



General Assembly

January Session, 2015

***Raised Bill No. 6928***

LCO No. 4213



Referred to Committee on JUDICIARY

Introduced by:  
(JUD)

***AN ACT CONCERNING THE UNIFORM RECOGNITION OF  
SUBSTITUTE DECISION-MAKING DOCUMENTS 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 10,  
2 inclusive, of this act may be cited as the "Connecticut Uniform  
3 Recognition of Substitute Decision-Making Documents Act".

4 Sec. 2. (NEW) (*Effective October 1, 2015*) As used in sections 1 to 10,  
5 inclusive, of this act:

6 (1) "Decision maker" means a person authorized to act for an  
7 individual under a substitute decision-making document, whether  
8 denominated a decision maker, agent, attorney-in-fact, proxy or  
9 representative or by another title. "Decision maker" includes an  
10 original decision maker, a co-decision maker, a successor decision  
11 maker and a person to which a decision maker's authority is delegated;

12 (2) "Good faith" means honesty in fact;

13 (3) "Health care" means a service or procedure to maintain,  
14 diagnose, treat or otherwise affect an individual's physical or mental  
15 condition;

16 (4) "Person" means an individual, estate, business or nonprofit  
17 entity, public corporation, government or governmental subdivision,  
18 agency or instrumentality, or other legal entity;

19 (5) "Personal care" means an arrangement or service to provide an  
20 individual shelter, food, clothing, transportation, education, recreation,  
21 social contact or assistance with the activities of daily living;

22 (6) "Property" means anything that may be subject to ownership,  
23 whether real or personal or legal or equitable, or any interest or right  
24 therein;

25 (7) "Record" means information that is inscribed on a tangible  
26 medium or that is stored in an electronic or other medium and is  
27 retrievable in perceivable form; and

28 (8) "Substitute decision-making document" means a record created  
29 by an individual to authorize a decision maker to act for the individual  
30 with respect to property, health care or personal care.

31 Sec. 3. (NEW) (*Effective October 1, 2015*) (a) A substitute decision-  
32 making document for property executed outside this state is valid in  
33 this state if, when the document was executed, the execution complied  
34 with the law of the jurisdiction indicated in the document or, if no  
35 jurisdiction is indicated, the law of the jurisdiction in which the  
36 document was executed.

37 (b) A substitute decision-making document for health care or  
38 personal care, including the appointment of a health care  
39 representative, executed outside this state is valid in this state if, when  
40 the document was executed, the execution complied with: (1) The law  
41 of the jurisdiction indicated in the document or, if no jurisdiction is

42 indicated, the law of the jurisdiction in which the document was  
43 executed; or (2) the law of this state, other than sections 1 to 10,  
44 inclusive, of this act.

45 (c) Except as otherwise provided by law, other than sections 1 to 10,  
46 inclusive, of this act, a photocopy or electronically transmitted copy of  
47 an original substitute decision-making document has the same effect as  
48 the original.

49 Sec. 4. (NEW) (*Effective October 1, 2015*) The meaning and effect of a  
50 substitute decision-making document and the authority of the decision  
51 maker are determined by the law of the jurisdiction indicated in the  
52 document or, if no jurisdiction is indicated, the law of the jurisdiction  
53 in which the document was executed.

54 Sec. 5. (NEW) (*Effective October 1, 2015*) (a) Except as provided in  
55 subsection (f) of section 1-56b, section 19a-579b and subsection (g) of  
56 section 19a-580 of the general statutes, a person that in good faith  
57 accepts a substitute decision-making document without actual  
58 knowledge that the document is void, invalid or terminated, or that  
59 the authority of the purported decision maker is void, invalid or  
60 terminated, may assume without inquiry that the document is  
61 genuine, valid and still in effect and that the decision maker's authority  
62 is genuine, valid and still in effect.

63 (b) A person who is asked to accept a substitute decision-making  
64 document may request and without further investigation rely on:

65 (1) The decision maker's assertion of a fact concerning the  
66 individual for whom a decision will be made, the decision maker or  
67 the document;

68 (2) A translation of the document if the document contains, in whole  
69 or in part, language other than English; and

70 (3) An opinion of counsel regarding any matter of law concerning

71 the document if the person provides in a record the reason for the  
72 request.

73 Sec. 6. (NEW) (*Effective October 1, 2015*) (a) Except as otherwise  
74 provided in subsection (b) of this section, or by law of this state other  
75 than sections 1 to 5, inclusive, of this act, and sections 7 to 10, inclusive,  
76 of this act, a person who is asked to accept a substitute decision-  
77 making document shall accept within a reasonable time a document  
78 that purportedly meets the validity requirements of section 3 of this  
79 act. The person may not require an additional or different form of  
80 document for authority granted in the document presented.

81 (b) A person that is asked to accept a substitute decision-making  
82 document is not required to accept the document if:

83 (1) The person otherwise would not be required in the same  
84 circumstances to act if requested by the individual who executed the  
85 document;

86 (2) The person has actual knowledge of the termination of the  
87 decision maker's authority or the document;

88 (3) The person's request under subsection (b) of section 5 of this act  
89 for the decision maker's assertion of fact, a translation or an opinion of  
90 counsel is refused;

91 (4) The person in good faith believes that the document is not valid  
92 or the decision maker does not have the authority to request a  
93 particular transaction or action; or

94 (5) The person makes, or has actual knowledge that another person  
95 has made, a report to the Office of Protection and Advocacy for  
96 Persons with Disabilities or the Department of Social Services stating a  
97 belief that the individual for whom a decision will be made may be  
98 subject to abuse, neglect, exploitation or abandonment by the decision  
99 maker or a person acting for or with the decision maker.

100 (c) A person that in violation of this section refuses to accept a  
101 substitute decision-making document is subject to:

102 (1) A court order mandating acceptance of the document; and

103 (2) Liability for reasonable attorney's fees and costs incurred in an  
104 action or proceeding that mandates acceptance of the document.

105 Sec. 7. (NEW) (*Effective October 1, 2015*) The remedies under sections  
106 1 to 10, inclusive, of this act are not exclusive and do not abrogate any  
107 right or remedy under law of this state, other than sections 1 to 10,  
108 inclusive, of this act.

109 Sec. 8. (NEW) (*Effective October 1, 2015*) In applying and construing  
110 sections 1 to 10, inclusive, of this uniform act, consideration must be  
111 given to the need to promote uniformity of the law with respect to its  
112 subject matter among the states that enact it.

113 Sec. 9. (NEW) (*Effective October 1, 2015*) Sections 1 to 10, inclusive, of  
114 this act, modify, limit or supersede the Electronic Signatures in Global  
115 and National Commerce Act, 15 USC 7001 et seq., but do not modify,  
116 limit or supersede Section 101(c) of said act, 15 USC 7001(c), or  
117 authorize electronic delivery of any of the notices described in Section  
118 103(b) of said act, 15 USC 7003(b).

119 Sec. 10. (NEW) (*Effective October 1, 2015*) Sections 1 to 10, inclusive,  
120 of this act apply to a substitute decision-making document created  
121 before, on or after 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

**Statement of Purpose:**

To adopt the Connecticut Uniform Recognition of Substitute Decision-Making Documents Act.

*[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.]*