



General Assembly

January Session, 2015

Raised Bill No. 1005

LCO No. 4057



Referred to Committee on AGING

Introduced by:
(AGE)

AN ACT PROTECTING ELDERLY PERSONS FROM EXPLOITATION.

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

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 Section 17b-450 of the general statutes is repealed and the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

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

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

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

11 (2) "Abuse" means, but is not limited to, the wilful infliction of
12 physical pain, injury or mental anguish, or the wilful deprivation by a
13 caretaker of services that are necessary to maintain physical and
14 mental health.

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

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

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

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

31 (B) Unauthorized taking of personal assets; or

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

105 October 1, 2015):

106 (a) [Any physician] For purposes of this subsection, "mandated
107 reporter" means a: (1) Physician or surgeon licensed under the
108 provisions of chapter 370; [any] (2) resident physician or intern in any
109 hospital in this state, whether or not so licensed; [any] (3) registered
110 nurse; [any] (4) nursing home administrator, nurse's aide or orderly
111 in a nursing home facility or residential care home; [any] (5) financial
112 agent, as defined in section 17b-450, as amended by this act; (6) person
113 paid for caring for a patient in a nursing home facility or residential
114 care home; [any] (7) staff person employed by a nursing home facility
115 or residential care home; [any] (8) professional patients' advocate; [,
116 any] (9) licensed practical nurse; [] (10) medical examiner; [] (11)
117 dentist; [] (12) optometrist; [] (13) chiropractor; [] (14) podiatrist; []
118 (15) social worker; [] (16) clergyman; [] (17) police officer; [] (18)
119 pharmacist; [] (19) psychologist; [or] (20) physical therapist; [] and
120 [any] (21) person paid for caring for an elderly person by any
121 institution, organization, agency or facility, [. Such persons shall
122 include] including, but not limited to, an employee of a (A)
123 community-based services provider, (B) senior center, (C) home care
124 agency, (D) homemaker and companion agency, (E) adult day care
125 center, (F) village-model community, [and] or (G) congregate housing
126 facility. [] Any mandated reporter who has reasonable cause to
127 suspect or believe that any elderly person has been abused, neglected,
128 exploited or abandoned, or is in a condition that is the result of such
129 abuse, neglect, exploitation or abandonment, or is in need of protective
130 services, shall [, not later than seventy-two hours after such suspicion
131 or belief arose,] report such information, or cause a report to be made
132 in any reasonable manner, not later than seventy-two hours after such
133 suspicion or belief arose to the Commissioner of Social Services or to
134 the person or persons designated by the commissioner to receive such
135 reports. Any [person required to report under the provisions of this
136 section] mandated reporter who fails to make such report within the
137 prescribed time period shall be fined not more than five hundred

138 dollars, except that, if such [person] mandated reporter intentionally
139 fails to make such report within the prescribed time period, such
140 person shall be guilty of a class C misdemeanor for the first offense
141 and a class A misdemeanor for any subsequent offense. Any
142 institution, organization, agency or facility employing mandated
143 reporters or other individuals to care for persons sixty years of age or
144 older shall provide mandatory training on detecting potential abuse,
145 [and] neglect, exploitation or abandonment of such persons and
146 inform such employees of their obligations under this section.

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

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

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

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

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

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

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

192 Sec. 6. (NEW) (*Effective October 1, 2015*) At any time in any
193 prosecution for larceny by exploitation, as defined in section 53a-119 of
194 the general statutes, the Superior Court shall have jurisdiction to
195 render an order prohibiting the defendant from transferring, depleting
196 or otherwise alienating or diminishing any funds, assets or property
197 which there is probable cause to believe is being used or is about to be
198 used in any way that would constitute exploitation. The burden of
199 proof shall be by a preponderance of the evidence and shall be on the
200 state. A copy of the order shall be served upon the defendant. At any

201 time not later than thirty days after service of the order, the defendant
202 or any person claiming an interest in the funds, assets or property may
203 file a motion to release the funds, assets or property. The court shall
204 hold a hearing on the motion not later than ten days after the motion is
205 filed. If the prosecution of the charge is dismissed, nolleed or results in
206 acquittal, the court shall vacate the order.

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

221 (2) With respect to inheritance under the will of the deceased, or
222 rights to property as heir, devisee, legatee or beneficiary of the
223 deceased, the person whose participation in the estate of another or
224 whose right to property as such heir, devisee, legatee or beneficiary is
225 so prevented under the provisions of this section shall be considered to
226 have predeceased the deceased victim.

227 (3) With respect to property owned in joint tenancy with rights of
228 survivorship with the deceased, such final adjudication as guilty shall
229 be a severance of the joint tenancy, and shall convert the joint tenancy
230 into a tenancy in common as to the person so adjudged and the
231 deceased but not as to any remaining joint tenant or tenants, such
232 severance being effective as of the time such adjudication of guilty

233 becomes final. When such jointly owned property is real property, a
234 certified copy of the final adjudication as guilty shall be recorded by
235 the fiduciary of the deceased's estate, or may be recorded by any other
236 interested party in the land records of the town where such real
237 property is situated.

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

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

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

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

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

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

262 Sec. 8. (*Effective October 1, 2015*) (a) The Commission on Aging, in
263 consultation with the Connecticut Elder Justice Coalition Coordinating
264 Council, the Department of Social Services, the Department on Aging,
265 the Office of the Long-Term Care Ombudsman and the Chief State's
266 Attorney, shall conduct a study concerning best practices for reporting
267 and identification of the abuse, neglect, exploitation and abandonment
268 of elderly persons. The study shall review: (1) Models nationwide for
269 reporting of such abuse, neglect, exploitation or abandonment, (2)
270 standardized definitions, measurements and uniform reporting
271 mechanisms to accurately capture the nature and scope of such abuse,
272 neglect, exploitation or abandonment in the state, and (3) methods to
273 promote and coordinate communication about such reporting among
274 local and state governmental entities, including law enforcement.

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

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

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

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

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

291 (3) "Electronic" means relating to technology having electrical,

292 digital, magnetic, wireless, optical, electromagnetic or similar
293 capabilities.

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

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

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

301 (B) Is:

302 (i) Missing;

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

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

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

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

312 (8) "Presently exercisable general power of appointment" means,
313 with respect to property or a property interest subject to a power of
314 appointment, power exercisable at the time in question to vest absolute
315 ownership in the principal individually, the principal's estate, the
316 principal's creditors or the creditors of the principal's estate. The term
317 includes a power of appointment not exercisable until the occurrence
318 of a specified event, the satisfaction of an ascertainable standard, or the

319 passage of a specified period only after the occurrence of the specified
320 event, the satisfaction of the ascertainable standard, or the passage of
321 the specified period. The term does not include a power exercisable in
322 a fiduciary capacity or only by will.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

376 complied with:

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

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

381 (d) Except as otherwise provided by statute, other than sections 9 to
382 53, inclusive, of this act, or unless the power of attorney otherwise
383 provides, a photocopy or electronically transmitted copy of an original
384 power of attorney has the same effect as the original.

385 Sec. 15. (NEW) (*Effective October 1, 2015*) The meaning and effect of a
386 power of attorney is determined by the law of the jurisdiction
387 indicated in the power of attorney and, in the absence of an indication
388 of jurisdiction, by the law of the jurisdiction in which the power of
389 attorney was executed.

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

399 (b) If, after a principal executes a power of attorney, a court appoints
400 a conservator of the principal's estate or other fiduciary charged with
401 the management of some or all of the principal's property, the power
402 of attorney is suspended unless the power of attorney provides
403 otherwise or unless the court appointing the conservator decides the
404 power of attorney should continue. If the power of attorney continues,
405 the agent is accountable to the fiduciary as well as to the principal. If

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

411 Sec. 17. (NEW) (*Effective October 1, 2015*) (a) A power of attorney is
412 effective when executed unless the principal provides in the power of
413 attorney that it becomes effective at a future date or upon the
414 occurrence of a future event or contingency.

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

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

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

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

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

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

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

443 AFFIDAVIT THAT POWER OF ATTORNEY IS IN FULL FORCE
444 AND EFFECT

445 STATE OF)

446) SS:

447 COUNTY OF)

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

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

452 THAT specified contingency was:

453 THAT specified contingency has occurred.

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

455 L.S.

456

457 Witness

458

459 Witness

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

461

462 Commissioner of the Superior Court

463 Notary Public

464 My commission expires:

465 Sec. 18. (NEW) (*Effective October 1, 2015*) (a) A power of attorney
466 terminates when:

467 (1) The principal dies;

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

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

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

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

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

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

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

479 (1) The principal revokes the authority;

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

482 (3) The agent dies or resigns;

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

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

489 (i) A judge in a court proceeding;

490 (ii) Two independent physicians; or

491 (iii) A successor agent, designated in accordance with section 19 of
492 this act, if a written opinion of a physician cannot be obtained either
493 due to the refusal of an agent to be examined by a physician or due to
494 an agent's failure to execute an authorization to release medical
495 information; or

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

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

502 (6) The power of attorney terminates.

