



General Assembly

**Substitute Bill No. 1005**

January Session, 2015



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

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

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 Section 17b-450 of the general statutes is repealed and the  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

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

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

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

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

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

19 jurisdiction.

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

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

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

31 (B) Unauthorized taking of personal assets; or

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

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

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

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

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

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

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

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

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

67 (10) "Services that are necessary to maintain physical and mental  
68 health" include, but are not limited to, the provision of medical care for  
69 physical and mental health needs, the relocation of an elderly person  
70 to a facility or institution able to offer such care, assistance in personal  
71 hygiene, food, clothing, adequately heated and ventilated shelter,  
72 protection from health and safety hazards, protection from  
73 maltreatment the result of which includes, but is not limited to,  
74 malnutrition, deprivation of necessities or physical punishment, and  
75 transportation necessary to secure any of the above stated needs,  
76 except that this term shall not include taking such person into custody  
77 without consent except as provided in sections 17b-450 to 17b-461,  
78 inclusive, as amended by this act.

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

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

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

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

106 (a) [Any physician] For purposes of this subsection, "mandated  
107 reporter" means a: (1) Physician or surgeon licensed under the  
108 provisions of chapter 370; [, any] (2) resident physician or intern in any  
109 hospital in this state, whether or not so licensed; [, any] (3) registered  
110 nurse; [, any] (4) nursing home administrator, nurse's aide or orderly

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

146 the first offense and a class A misdemeanor for any subsequent  
147 offense. Any institution, organization, agency or facility employing  
148 mandated reporters or other individuals to care for persons sixty years  
149 of age or older shall provide mandatory training on detecting potential  
150 abuse, [and] neglect, exploitation or abandonment of such persons and  
151 inform such employees of their obligations under this section.

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

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

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

164 (a) A person is guilty of larceny in the second degree when he  
165 commits larceny, as defined in section 53a-119, as amended by this act,  
166 and: (1) The property consists of a motor vehicle, the value of which  
167 exceeds ten thousand dollars; [ ] (2) the value of the property or service  
168 exceeds ten thousand dollars; [ ] (3) the property, regardless of its  
169 nature or value, is taken from the person of another; [ ] (4) the property  
170 is obtained by defrauding a public community, and the value of such  
171 property is two thousand dollars or less; [ ] (5) the property, regardless  
172 of its nature or value, is obtained by embezzlement, exploitation, as  
173 defined in section 53a-119, as amended by this act, false pretenses or  
174 false promise and the victim of such larceny is sixty years of age or  
175 older or is blind or physically disabled, as defined in section 1-1f; [ ] or  
176 (6) the property, regardless of its value, consists of wire, cable or other  
177 equipment used in the provision of telecommunications service and

178 the taking of such property causes an interruption in the provision of  
179 emergency telecommunications service.

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

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

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

211 dismissed, nolleed or results in acquittal, the court shall vacate the  
212 order.

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

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

233       (3) With respect to property owned in joint tenancy with rights of  
234 survivorship with the deceased, such final adjudication as guilty shall  
235 be a severance of the joint tenancy, and shall convert the joint tenancy  
236 into a tenancy in common as to the person so adjudged and the  
237 deceased but not as to any remaining joint tenant or tenants, such  
238 severance being effective as of the time such adjudication of guilty  
239 becomes final. When such jointly owned property is real property, a  
240 certified copy of the final adjudication as guilty shall be recorded by  
241 the fiduciary of the deceased's estate, or may be recorded by any other  
242 interested party in the land records of the town where such real  
243 property is situated.



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

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

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

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

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

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

268 Sec. 8. (*Effective October 1, 2015*) (a) The Commission on Aging, in  
269 consultation with the Connecticut Elder Justice Coalition Coordinating  
270 Council, the Department of Social Services, the Department on Aging,  
271 the Office of the Long-Term Care Ombudsman and the Chief State's  
272 Attorney, shall conduct a study concerning best practices for reporting  
273 and identification of the abuse, neglect, exploitation and abandonment  
274 of elderly persons. The study shall review: (1) Models nationwide for

275 reporting of such abuse, neglect, exploitation or abandonment, (2)  
276 standardized definitions, measurements and uniform reporting  
277 mechanisms to accurately capture the nature and scope of such abuse,  
278 neglect, exploitation or abandonment in the state, and (3) methods to  
279 promote and coordinate communication about such reporting among  
280 local and state governmental entities, including law enforcement.

