



General Assembly

**Amendment**

January Session, 2015

LCO No. 7326



Offered by:  
SEN. KELLY, 21<sup>st</sup> Dist.

To: Subst. Senate Bill No. 1005

File No. 201

Cal. No. 169

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

1 Strike everything after the enacting clause and substitute the  
2 following in lieu thereof:

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 Section 17b-450 of the general statutes is repealed and the  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

5 For purposes of this section and sections [17b-450] 17b-451 to 17b-  
6 461, inclusive, as amended by this act, and sections 5 and 8 of this act:

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

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

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

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

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

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

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

33 (B) Unauthorized taking of personal assets; or

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

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

43 property for the benefit of a person other than such elderly person.

44 (7) "Neglect" means a caretaker's wilful failure to provide services  
45 that are necessary to maintain an elderly person's physical or mental  
46 health or self-neglect by an elderly person who is not able to provide  
47 for himself or herself the services that are necessary to maintain  
48 physical and mental health.

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

51 (8) "Person in need of protective services" means a person who is the  
52 suspected victim of abuse, neglect, exploitation or abandonment or is  
53 unable to perform or obtain services [which] that are necessary to  
54 maintain physical and mental health.

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

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

69 [(4) The term "protective services" means services provided by the  
70 state or other governmental or private organizations or individuals  
71 which are necessary to prevent abuse, neglect, exploitation or  
72 abandonment. Abuse includes, but is not limited to, the wilful  
73 infliction of physical pain, injury or mental anguish, or the wilful

74 deprivation by a caretaker of services which are necessary to maintain  
75 physical and mental health. Neglect refers to an elderly person who is  
76 either living alone and not able to provide for himself or herself the  
77 services which are necessary to maintain physical and mental health or  
78 is not receiving such necessary services from the responsible caretaker.  
79 Exploitation refers to the act or process of taking advantage of an  
80 elderly person by another person or caretaker whether for monetary,  
81 personal or other benefit, gain or profit. Abandonment refers to the  
82 desertion or wilful forsaking of an elderly person by a caretaker or the  
83 foregoing of duties or the withdrawal or neglect of duties and  
84 obligations owed an elderly person by a caretaker or other person.

85 (5) The term "caretaker" means a person who has the responsibility  
86 for the care of an elderly person as a result of family relationship or  
87 who has assumed the responsibility for the care of the elderly  
88 voluntarily, by contract or by order of a court of competent  
89 jurisdiction.]

90 (10) "Protective services" means services provided by the state or  
91 other governmental or private organizations or individuals that are  
92 necessary to prevent abuse, neglect, exploitation or abandonment.

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

96 (a) [Any physician] For purposes of this subsection, "mandated  
97 reporter" means a: (1) Physician or surgeon licensed under the  
98 provisions of chapter 370; [, any] (2) resident physician or intern in any  
99 hospital in this state, whether or not so licensed; [, any] (3) registered  
100 nurse; [, any] (4) nursing home administrator, nurse's aide or orderly  
101 in a nursing home facility or residential care home; [, any] (5) person  
102 paid for caring for a patient in a nursing home facility or residential  
103 care home; [, any] (6) staff person employed by a nursing home facility  
104 or residential care home; [, any] (7) professional patients' advocate,  
105 [any] provided no representative of the Office of the State Long-Term

106 Care Ombudsman shall be considered a professional patients'  
107 advocate for purposes of this section; (8) licensed practical nurse; [ ] (9)  
108 medical examiner; [ ] (10) dentist; [ ] (11) optometrist; [ ] (12)  
109 chiropractor; [ ] (13) podiatrist; [ ] (14) social worker; [ ] (15) clergyman;  
110 [ ] (16) police officer; [ ] (17) pharmacist; [ ] (18) psychologist; [or] (19)  
111 physical therapist; [ ] (20) person licensed or certified as an emergency  
112 medical services provider pursuant to chapter 368d or chapter 384d,  
113 including any such emergency medical services provider who is a  
114 member of a municipal fire department; and [any] (21) person paid for  
115 caring for an elderly person by any institution, organization, agency or  
116 facility, [ Such persons shall include] including, but not limited to, an  
117 employee of a (A) community-based services provider, (B) senior  
118 center, (C) home care agency, (D) homemaker and companion agency,  
119 (E) adult day care center, (F) village-model community, and (G)  
120 congregate housing facility. [ ] Any mandated reporter who has  
121 reasonable cause to suspect or believe that any elderly person has been  
122 abused, neglected, exploited or abandoned, or is in a condition that is  
123 the result of such abuse, neglect, exploitation or abandonment, or is in  
124 need of protective services, shall [ , not later than seventy-two hours  
125 after such suspicion or belief arose,] report such information, or cause  
126 a report to be made in any reasonable manner, not later than seventy-  
127 two hours after such suspicion or belief arose to the Commissioner of  
128 Social Services or to the person or persons designated by the  
129 commissioner to receive such reports. Any [person required to report  
130 under the provisions of this section] mandated reporter who fails to  
131 make such report within the prescribed time period shall be fined not  
132 more than five hundred dollars, except that, if such [person] mandated  
133 reporter intentionally fails to make such report within the prescribed  
134 time period, such person shall be guilty of a class C misdemeanor for  
135 the first offense and a class A misdemeanor for any subsequent  
136 offense. Any institution, organization, agency or facility employing  
137 mandated reporters or other individuals to care for persons sixty years  
138 of age or older shall provide mandatory training on detecting potential  
139 abuse, [and] neglect, exploitation or abandonment of such persons and  
140 inform such employees of their obligations under this section.

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

143 (NEW) (19) Exploitation. A person commits exploitation when such  
144 person stands in a position of trust and confidence with an elderly  
145 person and knowingly, improperly and without the elderly person's  
146 authorization, uses, controls or possesses such elderly person's funds,  
147 assets or property, or attempts to use, control or possess such funds,  
148 assets or property, with the intent to temporarily or permanently  
149 deprive such elderly person of the use, benefit or possession of such  
150 funds, assets or property.