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

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

511 unenforceable, binds the principal and the principal's successors in
512 interest.

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

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

523 Sec. 19. (NEW) (*Effective October 1, 2015*) (a) A principal may
524 designate two or more persons to act as coagents. Unless the power of
525 attorney otherwise provides, each coagent may exercise its authority
526 independently. A person that in good faith accepts an acknowledged
527 power of attorney from one or more coagents without actual
528 knowledge that the power of attorney is void, invalid or terminated,
529 that the purported agent's authority is void, invalid or terminated, or
530 that the agent is exceeding or improperly exercising the agent's
531 authority may rely upon the power of attorney as if the power of
532 attorney were genuine, valid and still in effect, the agent's authority
533 were genuine, valid and still in effect, and the agent had not exceeded
534 and had properly exercised the authority.

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

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

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

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

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

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

562 Sec. 21. (NEW) (*Effective October 1, 2015*) Unless the power of
563 attorney otherwise provides, a person accepts appointment as an agent
564 under a power of attorney by exercising authority or performing
565 duties as an agent or by any other assertion or conduct indicating
566 acceptance.

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

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

572 ascertain the principal's expectations and act, otherwise, in the
573 principal's best interest;

574 (2) Act in good faith; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

606 (e) If an agent is selected by the principal because of special skills or
607 expertise possessed by the agent or in reliance on the agent's
608 representation that the agent has special skills or expertise, the special
609 skills or expertise must be considered in determining whether the
610 agent has acted with care, competence and diligence under the
611 circumstances.

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

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

619 (h) Unless the power of attorney otherwise provides, an agent is not
620 required to disclose receipts, disbursements or transactions conducted
621 on behalf of the principal unless ordered by a court or requested by the
622 principal, a guardian, a conservator, another fiduciary acting for the
623 principal, a representative of the Division of Protective Services for the
624 Elderly within the Department of Social Services having authority to
625 protect the welfare of the principal or, upon the death of the principal,
626 by the personal representative or successor in interest of the principal's
627 estate. If so requested, the agent shall comply with the request not later

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

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

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

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

642 Sec. 24. (NEW) (*Effective October 1, 2015*) (a) The following persons
643 may petition a court in accordance with subsection (d) of section 45a-
644 175 of the general statutes, as amended by this act, to construe a power
645 of attorney or review the agent's conduct, and grant appropriate relief:

646 (1) The principal or the agent;

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

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

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

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

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

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

658 (7) A representative of the Division of Protective Services for the
659 Elderly with the Department of Social Services having regulatory
660 authority to protect the welfare of the principal;

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

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

664 (b) Upon motion by the principal, the court shall dismiss a petition
665 filed under this section, unless the court finds that the principal is
666 incapacitated within the meaning set forth in subdivision (5) of section
667 10 of this act.

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

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

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

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

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

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

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

687 (B) A representative of the Division of Protective Services for the
688 Elderly within the Department of Social Services having authority to
689 protect the welfare of the principal.

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

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

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

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

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

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

711 attorney contains, in whole or in part, language other than English;
712 and

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

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

720 (f) For purposes of this section and section 28 of this act, a person
721 that conducts activities through an employee is without actual
722 knowledge of a fact relating to: (1) A power of attorney, (2) a principal,
723 or (3) an agent if the employee conducting the activity involving such
724 power of attorney, principal or agent is without actual knowledge of
725 the fact.

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

728 (1) A person shall either accept an acknowledged power of attorney
729 or request a certification a translation, or an opinion of counsel under
730 subsection (d) of section 27 of this act not later than seven business
731 days after presentation of the power of attorney for acceptance;

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

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

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

740 attorney if:

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

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

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

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

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

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

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

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

769 this act.

770 Sec. 30. (NEW) (*Effective October 1, 2015*) The provisions of sections 9
771 to 53, inclusive, of this act do not supersede any other law applicable to
772 financial institutions or other entities, and the other law controls if
773 inconsistent with the provisions of sections 9 to 53, inclusive, of this
774 act.

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

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

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

787 (2) Make a gift;

788 (3) Create or change rights of survivorship;

789 (4) Create or change a beneficiary designation;

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

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

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

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

796 (b) Notwithstanding a grant of authority to perform an act
797 described in subsection (a) of this section, unless the power of attorney
798 otherwise provides, an agent that is not an ancestor, spouse or
799 descendant of the principal may not exercise authority under a power
800 of attorney to create in the agent, or in an individual to whom the
801 agent owes a legal obligation of support, an interest in the principal's
802 property, whether by gift, right of survivorship, beneficiary
803 designation, disclaimer or otherwise.

804 (c) Subject to the provisions set forth in subsections (a), (b), (d) and
805 (e) of this section, if a power of attorney grants to an agent authority to
806 perform all acts that a principal could perform, the agent has the
807 general authority described in sections 35 to 47, inclusive, of this act.

808 (d) Unless the power of attorney otherwise provides, a grant of
809 authority to make a gift is subject to section 48 of this act.

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

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

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

823 Sec. 33. (NEW) (*Effective October 1, 2015*) (a) An agent has authority
824 described in sections 32 to 48, inclusive, of this act if the power of
825 attorney refers to general authority with respect to the descriptive term

826 for the subjects stated in sections 35 to 48, inclusive, of this act or cites
827 the section in which the authority is described.

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

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

834 Sec. 34. (NEW) (*Effective October 1, 2015*) Unless the power of
835 attorney otherwise provides, by executing a power of attorney that
836 incorporates by reference a subject described in sections 35 to 48,
837 inclusive, of this act or that grants to an agent authority to perform all
838 acts that a principal could perform pursuant to subsection (c) of section
839 32 of this act, a principal authorizes the agent, with respect to that
840 subject, to:

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

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

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

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

855 settle, oppose or propose or accept a compromise with respect to a
856 claim existing in favor of or against the principal or intervene in
857 litigation relating to the claim;

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

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

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

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

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

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

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

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

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

883 easement or covenant; subdivide; apply for zoning or other
884 governmental permits; plat or consent to platting; develop; grant an
885 option concerning; lease; sublease; contribute to an entity in exchange
886 for an interest in that entity; or otherwise grant or dispose of an
887 interest in real property or a right incident to real property;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

939 a debt guaranteed by the principal;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

999 (7) Borrow money and pledge as security personal property of the
1000 principal necessary to borrow money or pay, renew or extend the time
1001 of payment of a debt of the principal or a debt guaranteed by the
1002 principal;

1003 (8) Make, assign, draw, endorse, discount, guarantee and negotiate
1004 promissory notes, checks, drafts and other negotiable or nonnegotiable
1005 paper of the principal or payable to the principal or the principal's
1006 order, transfer money, receive the cash or other proceeds of those
1007 transactions and accept a draft drawn by a person upon the principal
1008 and pay it when due;

1009 (9) Receive for the principal and act upon a sight draft, warehouse
1010 receipt, or other document of title whether tangible or electronic, or
1011 other negotiable or nonnegotiable instrument;

1012 (10) Apply for, receive and use letters of credit, credit and debit
1013 cards, electronic transaction authorizations and traveler's checks from
1014 a financial institution and give an indemnity or other agreement in
1015 connection with letters of credit; and

1016 (11) Consent to an extension of the time of payment with respect to
1017 commercial paper or a financial transaction with a financial institution.

1018 Sec. 40. (NEW) (*Effective October 1, 2015*) Subject to the terms of a
1019 document or an agreement governing an entity or an entity ownership
1020 interest, and unless the power of attorney otherwise provides,

1021 language in a power of attorney granting general authority with
1022 respect to operation of an entity or business authorizes the agent to:

1023 (1) Operate, buy, sell, enlarge, reduce, or terminate an ownership
1024 interest;

1025 (2) Perform a duty or discharge a liability and exercise in person or
1026 by proxy a right, power, privilege or option that the principal has, may
1027 have or claims to have;

1028 (3) Enforce the terms of an ownership agreement;

1029 (4) Initiate, participate in, submit to alternative dispute resolution,
1030 settle, oppose, or propose or accept a compromise with respect to
1031 litigation to which the principal is a party because of an ownership
1032 interest;

1033 (5) Exercise in person or by proxy, or enforce by litigation or
1034 otherwise, a right, power, privilege or option the principal has or
1035 claims to have as the holder of stocks and bonds;

1036 (6) Initiate, participate in, submit to alternative dispute resolution,
1037 settle, oppose, or propose or accept a compromise with respect to
1038 litigation to which the principal is a party concerning stocks and
1039 bonds;

1040 (7) With respect to an entity or business owned solely by the
1041 principal:

1042 (A) Continue, modify, renegotiate, extend and terminate a contract
1043 made by or on behalf of the principal with respect to the entity or
1044 business before execution of the power of attorney;

1045 (B) Determine:

1046 (i) The location of its operation;

1047 (ii) The nature and extent of its business;