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

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

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

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

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

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

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

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

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

307 (B) Is:

308 (i) Missing;

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

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

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

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

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

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

331 (10) "Property" means anything that may be the subject of

332 ownership, whether real or personal, or legal or equitable, or any  
333 interest or right therein.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

387 (d) Except as otherwise provided by statute, other than sections 9 to

388 53, inclusive, of this act, or unless the power of attorney otherwise  
389 provides, a photocopy or electronically transmitted copy of an original  
390 power of attorney has the same effect as the original.

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

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

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

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

420 occurrence of a future event or contingency.

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

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

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

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

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

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

449 AFFIDAVIT THAT POWER OF ATTORNEY IS IN FULL FORCE

450 AND EFFECT

451 STATE OF )

452 ) SS:

453 COUNTY OF )

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

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

458 THAT specified contingency was: ....

459 THAT specified contingency has occurred.

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

461 .... L.S.

462 ....

463 Witness

464 ....

465 Witness

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

467 ....

468 Commissioner of the Superior Court

469 Notary Public

470 My commission expires: ....

471 Sec. 18. (NEW) (*Effective October 1, 2015*) (a) A power of attorney



472 terminates when:

473 (1) The principal dies;

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

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

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

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

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

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

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

485 (1) The principal revokes the authority;

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

488 (3) The agent dies or resigns;

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

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

495 (i) A judge in a court proceeding;

496 (ii) Two independent physicians; or

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

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

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

508 (6) The power of attorney terminates.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

580 (2) Act in good faith; and

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

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

- 585 (1) Act loyally for the principal's benefit;
- 586 (2) Act so as not to create a conflict of interest that impairs the  
587 agent's ability to act impartially in the principal's best interest;
- 588 (3) Act with the care, competence and diligence ordinarily exercised  
589 by agents in similar circumstances;
- 590 (4) Keep a record of all receipts, disbursements and transactions  
591 made on behalf of the principal;
- 592 (5) Cooperate with a person that has authority to make health care  
593 decisions for the principal to carry out the principal's reasonable  
594 expectations to the extent actually known by the agent and, otherwise,  
595 act in the principal's best interest; and
- 596 (6) Attempt to preserve the principal's estate plan, to the extent  
597 actually known by the agent, if preserving the plan is consistent with  
598 the principal's best interest based on all relevant factors, including:
- 599 (A) The value and nature of the principal's property;
- 600 (B) The principal's foreseeable obligations and need for  
601 maintenance;
- 602 (C) Minimization of taxes, including income, estate, inheritance,  
603 generation skipping transfer and gift taxes; and
- 604 (D) Eligibility for a benefit, a program or assistance under a federal  
605 or state statute or regulation.
- 606 (c) An agent that acts in good faith is not liable to any beneficiary of  
607 the principal's estate plan for failure to preserve the plan.
- 608 (d) An agent that acts with care, competence and diligence for the  
609 best interest of the principal is not liable solely because the agent also  
610 benefits from the act or has an individual or conflicting interest in  
611 relation to the property or affairs of the principal.

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

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

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

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

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

642 (1) Relieves the agent of liability for breach of duty committed

643 dishonestly, with an improper motive or with reckless indifference to  
644 the purposes of the power of attorney or the best interest of the  
645 principal; or

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

648 Sec. 24. (NEW) (*Effective October 1, 2015*) (a) The following persons  
649 may petition a court in accordance with subsection (d) of section 45a-  
650 175 of the general statutes, as amended by this act, to construe a power  
651 of attorney or review the agent's conduct, and grant appropriate relief:

652 (1) The principal or the agent;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

696 Sec. 27. (NEW) (*Effective October 1, 2015*) (a) For purposes of this  
697 section and section 28 of this act, "acknowledged" means purportedly



698 verified before a notary public or other individual authorized to take  
699 acknowledgements.

