the  
343 principal, a guardian, a conservator, another fiduciary acting for the  
344 principal, a representative of the Division of Protective Services for the  
345 Elderly within the Department of Social Services having authority to  
346 protect the welfare of the principal or, upon the death of the principal,  
347 by the personal representative or successor in interest of the principal's  
348 estate. If so requested, the agent shall comply with the request not later

349 than thirty days after the date of such request or provide a writing or  
350 other record substantiating why additional time is needed, in which  
351 case, the agent shall comply with the request not later than thirty days  
352 after the date of providing such writing or record.

353 Sec. 15. (NEW) (*Effective October 1, 2015*) A provision in a power of  
354 attorney relieving an agent of liability for breach of duty is binding on  
355 the principal and the principal's successors in interest except to the  
356 extent the provision:

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

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

363 Sec. 16. (NEW) (*Effective October 1, 2015*) (a) The following persons  
364 may petition a court in accordance with subsection (d) of section 45a-  
365 175 of the general statutes, as amended by this act, to construe a power  
366 of attorney or review the agent's conduct, and grant appropriate relief:

367 (1) The principal or the agent;

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

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

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

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

375 (6) A person named as a beneficiary to receive any property, benefit

376 or contractual right on the principal's death or as a beneficiary of a  
377 trust created by or for the principal that has a financial interest in the  
378 principal's estate;

379 (7) A representative of the Division of Protective Services for the  
380 Elderly with the Department of Social Services having regulatory  
381 authority to protect the welfare of the principal;

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

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

385 (b) Upon motion by the principal, the court shall dismiss a petition  
386 filed under this section, unless the court finds that the principal is  
387 incapacitated within the meaning set forth in subdivision (5) of section  
388 2 of this act.

389 Sec. 17. (NEW) (*Effective October 1, 2015*) An agent that violates  
390 sections 1 to 45, inclusive, of this act is liable to the principal or the  
391 principal's successors in interest for the amount required to:

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

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

396 Sec. 18. (NEW) (*Effective October 1, 2015*) Unless the power of  
397 attorney provides a different method for an agent's resignation, an  
398 agent may resign by giving notice to the principal and, if the principal  
399 is incapacitated:

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

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

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

408 (B) A representative of the Division of Protective Services for the  
409 Elderly within the Department of Social Services having authority to  
410 protect the welfare of the principal.

411 Sec. 19. (NEW) (*Effective October 1, 2015*) (a) For purposes of this  
412 section and section 20 of this act, "acknowledged" means purportedly  
413 verified before a notary public or other individual authorized to take  
414 acknowledgements.

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

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

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

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

431 (2) An English translation of the power of attorney if the power of

432 attorney contains, in whole or in part, language other than English;  
433 and

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

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

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

447 Sec. 20. (NEW) (*Effective October 1, 2015*) (a) Except as provided in  
448 subsection (b) of this section:

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

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

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

460 (b) A person is not required to accept an acknowledged power of

461 attorney if:

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

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

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

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

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

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

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

487 Sec. 21. (NEW) (*Effective October 1, 2015*) Unless displaced by a  
488 provision of sections 1 to 45, inclusive, of this act, the principles of law  
489 and equity supplement the provisions of sections 1 to 45, inclusive, of

490 this act.

491 Sec. 22. (NEW) (*Effective October 1, 2015*) The provisions of sections 1  
492 to 45, inclusive, of this act do not supersede any other law applicable to  
493 financial institutions or other entities, and the other law controls if  
494 inconsistent with the provisions of sections 1 to 45, inclusive, of this  
495 act.

496 Sec. 23. (NEW) (*Effective October 1, 2015*) The remedies under  
497 sections 1 to 45, inclusive, of this act are not exclusive and do not  
498 abrogate any right or remedy under the law of this state, other than  
499 sections 1 to 45, inclusive, of this act.

500 Sec. 24. (NEW) (*Effective October 1, 2015*) (a) An agent under a power  
501 of attorney may perform the activities listed in this subsection on  
502 behalf of the principal or with the principal's property only if the  
503 power of attorney expressly grants the agent the authority to perform  
504 such activities and exercise of the authority to perform such activities  
505 is not otherwise prohibited by another agreement or instrument to  
506 which the authority or property is subject such as a trust agreement:

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

508 (2) Make a gift;

509 (3) Create or change rights of survivorship;

510 (4) Create or change a beneficiary designation;

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

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

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

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

517 (b) Notwithstanding a grant of authority to perform an act  
518 described in subsection (a) of this section, unless the power of attorney  
519 otherwise provides, an agent that is not an ancestor, spouse or  
520 descendant of the principal may not exercise authority under a power  
521 of attorney to create in the agent, or in an individual to whom the  
522 agent owes a legal obligation of support, an interest in the principal's  
523 property, whether by gift, right of survivorship, beneficiary  
524 designation, disclaimer or otherwise.

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

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

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

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

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

544 Sec. 25. (NEW) (*Effective October 1, 2015*) (a) An agent has authority  
545 described in sections 24 to 40, inclusive, of this act if the power of  
546 attorney refers to general authority with respect to the descriptive term

547 for the subjects stated in sections 27 to 40, inclusive, of this act or cites  
548 the section in which the authority is described.

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

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

555 Sec. 26. (NEW) (*Effective October 1, 2015*) Unless the power of  
556 attorney otherwise provides, by executing a power of attorney that  
557 incorporates by reference a subject described in sections 27 to 40,  
558 inclusive, of this act or that grants to an agent authority to perform all  
559 acts that a principal could perform pursuant to subsection (c) of section  
560 24 of this act, a principal authorizes the agent, with respect to that  
561 subject, to:

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

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

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

575 (4) Initiate, participate in, submit to alternative dispute resolution,

576 settle, oppose or propose or accept a compromise with respect to a  
577 claim existing in favor of or against the principal or intervene in  
578 litigation relating to the claim;

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

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

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

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

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

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

595 Sec. 27. (NEW) (*Effective October 1, 2015*) Unless the power of  
596 attorney otherwise provides, language in a power of attorney granting  
597 general authority with respect to real property authorizes the agent to:

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

601 (2) Sell; exchange; convey with or without covenants,  
602 representations, or warranties; quitclaim; release; surrender; retain title  
603 for security; encumber; partition; consent to partitioning; subject to an