1048 (iii) The methods of manufacturing, selling, merchandising,
1049 financing, accounting and advertising employed in its operation;

1050 (iv) The amount and types of insurance carried; and

1051 (v) The mode of engaging, compensating and dealing with its
1052 employees and accountants, attorneys or other advisors;

1053 (C) Change the name or form of organization under which the
1054 entity or business is operated and enter into an ownership agreement
1055 with other persons to take over all or part of the operation of the entity
1056 or business; and

1057 (D) Demand and receive money due or claimed by the principal or
1058 on the principal's behalf in the operation of the entity or business and
1059 control and disburse the money in the operation of the entity or
1060 business;

1061 (8) Put additional capital into an entity or business in which the
1062 principal has an interest;

1063 (9) Join in a plan of reorganization, consolidation, conversion,
1064 domestication or merger of the entity or business;

1065 (10) Sell or liquidate all or part of an entity or business;

1066 (11) Establish the value of an entity or business under a buyout
1067 agreement to which the principal is a party;

1068 (12) Prepare, sign, file and deliver reports, compilations of
1069 information, returns or other papers with respect to an entity or
1070 business and make related payments; and

1071 (13) Pay, compromise or contest taxes, assessments, fines or
1072 penalties and perform any other act to protect the principal from
1073 illegal or unnecessary taxation, assessments, fines or penalties, with
1074 respect to an entity or business, including attempts to recover, in any

1075 manner permitted by law, money paid before or after the execution of
1076 the power of attorney.

1077 Sec. 41. (NEW) (*Effective October 1, 2015*) Unless the power of
1078 attorney otherwise provides, language in a power of attorney granting
1079 general authority with respect to insurance and annuities authorizes
1080 the agent to:

1081 (1) Continue, pay the premium or make a contribution on, modify,
1082 exchange, rescind, release or terminate a contract procured by or on
1083 behalf of the principal which insures or provides an annuity to either
1084 the principal or another person, whether or not the principal is a
1085 beneficiary under the contract;

1086 (2) Procure new, different and additional contracts of insurance and
1087 annuities for the principal and the principal's spouse, children and
1088 other dependents, and select the amount, type of insurance or annuity
1089 and mode of payment;

1090 (3) Pay the premium or make a contribution on, modify, exchange,
1091 rescind, release or terminate a contract of insurance or annuity
1092 procured by the agent;

1093 (4) Apply for and receive a loan secured by a contract of insurance
1094 or annuity;

1095 (5) Surrender and receive the cash surrender value on a contract of
1096 insurance or annuity;

1097 (6) Exercise an election;

1098 (7) Exercise investment powers available under a contract of
1099 insurance or annuity;

1100 (8) Change the manner of paying premiums on a contract of
1101 insurance or annuity;

1102 (9) Change or convert the type of insurance or annuity with respect
1103 to which the principal has or claims to have authority described in this
1104 section;

1105 (10) Apply for and procure a benefit or assistance under a federal or
1106 state statute or regulation to guarantee or pay premiums of a contract
1107 of insurance on the life of the principal;

1108 (11) Collect, sell, assign, hypothecate, borrow against or pledge the
1109 interest of the principal in a contract of insurance or annuity;

1110 (12) Select the form and timing of the payment of proceeds from a
1111 contract of insurance or annuity; and

1112 (13) Pay, from proceeds or otherwise, compromise or contest and
1113 apply for refunds in connection with, a tax or assessment levied by a
1114 taxing authority with respect to a contract of insurance or annuity or
1115 its proceeds or liability accruing by reason of the tax or assessment.

1116 Sec. 42. (NEW) (*Effective October 1, 2015*) (a) For purposes of this
1117 section, "estate, trust or other beneficial interest" means a trust, probate
1118 estate, guardianship, conservatorship, escrow or custodianship or a
1119 fund from which the principal is, may become or claims to be, entitled
1120 to a share or payment.

1121 (b) Unless the power of attorney otherwise provides, language in a
1122 power of attorney granting general authority with respect to estates,
1123 trusts and other beneficial interests authorizes the agent to:

1124 (1) Accept, receive, receipt for, sell, assign, pledge or exchange a
1125 share in or payment from an estate, trust or other beneficial interest;

1126 (2) Demand or obtain money or another thing of value to which the
1127 principal is, may become or claims to be, entitled by reason of an
1128 estate, trust or other beneficial interest, by litigation or otherwise;

1129 (3) Exercise for the benefit of the principal a presently exercisable

1130 general power of appointment held by the principal;

1131 (4) Initiate, participate in, submit to alternative dispute resolution,
1132 settle, oppose, or propose or accept a compromise with respect to
1133 litigation to ascertain the meaning, validity or effect of a deed, will,
1134 declaration of trust or other instrument or transaction affecting the
1135 interest of the principal;

1136 (5) Initiate, participate in, submit to alternative dispute resolution,
1137 settle, oppose, or propose or accept a compromise with respect to
1138 litigation to remove, substitute or surcharge a fiduciary;

1139 (6) Conserve, invest, disburse or use anything received for an
1140 authorized purpose; and

1141 (7) Transfer an interest of the principal in real property, stocks and
1142 bonds, accounts with financial institutions or securities intermediaries,
1143 insurance, annuities and other property to the trustee of a revocable
1144 trust created by the principal as settlor.

1145 Sec. 43. (NEW) (*Effective October 1, 2015*) Unless the power of
1146 attorney otherwise provides, language in a power of attorney granting
1147 general authority with respect to claims and litigation authorizes the
1148 agent to:

1149 (1) Assert and maintain before a court or administrative agency a
1150 claim, claim for relief, cause of action, counterclaim, offset, recoupment
1151 or defense, including an action to recover property or other thing of
1152 value, recover damages sustained by the principal, eliminate or modify
1153 tax liability, or seek an injunction, specific performance or other relief;

1154 (2) Bring an action to determine adverse claims or intervene or
1155 otherwise participate in litigation;

1156 (3) Seek an attachment, garnishment, order of arrest or other
1157 preliminary, provisional or intermediate relief and use an available
1158 procedure to effect or satisfy a judgment, order or decree;

1159 (4) Make or accept a tender, offer of judgment or admission of facts,
1160 submit a controversy on an agreed statement of facts, consent to
1161 examination and bind the principal in litigation;

1162 (5) Submit to alternative dispute resolution, settle and propose or
1163 accept a compromise;

1164 (6) Waive the issuance and service of process upon the principal,
1165 accept service of process, appear for the principal, designate persons
1166 upon which process directed to the principal may be served, execute
1167 and file or deliver stipulations on the principal's behalf, verify
1168 pleadings, seek appellate review, procure and give surety and
1169 indemnity bonds, contract and pay for the preparation and printing of
1170 records and briefs, receive, execute, and file or deliver a consent,
1171 waiver, release, confession of judgment, satisfaction of judgment,
1172 notice, agreement or other instrument in connection with the
1173 prosecution, settlement or defense of a claim or litigation;

1174 (7) Act for the principal with respect to bankruptcy or insolvency,
1175 whether voluntary or involuntary, concerning the principal or some
1176 other person, or with respect to a reorganization, receivership or
1177 application for the appointment of a receiver or trustee which affects
1178 an interest of the principal in property or other thing of value;

1179 (8) Pay a judgment, award or order against the principal or a
1180 settlement made in connection with a claim or litigation; and

1181 (9) Receive money or other thing of value paid in settlement of or as
1182 proceeds of a claim or litigation.

1183 Sec. 44. (NEW) (*Effective October 1, 2015*) (a) Unless the power of
1184 attorney otherwise provides, language in a power of attorney granting
1185 general authority with respect to personal and family maintenance
1186 authorizes the agent to:

1187 (1) Perform the acts necessary to maintain the customary standard

1188 of living of the principal, the principal's spouse and the following
1189 individuals, whether living when the power of attorney is executed or
1190 later born:

1191 (A) The principal's children;

1192 (B) Other individuals legally entitled to be supported by the
1193 principal; and

1194 (C) The individuals whom the principal has customarily supported
1195 or indicated the intent to support;

1196 (2) Make periodic payments of child support and other family
1197 maintenance required by a court or governmental agency or an
1198 agreement to which the principal is a party;

1199 (3) Provide living quarters for the individuals described in
1200 subdivision (1) of this subsection by:

1201 (A) Purchase, lease or other contract; or

1202 (B) Paying the operating costs, including interest, amortization
1203 payments, repairs, improvements and taxes, for premises owned by
1204 the principal or occupied by those individuals;

1205 (4) Provide normal domestic help, usual vacations and travel
1206 expenses and funds for shelter, clothing, food, appropriate education,
1207 including post secondary and vocational education and other current
1208 living costs for the individuals described in subdivision (1) of this
1209 subsection;

1210 (5) Pay expenses for necessary health care and custodial care on
1211 behalf of the individuals described in subdivision (1) of this subsection;

1212 (6) Act as the principal's personal representative pursuant to the
1213 Health Insurance Portability and Accountability Act, Sections 1171 to
1214 1179, inclusive, of the Social Security Act, 42 USC 1320d, as amended

1215 from time to time, and applicable federal regulations, in making
1216 decisions related to the past, present or future payment for the
1217 provision of health care consented to by the principal or anyone
1218 authorized under the law of this state to consent to health care on
1219 behalf of the principal;

1220 (7) Continue any provision made by the principal for automobiles or
1221 other means of transportation, including registering, licensing,
1222 insuring and replacing them, for the individuals described in
1223 subdivision (1) of this subsection;

1224 (8) Maintain credit and debit accounts for the convenience of the
1225 individuals described in subdivision (1) of this subsection and open
1226 new accounts; and

1227 (9) Continue payments incidental to the membership or affiliation of
1228 the principal in a religious institution, club, society, order or other
1229 organization or continue contributions to those organizations.