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

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

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

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

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

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

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

726 (f) For purposes of this section and section 28 of this act, a person

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

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

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

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

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

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

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

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

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

754 (4) A request for a certification, a translation, or an opinion of

755 counsel under subsection (d) of section 27 of this act is refused;

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

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

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

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

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

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

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

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

793       (2) Make a gift;

794       (3) Create or change rights of survivorship;

795       (4) Create or change a beneficiary designation;

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

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

799       (7) Exercise fiduciary powers that the principal has authority to  
800 delegate; or

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

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

810       (c) Subject to the provisions set forth in subsections (a), (b), (d) and  
811 (e) of this section, if a power of attorney grants to an agent authority to  
812 perform all acts that a principal could perform, the agent has the

813 general authority described in sections 35 to 47, inclusive, of this act.

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

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

820 (f) Authority granted in a power of attorney is exercisable with  
821 respect to property that the principal has when the power of attorney  
822 is executed or acquires later, whether or not the property is located in  
823 this state and whether or not the authority is exercised or the power of  
824 attorney is executed in this state.

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

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

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

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

840 Sec. 34. (NEW) (*Effective October 1, 2015*) Unless the power of  
841 attorney otherwise provides, by executing a power of attorney that

842 incorporates by reference a subject described in sections 35 to 48,  
843 inclusive, of this act or that grants to an agent authority to perform all  
844 acts that a principal could perform pursuant to subsection (c) of section  
845 32 of this act, a principal authorizes the agent, with respect to that  
846 subject, to:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



928 interest.

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

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

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

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

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

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

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

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

955 (C) Paying, assessing, compromising or contesting taxes or

956 assessments or applying for and receiving refunds in connection with  
957 such taxes or assessments;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1009 (8) Make, assign, draw, endorse, discount, guarantee and negotiate

1010 promissory notes, checks, drafts and other negotiable or nonnegotiable  
1011 paper of the principal or payable to the principal or the principal's  
1012 order, transfer money, receive the cash or other proceeds of those  
1013 transactions and accept a draft drawn by a person upon the principal  
1014 and pay it when due;

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

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

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

1024 Sec. 40. (NEW) (*Effective October 1, 2015*) Subject to the terms of a  
1025 document or an agreement governing an entity or an entity ownership  
1026 interest, and unless the power of attorney otherwise provides,  
1027 language in a power of attorney granting general authority with  
1028 respect to operation of an entity or business authorizes the agent to:

1029 (1) Operate, buy, sell, enlarge, reduce, or terminate an ownership  
1030 interest;

1031 (2) Perform a duty or discharge a liability and exercise in person or  
1032 by proxy a right, power, privilege or option that the principal has, may  
1033 have or claims to have;

1034 (3) Enforce the terms of an ownership agreement;

1035 (4) Initiate, participate in, submit to alternative dispute resolution,  
1036 settle, oppose, or propose or accept a compromise with respect to  
1037 litigation to which the principal is a party because of an ownership  
1038 interest;

1039 (5) Exercise in person or by proxy, or enforce by litigation or  
1040 otherwise, a right, power, privilege or option the principal has or  
1041 claims to have as the holder of stocks and bonds;

1042 (6) Initiate, participate in, submit to alternative dispute resolution,  
1043 settle, oppose, or propose or accept a compromise with respect to  
1044 litigation to which the principal is a party concerning stocks and  
1045 bonds;

1046 (7) With respect to an entity or business owned solely by the  
1047 principal:

1048 (A) Continue, modify, renegotiate, extend and terminate a contract  
1049 made by or on behalf of the principal with respect to the entity or  
1050 business before execution of the power of attorney;

1051 (B) Determine:

1052 (i) The location of its operation;

1053 (ii) The nature and extent of its business;

1054 (iii) The methods of manufacturing, selling, merchandising,  
1055 financing, accounting and advertising employed in its operation;

1056 (iv) The amount and types of insurance carried; and

1057 (v) The mode of engaging, compensating and dealing with its  
1058 employees and accountants, attorneys or other advisors;

1059 (C) Change the name or form of organization under which the  
1060 entity or business is operated and enter into an ownership agreement  
1061 with other persons to take over all or part of the operation of the entity  
1062 or business; and

1063 (D) Demand and receive money due or claimed by the principal or  
1064 on the principal's behalf in the operation of the entity or business and  
1065 control and disburse the money in the operation of the entity or

1066 business;

1067 (8) Put additional capital into an entity or business in which the  
1068 principal has an interest;

1069 (9) Join in a plan of reorganization, consolidation, conversion,  
1070 domestication or merger of the entity or business;

1071 (10) Sell or liquidate all or part of an entity or business;

1072 (11) Establish the value of an entity or business under a buyout  
1073 agreement to which the principal is a party;

1074 (12) Prepare, sign, file and deliver reports, compilations of  
1075 information, returns or other papers with respect to an entity or  
1076 business and make related payments; and

1077 (13) Pay, compromise or contest taxes, assessments, fines or  
1078 penalties and perform any other act to protect the principal from  
1079 illegal or unnecessary taxation, assessments, fines or penalties, with  
1080 respect to an entity or business, including attempts to recover, in any  
1081 manner permitted by law, money paid before or after the execution of  
1082 the power of attorney.