604 easement or covenant; subdivide; apply for zoning or other  
605 governmental permits; plat or consent to platting; develop; grant an  
606 option concerning; lease; sublease; contribute to an entity in exchange  
607 for an interest in that entity; or otherwise grant or dispose of an  
608 interest in real property or a right incident to real property;

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

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

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

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

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

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

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

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

630 (7) Participate in a reorganization with respect to real property or an  
631 entity that owns an interest in or right incident to real property and

632 receive, and hold and act with respect to stocks and bonds or other  
633 property received in a plan of reorganization, including:

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

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

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

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

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

644 Sec. 28. (NEW) (*Effective October 1, 2015*) Unless the power of  
645 attorney otherwise provides, language in a power of attorney granting  
646 general authority with respect to tangible personal property authorizes  
647 the agent to:

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

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

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

660 a debt guaranteed by the principal;

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

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

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

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

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

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

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

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

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

679 Sec. 29. (NEW) (*Effective October 1, 2015*) Unless the power of  
680 attorney otherwise provides, language in a power of attorney granting  
681 general authority with respect to stocks and bonds authorizes the  
682 agent to:

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

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

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

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

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

693 Sec. 30. (NEW) (*Effective October 1, 2015*) Unless the power of  
694 attorney otherwise provides, language in a power of attorney granting  
695 general authority with respect to commodities and options authorizes  
696 the agent to:

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

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

701 Sec. 31. (NEW) (*Effective October 1, 2015*) Unless the power of  
702 attorney otherwise provides, language in a power of attorney granting  
703 general authority with respect to banks and other financial institutions  
704 authorizes the agent to:

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

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

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

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

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

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

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

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

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

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

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

739 Sec. 32. (NEW) (*Effective October 1, 2015*) Subject to the terms of a  
740 document or an agreement governing an entity or an entity ownership  
741 interest, and unless the power of attorney otherwise provides,

742 language in a power of attorney granting general authority with  
743 respect to operation of an entity or business authorizes the agent to:

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

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

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

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

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

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

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

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

766 (B) Determine:

767 (i) The location of its operation;

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

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

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

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

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

778 (D) Demand and receive money due or claimed by the principal or  
779 on the principal's behalf in the operation of the entity or business and  
780 control and disburse the money in the operation of the entity or  
781 business;

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

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

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

787 (11) Establish the value of an entity or business under a buyout  
788 agreement to which the principal is a party;

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

792 (13) Pay, compromise or contest taxes, assessments, fines or  
793 penalties and perform any other act to protect the principal from  
794 illegal or unnecessary taxation, assessments, fines or penalties, with  
795 respect to an entity or business, including attempts to recover, in any

796 manner permitted by law, money paid before or after the execution of  
797 the power of attorney.

798 Sec. 33. (NEW) (*Effective October 1, 2015*) Unless the power of  
799 attorney otherwise provides, language in a power of attorney granting  
800 general authority with respect to insurance and annuities authorizes  
801 the agent to:

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

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

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

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

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

818 (6) Exercise an election;

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

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

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

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

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

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

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

837 Sec. 34. (NEW) (*Effective October 1, 2015*) (a) For purposes of this  
838 section, "estate, trust or other beneficial interest" means a trust, probate  
839 estate, guardianship, conservatorship, escrow or custodianship or a  
840 fund from which the principal is, may become or claims to be, entitled  
841 to a share or payment.

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

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

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

850 (3) Exercise for the benefit of the principal a presently exercisable

851 general power of appointment held by the principal;

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

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

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

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

866 Sec. 35. (NEW) (*Effective October 1, 2015*) Unless the power of  
867 attorney otherwise provides, language in a power of attorney granting  
868 general authority with respect to claims and litigation authorizes the  
869 agent to:

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

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

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

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

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

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

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

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

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

904 Sec. 36. (NEW) (*Effective October 1, 2015*) (a) Unless the power of  
905 attorney otherwise provides, language in a power of attorney granting  
906 general authority with respect to personal and family maintenance  
907 authorizes the agent to:

908 (1) Perform the acts necessary to maintain the customary standard

909 of living of the principal, the principal's spouse and the following  
910 individuals, whether living when the power of attorney is executed or  
911 later born:

912 (A) The principal's children;

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

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

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

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

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

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

926 (4) Provide normal domestic help, usual vacations and travel  
927 expenses and funds for shelter, clothing, food, appropriate education,  
928 including post secondary and vocational education and other current  
929 living costs for the individuals described in subdivision (1) of this  
930 subsection;

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

933 (6) Act as the principal's personal representative pursuant to the  
934 Health Insurance Portability and Accountability Act, Sections 1171 to  
935 1179, inclusive, of the Social Security Act, 42 USC 1320d, as amended

936 from time to time, and applicable federal regulations, in making  
937 decisions related to the past, present or future payment for the  
938 provision of health care consented to by the principal or anyone  
939 authorized under the law of this state to consent to health care on  
940 behalf of the principal;

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

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

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

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

955 Sec. 37. (NEW) (*Effective October 1, 2015*) (a) For purposes of this  
956 section, "benefits from governmental programs or civil or military  
957 service" means any benefit, program or assistance provided under a  
958 federal or state statute or regulation including Social Security,  
959 Medicare and Medicaid.

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

964 (1) Execute vouchers in the name of the principal for allowances and

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

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

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

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

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

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

987 Sec. 38. (NEW) (*Effective October 1, 2015*) (a) For purposes of this  
988 section, "retirement plan" means a plan or account created by an  
989 employer, the principal or another individual to provide retirement  
990 benefits or deferred compensation of which the principal is a  
991 participant, beneficiary or owner, including a plan or account under  
992 the following sections of the of the Internal Revenue Code of 1986, or  
993 any subsequent corresponding internal revenue code of the United  
994 States, as amended from time to time:

- 995 (1) An individual retirement account under 26 USC 408, as amended  
996 from time to time;
- 997 (2) A Roth individual retirement account under 26 USC 408A, as  
998 amended from time to time;
- 999 (3) A deemed individual retirement account under 26 USC 408(q), as  
1000 amended from time to time;
- 1001 (4) An annuity or mutual fund custodial account under 26 USC  
1002 403(b), as amended from time to time;
- 1003 (5) A pension, profit sharing, stock bonus or other retirement plan  
1004 qualified under 26 USC 401(a), as amended from time to time;
- 1005 (6) A plan under 26 USC 457(b), as amended from time to time; and
- 1006 (7) A nonqualified deferred compensation plan under 26 USC 409A,  
1007 as amended from time to time.
- 1008 (b) Unless the power of attorney otherwise provides, language in a  
1009 power of attorney granting general authority with respect to  
1010 retirement plans authorizes the agent to:
- 1011 (1) Select the form and timing of payments under a retirement plan  
1012 and withdraw benefits from a plan;
- 1013 (2) Make a rollover, including a direct trustee to trustee rollover, of  
1014 benefits from one retirement plan to another;
- 1015 (3) Establish a retirement plan in the principal's name;
- 1016 (4) Make contributions to a retirement plan;
- 1017 (5) Exercise investment powers available under a retirement plan;  
1018 and
- 1019 (6) Borrow from, sell assets to or purchase assets from a retirement

1020 plan.