1230 (b) Authority with respect to personal and family maintenance is
1231 neither dependent upon, nor limited by, authority that an agent may
1232 or may not have with respect to gifts under sections 9 to 53, inclusive,
1233 of this act.

1234 Sec. 45. (NEW) (*Effective October 1, 2015*) (a) For purposes of this
1235 section, "benefits from governmental programs or civil or military
1236 service" means any benefit, program or assistance provided under a
1237 federal or state statute or regulation including Social Security,
1238 Medicare and Medicaid.

1239 (b) Unless the power of attorney otherwise provides, language in a
1240 power of attorney granting general authority with respect to benefits
1241 from governmental programs or civil or military service authorizes the
1242 agent to:

1243 (1) Execute vouchers in the name of the principal for allowances and

1244 reimbursements payable by the United States or a foreign government
1245 or by a state or subdivision of a state to the principal, including
1246 allowances and reimbursements for transportation of the individuals
1247 described in subdivision (1) of subsection (a) of section 44 of this act,
1248 and for shipment of their household effects;

1249 (2) Take possession and order the removal and shipment of
1250 property of the principal from a post, warehouse, depot, dock or other
1251 place of storage or safekeeping, either governmental or private, and
1252 execute and deliver a release, voucher, receipt, bill of lading, shipping
1253 ticket, certificate or other instrument for that purpose;

1254 (3) Enroll in, apply for, select, reject, change, amend or discontinue,
1255 on the principal's behalf, a benefit or program;

1256 (4) Prepare, file, and maintain a claim of the principal for a benefit
1257 or assistance, financial or otherwise, to which the principal may be
1258 entitled under a federal or state statute or regulation;

1259 (5) Initiate, participate in, submit to alternative dispute resolution,
1260 settle, oppose, or propose or accept a compromise with respect to
1261 litigation concerning any benefit or assistance the principal may be
1262 entitled to receive under a federal or state statute or regulation; and

1263 (6) Receive the financial proceeds of a claim described in
1264 subdivision (4) of this subsection and conserve, invest, disburse or use
1265 for a lawful purpose anything so received.

1266 Sec. 46. (NEW) (*Effective October 1, 2015*) (a) For purposes of this
1267 section, "retirement plan" means a plan or account created by an
1268 employer, the principal or another individual to provide retirement
1269 benefits or deferred compensation of which the principal is a
1270 participant, beneficiary or owner, including a plan or account under
1271 the following sections of the of the Internal Revenue Code of 1986, or
1272 any subsequent corresponding internal revenue code of the United
1273 States, as amended from time to time:

1274 (1) An individual retirement account under 26 USC 408, as amended
1275 from time to time;

1276 (2) A Roth individual retirement account under 26 USC 408A, as
1277 amended from time to time;

1278 (3) A deemed individual retirement account under 26 USC 408(q), as
1279 amended from time to time;

1280 (4) An annuity or mutual fund custodial account under 26 USC
1281 403(b), as amended from time to time;

1282 (5) A pension, profit sharing, stock bonus or other retirement plan
1283 qualified under 26 USC 401(a), as amended from time to time;

1284 (6) A plan under 26 USC 457(b), as amended from time to time; and

1285 (7) A nonqualified deferred compensation plan under 26 USC 409A,
1286 as amended from time to time.

1287 (b) Unless the power of attorney otherwise provides, language in a
1288 power of attorney granting general authority with respect to
1289 retirement plans authorizes the agent to:

1290 (1) Select the form and timing of payments under a retirement plan
1291 and withdraw benefits from a plan;

1292 (2) Make a rollover, including a direct trustee to trustee rollover, of
1293 benefits from one retirement plan to another;

1294 (3) Establish a retirement plan in the principal's name;

1295 (4) Make contributions to a retirement plan;

1296 (5) Exercise investment powers available under a retirement plan;
1297 and

1298 (6) Borrow from, sell assets to or purchase assets from a retirement

1299 plan.

1300 Sec. 47. (NEW) (*Effective October 1, 2015*) Unless the power of
1301 attorney otherwise provides, language in a power of attorney granting
1302 general authority with respect to taxes authorizes the agent to:

1303 (1) Prepare, sign and file federal, state, local and foreign income,
1304 gift, payroll, property, Federal Insurance Contributions Act and other
1305 tax returns, claims for refunds, requests for extension of time, petitions
1306 regarding tax matters and any other tax related documents, including,
1307 receipts, offers, waivers, consents, including consents and agreements
1308 under 26 USC 2032A, as amended from time to time, closing
1309 agreements and any power of attorney required by the Internal
1310 Revenue Service or other taxing authority with respect to a tax year
1311 upon which the statute of limitations has not run and the following
1312 twenty-five tax years;

1313 (2) Pay taxes due, collect refunds, post bonds, receive confidential
1314 information and contest deficiencies determined by the Internal
1315 Revenue Service or other taxing authority;

1316 (3) Exercise any election available to the principal under federal,
1317 state, local or foreign tax law; and

1318 (4) Act for the principal in all tax matters for all periods before the
1319 Internal Revenue Service, or other taxing authority.

1320 Sec. 48. (NEW) (*Effective October 1, 2015*) (a) For purposes of this
1321 section, a gift "for the benefit of" a person includes a gift to a trust, an
1322 account under the Uniform Transfers to Minors Act and a tuition
1323 savings account or prepaid tuition plan as defined under 26 USC 529,
1324 as amended from time to time.

1325 (b) Unless the power of attorney otherwise provides, language in a
1326 power of attorney granting general authority with respect to gifts
1327 authorizes the agent only to:

1328 (1) Make outright to, or for the benefit of, a person, a gift of any of
1329 the principal's property, including by the exercise of a presently
1330 exercisable general power of appointment held by the principal, in an
1331 amount per donee not to exceed the annual dollar limits of the federal
1332 gift tax exclusion under 26 USC 2503(b), as amended from time to time,
1333 without regard to whether the federal gift tax exclusion applies to the
1334 gift, or if the principal's spouse agrees to consent to a split gift
1335 pursuant to 26 USC 2513, as amended from time to time, in an amount
1336 per donee not to exceed twice the annual federal gift tax exclusion
1337 limit; and

1338 (2) Consent, pursuant to 26 USC 2513, as amended from time to
1339 time, to the splitting of a gift made by the principal's spouse in an
1340 amount per donee not to exceed the aggregate annual gift tax
1341 exclusions for both spouses.

1342 (c) An agent may make a gift of the principal's property only as the
1343 agent determines is consistent with the principal's objectives if actually
1344 known by the agent and, if unknown, as the agent determines is
1345 consistent with the principal's best interest based on all relevant
1346 factors, including:

1347 (1) The value and nature of the principal's property;

1348 (2) The principal's foreseeable obligations and need for
1349 maintenance;

1350 (3) Minimization of taxes, including income, estate, inheritance,
1351 generation skipping transfer and gift taxes;

1352 (4) Eligibility for a benefit, a program, or assistance under a federal
1353 or state statute or regulation; and

1354 (5) The principal's personal history of making or joining in making
1355 gifts.

1356 Sec. 49. (NEW) (*Effective October 1, 2015*) A document substantially

1357 in the following form may be used to create a statutory form power of
1358 attorney that has the meaning and effect prescribed by sections 9 to 53,
1359 inclusive, of this act.

1360
1361
1362

CONNECTICUT
STATUTORY FORM POWER OF ATTORNEY
IMPORTANT INFORMATION

1363 This power of attorney authorizes another person (your agent) to
1364 make decisions concerning your property for you (the principal). Your
1365 agent will be able to make decisions and act with respect to your
1366 property (including your money) whether or not you are able to act for
1367 yourself. The meaning of authority over subjects listed on this form is
1368 explained in the Connecticut Uniform Power of Attorney Act.

1369 This power of attorney does not authorize the agent to make health
1370 care decisions for you.

1371 You should select someone you trust to serve as your agent. Unless
1372 you specify otherwise, generally the agent's authority will continue
1373 until you die or revoke the power of attorney or the agent resigns or is
1374 unable to act for you.