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

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

1092 (2) Procure new, different and additional contracts of insurance and  
1093 annuities for the principal and the principal's spouse, children and

1094 other dependents, and select the amount, type of insurance or annuity  
1095 and mode of payment;

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

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

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

1103 (6) Exercise an election;

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

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

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

1111 (10) Apply for and procure a benefit or assistance under a federal or  
1112 state statute or regulation to guarantee or pay premiums of a contract  
1113 of insurance on the life of the principal;

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

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

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

1121 its proceeds or liability accruing by reason of the tax or assessment.

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

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

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

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

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

1137 (4) Initiate, participate in, submit to alternative dispute resolution,  
1138 settle, oppose, or propose or accept a compromise with respect to  
1139 litigation to ascertain the meaning, validity or effect of a deed, will,  
1140 declaration of trust or other instrument or transaction affecting the  
1141 interest of the principal;

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

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

1147 (7) Transfer an interest of the principal in real property, stocks and  
1148 bonds, accounts with financial institutions or securities intermediaries,



1149 insurance, annuities and other property to the trustee of a revocable  
1150 trust created by the principal as settlor.

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

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

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

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

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

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

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

1179 prosecution, settlement or defense of a claim or litigation;

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

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

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

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

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

1197 (A) The principal's children;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1260 (3) Enroll in, apply for, select, reject, change, amend or discontinue,  
1261 on the principal's behalf, a benefit or program;

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

1265 (5) Initiate, participate in, submit to alternative dispute resolution,

1266 settle, oppose, or propose or accept a compromise with respect to  
1267 litigation concerning any benefit or assistance the principal may be  
1268 entitled to receive under a federal or state statute or regulation; and

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

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

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

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

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

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

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

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

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

1293 (b) Unless the power of attorney otherwise provides, language in a

1294 power of attorney granting general authority with respect to  
1295 retirement plans authorizes the agent to:

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

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

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

1301 (4) Make contributions to a retirement plan;

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

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

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

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

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

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

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

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

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

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

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

1348 (c) An agent may make a gift of the principal's property only as the  
1349 agent determines is consistent with the principal's objectives if actually  
1350 known by the agent and, if unknown, as the agent determines is  
1351 consistent with the principal's best interest based on all relevant  
1352 factors, including:

- 1353 (1) The value and nature of the principal's property;
- 1354 (2) The principal's foreseeable obligations and need for  
1355 maintenance;
- 1356 (3) Minimization of taxes, including income, estate, inheritance,  
1357 generation skipping transfer and gift taxes;
- 1358 (4) Eligibility for a benefit, a program, or assistance under a federal  
1359 or state statute or regulation; and
- 1360 (5) The principal's personal history of making or joining in making  
1361 gifts.

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

1366 CONNECTICUT  
1367 STATUTORY FORM POWER OF ATTORNEY  
1368 IMPORTANT INFORMATION

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

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

1377 You should select someone you trust to serve as your agent. Unless  
1378 you specify otherwise, generally the agent's authority will continue  
1379 until you die or revoke the power of attorney or the agent resigns or is  
1380 unable to act for you.