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

154 (a) A person is guilty of larceny in the second degree when he  
155 commits larceny, as defined in section 53a-119, as amended by this act,  
156 and: (1) The property consists of a motor vehicle, the value of which  
157 exceeds ten thousand dollars; [ ] (2) the value of the property or service  
158 exceeds ten thousand dollars; [ ] (3) the property, regardless of its  
159 nature or value, is taken from the person of another; [ ] (4) the property  
160 is obtained by defrauding a public community, and the value of such  
161 property is two thousand dollars or less; [ ] (5) the property, regardless  
162 of its nature or value, is obtained by embezzlement, exploitation, as  
163 defined in section 53a-119, as amended by this act, false pretenses or  
164 false promise and the victim of such larceny is sixty years of age or  
165 older or is blind or physically disabled, as defined in section 1-1f; [ ] or  
166 (6) the property, regardless of its value, consists of wire, cable or other  
167 equipment used in the provision of telecommunications service and  
168 the taking of such property causes an interruption in the provision of  
169 emergency telecommunications service.

170 Sec. 5. (NEW) (*Effective October 1, 2015*) (a) An elderly person who  
171 has been abused, neglected or exploited, as such terms are defined in  
172 section 17b-450 of the general statutes, as amended by this act, may

173 have a cause of action against any perpetrator and may recover actual  
174 and punitive damages for such abuse, neglect or exploitation together  
175 with costs and a reasonable attorney's fee. The action may be brought  
176 by the elderly person, or the elderly person's guardian or conservator,  
177 by a person or organization acting on behalf of the elderly person with  
178 the consent of such elderly person or the elderly person's guardian or  
179 conservator or by the personal representative of the estate of a  
180 deceased elderly victim without regard to whether the cause of death  
181 resulted from the abuse, neglect or exploitation.

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

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

203 Sec. 7. (NEW) (*Effective October 1, 2015*) (a) (1) A person finally  
204 adjudged guilty, either as the principal or accessory, of the crime of  
205 larceny by exploitation, as defined in section 53a-119 of the general

206 statutes, as amended by this act, shall not inherit or receive any part of  
207 the estate of the victim, whether under the provisions of any act  
208 relating to intestate succession, or as devisee or legatee, or otherwise  
209 under the will of the deceased, or receive any property as beneficiary  
210 or survivor of the deceased. For the purposes of this subdivision, an  
211 interested person may bring an action in the Superior Court for a  
212 determination, by a preponderance of the evidence, that an heir,  
213 devisee, legatee or beneficiary of the deceased who has predeceased  
214 the interested person would have been adjudged guilty, either as the  
215 principal or accessory, of exploitation had the heir, devisee, legatee or  
216 beneficiary survived.

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

223 (3) With respect to property owned in joint tenancy with rights of  
224 survivorship with the deceased, such final adjudication as guilty shall  
225 be a severance of the joint tenancy, and shall convert the joint tenancy  
226 into a tenancy in common as to the person so adjudged and the  
227 deceased but not as to any remaining joint tenant or tenants, such  
228 severance being effective as of the time such adjudication of guilty  
229 becomes final. When such jointly owned property is real property, a  
230 certified copy of the final adjudication as guilty shall be recorded by  
231 the fiduciary of the deceased's estate, or may be recorded by any other  
232 interested party in the land records of the town where such real  
233 property is situated.

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

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

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

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

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

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

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

270 local and state governmental entities, including law enforcement.

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

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

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

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

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

287 (3) "Electronic" means relating to technology having electrical,  
288 digital, magnetic, wireless, optical, electromagnetic or similar  
289 capabilities.

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

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

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

297 (B) Is:

- 298 (i) Missing;
- 299 (ii) Detained, including incarcerated in a penal system; or
- 300 (iii) Outside the United States and unable to return.
- 301 (6) "Person" means an individual, corporation, business trust, estate,  
302 trust, partnership, limited liability company, association, joint venture,  
303 public corporation, government or governmental subdivision, agency,  
304 or instrumentality or any other legal or commercial entity.
- 305 (7) "Power of attorney" means a writing or other record that grants  
306 authority to an agent to act in the place of the principal, whether or not  
307 the term power of attorney is used.
- 308 (8) "Presently exercisable general power of appointment" means,  
309 with respect to property or a property interest subject to a power of  
310 appointment, power exercisable at the time in question to vest absolute  
311 ownership in the principal individually, the principal's estate, the  
312 principal's creditors or the creditors of the principal's estate. The term  
313 includes a power of appointment not exercisable until the occurrence  
314 of a specified event, the satisfaction of an ascertainable standard, or the  
315 passage of a specified period only after the occurrence of the specified  
316 event, the satisfaction of the ascertainable standard, or the passage of  
317 the specified period. The term does not include a power exercisable in  
318 a fiduciary capacity or only by will.
- 319 (9) "Principal" means an individual who grants authority to an agent  
320 in a power of attorney.
- 321 (10) "Property" means anything that may be the subject of  
322 ownership, whether real or personal, or legal or equitable, or any  
323 interest or right therein.
- 324 (11) "Record" means information that is inscribed on a tangible  
325 medium or that is stored in an electronic or other medium and is  
326 retrievable in perceivable form.

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

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

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

332 (13) "State" means a state of the United States, the District of  
333 Columbia, Puerto Rico, the United States Virgin Islands or any  
334 territory or insular possession subject to the jurisdiction of the United  
335 States.

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

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

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

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

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

349 (4) A power created on a form prescribed by a government or  
350 governmental subdivision, agency or instrumentality for a  
351 governmental purpose.

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

355 principal.

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

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

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

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

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

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

377 (d) Except as otherwise provided by statute, other than sections 9 to  
378 53, inclusive, of this act, or unless the power of attorney otherwise  
379 provides, a photocopy or electronically transmitted copy of an original  
380 power of attorney has the same effect as the original.

381 Sec. 15. (NEW) (*Effective October 1, 2015*) The meaning and effect of a  
382 power of attorney is determined by the law of the jurisdiction  
383 indicated in the power of attorney and, in the absence of an indication

384 of jurisdiction, by the law of the jurisdiction in which the power of  
385 attorney was executed.

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

395 (b) If, after a principal executes a power of attorney, a court appoints  
396 a conservator of the principal's estate or other fiduciary charged with  
397 the management of some or all of the principal's property, the power  
398 of attorney is suspended unless the power of attorney provides  
399 otherwise or unless the court appointing the conservator decides the  
400 power of attorney should continue. If the power of attorney continues,  
401 the agent is accountable to the fiduciary as well as to the principal. If  
402 the power of attorney is suspended pursuant to this subsection, then  
403 the power of attorney shall be reinstated upon termination of the  
404 conservatorship as a result of the principal regaining capacity. The  
405 court shall have the authority to continue certain provisions of the  
406 power of attorney, but not others.