1375 Your agent is entitled to reasonable compensation unless you state
1376 otherwise in the special instructions.

1377 This form provides for designation of one agent. If you wish to
1378 name more than one agent you may name a coagent in the special
1379 instructions. Coagents are not required to act together unless you
1380 include that requirement in the special instructions.

1381 If your agent is unable or unwilling to act for you, your power of
1382 attorney will end unless you have named a successor agent. You may
1383 also name a second successor agent.

1384 This power of attorney becomes effective immediately unless you

1385 state otherwise in the special instructions.

1386 If you have questions about the power of attorney or the authority
1387 you are granting to your agent, you should seek legal advice before
1388 signing this form.

1389 **DESIGNATION OF AGENT**

1390 I _____ name the following person
1391 (Name of Principal)

1392

1393 as my agent:

1394 Name of Agent: _____

1395 Agent's Address: _____

1396 **DESIGNATION OF SUCCESSOR AGENT(S) (OPTIONAL)**

1397 If my agent is unable or unwilling to act for me, I name as my
1398 successor agent:

1399 Name of Successor Agent: _____

1400 Successor Agent's Address: _____

1401 If my successor agent is unable or unwilling to act for me, I name as
1402 my second successor agent:

1403 Name of Second Successor Agent: _____

1404 Second Successor Agent's Address: _____

1405 **GRANT OF GENERAL AUTHORITY**

1406 I grant my agent and any successor agent general authority to act
1407 for me with respect to the following subjects as defined in the
1408 Connecticut Uniform Power of Attorney Act, sections 9 to 53,
1409 inclusive, of this act:

1410 (INITIAL each subject you want to include in the agent's general
1411 authority. If you wish to grant general authority over all of the subjects
1412 you may initial "All Preceding Subjects" instead of initialing each
1413 subject.)

1414 Real Property

1415 Tangible Personal Property

1416 Stocks and Bonds

1417 Commodities and Options

1418 Banks and Other Financial Institutions

1419 Operation of Entity or Business

1420 Insurance and Annuities

1421 Estates, Trusts and Other Beneficial Interests

1422 Claims and Litigation

1423 Personal and Family Maintenance

1424 Benefits from Governmental Programs or Civil or Military
1425 Service

1426 Retirement Plans

1427 Taxes

1428 All Preceding Subjects

1429 GRANT OF SPECIFIC AUTHORITY (OPTIONAL)

1430 My agent MAY NOT do any of the following specific acts for me
1431 UNLESS I have INITIALED the specific authority listed below:

1432 (CAUTION: Granting any of the following will give your agent the

1433 authority to take actions that could significantly reduce your property
1434 or change how your property is distributed at your death. INITIAL
1435 ONLY the specific authority you WANT to give your agent.)

1436 YOU SHOULD SEEK LEGAL ADVICE BEFORE INCLUDING THE
1437 FOLLOWING POWERS.

1438 (___) Make a gift, subject to the limitations of the Connecticut
1439 Uniform Power of Attorney Act and any special instructions in this
1440 power of attorney. Unless otherwise provided in the special
1441 instructions, gifts per recipient may not exceed the annual dollar limits
1442 of the federal gift tax exclusion under Internal Revenue Code Section
1443 2503(b), or if the principal's spouse agrees to consent to a split gift
1444 pursuant to Internal Revenue Code Section 2513, in an amount per
1445 recipient not to exceed twice the annual federal gift tax exclusion limit.
1446 In addition, an agent must determine that gifts are consistent with the
1447 principal's objectives if actually known by the agent and, if unknown,
1448 as the agent determines is consistent with the principal's best interest
1449 based on all relevant factors.

1450 (___) Create or change rights of survivorship

1451 (___) Create or change a beneficiary designation

1452 (___) Authorize another person to exercise the authority granted
1453 under this power of attorney

1454 (___) Waive the principal's right to be a beneficiary of a joint and
1455 survivor annuity, including a survivor benefit under a retirement plan

1456 (___) Exercise fiduciary powers that the principal has authority to
1457 delegate

1458 (___) Disclaim or refuse an interest in property, including a power
1459 of appointment

1460 LIMITATION ON AGENT'S AUTHORITY

1461 An agent that is not my ancestor, spouse, or descendant MAY NOT
1462 use my property to benefit the agent or a person to whom the agent
1463 owes an obligation of support unless I have included that authority in
1464 the special instructions.

1465 SPECIAL INSTRUCTIONS (OPTIONAL)

1466 You may give special instructions on the following lines:

1467 _____
1468 _____
1469 _____
1470 _____
1471 _____
1472 _____

1473 I approve these special instructions

1474 _____
1475 Your Signature Date

1476 EFFECTIVE DATE

1477 This power of attorney is effective immediately unless I have stated
1478 otherwise in the special instructions.

1479 NOMINATION OF CONSERVATOR (OPTIONAL)

1480 Initial below if you want to include the following provision(s):

1481 (___) I hereby nominate the same person(s) that I have named as my
1482 agent(s) under this power of attorney as conservator(s) of my estate if
1483 it becomes necessary for a court to appoint a conservator of my estate.

1484 (___) In the event that a court appoints my agent(s) as my
1485 conservator(s), I request that my conservator(s) not be required to post
1486 a bond.

1487 RELIANCE ON THIS POWER OF ATTORNEY

1488 Any person, including my agent, may rely upon the validity of this
1489 power of attorney or a copy of it unless that person knows it has
1490 terminated or is invalid.

1491 SIGNATURE AND ACKNOWLEDGMENT

1492 Signed in the presence of:

1493 _____
1494 Witness Signature Your Signature Date

1495 _____
1496 Witness Signature Your Signature Date

1497 Your Name Printed
1498 _____

1499 _____
1500 Your Address

1501 _____
1502 Your Telephone Number

1503 State of _____

1504 County of _____

1505 This document was acknowledged before me On _____

1506 (Date)

1507 by _____.

1508 (Name of Principal)

1509 _____ (Seal, if any)

1510 Signature of Commissioner of Superior Court/Notary

1511 My commission expires: _____

1512 **IMPORTANT INFORMATION FOR AGENT**

1513 **Agent's Duties**

1514 When you accept the authority granted under this power of
1515 attorney, a special legal relationship is created between you and the
1516 principal. This relationship continues until you resign or the power of
1517 attorney is terminated or revoked. You must:

1518 (1) Do what you know the principal reasonably expects you to do
1519 with the principal's property or, if you do not know the principal's
1520 expectations, act in the principal's best interest;

1521 (2) Act in good faith;

1522 (3) Do nothing beyond the authority granted in this power of
1523 attorney; and

1524 (4) Disclose your identity as an agent whenever you act for the
1525 principal by writing or printing the name of the principal and signing
1526 your own name as "agent" in the following manner:

1527 (Principal's Name) by (Your Signature) as Agent

1528 Unless the special instructions in this power of attorney state
1529 otherwise, you must also:

- 1530 (1) Act loyally for the principal's benefit;
- 1531 (2) Avoid conflicts that would impair your ability to act in the
1532 principal's best interest;
- 1533 (3) Act with care, competence, and diligence;
- 1534 (4) Keep a record of all receipts, disbursements, and transactions
1535 made on behalf of the principal;
- 1536 (5) Cooperate with any person that has authority to make health
1537 care decisions for the principal to do what you know the principal
1538 reasonably expects or, if you do not know the principal's expectations,
1539 to act in the principal's best interest; and
- 1540 (6) Attempt to preserve the principal's estate plan if you know the
1541 plan and preserving the plan is consistent with the principal's best
1542 interest.

1543 *Termination of Agent's Authority*

1544 You must stop acting on behalf of the principal if you learn of any
1545 event that terminates this power of attorney or your authority under
1546 this power of attorney. Events that terminate a power of attorney or
1547 your authority to act under a power of attorney include:

- 1548 (1) Death of the principal;
- 1549 (2) The principal's revocation of the power of attorney or your
1550 authority;
- 1551 (3) The occurrence of a termination event stated in the power of
1552 attorney;
- 1553 (4) The purpose of the power of attorney is fully accomplished; or
- 1554 (5) If you are married to the principal, a legal action is filed with a
1555 court to end your marriage, or for your legal separation, unless the

1556 special instructions in this power of attorney state that such an action
1557 will not terminate your authority.

1558 Liability of Agent

1559 The meaning of the authority granted to you is defined in the
1560 Connecticut Uniform Power of Attorney Act, sections 9 to 53,
1561 inclusive, of this act. If you violate the Connecticut Uniform Power of
1562 Attorney Act, sections 9 to 53, inclusive, of this act or act outside the
1563 authority granted, you may be liable for any damages caused by your
1564 violation.

1565 If there is anything about this document or your duties that you do
1566 not understand, you should seek legal advice.

1567 Sec. 50. (NEW) (*Effective October 1, 2015*) The following optional
1568 form may be used by an agent to certify facts concerning a power of
1569 attorney.