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

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

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

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

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

1395 DESIGNATION OF AGENT

1396 I \_\_\_\_\_ name the following person

1397 (Name of Principal)

1398

1399 as my agent:

1400 Name of Agent: \_\_\_\_\_

1401 Agent's Address: \_\_\_\_\_

1402 DESIGNATION OF SUCCESSOR AGENT(S) (OPTIONAL)

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

1405 Name of Successor Agent: \_\_\_\_\_

1406 Successor Agent's Address: \_\_\_\_\_

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

1409 Name of Second Successor Agent:\_\_\_\_\_

1410 Second Successor Agent's Address:\_\_\_\_\_

1411 GRANT OF GENERAL AUTHORITY

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

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

1420  Real Property

1421  Tangible Personal Property

1422  Stocks and Bonds

1423  Commodities and Options

1424  Banks and Other Financial Institutions

1425  Operation of Entity or Business

1426  Insurance and Annuities

1427  Estates, Trusts and Other Beneficial Interests

1428  Claims and Litigation

1429  Personal and Family Maintenance

1430  Benefits from Governmental Programs or Civil or Military

1431 Service

1432  Retirement Plans

1433  Taxes

1434  All Preceding Subjects

1435 GRANT OF SPECIFIC AUTHORITY (OPTIONAL)

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

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

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

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

1456  Create or change rights of survivorship

1457  Create or change a beneficiary designation

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

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

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

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

1466 LIMITATION ON AGENT'S AUTHORITY

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

1471 SPECIAL INSTRUCTIONS (OPTIONAL)

1472 You may give special instructions on the following lines:

1473 \_\_\_\_\_  
1474 \_\_\_\_\_  
1475 \_\_\_\_\_  
1476 \_\_\_\_\_  
1477 \_\_\_\_\_  
1478 \_\_\_\_\_

1479 I approve these special instructions

1480 \_\_\_\_\_  
1481 Your Signature Date

1482 EFFECTIVE DATE

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

1484 otherwise in the special instructions.

1485 NOMINATION OF CONSERVATOR (OPTIONAL)

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

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

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

1493 RELIANCE ON THIS POWER OF ATTORNEY

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

1497 SIGNATURE AND ACKNOWLEDGMENT

1498 Signed in the presence of:

1499 \_\_\_\_\_  
1500 Witness Signature                      Your Signature                      Date

1501 \_\_\_\_\_  
1502 Witness Signature                      Your Signature                      Date

1503 Your Name Printed

1504 \_\_\_\_\_

1505 \_\_\_\_\_

1506 Your Address

1507 \_\_\_\_\_

1508 Your Telephone Number

1509 State of \_\_\_\_\_

1510 County of \_\_\_\_\_

1511 This document was acknowledged before me On \_\_\_\_\_,

1512 (Date)

1513 by \_\_\_\_\_.

1514 (Name of Principal)

1515 \_\_\_\_\_ (Seal, if any)

1516 Signature of Commissioner of Superior Court/Notary

1517 My commission expires: \_\_\_\_\_

1518 IMPORTANT INFORMATION FOR AGENT

1519 Agent's Duties

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

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

1527 (2) Act in good faith;

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

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

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

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

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

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

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

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

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

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

1549 Termination of Agent's Authority

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

- 1554 (1) Death of the principal;
- 1555 (2) The principal's revocation of the power of attorney or your  
1556 authority;
- 1557 (3) The occurrence of a termination event stated in the power of  
1558 attorney;
- 1559 (4) The purpose of the power of attorney is fully accomplished; or
- 1560 (5) If you are married to the principal, a legal action is filed with a  
1561 court to end your marriage, or for your legal separation, unless the  
1562 special instructions in this power of attorney state that such an action  
1563 will not terminate your authority.

1564 Liability of Agent

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

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

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

1576 AGENT'S CERTIFICATION AS TO THE  
1577 VALIDITY OF POWER OF ATTORNEY AND AGENT'S  
1578 AUTHORITY

1579 State of \_\_\_\_\_



1580 County of \_\_\_\_\_

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

1585 I further certify that to my knowledge:

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

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

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

1595 (4) \_\_\_\_\_  
1596 \_\_\_\_\_  
1597 \_\_\_\_\_  
1598 \_\_\_\_\_

(Insert other relevant statements)

SIGNATURE AND ACKNOWLEDGMENT

1601 \_\_\_\_\_  
1602 Agent's Signature Date

1603 \_\_\_\_\_  
1604 Agent's Name Printed

1605 \_\_\_\_\_

1606 \_\_\_\_\_

1607 Agent's Address

1608 \_\_\_\_\_

1609 Agent's Telephone Number

1610 This document was acknowledged before me on \_\_\_\_\_,

1611 (Date)

1612 by \_\_\_\_\_.