1021       Sec. 39. (NEW) (*Effective October 1, 2015*) Unless the power of  
1022 attorney otherwise provides, language in a power of attorney granting  
1023 general authority with respect to taxes authorizes the agent to:

1024       (1) Prepare, sign and file federal, state, local and foreign income,  
1025 gift, payroll, property, Federal Insurance Contributions Act and other  
1026 tax returns, claims for refunds, requests for extension of time, petitions  
1027 regarding tax matters and any other tax related documents, including,  
1028 receipts, offers, waivers, consents, including consents and agreements  
1029 under 26 USC 2032A, as amended from time to time, closing  
1030 agreements and any power of attorney required by the Internal  
1031 Revenue Service or other taxing authority with respect to a tax year  
1032 upon which the statute of limitations has not run and the following  
1033 twenty-five tax years;

1034       (2) Pay taxes due, collect refunds, post bonds, receive confidential  
1035 information and contest deficiencies determined by the Internal  
1036 Revenue Service or other taxing authority;

1037       (3) Exercise any election available to the principal under federal,  
1038 state, local or foreign tax law; and

1039       (4) Act for the principal in all tax matters for all periods before the  
1040 Internal Revenue Service, or other taxing authority.

1041       Sec. 40. (NEW) (*Effective October 1, 2015*) (a) For purposes of this  
1042 section, a gift "for the benefit of" a person includes a gift to a trust, an  
1043 account under the Uniform Transfers to Minors Act and a tuition  
1044 savings account or prepaid tuition plan as defined under 26 USC 529,  
1045 as amended from time to time.

1046       (b) Unless the power of attorney otherwise provides, language in a  
1047 power of attorney granting general authority with respect to gifts  
1048 authorizes the agent only to:

1049 (1) Make outright to, or for the benefit of, a person, a gift of any of  
1050 the principal's property, including by the exercise of a presently  
1051 exercisable general power of appointment held by the principal, in an  
1052 amount per donee not to exceed the annual dollar limits of the federal  
1053 gift tax exclusion under 26 USC 2503(b), as amended from time to time,  
1054 without regard to whether the federal gift tax exclusion applies to the  
1055 gift, or if the principal's spouse agrees to consent to a split gift  
1056 pursuant to 26 USC 2513, as amended from time to time, in an amount  
1057 per donee not to exceed twice the annual federal gift tax exclusion  
1058 limit; and

1059 (2) Consent, pursuant to 26 USC 2513, as amended from time to  
1060 time, to the splitting of a gift made by the principal's spouse in an  
1061 amount per donee not to exceed the aggregate annual gift tax  
1062 exclusions for both spouses.

1063 (c) An agent may make a gift of the principal's property only as the  
1064 agent determines is consistent with the principal's objectives if actually  
1065 known by the agent and, if unknown, as the agent determines is  
1066 consistent with the principal's best interest based on all relevant  
1067 factors, including:

1068 (1) The value and nature of the principal's property;

1069 (2) The principal's foreseeable obligations and need for  
1070 maintenance;

1071 (3) Minimization of taxes, including income, estate, inheritance,  
1072 generation skipping transfer and gift taxes;

1073 (4) Eligibility for a benefit, a program, or assistance under a federal  
1074 or state statute or regulation; and

1075 (5) The principal's personal history of making or joining in making  
1076 gifts.

1077 Sec. 41. (NEW) (*Effective October 1, 2015*) A document substantially



1106 state otherwise in the special instructions.

1107 If you have questions about the power of attorney or the authority  
1108 you are granting to your agent, you should seek legal advice before  
1109 signing this form.

1110 DESIGNATION OF AGENT

1111 I \_\_\_\_\_ name the following person  
1112 (Name of Principal)

1113

1114 as my agent:

1115 Name of Agent: \_\_\_\_\_

1116 Agent's Address: \_\_\_\_\_

1117 DESIGNATION OF SUCCESSOR AGENT(S) (OPTIONAL)

1118 If my agent is unable or unwilling to act for me, I name as my  
1119 successor agent:

1120 Name of Successor Agent: \_\_\_\_\_

1121 Successor Agent's Address: \_\_\_\_\_

1122 If my successor agent is unable or unwilling to act for me, I name as  
1123 my second successor agent:

1124 Name of Second Successor Agent: \_\_\_\_\_

1125 Second Successor Agent's Address: \_\_\_\_\_

1126 GRANT OF GENERAL AUTHORITY

1127 I grant my agent and any successor agent general authority to act  
1128 for me with respect to the following subjects as defined in the  
1129 Connecticut Uniform Power of Attorney Act, sections 1 to 45,  
1130 inclusive, of this act:

1131 (INITIAL each subject you want to include in the agent's general  
1132 authority. If you wish to grant general authority over all of the subjects  
1133 you may initial "All Preceding Subjects" instead of initialing each  
1134 subject.)

1135  Real Property

1136  Tangible Personal Property

1137  Stocks and Bonds

1138  Commodities and Options

1139  Banks and Other Financial Institutions

1140  Operation of Entity or Business

1141  Insurance and Annuities

1142  Estates, Trusts and Other Beneficial Interests

1143  Claims and Litigation

1144  Personal and Family Maintenance

1145  Benefits from Governmental Programs or Civil or Military  
1146 Service

1147  Retirement Plans

1148  Taxes

1149  All Preceding Subjects

1150 GRANT OF SPECIFIC AUTHORITY (OPTIONAL)

1151 My agent MAY NOT do any of the following specific acts for me  
1152 UNLESS I have INITIALED the specific authority listed below:

1153 (CAUTION: Granting any of the following will give your agent the

1154 authority to take actions that could significantly reduce your property  
1155 or change how your property is distributed at your death. INITIAL  
1156 ONLY the specific authority you WANT to give your agent.)