1570 AGENT'S CERTIFICATION AS TO THE
1571 VALIDITY OF POWER OF ATTORNEY AND AGENT'S
1572 AUTHORITY

1573 State of _____

1574 County of _____

1575 I, _____ (Name of Agent), certify under penalty of
1576 false statement that _____ (Name of Principal) granted
1577 me authority as an agent or successor agent in a power of attorney
1578 dated _____.

1579 I further certify that to my knowledge:

1580 (1) the Principal is alive and has not revoked the Power of Attorney
1581 or my authority to act under the Power of Attorney and the Power of
1582 Attorney and my authority to act under the Power of Attorney have

1583 not terminated;

1584 (2) if the Power of Attorney was drafted to become effective upon
1585 the happening of an event or contingency, the event or contingency
1586 has occurred;

1587 (3) if I was named as a successor agent, the prior agent is no longer
1588 able or willing to serve; and

1589 (4) _____

1590 _____

1591 _____

1592 _____

1593 (Insert other relevant statements)

1594 **SIGNATURE AND ACKNOWLEDGMENT**

1595 _____

1596 Agent's Signature Date

1597 _____

1598 Agent's Name Printed

1599 _____

1600 _____

1601 Agent's Address

1602 _____

1603 Agent's Telephone Number

1604 This document was acknowledged before me on _____,

1605 (Date)

1606 by _____.

1607 (Name of Agent)

1608 _____ (Seal, if any)

1609 Signature of Commissioner of Superior Court/Notary

1610 My commission expires: _____

1611 Sec. 51. (NEW) (*Effective October 1, 2015*) In applying and construing
1612 the provisions of sections 9 to 53, inclusive, of this act, consideration
1613 must be given to the need to promote uniformity of the law with
1614 respect to its subject matter among the states that enact it.

1615 Sec. 52. (NEW) (*Effective October 1, 2015*) Sections 9 to 53, inclusive,
1616 of this act modify, limit, and supersede the federal Electronic
1617 Signatures in Global and National Commerce Act, 15 USC 7001 et seq.,
1618 but do not modify, limit, or supersede Section 101(c) of that act, 15
1619 USC 7001(c), or authorize electronic delivery of any of the notices
1620 described in Section 3(b) of that act, 15 USC 7003(b).

1621 Sec. 53. (NEW) (*Effective October 1, 2015*) (a) Except as otherwise
1622 provided in sections 9 to 53, inclusive, of this act, on October 1, 2014,
1623 said sections apply to:

1624 (1) A power of attorney created before, on, or after October 1, 2014;

1625 (2) A judicial proceeding concerning a power of attorney
1626 commenced on or after October 1, 2014;

1627 (3) A judicial proceeding concerning a power of attorney
1628 commenced before October 1, 2014, unless the court finds that
1629 application of a provision of sections 9 to 53, inclusive, of this act
1630 would substantially interfere with the effective conduct of the judicial
1631 proceeding or prejudice the rights of a party, in which case that
1632 provision does not apply and the superseded law applies; and

1633 (b) An act performed by an agent under a power of attorney before
1634 October 1, 2014, is not affected by sections 9 to 53, inclusive, of this act.

1635 Sec. 54. Subsection (a) of section 45a-98 of the general statutes is
1636 repealed and the following is substituted in lieu thereof (*Effective*
1637 *October 1, 2015*):

1638 (a) Courts of probate in their respective districts shall have the
1639 power to (1) grant administration of intestate estates of persons who
1640 have died domiciled in their districts and of intestate estates of persons
1641 not domiciled in this state which may be granted as provided by
1642 section 45a-303; (2) admit wills to probate of persons who have died
1643 domiciled in their districts or of nondomiciliaries whose wills may be
1644 proved in their districts as provided in section 45a-287; (3) except as
1645 provided in section 45a-98a or as limited by an applicable statute of
1646 limitations, determine title or rights of possession and use in and to
1647 any real, tangible or intangible property that constitutes, or may
1648 constitute, all or part of any trust, any decedent's estate, or any estate
1649 under control of a guardian or conservator, which trust or estate is
1650 otherwise subject to the jurisdiction of the Probate Court, including the
1651 rights and obligations of any beneficiary of the trust or estate and
1652 including the rights and obligations of any joint tenant with respect to
1653 survivorship property; (4) except as provided in section 45a-98a,
1654 construe the meaning and effect of any will or trust agreement if a
1655 construction is required in connection with the administration or
1656 distribution of a trust or estate otherwise subject to the jurisdiction of
1657 the Probate Court, or, upon petition from a beneficiary as defined in
1658 section 45a-175, as amended by this act, with respect to an inter vivos
1659 trust, if that trust is or could be subject to jurisdiction of the court for
1660 an accounting pursuant to section 45a-175, as amended by this act,
1661 provided such an accounting need not be required; (5) except as
1662 provided in section 45a-98a, apply the doctrine of cy pres or
1663 approximation; (6) to the extent provided for in section 45a-175, as
1664 amended by this act, call executors, administrators, trustees,
1665 guardians, conservators, persons appointed to sell the land of minors,
1666 and [attorneys-in-fact] agents acting under powers of attorney created
1667 in accordance with [section 45a-562] sections 9 to 53, inclusive, of this

1668 act, to account concerning the estates entrusted to their charge or for
1669 other relief as provided in sections 9 to 53, inclusive, of this act; and (7)
1670 make any lawful orders or decrees to carry into effect the power and
1671 jurisdiction conferred upon them by the laws of this state.

1672 Sec. 55. Section 45a-175 of the general statutes is repealed and the
1673 following is substituted in lieu thereof (*Effective October 1, 2015*):

1674 (a) Courts of probate shall have jurisdiction of the interim and final
1675 accounts of testamentary trustees, trustees appointed by the courts of
1676 probate, conservators, guardians, persons appointed by probate courts
1677 to sell the land of minors, executors, administrators and trustees in
1678 insolvency, and, to the extent provided for in this section, shall have
1679 jurisdiction of accounts of the actions of trustees of inter vivos trusts
1680 and [attorneys-in-fact] agents acting under powers of attorney.

1681 (b) A trustee or settlor of an inter vivos trust or an attorney-in-fact
1682 or the successor of the trustee, settlor [or attorney-in-fact or the grantor
1683 of such power of attorney] or his legal representative may make
1684 application to the court of probate for the district where the trustee, or
1685 any one of them, [or the attorney-in-fact] has any place of business or
1686 to the court of probate for the district where the trustee or any one of
1687 them or the settlor [or the attorney-in-fact or the grantor of the power]
1688 resides or, in the case of a deceased settlor, [or grantor,] to the court of
1689 probate having jurisdiction over the estate of the settlor [or grantor] or
1690 for the district in which the settlor [or grantor] resided immediately
1691 prior to death for submission to the jurisdiction of the court of an
1692 account for allowance of the trustee's [or attorney's] actions under such
1693 trust. [or power.]

1694 (c) (1) Any beneficiary of an inter vivos trust may petition a court of
1695 probate having jurisdiction under this section for an accounting by the
1696 trustee or trustees. The court may, after hearing with notice to all
1697 interested parties, grant the petition and require an accounting for
1698 such periods of time as it determines are reasonable and necessary on

1699 finding that: (A) The beneficiary has an interest in the trust sufficient to
1700 entitle him to an accounting, (B) cause has been shown that an
1701 accounting is necessary, and (C) the petition is not for the purpose of
1702 harassment.

1703 (2) A court of probate shall have jurisdiction to require an
1704 accounting under subdivision (1) of this subsection if (A) a trustee of
1705 the trust resides in its district, (B) in the case of a corporate trustee, the
1706 trustee has any place of business in the district, (C) any of the trust
1707 assets are maintained or evidences of intangible property of the trust
1708 are situated in the district, or (D) the settlor resides in the district or, in
1709 the case of a deceased settlor, resided in the district immediately prior
1710 to death.

1711 (3) As used in subdivision (1) of this subsection, "beneficiary" means
1712 any person currently receiving payments of income or principal from
1713 the trust, or who may be entitled to receive income or principal or both
1714 from the trust at some future date, or the legal representative of such
1715 person.

1716 (d) Any of the persons specified in section 24 of this act may make
1717 application to the court of probate for the district where the agent has
1718 any place of business or to the court of probate for the district where
1719 the agent or the principal resides or, in the case of a deceased principal,
1720 to the court of probate having jurisdiction over the estate of the
1721 principal or for the district in which the principal resided immediately
1722 prior to death, for an accounting or other relief as provided in section
1723 24 of this act. The court shall grant the petition if filed by the principal,
1724 agent, guardian, conservator or other fiduciary acting for the principal.
1725 The court may grant a petition filed by any other person specified in
1726 section 24 of this act if it finds that (1) the petitioner has an interest
1727 sufficient to entitle him to the relief requested, (2) cause has been
1728 shown that such relief is necessary, and (3) the petition is not for the
1729 purpose of harassment.

1730 [(d)] (e) The action to submit an accounting to the court, whether by
1731 an inter vivos trustee or [attorney] agent acting under a power of
1732 attorney or whether pursuant to petition of another party, shall not
1733 subject the trust or the power of attorney to the continuing jurisdiction
1734 of the Probate Court.