1613 (Name of Agent)

1614 \_\_\_\_\_ (Seal, if any)

1615 Signature of Commissioner of Superior Court/Notary

1616 My commission expires: \_\_\_\_\_

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

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

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

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

1631 (2) A judicial proceeding concerning a power of attorney

1632 commenced on or after October 1, 2015;

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

1639 (b) An act performed by an agent under a power of attorney before  
1640 October 1, 2015, is not affected by sections 9 to 53, inclusive, of this act.

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

1644 (a) Courts of probate in their respective districts shall have the  
1645 power to (1) grant administration of intestate estates of persons who  
1646 have died domiciled in their districts and of intestate estates of persons  
1647 not domiciled in this state which may be granted as provided by  
1648 section 45a-303; (2) admit wills to probate of persons who have died  
1649 domiciled in their districts or of nondomiciliaries whose wills may be  
1650 proved in their districts as provided in section 45a-287; (3) except as  
1651 provided in section 45a-98a or as limited by an applicable statute of  
1652 limitations, determine title or rights of possession and use in and to  
1653 any real, tangible or intangible property that constitutes, or may  
1654 constitute, all or part of any trust, any decedent's estate, or any estate  
1655 under control of a guardian or conservator, which trust or estate is  
1656 otherwise subject to the jurisdiction of the Probate Court, including the  
1657 rights and obligations of any beneficiary of the trust or estate and  
1658 including the rights and obligations of any joint tenant with respect to  
1659 survivorship property; (4) except as provided in section 45a-98a,  
1660 construe the meaning and effect of any will or trust agreement if a  
1661 construction is required in connection with the administration or  
1662 distribution of a trust or estate otherwise subject to the jurisdiction of  
1663 the Probate Court, or, upon petition from a beneficiary as defined in

1664 section 45a-175, as amended by this act, with respect to an inter vivos  
1665 trust, if that trust is or could be subject to jurisdiction of the court for  
1666 an accounting pursuant to section 45a-175, as amended by this act,  
1667 provided such an accounting need not be required; (5) except as  
1668 provided in section 45a-98a, apply the doctrine of cy pres or  
1669 approximation; (6) to the extent provided for in section 45a-175, as  
1670 amended by this act, call executors, administrators, trustees,  
1671 guardians, conservators, persons appointed to sell the land of minors,  
1672 and [attorneys-in-fact] agents acting under powers of attorney created  
1673 in accordance with [section 45a-562] sections 9 to 53, inclusive, of this  
1674 act, to account concerning the estates entrusted to their charge or for  
1675 other relief as provided in sections 9 to 53, inclusive, of this act; and (7)  
1676 make any lawful orders or decrees to carry into effect the power and  
1677 jurisdiction conferred upon them by the laws of this state.

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

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

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

1697 prior to death for submission to the jurisdiction of the court of an  
1698 account for allowance of the trustee's [or attorney's] actions under such  
1699 trust. [or power.]

1700 (c) (1) Any beneficiary of an inter vivos trust may petition a court of  
1701 probate having jurisdiction under this section for an accounting by the  
1702 trustee or trustees. The court may, after hearing with notice to all  
1703 interested parties, grant the petition and require an accounting for  
1704 such periods of time as it determines are reasonable and necessary on  
1705 finding that: (A) The beneficiary has an interest in the trust sufficient to  
1706 entitle him to an accounting, (B) cause has been shown that an  
1707 accounting is necessary, and (C) the petition is not for the purpose of  
1708 harassment.

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

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

1722 (d) Any of the persons specified in section 24 of this act may make  
1723 application to the court of probate for the district where the agent has  
1724 any place of business or to the court of probate for the district where  
1725 the agent or the principal resides or, in the case of a deceased principal,  
1726 to the court of probate having jurisdiction over the estate of the  
1727 principal or for the district in which the principal resided immediately  
1728 prior to death, for an accounting or other relief as provided in section

1729 24 of this act. The court shall grant the petition if filed by the principal,  
1730 agent, guardian, conservator or other fiduciary acting for the principal.  
1731 The court may grant a petition filed by any other person specified in  
1732 section 24 of this act if it finds that (1) the petitioner has an interest  
1733 sufficient to entitle him to the relief requested, (2) cause has been  
1734 shown that such relief is necessary, and (3) the petition is not for the  
1735 purpose of harassment.