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

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

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

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

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

427 (d) A person authorized by the principal in the power of attorney to  
428 determine that the principal is incapacitated may act as the principal's  
429 personal representative pursuant to the Health Insurance Portability  
430 and Accountability Act, Sections 1171 to 1179, inclusive, of the Social  
431 Security Act, 42 USC 1320d, as amended from time to time, and  
432 applicable federal regulations, to obtain access to the principal's health  
433 care information and communicate with the principal's health care  
434 provider.

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

439 AFFIDAVIT THAT POWER OF ATTORNEY IS IN FULL FORCE  
440 AND EFFECT

441 STATE OF )

442 ) SS:

443 COUNTY OF )

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

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

448 THAT specified contingency was: ....

449 THAT specified contingency has occurred.

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

451 .... L.S.

452 ....

453 Witness

454 ....

455 Witness

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

457 ....

458 Commissioner of the Superior Court

459 Notary Public

460 My commission expires: ....

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

463 (1) The principal dies;

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

- 466 (3) The principal revokes the power of attorney;
- 467 (4) The power of attorney provides that it terminates;
- 468 (5) The purpose of the power of attorney is accomplished;
- 469 (6) The principal revokes the agent's authority or the agent dies,  
470 becomes incapacitated, or resigns and the power of attorney does not  
471 provide for another agent to act under the power of attorney; or
- 472 (7) The power of attorney is terminated by a court pursuant to  
473 subsection (b) of section 16 of this act.
- 474 (b) An agent's authority terminates when:
- 475 (1) The principal revokes the authority;
- 476 (2) A court terminates the agent's authority pursuant to subsection  
477 (b) of section 16 of this act;
- 478 (3) The agent dies or resigns;
- 479 (4) The agent becomes incapacitated. Unless the power of attorney  
480 otherwise provides, an agent shall be determined to be incapable of  
481 acting as an agent upon a determination in a writing or other record  
482 that the agent is incapacitated:
- 483 (A) Within the meaning set forth in subparagraph (A) of subdivision  
484 (5) of section 10 of this act, by:
- 485 (i) A judge in a court proceeding;
- 486 (ii) Two independent physicians; or
- 487 (iii) A successor agent, designated in accordance with section 19 of  
488 this act, if a written opinion of a physician cannot be obtained either  
489 due to the refusal of an agent to be examined by a physician or due to  
490 an agent's failure to execute an authorization to release medical  
491 information; or

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

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

498 (6) The power of attorney terminates.

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

503 (d) Termination of an agent's authority or of a power of attorney is  
504 not effective as to the agent or another person that, without actual  
505 knowledge of the termination, acts in good faith under the power of  
506 attorney. An act so performed, unless otherwise invalid or  
507 unenforceable, binds the principal and the principal's successors in  
508 interest.

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

515 (f) The execution of a power of attorney does not revoke a power of  
516 attorney previously executed by the principal unless the subsequent  
517 power of attorney provides that the previous power of attorney is  
518 revoked or that all other powers of attorney are revoked.

519 Sec. 19. (NEW) (*Effective October 1, 2015*) (a) A principal may  
520 designate two or more persons to act as coagents. Unless the power of  
521 attorney otherwise provides, each coagent may exercise its authority

522 independently. A person that in good faith accepts an acknowledged  
523 power of attorney from one or more coagents without actual  
524 knowledge that the power of attorney is void, invalid or terminated,  
525 that the purported agent's authority is void, invalid or terminated, or  
526 that the agent is exceeding or improperly exercising the agent's  
527 authority may rely upon the power of attorney as if the power of  
528 attorney were genuine, valid and still in effect, the agent's authority  
529 were genuine, valid and still in effect, and the agent had not exceeded  
530 and had properly exercised the authority.

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

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

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

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

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

553 agent had notified the principal or taken such action.

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

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

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

566 (1) Act in accordance with the principal's reasonable expectations,  
567 and, if such expectations are unknown, make reasonable efforts to  
568 ascertain the principal's expectations and act, otherwise, in the  
569 principal's best interest;

570 (2) Act in good faith; and

571 (3) Act only within the scope of authority granted in the power of  
572 attorney.

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

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

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

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

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

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

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

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

590 (B) The principal's foreseeable obligations and need for  
591 maintenance;

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

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

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

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

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

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

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

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

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

632 (1) Relieves the agent of liability for breach of duty committed  
633 dishonestly, with an improper motive or with reckless indifference to  
634 the purposes of the power of attorney or the best interest of the  
635 principal; or

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

638 Sec. 24. (NEW) (*Effective October 1, 2015*) (a) The following persons

639 may petition a court in accordance with subsection (d) of section 45a-  
640 175 of the general statutes, as amended by this act, to construe a power  
641 of attorney or review the agent's conduct, and grant appropriate relief:

642 (1) The principal or the agent;

643 (2) A guardian, conservator or other fiduciary acting for the  
644 principal;

645 (3) A person authorized to make health care decisions for the  
646 principal;

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

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

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

654 (7) A representative of the Division of Protective Services for the  
655 Elderly with the Department of Social Services having regulatory  
656 authority to protect the welfare of the principal;

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

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

660 (b) Upon motion by the principal, the court shall dismiss a petition  
661 filed under this section, unless the court finds that the principal is  
662 incapacitated within the meaning set forth in subdivision (5) of section  
663 10 of this act.

664 Sec. 25. (NEW) (*Effective October 1, 2015*) An agent that violates  
665 sections 9 to 53, inclusive, of this act is liable to the principal or the

666 principal's successors in interest for the amount required to:

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

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

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

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

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

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

683 (B) A representative of the Division of Protective Services for the  
684 Elderly within the Department of Social Services having authority to  
685 protect the welfare of the principal.

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

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

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

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

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

706 (2) An English translation of the power of attorney if the power of  
707 attorney contains, in whole or in part, language other than English;  
708 and

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

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

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

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

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

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

732 (3) A person may not require an additional or different form of  
733 power of attorney for authority granted in the power of attorney  
734 presented.