1157 YOU SHOULD SEEK LEGAL ADVICE BEFORE INCLUDING THE  
1158 FOLLOWING POWERS.

1159 (\_\_\_) Make a gift, subject to the limitations of the Connecticut  
1160 Uniform Power of Attorney Act and any special instructions in this  
1161 power of attorney. Unless otherwise provided in the special  
1162 instructions, gifts per recipient may not exceed the annual dollar limits  
1163 of the federal gift tax exclusion under Internal Revenue Code Section  
1164 2503(b), or if the principal's spouse agrees to consent to a split gift  
1165 pursuant to Internal Revenue Code Section 2513, in an amount per  
1166 recipient not to exceed twice the annual federal gift tax exclusion limit.  
1167 In addition, an agent must determine that gifts are consistent with the  
1168 principal's objectives if actually known by the agent and, if unknown,  
1169 as the agent determines is consistent with the principal's best interest  
1170 based on all relevant factors.

1171 (\_\_\_) Create or change rights of survivorship

1172 (\_\_\_) Create or change a beneficiary designation

1173 (\_\_\_) Authorize another person to exercise the authority granted  
1174 under this power of attorney

1175 (\_\_\_) Waive the principal's right to be a beneficiary of a joint and  
1176 survivor annuity, including a survivor benefit under a retirement plan

1177 (\_\_\_) Exercise fiduciary powers that the principal has authority to  
1178 delegate

1179 (\_\_\_) Disclaim or refuse an interest in property, including a power  
1180 of appointment

1181 LIMITATION ON AGENT'S AUTHORITY

1182 An agent that is not my ancestor, spouse, or descendant MAY NOT  
1183 use my property to benefit the agent or a person to whom the agent  
1184 owes an obligation of support unless I have included that authority in  
1185 the special instructions.

1186 SPECIAL INSTRUCTIONS (OPTIONAL)

1187 You may give special instructions on the following lines:

1188 \_\_\_\_\_  
1189 \_\_\_\_\_  
1190 \_\_\_\_\_  
1191 \_\_\_\_\_  
1192 \_\_\_\_\_  
1193 \_\_\_\_\_

1194 I approve these special instructions

1195 \_\_\_\_\_  
1196 Your Signature Date

1197 EFFECTIVE DATE

1198 This power of attorney is effective immediately unless I have stated  
1199 otherwise in the special instructions.

1200 NOMINATION OF CONSERVATOR (OPTIONAL)

1201 Initial below if you want to include the following provision(s):

1202 (\_\_\_) I hereby nominate the same person(s) that I have named as my  
1203 agent(s) under this power of attorney as conservator(s) of my estate if  
1204 it becomes necessary for a court to appoint a conservator of my estate.

1205 (\_\_\_) In the event that a court appoints my agent(s) as my  
1206 conservator(s), I request that my conservator(s) not be required to post  
1207 a bond.

1208 RELIANCE ON THIS POWER OF ATTORNEY

1209 Any person, including my agent, may rely upon the validity of this  
1210 power of attorney or a copy of it unless that person knows it has  
1211 terminated or is invalid.

1212 SIGNATURE AND ACKNOWLEDGMENT

1213 Signed in the presence of:

1214 \_\_\_\_\_  
1215 Witness Signature                      Your Signature                      Date

1216 \_\_\_\_\_  
1217 Witness Signature                      Your Signature                      Date

1218 Your Name Printed  
1219 \_\_\_\_\_

1220 \_\_\_\_\_  
1221 Your Address

1222 \_\_\_\_\_  
1223 Your Telephone Number

1224 State of \_\_\_\_\_

1225 County of \_\_\_\_\_

1226 This document was acknowledged before me On \_\_\_\_\_

1227 \_\_\_\_\_ (Date)

1228 by \_\_\_\_\_.

1229 (Name of Principal)

1230 \_\_\_\_\_ (Seal, if any)

1231 Signature of Commissioner of Superior Court/Notary

1232 My commission expires: \_\_\_\_\_

1233 **IMPORTANT INFORMATION FOR AGENT**

1234 **Agent's Duties**

1235 When you accept the authority granted under this power of  
1236 attorney, a special legal relationship is created between you and the  
1237 principal. This relationship continues until you resign or the power of  
1238 attorney is terminated or revoked. You must:

1239 (1) Do what you know the principal reasonably expects you to do  
1240 with the principal's property or, if you do not know the principal's  
1241 expectations, act in the principal's best interest;

1242 (2) Act in good faith;

1243 (3) Do nothing beyond the authority granted in this power of  
1244 attorney; and

1245 (4) Disclose your identity as an agent whenever you act for the  
1246 principal by writing or printing the name of the principal and signing  
1247 your own name as "agent" in the following manner:

1248 (Principal's Name) by (Your Signature) as Agent

1249 Unless the special instructions in this power of attorney state  
1250 otherwise, you must also:

- 1251 (1) Act loyally for the principal's benefit;
- 1252 (2) Avoid conflicts that would impair your ability to act in the  
1253 principal's best interest;
- 1254 (3) Act with care, competence, and diligence;
- 1255 (4) Keep a record of all receipts, disbursements, and transactions  
1256 made on behalf of the principal;
- 1257 (5) Cooperate with any person that has authority to make health  
1258 care decisions for the principal to do what you know the principal  
1259 reasonably expects or, if you do not know the principal's expectations,  
1260 to act in the principal's best interest; and
- 1261 (6) Attempt to preserve the principal's estate plan if you know the  
1262 plan and preserving the plan is consistent with the principal's best  
1263 interest.

1264 Termination of Agent's Authority

1265 You must stop acting on behalf of the principal if you learn of any  
1266 event that terminates this power of attorney or your authority under  
1267 this power of attorney. Events that terminate a power of attorney or  
1268 your authority to act under a power of attorney include:

- 1269 (1) Death of the principal;
- 1270 (2) The principal's revocation of the power of attorney or your  
1271 authority;
- 1272 (3) The occurrence of a termination event stated in the power of  
1273 attorney;
- 1274 (4) The purpose of the power of attorney is fully accomplished; or
- 1275 (5) If you are married to the principal, a legal action is filed with a  
1276 court to end your marriage, or for your legal separation, unless the

1277 special instructions in this power of attorney state that such an action  
1278 will not terminate your authority.