1735 [(e)] (f) If the court finds such appointment to be necessary and in
1736 the best interests of the estate, the court upon its own motion may
1737 appoint an auditor to be selected from a list provided by the Probate
1738 Court Administrator, to examine accounts over which the court has
1739 jurisdiction under this section, except those accounts on matters in
1740 which the fiduciary or cofiduciary is a corporation having trust
1741 powers. The Probate Court Administrator shall promulgate
1742 regulations in accordance with section 45a-77 concerning the
1743 compilation of a list of qualified auditors. Costs of the audit may be
1744 charged to the fiduciary, any party in interest and the estate, in such
1745 proportion as the court shall direct if the court finds such charge to be
1746 equitable. Any such share may be paid from the fund established
1747 under section 45a-82, subject to the approval of the Probate Court
1748 Administrator, if it is determined that the person obligated to pay such
1749 share is unable to pay or to charge such amount to the estate would
1750 cause undue hardship.

1751 [(f)] (g) Upon the allowance of any such account, the court shall
1752 determine the rights of the fiduciaries or the [attorney-in-fact] agent
1753 under a power of attorney rendering the account and of the parties
1754 interested in the account, including the relief authorized under section
1755 25 of this act, subject to appeal as in other cases. The court shall cause
1756 notice of the hearing on the account to be given in such manner and to
1757 such parties as it directs.

1758 [(g)] (h) In any action under this section, the Probate Court shall
1759 have, in addition to powers pursuant to this section, all the powers
1760 available to a judge of the Superior Court at law and in equity
1761 pertaining to matters under this section.

1762 Sec. 56. Subsection (b) of section 45a-645 of the general statutes is
1763 repealed and the following is substituted in lieu thereof (*Effective*
1764 *October 1, 2015*):

1765 (b) The designation shall be executed, witnessed and revoked in the
1766 same manner as provided for wills in sections 45a-251 and 45a-257, or
1767 a power of attorney executed in accordance with section 13 of this act,
1768 except that any person who is so designated as a conservator shall not
1769 qualify as a witness.

1770 Sec. 57. Section 45a-650 of the general statutes is repealed and the
1771 following is substituted in lieu thereof (*Effective October 1, 2015*):

1772 (a) At any hearing on an application for involuntary representation,
1773 before the court receives any evidence regarding the condition of the
1774 respondent or of the respondent's affairs, the court shall require clear
1775 and convincing evidence that the court has jurisdiction, that the
1776 respondent has been given notice as required in section 45a-649, and
1777 that the respondent has been advised of the right to retain an attorney
1778 pursuant to section 45a-649a and is either represented by an attorney
1779 or has waived the right to be represented by an attorney. The
1780 respondent shall have the right to attend any hearing held under this
1781 section.

1782 (b) The rules of evidence applicable to civil matters in the Superior
1783 Court shall apply to all hearings pursuant to this section. All testimony
1784 at a hearing held pursuant to this section shall be given under oath or
1785 affirmation.

1786 (c) (1) After making the findings required under subsection (a) of
1787 this section, the court shall receive evidence regarding the respondent's
1788 condition, the capacity of the respondent to care for himself or herself
1789 or to manage his or her affairs, and the ability of the respondent to
1790 meet his or her needs without the appointment of a conservator.
1791 Unless waived by the court pursuant to subdivision (2) of this
1792 subsection, medical evidence shall be introduced from one or more

1793 physicians licensed to practice medicine in this state who have
1794 examined the respondent not more than forty-five days prior to the
1795 hearing, except that for a person with intellectual disability, as defined
1796 in section 1-1g, psychological evidence may be introduced in lieu of
1797 such medical evidence from a psychologist licensed pursuant to
1798 chapter 383 who has examined the respondent not more than forty-five
1799 days prior to the hearing. The evidence shall contain specific
1800 information regarding the respondent's condition and the effect of the
1801 respondent's condition on the respondent's ability to care for himself
1802 or herself or to manage his or her affairs. The court may also consider
1803 such other evidence as may be available and relevant, including, but
1804 not limited to, a summary of the physical and social functioning level
1805 or ability of the respondent, and the availability of support services
1806 from the family, neighbors, community or any other appropriate
1807 source. Such evidence may include, if available, reports from the social
1808 work service of a general hospital, municipal social worker, director of
1809 social service, public health nurse, public health agency, psychologist,
1810 coordinating assessment and monitoring agencies, or such other
1811 persons as the court considers qualified to provide such evidence.

1812 (2) The court may waive the requirement that medical evidence be
1813 presented if it is shown that the evidence is impossible to obtain
1814 because of the absence of the respondent or the respondent's refusal to
1815 be examined by a physician or that the alleged incapacity is not
1816 medical in nature. If such requirement is waived, the court shall make
1817 a specific finding in any decree issued on the application stating why
1818 medical evidence was not required.

1819 (3) Any hospital, psychiatric, psychological or medical record or
1820 report filed with the court pursuant to this subsection shall be
1821 confidential.

1822 (d) Upon the filing of an application for involuntary representation
1823 pursuant to section 45a-648, the court shall issue an order for the
1824 disclosure of the medical information required pursuant to this section

1825 and any psychological information submitted with respect to a person
1826 with intellectual disability pursuant to subsection (c) of this section to
1827 the respondent's attorney and, upon request, to the respondent. The
1828 court may issue an order for the disclosure of such information to any
1829 other person as the court determines necessary.

1830 (e) Notwithstanding the provisions of section 45a-7, the court may
1831 hold the hearing on the application at a place other than its usual
1832 courtroom if it would facilitate attendance by the respondent.

1833 (f) (1) If the court finds by clear and convincing evidence that the
1834 respondent is incapable of managing the respondent's affairs, that the
1835 respondent's affairs cannot be managed adequately without the
1836 appointment of a conservator and that the appointment of a
1837 conservator is the least restrictive means of intervention available to
1838 assist the respondent in managing the respondent's affairs, the court
1839 may appoint a conservator of his or her estate after considering the
1840 factors set forth in subsection (g) of this section.

1841 (2) If the court finds by clear and convincing evidence that the
1842 respondent is incapable of caring for himself or herself, that the
1843 respondent cannot be cared for adequately without the appointment of
1844 a conservator and that the appointment of a conservator is the least
1845 restrictive means of intervention available to assist the respondent in
1846 caring for himself or herself, the court may appoint a conservator of his
1847 or her person after considering the factors set forth in subsection (g) of
1848 this section.

1849 (3) No conservator may be appointed if the respondent's personal
1850 needs and property management are being met adequately by an
1851 agency or individual appointed pursuant to section [1-43,] 19a-575a,
1852 19a-577, 19a-580e or 19a-580g.

1853 (g) When determining whether a conservator should be appointed
1854 the court shall consider the following factors: (1) The abilities of the
1855 respondent; (2) the respondent's capacity to understand and articulate

1856 an informed preference regarding the care of his or her person or the
1857 management of his or her affairs; (3) any relevant and material
1858 information obtained from the respondent; (4) evidence of the
1859 respondent's past preferences and life style choices; (5) the
1860 respondent's cultural background; (6) the desirability of maintaining
1861 continuity in the respondent's life and environment; (7) whether the
1862 respondent had previously made adequate alternative arrangements
1863 for the care of his or her person or for the management of his or her
1864 affairs, including, but not limited to, the execution of a durable power
1865 of attorney, springing power of attorney, the appointment of a health
1866 care representative or health care agent, the execution of a living will
1867 or trust or the execution of any other similar document; (8) any
1868 relevant and material evidence from the respondent's family and any
1869 other person regarding the respondent's past practices and
1870 preferences; and (9) any supportive services, technologies or other
1871 means that are available to assist the respondent in meeting his or her
1872 needs.

1873 (h) The respondent or conserved person may appoint, designate or
1874 nominate a conservator or successor conservator pursuant to section
1875 19a-575a, 19a-580e, 19a-580g or 45a-645, as amended by this act, or
1876 may, orally or in writing, nominate a conservator or successor
1877 conservator who shall be appointed unless the court finds that the
1878 appointee, designee or nominee is unwilling or unable to serve or there
1879 is substantial evidence to disqualify such person. If there is no such
1880 appointment, designation or nomination or if the court does not
1881 appoint the person appointed, designated or nominated by the
1882 respondent or conserved person, the court may appoint any qualified
1883 person, authorized public official or corporation in accordance with
1884 subsections (a) and (b) of section 45a-644. In considering whom to
1885 appoint as conservator or successor conservator, the court shall
1886 consider (1) the extent to which a proposed conservator has knowledge
1887 of the respondent's or conserved person's preferences regarding the
1888 care of his or her person or the management of his or her affairs, (2) the

1889 ability of the proposed conservator to carry out the duties,
1890 responsibilities and powers of a conservator, (3) the cost of the
1891 proposed conservatorship to the estate of the respondent or conserved
1892 person, (4) the proposed conservator's commitment to promoting the
1893 respondent's or conserved person's welfare and independence, and (5)
1894 any existing or potential conflicts of interest of the proposed
1895 conservator.