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

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

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

741 (3) The person has actual knowledge of the termination of the  
742 agent's authority or of the power of attorney before exercise of the  
743 power;

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

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

751 (6) The person makes, or has actual knowledge that another person

752 has made, a report to the Bureau of Aging, Community and Social  
753 Work Services Division of the Department of Social Services stating a  
754 good faith belief that the principal may be subject to physical or  
755 financial abuse, neglect, exploitation or abandonment by the agent or a  
756 person acting for or with the agent.

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

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

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

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

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

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

- 783 (2) Make a gift;
- 784 (3) Create or change rights of survivorship;
- 785 (4) Create or change a beneficiary designation;
- 786 (5) Delegate authority granted under the power of attorney;
- 787 (6) Waive the principal's right to be a beneficiary of a joint and  
788 survivor annuity, including a survivor benefit under a retirement plan;
- 789 (7) Exercise fiduciary powers that the principal has authority to  
790 delegate; or
- 791 (8) Disclaim property, including a power of appointment.
- 792 (b) Notwithstanding a grant of authority to perform an act  
793 described in subsection (a) of this section, unless the power of attorney  
794 otherwise provides, an agent that is not an ancestor, spouse or  
795 descendant of the principal may not exercise authority under a power  
796 of attorney to create in the agent, or in an individual to whom the  
797 agent owes a legal obligation of support, an interest in the principal's  
798 property, whether by gift, right of survivorship, beneficiary  
799 designation, disclaimer or otherwise.
- 800 (c) Subject to the provisions set forth in subsections (a), (b), (d) and  
801 (e) of this section, if a power of attorney grants to an agent authority to  
802 perform all acts that a principal could perform, the agent has the  
803 general authority described in sections 35 to 47, inclusive, of this act.
- 804 (d) Unless the power of attorney otherwise provides, a grant of  
805 authority to make a gift is subject to section 48 of this act.
- 806 (e) Subject to the provisions set forth in subsections (a), (b) and (d)  
807 of this section, if the subjects over which authority is granted in a  
808 power of attorney are similar or overlap, the broadest authority  
809 controls.

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

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

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

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

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

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

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

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

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

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

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

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

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

862 (8) Communicate with any representative or employee of a  
863 government or governmental subdivision, agency or instrumentality,  
864 on behalf of the principal;

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

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

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

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

876 (2) Sell; exchange; convey with or without covenants,  
877 representations, or warranties; quitclaim; release; surrender; retain title  
878 for security; encumber; partition; consent to partitioning; subject to an  
879 easement or covenant; subdivide; apply for zoning or other  
880 governmental permits; plat or consent to platting; develop; grant an  
881 option concerning; lease; sublease; contribute to an entity in exchange  
882 for an interest in that entity; or otherwise grant or dispose of an  
883 interest in real property or a right incident to real property;

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

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

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

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

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

897 (C) Paying, assessing, compromising or contesting taxes or  
898 assessments or applying for and receiving refunds in connection with

899 such taxes or assessments; and

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

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

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

909 (A) Selling or otherwise disposing of such stocks, bonds or other  
910 property;

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

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

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

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

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

923 (1) Demand, buy, receive, accept as a gift or as security for an  
924 extension of credit or otherwise acquire or reject ownership or  
925 possession of tangible personal property or an interest in tangible  
926 personal property;

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

932 (3) Grant a security interest in tangible personal property or an  
933 interest in tangible personal property as security to borrow money or  
934 pay, renew or extend the time of payment of a debt of the principal or  
935 a debt guaranteed by the principal;

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

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

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

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

945 (C) Paying, assessing, compromising or contesting taxes or  
946 assessments or applying for and receiving refunds in connection with  
947 such taxes or assessments;

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

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

950 (F) Using and making repairs, alterations or improvements to the  
951 property; and

952 (6) Change the form of title of an interest in tangible personal  
953 property.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

995 (7) Borrow money and pledge as security personal property of the  
996 principal necessary to borrow money or pay, renew or extend the time  
997 of payment of a debt of the principal or a debt guaranteed by the  
998 principal;

999 (8) Make, assign, draw, endorse, discount, guarantee and negotiate  
1000 promissory notes, checks, drafts and other negotiable or nonnegotiable  
1001 paper of the principal or payable to the principal or the principal's  
1002 order, transfer money, receive the cash or other proceeds of those  
1003 transactions and accept a draft drawn by a person upon the principal  
1004 and pay it when due;

1005 (9) Receive for the principal and act upon a sight draft, warehouse  
1006 receipt, or other document of title whether tangible or electronic, or  
1007 other negotiable or nonnegotiable instrument;

1008 (10) Apply for, receive and use letters of credit, credit and debit  
1009 cards, electronic transaction authorizations and traveler's checks from  
1010 a financial institution and give an indemnity or other agreement in

1011 connection with letters of credit; and

1012 (11) Consent to an extension of the time of payment with respect to  
1013 commercial paper or a financial transaction with a financial institution.

1014 Sec. 40. (NEW) (*Effective October 1, 2015*) Subject to the terms of a  
1015 document or an agreement governing an entity or an entity ownership  
1016 interest, and unless the power of attorney otherwise provides,  
1017 language in a power of attorney granting general authority with  
1018 respect to operation of an entity or business authorizes the agent to:

1019 (1) Operate, buy, sell, enlarge, reduce, or terminate an ownership  
1020 interest;

1021 (2) Perform a duty or discharge a liability and exercise in person or  
1022 by proxy a right, power, privilege or option that the principal has, may  
1023 have or claims to have;

1024 (3) Enforce the terms of an ownership agreement;

1025 (4) Initiate, participate in, submit to alternative dispute resolution,  
1026 settle, oppose, or propose or accept a compromise with respect to  
1027 litigation to which the principal is a party because of an ownership  
1028 interest;

1029 (5) Exercise in person or by proxy, or enforce by litigation or  
1030 otherwise, a right, power, privilege or option the principal has or  
1031 claims to have as the holder of stocks and bonds;

1032 (6) Initiate, participate in, submit to alternative dispute resolution,  
1033 settle, oppose, or propose or accept a compromise with respect to  
1034 litigation to which the principal is a party concerning stocks and  
1035 bonds;

1036 (7) With respect to an entity or business owned solely by the  
1037 principal:

1038 (A) Continue, modify, renegotiate, extend and terminate a contract

- 1039 made by or on behalf of the principal with respect to the entity or  
1040 business before execution of the power of attorney;
- 1041 (B) Determine:
- 1042 (i) The location of its operation;
- 1043 (ii) The nature and extent of its business;
- 1044 (iii) The methods of manufacturing, selling, merchandising,  
1045 financing, accounting and advertising employed in its operation;
- 1046 (iv) The amount and types of insurance carried; and
- 1047 (v) The mode of engaging, compensating and dealing with its  
1048 employees and accountants, attorneys or other advisors;
- 1049 (C) Change the name or form of organization under which the  
1050 entity or business is operated and enter into an ownership agreement  
1051 with other persons to take over all or part of the operation of the entity  
1052 or business; and
- 1053 (D) Demand and receive money due or claimed by the principal or  
1054 on the principal's behalf in the operation of the entity or business and  
1055 control and disburse the money in the operation of the entity or  
1056 business;
- 1057 (8) Put additional capital into an entity or business in which the  
1058 principal has an interest;
- 1059 (9) Join in a plan of reorganization, consolidation, conversion,  
1060 domestication or merger of the entity or business;
- 1061 (10) Sell or liquidate all or part of an entity or business;
- 1062 (11) Establish the value of an entity or business under a buyout  
1063 agreement to which the principal is a party;
- 1064 (12) Prepare, sign, file and deliver reports, compilations of

1065 information, returns or other papers with respect to an entity or  
1066 business and make related payments; and

1067 (13) Pay, compromise or contest taxes, assessments, fines or  
1068 penalties and perform any other act to protect the principal from  
1069 illegal or unnecessary taxation, assessments, fines or penalties, with  
1070 respect to an entity or business, including attempts to recover, in any  
1071 manner permitted by law, money paid before or after the execution of  
1072 the power of attorney.

1073 Sec. 41. (NEW) (*Effective October 1, 2015*) Unless the power of  
1074 attorney otherwise provides, language in a power of attorney granting  
1075 general authority with respect to insurance and annuities authorizes  
1076 the agent to:

1077 (1) Continue, pay the premium or make a contribution on, modify,  
1078 exchange, rescind, release or terminate a contract procured by or on  
1079 behalf of the principal which insures or provides an annuity to either  
1080 the principal or another person, whether or not the principal is a  
1081 beneficiary under the contract;

1082 (2) Procure new, different and additional contracts of insurance and  
1083 annuities for the principal and the principal's spouse, children and  
1084 other dependents, and select the amount, type of insurance or annuity  
1085 and mode of payment;

1086 (3) Pay the premium or make a contribution on, modify, exchange,  
1087 rescind, release or terminate a contract of insurance or annuity  
1088 procured by the agent;

1089 (4) Apply for and receive a loan secured by a contract of insurance  
1090 or annuity;

1091 (5) Surrender and receive the cash surrender value on a contract of  
1092 insurance or annuity;

1093 (6) Exercise an election;

1094 (7) Exercise investment powers available under a contract of  
1095 insurance or annuity;

1096 (8) Change the manner of paying premiums on a contract of  
1097 insurance or annuity;

1098 (9) Change or convert the type of insurance or annuity with respect  
1099 to which the principal has or claims to have authority described in this  
1100 section;

1101 (10) Apply for and procure a benefit or assistance under a federal or  
1102 state statute or regulation to guarantee or pay premiums of a contract  
1103 of insurance on the life of the principal;

1104 (11) Collect, sell, assign, hypothecate, borrow against or pledge the  
1105 interest of the principal in a contract of insurance or annuity;

1106 (12) Select the form and timing of the payment of proceeds from a  
1107 contract of insurance or annuity; and

1108 (13) Pay, from proceeds or otherwise, compromise or contest and  
1109 apply for refunds in connection with, a tax or assessment levied by a  
1110 taxing authority with respect to a contract of insurance or annuity or  
1111 its proceeds or liability accruing by reason of the tax or assessment.

1112 Sec. 42. (NEW) (*Effective October 1, 2015*) (a) For purposes of this  
1113 section, "estate, trust or other beneficial interest" means a trust, probate  
1114 estate, guardianship, conservatorship, escrow or custodianship or a  
1115 fund from which the principal is, may become or claims to be, entitled  
1116 to a share or payment.

1117 (b) Unless the power of attorney otherwise provides, language in a  
1118 power of attorney granting general authority with respect to estates,  
1119 trusts and other beneficial interests authorizes the agent to:

1120 (1) Accept, receive, receipt for, sell, assign, pledge or exchange a  
1121 share in or payment from an estate, trust or other beneficial interest;

1122 (2) Demand or obtain money or another thing of value to which the  
1123 principal is, may become or claims to be, entitled by reason of an  
1124 estate, trust or other beneficial interest, by litigation or otherwise;

1125 (3) Exercise for the benefit of the principal a presently exercisable  
1126 general power of appointment held by the principal;

1127 (4) Initiate, participate in, submit to alternative dispute resolution,  
1128 settle, oppose, or propose or accept a compromise with respect to  
1129 litigation to ascertain the meaning, validity or effect of a deed, will,  
1130 declaration of trust or other instrument or transaction affecting the  
1131 interest of the principal;

1132 (5) Initiate, participate in, submit to alternative dispute resolution,  
1133 settle, oppose, or propose or accept a compromise with respect to  
1134 litigation to remove, substitute or surcharge a fiduciary;

1135 (6) Conserve, invest, disburse or use anything received for an  
1136 authorized purpose; and

1137 (7) Transfer an interest of the principal in real property, stocks and  
1138 bonds, accounts with financial institutions or securities intermediaries,  
1139 insurance, annuities and other property to the trustee of a revocable  
1140 trust created by the principal as settlor.