1279 Liability of Agent

1280 The meaning of the authority granted to you is defined in the  
1281 Connecticut Uniform Power of Attorney Act, sections 1 to 45,  
1282 inclusive, of this act. If you violate the Connecticut Uniform Power of  
1283 Attorney Act, sections 1 to 45, inclusive, of this act or act outside the  
1284 authority granted, you may be liable for any damages caused by your  
1285 violation.

1286 If there is anything about this document or your duties that you do  
1287 not understand, you should seek legal advice.

1288 Sec. 42. (NEW) (*Effective October 1, 2015*) The following optional  
1289 form may be used by an agent to certify facts concerning a power of  
1290 attorney.

1291 AGENT'S CERTIFICATION AS TO THE  
1292 VALIDITY OF POWER OF ATTORNEY AND AGENT'S  
1293 AUTHORITY

1294 State of \_\_\_\_\_

1295 County of \_\_\_\_\_

1296 I, \_\_\_\_\_ (Name of Agent), certify under penalty of  
1297 false statement that \_\_\_\_\_ (Name of Principal) granted  
1298 me authority as an agent or successor agent in a power of attorney  
1299 dated \_\_\_\_\_.

1300 I further certify that to my knowledge:

1301 (1) the Principal is alive and has not revoked the Power of Attorney  
1302 or my authority to act under the Power of Attorney and the Power of  
1303 Attorney and my authority to act under the Power of Attorney have

1304 not terminated;

1305 (2) if the Power of Attorney was drafted to become effective upon  
1306 the happening of an event or contingency, the event or contingency  
1307 has occurred;

1308 (3) if I was named as a successor agent, the prior agent is no longer  
1309 able or willing to serve; and

1310 (4) \_\_\_\_\_

1311 \_\_\_\_\_

1312 \_\_\_\_\_

1313 \_\_\_\_\_

1314 (Insert other relevant statements)

1315 SIGNATURE AND ACKNOWLEDGMENT

1316 \_\_\_\_\_

1317 Agent's Signature Date

1318 \_\_\_\_\_

1319 Agent's Name Printed

1320 \_\_\_\_\_

1321 \_\_\_\_\_

1322 Agent's Address

1323 \_\_\_\_\_

1324 Agent's Telephone Number

1325 This document was acknowledged before me on \_\_\_\_\_,

1326 (Date)

1327 by \_\_\_\_\_.

1328 (Name of Agent)

1329 \_\_\_\_\_ (Seal, if any)

1330 Signature of Commissioner of Superior Court/Notary

1331 My commission expires: \_\_\_\_\_

1332 Sec. 43. (NEW) (*Effective October 1, 2015*) In applying and construing  
1333 the provisions of sections 1 to 45, inclusive, of this act, consideration  
1334 must be given to the need to promote uniformity of the law with  
1335 respect to its subject matter among the states that enact it.

1336 Sec. 44. (NEW) (*Effective October 1, 2015*) Sections 1 to 45, inclusive,  
1337 of this act modify, limit, and supersede the federal Electronic  
1338 Signatures in Global and National Commerce Act, 15 USC 7001 et seq.,  
1339 but do not modify, limit, or supersede Section 101(c) of that act, 15  
1340 USC 7001(c), or authorize electronic delivery of any of the notices  
1341 described in Section 3(b) of that act, 15 USC 7003(b).

1342 Sec. 45. (NEW) (*Effective October 1, 2015*) (a) Except as otherwise  
1343 provided in sections 1 to 45, inclusive, of this act, on October 1, 2014,  
1344 said sections apply to:

1345 (1) A power of attorney created before, on, or after October 1, 2014;

1346 (2) A judicial proceeding concerning a power of attorney  
1347 commenced on or after October 1, 2014;

1348 (3) A judicial proceeding concerning a power of attorney  
1349 commenced before October 1, 2014, unless the court finds that  
1350 application of a provision of sections 1 to 45, inclusive, of this act  
1351 would substantially interfere with the effective conduct of the judicial  
1352 proceeding or prejudice the rights of a party, in which case that  
1353 provision does not apply and the superseded law applies; and

1354 (b) An act performed by an agent under a power of attorney before  
1355 October 1, 2014, is not affected by sections 1 to 45, inclusive, of this act.

1356 Sec. 46. Subsection (a) of section 45a-98 of the general statutes is  
1357 repealed and the following is substituted in lieu thereof (*Effective*  
1358 *October 1, 2015*):

1359 (a) Courts of probate in their respective districts shall have the  
1360 power to (1) grant administration of intestate estates of persons who  
1361 have died domiciled in their districts and of intestate estates of persons  
1362 not domiciled in this state which may be granted as provided by  
1363 section 45a-303; (2) admit wills to probate of persons who have died  
1364 domiciled in their districts or of nondomiciliaries whose wills may be  
1365 proved in their districts as provided in section 45a-287; (3) except as  
1366 provided in section 45a-98a or as limited by an applicable statute of  
1367 limitations, determine title or rights of possession and use in and to  
1368 any real, tangible or intangible property that constitutes, or may  
1369 constitute, all or part of any trust, any decedent's estate, or any estate  
1370 under control of a guardian or conservator, which trust or estate is  
1371 otherwise subject to the jurisdiction of the Probate Court, including the  
1372 rights and obligations of any beneficiary of the trust or estate and  
1373 including the rights and obligations of any joint tenant with respect to  
1374 survivorship property; (4) except as provided in section 45a-98a,  
1375 construe the meaning and effect of any will or trust agreement if a  
1376 construction is required in connection with the administration or  
1377 distribution of a trust or estate otherwise subject to the jurisdiction of  
1378 the Probate Court, or, upon petition from a beneficiary as defined in  
1379 section 45a-175, as amended by this act, with respect to an inter vivos  
1380 trust, if that trust is or could be subject to jurisdiction of the court for  
1381 an accounting pursuant to section 45a-175, as amended by this act,  
1382 provided such an accounting need not be required; (5) except as  
1383 provided in section 45a-98a, apply the doctrine of cy pres or  
1384 approximation; (6) to the extent provided for in section 45a-175, as  
1385 amended by this act, call executors, administrators, trustees,  
1386 guardians, conservators, persons appointed to sell the land of minors,  
1387 and [attorneys-in-fact] agents acting under powers of attorney created  
1388 in accordance with [section 45a-562] sections 1 to 45, inclusive, of this

1389 act, to account concerning the estates entrusted to their charge or for  
1390 other relief as provided in sections 1 to 45, inclusive, of this act; and (7)  
1391 make any lawful orders or decrees to carry into effect the power and  
1392 jurisdiction conferred upon them by the laws of this state.