1736 [(d)] (e) The action to submit an accounting to the court, whether by  
1737 an inter vivos trustee or [attorney] agent acting under a power of  
1738 attorney or whether pursuant to petition of another party, shall not  
1739 subject the trust or the power of attorney to the continuing jurisdiction  
1740 of the Probate Court.

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

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

1762 notice of the hearing on the account to be given in such manner and to  
1763 such parties as it directs.

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

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

1771 (b) The designation shall be executed, witnessed and revoked in the  
1772 same manner as provided for wills in sections 45a-251 and 45a-257, or  
1773 a power of attorney executed in accordance with section 13 of this act,  
1774 except that any person who is so designated as a conservator shall not  
1775 qualify as a witness.

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

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

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

1792 (c) (1) After making the findings required under subsection (a) of  
1793 this section, the court shall receive evidence regarding the respondent's  
1794 condition, the capacity of the respondent to care for himself or herself  
1795 or to manage his or her affairs, and the ability of the respondent to  
1796 meet his or her needs without the appointment of a conservator.  
1797 Unless waived by the court pursuant to subdivision (2) of this  
1798 subsection, medical evidence shall be introduced from one or more  
1799 physicians licensed to practice medicine in this state who have  
1800 examined the respondent not more than forty-five days prior to the  
1801 hearing, except that for a person with intellectual disability, as defined  
1802 in section 1-1g, psychological evidence may be introduced in lieu of  
1803 such medical evidence from a psychologist licensed pursuant to  
1804 chapter 383 who has examined the respondent not more than forty-five  
1805 days prior to the hearing. The evidence shall contain specific  
1806 information regarding the respondent's condition and the effect of the  
1807 respondent's condition on the respondent's ability to care for himself  
1808 or herself or to manage his or her affairs. The court may also consider  
1809 such other evidence as may be available and relevant, including, but  
1810 not limited to, a summary of the physical and social functioning level  
1811 or ability of the respondent, and the availability of support services  
1812 from the family, neighbors, community or any other appropriate  
1813 source. Such evidence may include, if available, reports from the social  
1814 work service of a general hospital, municipal social worker, director of  
1815 social service, public health nurse, public health agency, psychologist,  
1816 coordinating assessment and monitoring agencies, or such other  
1817 persons as the court considers qualified to provide such evidence.

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



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

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

1836 (e) Notwithstanding the provisions of section 45a-7, the court may  
1837 hold the hearing on the application at a place other than its usual  
1838 courtroom if it would facilitate attendance by the respondent.

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

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

1855 (3) No conservator may be appointed if the respondent's personal

1856 needs and property management are being met adequately by an  
1857 agency or individual appointed pursuant to section [1-43,] 19a-575a,  
1858 19a-577, 19a-580e or 19a-580g.

1859 (g) When determining whether a conservator should be appointed  
1860 the court shall consider the following factors: (1) The abilities of the  
1861 respondent; (2) the respondent's capacity to understand and articulate  
1862 an informed preference regarding the care of his or her person or the  
1863 management of his or her affairs; (3) any relevant and material  
1864 information obtained from the respondent; (4) evidence of the  
1865 respondent's past preferences and life style choices; (5) the  
1866 respondent's cultural background; (6) the desirability of maintaining  
1867 continuity in the respondent's life and environment; (7) whether the  
1868 respondent had previously made adequate alternative arrangements  
1869 for the care of his or her person or for the management of his or her  
1870 affairs, including, but not limited to, the execution of a durable power  
1871 of attorney, springing power of attorney, the appointment of a health  
1872 care representative or health care agent, the execution of a living will  
1873 or trust or the execution of any other similar document; (8) any  
1874 relevant and material evidence from the respondent's family and any  
1875 other person regarding the respondent's past practices and  
1876 preferences; and (9) any supportive services, technologies or other  
1877 means that are available to assist the respondent in meeting his or her  
1878 needs.