1141 Sec. 43. (NEW) (*Effective October 1, 2015*) Unless the power of  
1142 attorney otherwise provides, language in a power of attorney granting  
1143 general authority with respect to claims and litigation authorizes the  
1144 agent to:

1145 (1) Assert and maintain before a court or administrative agency a  
1146 claim, claim for relief, cause of action, counterclaim, offset, recoupment  
1147 or defense, including an action to recover property or other thing of  
1148 value, recover damages sustained by the principal, eliminate or modify  
1149 tax liability, or seek an injunction, specific performance or other relief;

1150 (2) Bring an action to determine adverse claims or intervene or

1151 otherwise participate in litigation;

1152 (3) Seek an attachment, garnishment, order of arrest or other  
1153 preliminary, provisional or intermediate relief and use an available  
1154 procedure to effect or satisfy a judgment, order or decree;

1155 (4) Make or accept a tender, offer of judgment or admission of facts,  
1156 submit a controversy on an agreed statement of facts, consent to  
1157 examination and bind the principal in litigation;

1158 (5) Submit to alternative dispute resolution, settle and propose or  
1159 accept a compromise;

1160 (6) Waive the issuance and service of process upon the principal,  
1161 accept service of process, appear for the principal, designate persons  
1162 upon which process directed to the principal may be served, execute  
1163 and file or deliver stipulations on the principal's behalf, verify  
1164 pleadings, seek appellate review, procure and give surety and  
1165 indemnity bonds, contract and pay for the preparation and printing of  
1166 records and briefs, receive, execute, and file or deliver a consent,  
1167 waiver, release, confession of judgment, satisfaction of judgment,  
1168 notice, agreement or other instrument in connection with the  
1169 prosecution, settlement or defense of a claim or litigation;

1170 (7) Act for the principal with respect to bankruptcy or insolvency,  
1171 whether voluntary or involuntary, concerning the principal or some  
1172 other person, or with respect to a reorganization, receivership or  
1173 application for the appointment of a receiver or trustee which affects  
1174 an interest of the principal in property or other thing of value;

1175 (8) Pay a judgment, award or order against the principal or a  
1176 settlement made in connection with a claim or litigation; and

1177 (9) Receive money or other thing of value paid in settlement of or as  
1178 proceeds of a claim or litigation.

1179 Sec. 44. (NEW) (*Effective October 1, 2015*) (a) Unless the power of

1180 attorney otherwise provides, language in a power of attorney granting  
1181 general authority with respect to personal and family maintenance  
1182 authorizes the agent to:

1183 (1) Perform the acts necessary to maintain the customary standard  
1184 of living of the principal, the principal's spouse and the following  
1185 individuals, whether living when the power of attorney is executed or  
1186 later born:

1187 (A) The principal's children;

1188 (B) Other individuals legally entitled to be supported by the  
1189 principal; and

1190 (C) The individuals whom the principal has customarily supported  
1191 or indicated the intent to support;

1192 (2) Make periodic payments of child support and other family  
1193 maintenance required by a court or governmental agency or an  
1194 agreement to which the principal is a party;

1195 (3) Provide living quarters for the individuals described in  
1196 subdivision (1) of this subsection by:

1197 (A) Purchase, lease or other contract; or

1198 (B) Paying the operating costs, including interest, amortization  
1199 payments, repairs, improvements and taxes, for premises owned by  
1200 the principal or occupied by those individuals;

1201 (4) Provide normal domestic help, usual vacations and travel  
1202 expenses and funds for shelter, clothing, food, appropriate education,  
1203 including post secondary and vocational education and other current  
1204 living costs for the individuals described in subdivision (1) of this  
1205 subsection;

1206 (5) Pay expenses for necessary health care and custodial care on  
1207 behalf of the individuals described in subdivision (1) of this subsection;

1208 (6) Act as the principal's personal representative pursuant to the  
1209 Health Insurance Portability and Accountability Act, Sections 1171 to  
1210 1179, inclusive, of the Social Security Act, 42 USC 1320d, as amended  
1211 from time to time, and applicable federal regulations, in making  
1212 decisions related to the past, present or future payment for the  
1213 provision of health care consented to by the principal or anyone  
1214 authorized under the law of this state to consent to health care on  
1215 behalf of the principal;

1216 (7) Continue any provision made by the principal for automobiles or  
1217 other means of transportation, including registering, licensing,  
1218 insuring and replacing them, for the individuals described in  
1219 subdivision (1) of this subsection;

1220 (8) Maintain credit and debit accounts for the convenience of the  
1221 individuals described in subdivision (1) of this subsection and open  
1222 new accounts; and

1223 (9) Continue payments incidental to the membership or affiliation of  
1224 the principal in a religious institution, club, society, order or other  
1225 organization or continue contributions to those organizations.

1226 (b) Authority with respect to personal and family maintenance is  
1227 neither dependent upon, nor limited by, authority that an agent may  
1228 or may not have with respect to gifts under sections 9 to 53, inclusive,  
1229 of this act.

1230 Sec. 45. (NEW) (*Effective October 1, 2015*) (a) For purposes of this  
1231 section, "benefits from governmental programs or civil or military  
1232 service" means any benefit, program or assistance provided under a  
1233 federal or state statute or regulation including Social Security,  
1234 Medicare and Medicaid.

1235 (b) Unless the power of attorney otherwise provides, language in a  
1236 power of attorney granting general authority with respect to benefits  
1237 from governmental programs or civil or military service authorizes the  
1238 agent to:

1239 (1) Execute vouchers in the name of the principal for allowances and  
1240 reimbursements payable by the United States or a foreign government  
1241 or by a state or subdivision of a state to the principal, including  
1242 allowances and reimbursements for transportation of the individuals  
1243 described in subdivision (1) of subsection (a) of section 44 of this act,  
1244 and for shipment of their household effects;

1245 (2) Take possession and order the removal and shipment of  
1246 property of the principal from a post, warehouse, depot, dock or other  
1247 place of storage or safekeeping, either governmental or private, and  
1248 execute and deliver a release, voucher, receipt, bill of lading, shipping  
1249 ticket, certificate or other instrument for that purpose;

1250 (3) Enroll in, apply for, select, reject, change, amend or discontinue,  
1251 on the principal's behalf, a benefit or program;

1252 (4) Prepare, file, and maintain a claim of the principal for a benefit  
1253 or assistance, financial or otherwise, to which the principal may be  
1254 entitled under a federal or state statute or regulation;

1255 (5) Initiate, participate in, submit to alternative dispute resolution,  
1256 settle, oppose, or propose or accept a compromise with respect to  
1257 litigation concerning any benefit or assistance the principal may be  
1258 entitled to receive under a federal or state statute or regulation; and

1259 (6) Receive the financial proceeds of a claim described in  
1260 subdivision (4) of this subsection and conserve, invest, disburse or use  
1261 for a lawful purpose anything so received.