1393       Sec. 47. Section 45a-175 of the general statutes is repealed and the  
1394 following is substituted in lieu thereof (*Effective October 1, 2015*):

1395       (a) Courts of probate shall have jurisdiction of the interim and final  
1396 accounts of testamentary trustees, trustees appointed by the courts of  
1397 probate, conservators, guardians, persons appointed by probate courts  
1398 to sell the land of minors, executors, administrators and trustees in  
1399 insolvency, and, to the extent provided for in this section, shall have  
1400 jurisdiction of accounts of the actions of trustees of inter vivos trusts  
1401 and [attorneys-in-fact] agents acting under powers of attorney.

1402       (b) A trustee or settlor of an inter vivos trust or an attorney-in-fact  
1403 or the successor of the trustee, settlor [or attorney-in-fact or the grantor  
1404 of such power of attorney] or his legal representative may make  
1405 application to the court of probate for the district where the trustee, or  
1406 any one of them, [or the attorney-in-fact] has any place of business or  
1407 to the court of probate for the district where the trustee or any one of  
1408 them or the settlor [or the attorney-in-fact or the grantor of the power]  
1409 resides or, in the case of a deceased settlor, [or grantor,] to the court of  
1410 probate having jurisdiction over the estate of the settlor [or grantor] or  
1411 for the district in which the settlor [or grantor] resided immediately  
1412 prior to death for submission to the jurisdiction of the court of an  
1413 account for allowance of the trustee's [or attorney's] actions under such  
1414 trust. [or power.]

1415       (c) (1) Any beneficiary of an inter vivos trust may petition a court of  
1416 probate having jurisdiction under this section for an accounting by the  
1417 trustee or trustees. The court may, after hearing with notice to all  
1418 interested parties, grant the petition and require an accounting for  
1419 such periods of time as it determines are reasonable and necessary on

1420 finding that: (A) The beneficiary has an interest in the trust sufficient to  
1421 entitle him to an accounting, (B) cause has been shown that an  
1422 accounting is necessary, and (C) the petition is not for the purpose of  
1423 harassment.

1424 (2) A court of probate shall have jurisdiction to require an  
1425 accounting under subdivision (1) of this subsection if (A) a trustee of  
1426 the trust resides in its district, (B) in the case of a corporate trustee, the  
1427 trustee has any place of business in the district, (C) any of the trust  
1428 assets are maintained or evidences of intangible property of the trust  
1429 are situated in the district, or (D) the settlor resides in the district or, in  
1430 the case of a deceased settlor, resided in the district immediately prior  
1431 to death.

1432 (3) As used in subdivision (1) of this subsection, "beneficiary" means  
1433 any person currently receiving payments of income or principal from  
1434 the trust, or who may be entitled to receive income or principal or both  
1435 from the trust at some future date, or the legal representative of such  
1436 person.

1437 (d) Any of the persons specified in section 16 of this act may make  
1438 application to the court of probate for the district where the agent has  
1439 any place of business or to the court of probate for the district where  
1440 the agent or the principal resides or, in the case of a deceased principal,  
1441 to the court of probate having jurisdiction over the estate of the  
1442 principal or for the district in which the principal resided immediately  
1443 prior to death, for an accounting or other relief as provided in  
1444 section 16 of this act. The court shall grant the petition if filed by the  
1445 principal, agent, guardian, conservator or other fiduciary acting for the  
1446 principal. The court may grant a petition filed by any other person  
1447 specified in section 16 of this act if it finds that (1) the petitioner has an  
1448 interest sufficient to entitle him to the relief requested, (2) cause has  
1449 been shown that such relief is necessary, and (3) the petition is not for  
1450 the purpose of harassment.

1451        [(d)] (e) The action to submit an accounting to the court, whether by  
1452 an inter vivos trustee or [attorney] agent acting under a power of  
1453 attorney or whether pursuant to petition of another party, shall not  
1454 subject the trust or the power of attorney to the continuing jurisdiction  
1455 of the Probate Court.

1456        [(e)] (f) If the court finds such appointment to be necessary and in  
1457 the best interests of the estate, the court upon its own motion may  
1458 appoint an auditor to be selected from a list provided by the Probate  
1459 Court Administrator, to examine accounts over which the court has  
1460 jurisdiction under this section, except those accounts on matters in  
1461 which the fiduciary or cofiduciary is a corporation having trust  
1462 powers. The Probate Court Administrator shall promulgate  
1463 regulations in accordance with section 45a-77 concerning the  
1464 compilation of a list of qualified auditors. Costs of the audit may be  
1465 charged to the fiduciary, any party in interest and the estate, in such  
1466 proportion as the court shall direct if the court finds such charge to be  
1467 equitable. Any such share may be paid from the fund established  
1468 under section 45a-82, subject to the approval of the Probate Court  
1469 Administrator, if it is determined that the person obligated to pay such  
1470 share is unable to pay or to charge such amount to the estate would  
1471 cause undue hardship.

1472        [(f)] (g) Upon the allowance of any such account, the court shall  
1473 determine the rights of the fiduciaries or the [attorney-in-fact] agent  
1474 under a power of attorney rendering the account and of the parties  
1475 interested in the account, including the relief authorized under section  
1476 17 of this act, subject to appeal as in other cases. The court shall cause  
1477 notice of the hearing on the account to be given in such manner and to  
1478 such parties as it directs.

1479        [(g)] (h) In any action under this section, the Probate Court shall  
1480 have, in addition to powers pursuant to this section, all the powers  
1481 available to a judge of the Superior Court at law and in equity  
1482 pertaining to matters under this section.

1483 Sec. 48. Subsection (b) of section 45a-645 of the general statutes is  
1484 repealed and the following is substituted in lieu thereof (*Effective*  
1485 *October 1, 2015*):

1486 (b) The designation shall be executed, witnessed and revoked in the  
1487 same manner as provided for wills in sections 45a-251 and 45a-257, or  
1488 a power of attorney executed in accordance with section 5 of this act,  
1489 except that any person who is so designated as a conservator shall not  
1490 qualify as a witness.