1879 (h) The respondent or conserved person may appoint, designate or  
1880 nominate a conservator or successor conservator pursuant to section  
1881 19a-575a, 19a-580e, 19a-580g or 45a-645, as amended by this act, or  
1882 may, orally or in writing, nominate a conservator or successor  
1883 conservator who shall be appointed unless the court finds that the  
1884 appointee, designee or nominee is unwilling or unable to serve or there  
1885 is substantial evidence to disqualify such person. If there is no such  
1886 appointment, designation or nomination or if the court does not  
1887 appoint the person appointed, designated or nominated by the  
1888 respondent or conserved person, the court may appoint any qualified

1889 person, authorized public official or corporation in accordance with  
1890 subsections (a) and (b) of section 45a-644. In considering whom to  
1891 appoint as conservator or successor conservator, the court shall  
1892 consider (1) the extent to which a proposed conservator has knowledge  
1893 of the respondent's or conserved person's preferences regarding the  
1894 care of his or her person or the management of his or her affairs, (2) the  
1895 ability of the proposed conservator to carry out the duties,  
1896 responsibilities and powers of a conservator, (3) the cost of the  
1897 proposed conservatorship to the estate of the respondent or conserved  
1898 person, (4) the proposed conservator's commitment to promoting the  
1899 respondent's or conserved person's welfare and independence, and (5)  
1900 any existing or potential conflicts of interest of the proposed  
1901 conservator.

1902 (i) If the court appoints a conservator of the estate of the respondent,  
1903 the court shall require a probate bond. The court may, if it considers it  
1904 necessary for the protection of the respondent, require a bond of any  
1905 conservator of the person appointed under this section.

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

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

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

1917 [(l)] (m) The court shall assign to a conservator appointed under this  
1918 section only the duties and authority that are the least restrictive  
1919 means of intervention necessary to meet the needs of the conserved

1920 person. The court shall find by clear and convincing evidence that such  
1921 duties and authority restrict the decision-making authority of the  
1922 conserved person only to the extent necessary to provide for the  
1923 personal needs or property management of the conserved person. Such  
1924 personal needs and property management shall be provided in a  
1925 manner appropriate to the conserved person. The court shall make a  
1926 finding of the clear and convincing evidence that supports the need for  
1927 each duty and authority assigned to the conservator.

1928 [(m)] (n) Nothing in this chapter shall impair, limit or diminish a  
1929 conserved person's right to retain an attorney to represent such person  
1930 or to seek redress of grievances in any court or administrative agency,  
1931 including proceedings in the nature of habeas corpus arising out of  
1932 any limitations imposed on the conserved person by court action taken  
1933 under this chapter, chapter 319i, chapter 319j or section 45a-242. In any  
1934 other proceeding in which the conservator has retained counsel for the  
1935 conserved person, the conserved person may request the Court of  
1936 Probate to direct the conservator to substitute an attorney chosen by  
1937 the conserved person.

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

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

1951 (b) A document conveying land shall also include the current

1952 mailing address of the grantee.

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

1957 Name of Owner of Record

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

1959 Name of Signatory

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

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

1964 Sec. 59. Subsection (c) of section 19a-580f of the general statutes is  
1965 repealed and the following is substituted in lieu thereof (*Effective*  
1966 *October 1, 2015*):

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

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

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

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

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

Sec. 34	October 1, 2015	New section
Sec. 35	October 1, 2015	New section
Sec. 36	October 1, 2015	New section
Sec. 37	October 1, 2015	New section
Sec. 38	October 1, 2015	New section
Sec. 39	October 1, 2015	New section
Sec. 40	October 1, 2015	New section
Sec. 41	October 1, 2015	New section
Sec. 42	October 1, 2015	New section
Sec. 43	October 1, 2015	New section
Sec. 44	October 1, 2015	New section
Sec. 45	October 1, 2015	New section
Sec. 46	October 1, 2015	New section
Sec. 47	October 1, 2015	New section
Sec. 48	October 1, 2015	New section
Sec. 49	October 1, 2015	New section
Sec. 50	October 1, 2015	New section
Sec. 51	October 1, 2015	New section
Sec. 52	October 1, 2015	New section
Sec. 53	October 1, 2015	New section
Sec. 54	October 1, 2015	45a-98(a)
Sec. 55	October 1, 2015	45a-175
Sec. 56	October 1, 2015	45a-645(b)
Sec. 57	October 1, 2015	45a-650
Sec. 58	October 1, 2015	47-5
Sec. 59	October 1, 2015	19a-580f(c)
Sec. 60	October 1, 2015	45a-582
Sec. 61	October 1, 2015	Repealer section

**Statement of Purpose:**

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

consistency.

**AGE**      *Joint Favorable Subst.*

**BA**        *Joint Favorable*

**JUD**      *Joint Favorable*