1262 Sec. 46. (NEW) (*Effective October 1, 2015*) (a) For purposes of this  
1263 section, "retirement plan" means a plan or account created by an  
1264 employer, the principal or another individual to provide retirement  
1265 benefits or deferred compensation of which the principal is a  
1266 participant, beneficiary or owner, including a plan or account under  
1267 the following sections of the of the Internal Revenue Code of 1986, or  
1268 any subsequent corresponding internal revenue code of the United  
1269 States, as amended from time to time:

1270 (1) An individual retirement account under 26 USC 408, as amended  
1271 from time to time;

1272 (2) A Roth individual retirement account under 26 USC 408A, as  
1273 amended from time to time;

1274 (3) A deemed individual retirement account under 26 USC 408(q), as  
1275 amended from time to time;

1276 (4) An annuity or mutual fund custodial account under 26 USC  
1277 403(b), as amended from time to time;

1278 (5) A pension, profit sharing, stock bonus or other retirement plan  
1279 qualified under 26 USC 401(a), as amended from time to time;

1280 (6) A plan under 26 USC 457(b), as amended from time to time; and

1281 (7) A nonqualified deferred compensation plan under 26 USC 409A,  
1282 as amended from time to time.

1283 (b) Unless the power of attorney otherwise provides, language in a  
1284 power of attorney granting general authority with respect to  
1285 retirement plans authorizes the agent to:

1286 (1) Select the form and timing of payments under a retirement plan  
1287 and withdraw benefits from a plan;

1288 (2) Make a rollover, including a direct trustee to trustee rollover, of  
1289 benefits from one retirement plan to another;

1290 (3) Establish a retirement plan in the principal's name;

1291 (4) Make contributions to a retirement plan;

1292 (5) Exercise investment powers available under a retirement plan;  
1293 and

1294 (6) Borrow from, sell assets to or purchase assets from a retirement  
1295 plan.

1296 Sec. 47. (NEW) (*Effective October 1, 2015*) Unless the power of  
1297 attorney otherwise provides, language in a power of attorney granting  
1298 general authority with respect to taxes authorizes the agent to:

1299 (1) Prepare, sign and file federal, state, local and foreign income,  
1300 gift, payroll, property, Federal Insurance Contributions Act and other  
1301 tax returns, claims for refunds, requests for extension of time, petitions  
1302 regarding tax matters and any other tax related documents, including,  
1303 receipts, offers, waivers, consents, including consents and agreements  
1304 under 26 USC 2032A, as amended from time to time, closing  
1305 agreements and any power of attorney required by the Internal  
1306 Revenue Service or other taxing authority with respect to a tax year  
1307 upon which the statute of limitations has not run and the following  
1308 twenty-five tax years;

1309 (2) Pay taxes due, collect refunds, post bonds, receive confidential  
1310 information and contest deficiencies determined by the Internal  
1311 Revenue Service or other taxing authority;

1312 (3) Exercise any election available to the principal under federal,  
1313 state, local or foreign tax law; and

1314 (4) Act for the principal in all tax matters for all periods before the  
1315 Internal Revenue Service, or other taxing authority.

1316 Sec. 48. (NEW) (*Effective October 1, 2015*) (a) For purposes of this  
1317 section, a gift "for the benefit of" a person includes a gift to a trust, an  
1318 account under the Uniform Transfers to Minors Act and a tuition  
1319 savings account or prepaid tuition plan as defined under 26 USC 529,  
1320 as amended from time to time.

1321 (b) Unless the power of attorney otherwise provides, language in a  
1322 power of attorney granting general authority with respect to gifts  
1323 authorizes the agent only to:

1324 (1) Make outright to, or for the benefit of, a person, a gift of any of  
1325 the principal's property, including by the exercise of a presently

1326 exercisable general power of appointment held by the principal, in an  
1327 amount per donee not to exceed the annual dollar limits of the federal  
1328 gift tax exclusion under 26 USC 2503(b), as amended from time to time,  
1329 without regard to whether the federal gift tax exclusion applies to the  
1330 gift, or if the principal's spouse agrees to consent to a split gift  
1331 pursuant to 26 USC 2513, as amended from time to time, in an amount  
1332 per donee not to exceed twice the annual federal gift tax exclusion  
1333 limit; and

1334 (2) Consent, pursuant to 26 USC 2513, as amended from time to  
1335 time, to the splitting of a gift made by the principal's spouse in an  
1336 amount per donee not to exceed the aggregate annual gift tax  
1337 exclusions for both spouses.

1338 (c) An agent may make a gift of the principal's property only as the  
1339 agent determines is consistent with the principal's objectives if actually  
1340 known by the agent and, if unknown, as the agent determines is  
1341 consistent with the principal's best interest based on all relevant  
1342 factors, including:

1343 (1) The value and nature of the principal's property;

1344 (2) The principal's foreseeable obligations and need for  
1345 maintenance;

1346 (3) Minimization of taxes, including income, estate, inheritance,  
1347 generation skipping transfer and gift taxes;

1348 (4) Eligibility for a benefit, a program, or assistance under a federal  
1349 or state statute or regulation; and

1350 (5) The principal's personal history of making or joining in making  
1351 gifts.

1352 Sec. 49. (NEW) (*Effective October 1, 2015*) A document substantially  
1353 in the following form may be used to create a statutory form power of  
1354 attorney that has the meaning and effect prescribed by sections 9 to 53,

1355 inclusive, of this act.

1356 CONNECTICUT  
1357 STATUTORY FORM POWER OF ATTORNEY  
1358 IMPORTANT INFORMATION

1359 This power of attorney authorizes another person (your agent) to  
1360 make decisions concerning your property for you (the principal). Your  
1361 agent will be able to make decisions and act with respect to your  
1362 property (including your money) whether or not you are able to act for  
1363 yourself. The meaning of authority over subjects listed on this form is  
1364 explained in the Connecticut Uniform Power of Attorney Act.

1365 This power of attorney does not authorize the agent to make health  
1366 care decisions for you.

1367 You should select someone you trust to serve as your agent. Unless  
1368 you specify otherwise, generally the agent's authority will continue  
1369 until you die or revoke the power of attorney or the agent resigns or is  
1370 unable to act for you.

1371 Your agent is entitled to reasonable compensation unless you state  
1372 otherwise in the special instructions.

1373 This form provides for designation of one agent. If you wish to  
1374 name more than one agent you may name a coagent in the special  
1375 instructions. Coagents are not required to act together unless you  
1376 include that requirement in the special instructions.