1896 (i) If the court appoints a conservator of the estate of the respondent,
1897 the court shall require a probate bond. The court may, if it considers it
1898 necessary for the protection of the respondent, require a bond of any
1899 conservator of the person appointed under this section.

1900 (j) Absent the court's order to the contrary and except as otherwise
1901 provided in subsection (b) of section 19a-580e, a conservator appointed
1902 pursuant to this section shall be bound by all health care decisions
1903 properly made by the conserved person's health care representative.

1904 (k) In assigning the duties of a conservator under this section the
1905 court may, in accordance with section 16 of this act, limit, suspend or
1906 terminate the authority of an agent designated by the conserved
1907 person to act under a power of attorney.

1908 ~~[(k) A]~~ (l) Except as provided in subsection (k) of this section, a
1909 conserved person and his agent under a power of attorney shall retain
1910 all rights and authority not expressly assigned to the conservator.

1911 ~~[(l)]~~ (m) The court shall assign to a conservator appointed under this
1912 section only the duties and authority that are the least restrictive
1913 means of intervention necessary to meet the needs of the conserved
1914 person. The court shall find by clear and convincing evidence that such
1915 duties and authority restrict the decision-making authority of the
1916 conserved person only to the extent necessary to provide for the
1917 personal needs or property management of the conserved person. Such
1918 personal needs and property management shall be provided in a
1919 manner appropriate to the conserved person. The court shall make a

1920 finding of the clear and convincing evidence that supports the need for
1921 each duty and authority assigned to the conservator.

1922 [(m)] (n) Nothing in this chapter shall impair, limit or diminish a
1923 conserved person's right to retain an attorney to represent such person
1924 or to seek redress of grievances in any court or administrative agency,
1925 including proceedings in the nature of habeas corpus arising out of
1926 any limitations imposed on the conserved person by court action taken
1927 under this chapter, chapter 319i, chapter 319j or section 45a-242. In any
1928 other proceeding in which the conservator has retained counsel for the
1929 conserved person, the conserved person may request the Court of
1930 Probate to direct the conservator to substitute an attorney chosen by
1931 the conserved person.

1932 Sec. 58. Section 47-5 of the general statutes is repealed and the
1933 following is substituted in lieu thereof (*Effective October 1, 2015*):

1934 (a) All conveyances of land shall be: (1) In writing; (2) if the grantor
1935 is a natural person, subscribed, with or without a seal, by the grantor
1936 with his own hand or with his mark with his name annexed to it or by
1937 his [attorney] agent authorized for that purpose by a power executed,
1938 acknowledged and witnessed in the manner provided for conveyances
1939 or, if the grantor is a corporation, limited liability company or
1940 partnership, subscribed by a duly authorized person; (3)
1941 acknowledged by the grantor, his [attorney] agent or such duly
1942 authorized person (A) to be his free act and deed, or (B) in any manner
1943 permitted under chapter 6 or chapter 8; and (4) attested to by two
1944 witnesses with their own hands.

1945 (b) A document conveying land shall also include the current
1946 mailing address of the grantee.

1947 (c) In addition to the requirements of subsection (a) of this section,
1948 the execution of a deed or other conveyance of real property pursuant
1949 to a power of attorney shall be deemed sufficient if done in
1950 substantially the following form:

1951 Name of Owner of Record

1952 By: (Signature of [Attorney-in-Fact] Agent) L.S.

1953 Name of Signatory

1954 His/Her [Attorney-in-Fact] Agent

1955 (d) Nothing in subsection (c) of this section precludes the use of any
1956 other legal form of execution of deed or other conveyance of real
1957 property.

1958 Sec. 59. Subsection (c) of section 19a-580f of the general statutes is
1959 repealed and the following is substituted in lieu thereof (*Effective*
1960 *October 1, 2015*):

1961 (c) A power of attorney for health care decisions properly executed
1962 prior to October 1, 2006, shall have the same power and effect as
1963 provided under section 1-55, revision of 1958 revised to January 1,
1964 2015, in effect at the time of its execution.

1965 Sec. 60. Section 45a-582 of the general statutes is repealed and the
1966 following is substituted in lieu thereof (*Effective October 1, 2015*):

1967 An interest that exists on October 1, 1981, as to which, if a present
1968 interest, the time for delivering a disclaimer under [section 45a-562,]
1969 subsections (3) and (35) of section 45a-234, subsections (4) and (19) of
1970 section 45a-235, and sections 45a-578 to 45a-584, inclusive, has not
1971 expired or, if a future interest, the interest has not become indefeasibly
1972 vested or the taker finally ascertained, may be disclaimed within nine
1973 months after October 1, 1981.

1974 Sec. 61. Sections 1-42 to 1-56, inclusive, of the general statutes,
1975 sections 1-56h to 1-56k, inclusive, of the general statutes and section
1976 45a-562 of the general statutes are repealed. (*Effective October 1, 2015*)

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2015</i>	17b-450
Sec. 2	<i>October 1, 2015</i>	17b-451(a)
Sec. 3	<i>October 1, 2015</i>	53a-119
Sec. 4	<i>October 1, 2015</i>	53a-123(a)
Sec. 5	<i>October 1, 2015</i>	New section
Sec. 6	<i>October 1, 2015</i>	New section
Sec. 7	<i>October 1, 2015</i>	New section
Sec. 8	<i>October 1, 2015</i>	New section
Sec. 9	<i>October 1, 2015</i>	New section
Sec. 10	<i>October 1, 2015</i>	New section
Sec. 11	<i>October 1, 2015</i>	New section
Sec. 12	<i>October 1, 2015</i>	New section
Sec. 13	<i>October 1, 2015</i>	New section
Sec. 14	<i>October 1, 2015</i>	New section
Sec. 15	<i>October 1, 2015</i>	New section
Sec. 16	<i>October 1, 2015</i>	New section
Sec. 17	<i>October 1, 2015</i>	New section
Sec. 18	<i>October 1, 2015</i>	New section
Sec. 19	<i>October 1, 2015</i>	New section
Sec. 20	<i>October 1, 2015</i>	New section
Sec. 21	<i>October 1, 2015</i>	New section
Sec. 22	<i>October 1, 2015</i>	New section
Sec. 23	<i>October 1, 2015</i>	New section
Sec. 24	<i>October 1, 2015</i>	New section
Sec. 25	<i>October 1, 2015</i>	New section
Sec. 26	<i>October 1, 2015</i>	New section
Sec. 27	<i>October 1, 2015</i>	New section
Sec. 28	<i>October 1, 2015</i>	New section
Sec. 29	<i>October 1, 2015</i>	New section
Sec. 30	<i>October 1, 2015</i>	New section
Sec. 31	<i>October 1, 2015</i>	New section
Sec. 32	<i>October 1, 2015</i>	New section
Sec. 33	<i>October 1, 2015</i>	New section
Sec. 34	<i>October 1, 2015</i>	New section
Sec. 35	<i>October 1, 2015</i>	New section
Sec. 36	<i>October 1, 2015</i>	New section

Sec. 37	<i>October 1, 2015</i>	New section
Sec. 38	<i>October 1, 2015</i>	New section
Sec. 39	<i>October 1, 2015</i>	New section
Sec. 40	<i>October 1, 2015</i>	New section
Sec. 41	<i>October 1, 2015</i>	New section
Sec. 42	<i>October 1, 2015</i>	New section
Sec. 43	<i>October 1, 2015</i>	New section
Sec. 44	<i>October 1, 2015</i>	New section
Sec. 45	<i>October 1, 2015</i>	New section
Sec. 46	<i>October 1, 2015</i>	New section
Sec. 47	<i>October 1, 2015</i>	New section
Sec. 48	<i>October 1, 2015</i>	New section
Sec. 49	<i>October 1, 2015</i>	New section
Sec. 50	<i>October 1, 2015</i>	New section
Sec. 51	<i>October 1, 2015</i>	New section
Sec. 52	<i>October 1, 2015</i>	New section
Sec. 53	<i>October 1, 2015</i>	New section
Sec. 54	<i>October 1, 2015</i>	45a-98(a)
Sec. 55	<i>October 1, 2015</i>	45a-175
Sec. 56	<i>October 1, 2015</i>	45a-645(b)
Sec. 57	<i>October 1, 2015</i>	45a-650
Sec. 58	<i>October 1, 2015</i>	47-5
Sec. 59	<i>October 1, 2015</i>	19a-580f(c)
Sec. 60	<i>October 1, 2015</i>	45a-582
Sec. 61	<i>October 1, 2015</i>	Repealer section

Statement of Purpose:

To criminalize the exploitation of elderly persons, prevent perpetrators from profiting from the exploitation, add certain financial institution employees to mandated reporters of suspected abuse of elderly persons and adopt the Connecticut Uniform Power of Attorney 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.]