1491 Sec. 49. Section 45a-650 of the general statutes is repealed and the  
1492 following is substituted in lieu thereof (*Effective October 1, 2015*):

1493 (a) At any hearing on an application for involuntary representation,  
1494 before the court receives any evidence regarding the condition of the  
1495 respondent or of the respondent's affairs, the court shall require clear  
1496 and convincing evidence that the court has jurisdiction, that the  
1497 respondent has been given notice as required in section 45a-649, and  
1498 that the respondent has been advised of the right to retain an attorney  
1499 pursuant to section 45a-649a and is either represented by an attorney  
1500 or has waived the right to be represented by an attorney. The  
1501 respondent shall have the right to attend any hearing held under this  
1502 section.

1503 (b) The rules of evidence applicable to civil matters in the Superior  
1504 Court shall apply to all hearings pursuant to this section. All testimony  
1505 at a hearing held pursuant to this section shall be given under oath or  
1506 affirmation.

1507 (c) (1) After making the findings required under subsection (a) of  
1508 this section, the court shall receive evidence regarding the respondent's  
1509 condition, the capacity of the respondent to care for himself or herself  
1510 or to manage his or her affairs, and the ability of the respondent to  
1511 meet his or her needs without the appointment of a conservator.  
1512 Unless waived by the court pursuant to subdivision (2) of this  
1513 subsection, medical evidence shall be introduced from one or more

1514 physicians licensed to practice medicine in this state who have  
1515 examined the respondent not more than forty-five days prior to the  
1516 hearing, except that for a person with intellectual disability, as defined  
1517 in section 1-1g, psychological evidence may be introduced in lieu of  
1518 such medical evidence from a psychologist licensed pursuant to  
1519 chapter 383 who has examined the respondent not more than forty-five  
1520 days prior to the hearing. The evidence shall contain specific  
1521 information regarding the respondent's condition and the effect of the  
1522 respondent's condition on the respondent's ability to care for himself  
1523 or herself or to manage his or her affairs. The court may also consider  
1524 such other evidence as may be available and relevant, including, but  
1525 not limited to, a summary of the physical and social functioning level  
1526 or ability of the respondent, and the availability of support services  
1527 from the family, neighbors, community or any other appropriate  
1528 source. Such evidence may include, if available, reports from the social  
1529 work service of a general hospital, municipal social worker, director of  
1530 social service, public health nurse, public health agency, psychologist,  
1531 coordinating assessment and monitoring agencies, or such other  
1532 persons as the court considers qualified to provide such evidence.

1533 (2) The court may waive the requirement that medical evidence be  
1534 presented if it is shown that the evidence is impossible to obtain  
1535 because of the absence of the respondent or the respondent's refusal to  
1536 be examined by a physician or that the alleged incapacity is not  
1537 medical in nature. If such requirement is waived, the court shall make  
1538 a specific finding in any decree issued on the application stating why  
1539 medical evidence was not required.

1540 (3) Any hospital, psychiatric, psychological or medical record or  
1541 report filed with the court pursuant to this subsection shall be  
1542 confidential.

1543 (d) Upon the filing of an application for involuntary representation  
1544 pursuant to section 45a-648, the court shall issue an order for the  
1545 disclosure of the medical information required pursuant to this section

1546 and any psychological information submitted with respect to a person  
1547 with intellectual disability pursuant to subsection (c) of this section to  
1548 the respondent's attorney and, upon request, to the respondent. The  
1549 court may issue an order for the disclosure of such information to any  
1550 other person as the court determines necessary.

1551 (e) Notwithstanding the provisions of section 45a-7, the court may  
1552 hold the hearing on the application at a place other than its usual  
1553 courtroom if it would facilitate attendance by the respondent.

1554 (f) (1) If the court finds by clear and convincing evidence that the  
1555 respondent is incapable of managing the respondent's affairs, that the  
1556 respondent's affairs cannot be managed adequately without the  
1557 appointment of a conservator and that the appointment of a  
1558 conservator is the least restrictive means of intervention available to  
1559 assist the respondent in managing the respondent's affairs, the court  
1560 may appoint a conservator of his or her estate after considering the  
1561 factors set forth in subsection (g) of this section.

1562 (2) If the court finds by clear and convincing evidence that the  
1563 respondent is incapable of caring for himself or herself, that the  
1564 respondent cannot be cared for adequately without the appointment of  
1565 a conservator and that the appointment of a conservator is the least  
1566 restrictive means of intervention available to assist the respondent in  
1567 caring for himself or herself, the court may appoint a conservator of his  
1568 or her person after considering the factors set forth in subsection (g) of  
1569 this section.

1570 (3) No conservator may be appointed if the respondent's personal  
1571 needs and property management are being met adequately by an  
1572 agency or individual appointed pursuant to section [1-43,] 19a-575a,  
1573 19a-577, 19a-580e or 19a-580g.

1574 (g) When determining whether a conservator should be appointed  
1575 the court shall consider the following factors: (1) The abilities of the  
1576 respondent; (2) the respondent's capacity to understand and articulate

1577 an informed preference regarding the care of his or her person or the  
1578 management of his or her affairs; (3) any relevant and material  
1579 information obtained from the respondent; (4) evidence of the  
1580 respondent's past preferences and life style choices; (5) the  
1581 respondent's cultural background; (6) the desirability of maintaining  
1582 continuity in the respondent's life and environment; (7) whether the  
1583 respondent had previously made adequate alternative arrangements  
1584 for the care of his or her person or for the management of his or her  
1585 affairs, including, but not limited to, the execution of a durable power  
1586 of attorney, springing power of attorney, the appointment of a health  
1587 care representative or health care agent, the execution of a living will  
1588 or trust or the execution of any other similar document; (8) any  
1589 relevant and material evidence from the respondent's family and any  
1590 other person regarding the respondent's past practices and  
1591 preferences; and (9) any supportive services, technologies or other  
1592 means that are available to assist the respondent in meeting his or her  
1593 needs.

1594 (h) The respondent or conserved person may appoint, designate or  
1595 nominate a conservator or successor conservator pursuant to section  
1596 19a-575a, 19a-580e, 19a-580g or 45a-645, as amended by this act, or  
1597 may, orally or in writing, nominate a conservator or successor  
1598 conservator who shall be appointed unless the court finds that the  
1599 appointee, designee or nominee is unwilling or unable to serve or there  
1600 is substantial evidence to disqualify such person. If there is no such  
1601 appointment, designation or nomination or if the court does not  
1602 appoint the person appointed, designated or nominated by the  
1603 respondent or conserved person, the court may appoint any qualified  
1604 person, authorized public official or corporation in accordance with  
1605 subsections (a) and (b) of section 45a-644. In considering whom to  
1606 appoint as conservator or successor conservator, the court shall  
1607 consider (1) the extent to which a proposed conservator has knowledge  
1608 of the respondent's or conserved person's preferences regarding the  
1609 care of his or her person or the management of his or her affairs, (2) the

1610 ability of the proposed conservator to carry out the duties,  
1611 responsibilities and powers of a conservator, (3) the cost of the  
1612 proposed conservatorship to the estate of the respondent or conserved  
1613 person, (4) the proposed conservator's commitment to promoting the  
1614 respondent's or conserved person's welfare and independence, and (5)  
1615 any existing or potential conflicts of interest of the proposed  
1616 conservator.

1617 (i) If the court appoints a conservator of the estate of the respondent,  
1618 the court shall require a probate bond. The court may, if it considers it  
1619 necessary for the protection of the respondent, require a bond of any  
1620 conservator of the person appointed under this section.

1621 (j) Absent the court's order to the contrary and except as otherwise  
1622 provided in subsection (b) of section 19a-580e, a conservator appointed  
1623 pursuant to this section shall be bound by all health care decisions  
1624 properly made by the conserved person's health care representative.

1625 (k) In assigning the duties of a conservator under this section the  
1626 court may, in accordance with section 8 of this act, limit, suspend or  
1627 terminate the authority of an agent designated by the conserved  
1628 person to act under a power of attorney.

1629 ~~[(k) A]~~ (l) Except as provided in subsection (k) of this section, a  
1630 conserved person and his agent under a power of attorney shall retain  
1631 all rights and authority not expressly assigned to the conservator.

1632 ~~[(l)]~~ (m) The court shall assign to a conservator appointed under this  
1633 section only the duties and authority that are the least restrictive  
1634 means of intervention necessary to meet the needs of the conserved  
1635 person. The court shall find by clear and convincing evidence that such  
1636 duties and authority restrict the decision-making authority of the  
1637 conserved person only to the extent necessary to provide for the  
1638 personal needs or property management of the conserved person. Such  
1639 personal needs and property management shall be provided in a  
1640 manner appropriate to the conserved person. The court shall make a

1641 finding of the clear and convincing evidence that supports the need for  
1642 each duty and authority assigned to the conservator.

1643 [(m)] (n) Nothing in this chapter shall impair, limit or diminish a  
1644 conserved person's right to retain an attorney to represent such person  
1645 or to seek redress of grievances in any court or administrative agency,  
1646 including proceedings in the nature of habeas corpus arising out of  
1647 any limitations imposed on the conserved person by court action taken  
1648 under this chapter, chapter 319i, chapter 319j or section 45a-242. In any  
1649 other proceeding in which the conservator has retained counsel for the  
1650 conserved person, the conserved person may request the Court of  
1651 Probate to direct the conservator to substitute an attorney chosen by  
1652 the conserved person.

1653 Sec. 50. Section 47-5 of the general statutes is repealed and the  
1654 following is substituted in lieu thereof (*Effective October 1, 2015*):

1655 (a) All conveyances of land shall be: (1) In writing; (2) if the grantor  
1656 is a natural person, subscribed, with or without a seal, by the grantor  
1657 with his own hand or with his mark with his name annexed to it or by  
1658 his [attorney] agent authorized for that purpose by a power executed,  
1659 acknowledged and witnessed in the manner provided for conveyances  
1660 or, if the grantor is a corporation, limited liability company or  
1661 partnership, subscribed by a duly authorized person; (3)  
1662 acknowledged by the grantor, his [attorney] agent or such duly  
1663 authorized person (A) to be his free act and deed, or (B) in any manner  
1664 permitted under chapter 6 or chapter 8; and (4) attested to by two  
1665 witnesses with their own hands.

1666 (b) A document conveying land shall also include the current  
1667 mailing address of the grantee.

1668 (c) In addition to the requirements of subsection (a) of this section,  
1669 the execution of a deed or other conveyance of real property pursuant  
1670 to a power of attorney shall be deemed sufficient if done in  
1671 substantially the following form:

1672 Name of Owner of Record

1673 By: (Signature of [Attorney-in-Fact] Agent) L.S.

1674 Name of Signatory

1675 His/Her [Attorney-in-Fact] Agent

1676 (d) Nothing in subsection (c) of this section precludes the use of any  
1677 other legal form of execution of deed or other conveyance of real  
1678 property.

1679 Sec. 51. Subsection (c) of section 19a-580f of the general statutes is  
1680 repealed and the following is substituted in lieu thereof (*Effective*  
1681 *October 1, 2015*):

1682 (c) A power of attorney for health care decisions properly executed  
1683 prior to October 1, 2006, shall have the same power and effect as  
1684 provided under section 1-55, revision of 1958 revised to January 1,  
1685 2015, in effect at the time of its execution.

1686 Sec. 52. Section 45a-582 of the general statutes is repealed and the  
1687 following is substituted in lieu thereof (*Effective October 1, 2015*):

1688 An interest that exists on October 1, 1981, as to which, if a present  
1689 interest, the time for delivering a disclaimer under [section 45a-562,]  
1690 subsections (3) and (35) of section 45a-234, subsections (4) and (19) of  
1691 section 45a-235, and sections 45a-578 to 45a-584, inclusive, has not  
1692 expired or, if a future interest, the interest has not become indefeasibly  
1693 vested or the taker finally ascertained, may be disclaimed within nine  
1694 months after October 1, 1981.

1695 Sec. 53. Sections 1-42 to 1-56, inclusive, of the general statutes,  
1696 sections 1-56h to 1-56k, inclusive, of the general statutes and section  
1697 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>	New section
Sec. 2	<i>October 1, 2015</i>	New section
Sec. 3	<i>October 1, 2015</i>	New section
Sec. 4	<i>October 1, 2015</i>	New section
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>	45a-98(a)
Sec. 47	<i>October 1, 2015</i>	45a-175
Sec. 48	<i>October 1, 2015</i>	45a-645(b)
Sec. 49	<i>October 1, 2015</i>	45a-650
Sec. 50	<i>October 1, 2015</i>	47-5
Sec. 51	<i>October 1, 2015</i>	19a-580f(c)
Sec. 52	<i>October 1, 2015</i>	45a-582
Sec. 53	<i>October 1, 2015</i>	Repealer section

**Statement of Purpose:**

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

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