1377 If your agent is unable or unwilling to act for you, your power of  
1378 attorney will end unless you have named a successor agent. You may  
1379 also name a second successor agent.

1380 This power of attorney becomes effective immediately unless you  
1381 state otherwise in the special instructions.

1382 If you have questions about the power of attorney or the authority

1383 you are granting to your agent, you should seek legal advice before  
1384 signing this form.

1385 DESIGNATION OF AGENT

1386 I \_\_\_\_\_ name the following person  
1387 (Name of Principal)

1388

1389 as my agent:

1390 Name of Agent: \_\_\_\_\_

1391 Agent's Address: \_\_\_\_\_

1392 DESIGNATION OF SUCCESSOR AGENT(S) (OPTIONAL)

1393 If my agent is unable or unwilling to act for me, I name as my  
1394 successor agent:

1395 Name of Successor Agent: \_\_\_\_\_

1396 Successor Agent's Address: \_\_\_\_\_

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

1399 Name of Second Successor Agent: \_\_\_\_\_

1400 Second Successor Agent's Address: \_\_\_\_\_

1401 GRANT OF GENERAL AUTHORITY

1402 I grant my agent and any successor agent general authority to act  
1403 for me with respect to the following subjects as defined in the  
1404 Connecticut Uniform Power of Attorney Act, sections 9 to 53,  
1405 inclusive, of this act:

1406 (INITIAL each subject you want to include in the agent's general  
1407 authority. If you wish to grant general authority over all of the subjects

1408 you may initial "All Preceding Subjects" instead of initialing each  
1409 subject.)

1410  Real Property

1411  Tangible Personal Property

1412  Stocks and Bonds

1413  Commodities and Options

1414  Banks and Other Financial Institutions

1415  Operation of Entity or Business

1416  Insurance and Annuities

1417  Estates, Trusts and Other Beneficial Interests

1418  Claims and Litigation

1419  Personal and Family Maintenance

1420  Benefits from Governmental Programs or Civil or Military  
1421 Service

1422  Retirement Plans

1423  Taxes

1424  All Preceding Subjects

1425 GRANT OF SPECIFIC AUTHORITY (OPTIONAL)

1426 My agent MAY NOT do any of the following specific acts for me  
1427 UNLESS I have INITIALED the specific authority listed below:

1428 (CAUTION: Granting any of the following will give your agent the  
1429 authority to take actions that could significantly reduce your property  
1430 or change how your property is distributed at your death. INITIAL

1431 ONLY the specific authority you WANT to give your agent.)

1432 YOU SHOULD SEEK LEGAL ADVICE BEFORE INCLUDING THE  
1433 FOLLOWING POWERS.

1434 (\_\_\_) Make a gift, subject to the limitations of the Connecticut  
1435 Uniform Power of Attorney Act and any special instructions in this  
1436 power of attorney. Unless otherwise provided in the special  
1437 instructions, gifts per recipient may not exceed the annual dollar limits  
1438 of the federal gift tax exclusion under Internal Revenue Code Section  
1439 2503(b), or if the principal's spouse agrees to consent to a split gift  
1440 pursuant to Internal Revenue Code Section 2513, in an amount per  
1441 recipient not to exceed twice the annual federal gift tax exclusion limit.  
1442 In addition, an agent must determine that gifts are consistent with the  
1443 principal's objectives if actually known by the agent and, if unknown,  
1444 as the agent determines is consistent with the principal's best interest  
1445 based on all relevant factors.

1446 (\_\_\_) Create or change rights of survivorship

1447 (\_\_\_) Create or change a beneficiary designation

1448 (\_\_\_) Authorize another person to exercise the authority granted  
1449 under this power of attorney

1450 (\_\_\_) Waive the principal's right to be a beneficiary of a joint and  
1451 survivor annuity, including a survivor benefit under a retirement plan

1452 (\_\_\_) Exercise fiduciary powers that the principal has authority to  
1453 delegate

1454 (\_\_\_) Disclaim or refuse an interest in property, including a power  
1455 of appointment

1456 LIMITATION ON AGENT'S AUTHORITY

1457 An agent that is not my ancestor, spouse, or descendant MAY NOT  
1458 use my property to benefit the agent or a person to whom the agent

1459 owes an obligation of support unless I have included that authority in  
1460 the special instructions.

1461 SPECIAL INSTRUCTIONS (OPTIONAL)

1462 You may give special instructions on the following lines:

1463 \_\_\_\_\_  
 1464 \_\_\_\_\_  
 1465 \_\_\_\_\_  
 1466 \_\_\_\_\_  
 1467 \_\_\_\_\_  
 1468 \_\_\_\_\_

1469 I approve these special instructions

1470 \_\_\_\_\_  
 1471 Your Signature Date

1472 EFFECTIVE DATE

1473 This power of attorney is effective immediately unless I have stated  
1474 otherwise in the special instructions.

1475 NOMINATION OF CONSERVATOR (OPTIONAL)

1476 Initial below if you want to include the following provision(s):

1477 (\_\_\_) I hereby nominate the same person(s) that I have named as my  
1478 agent(s) under this power of attorney as conservator(s) of my estate if  
1479 it becomes necessary for a court to appoint a conservator of my estate.

1480 (\_\_\_) In the event that a court appoints my agent(s) as my  
1481 conservator(s), I request that my conservator(s) not be required to post  
1482 a bond.

1483 RELIANCE ON THIS POWER OF ATTORNEY

1484 Any person, including my agent, may rely upon the validity of this

1485 power of attorney or a copy of it unless that person knows it has  
1486 terminated or is invalid.

1487 SIGNATURE AND ACKNOWLEDGMENT

1488 Signed in the presence of:

1489 \_\_\_\_\_  
1490 Witness Signature Your Signature Date

1491 \_\_\_\_\_  
1492 Witness Signature Your Signature Date

1493 Your Name Printed

1494 \_\_\_\_\_

1495 \_\_\_\_\_

1496 Your Address

1497 \_\_\_\_\_

1498 Your Telephone Number

1499 State of \_\_\_\_\_

1500 County of \_\_\_\_\_

1501 This document was acknowledged before me On \_\_\_\_\_,  
1502 (Date)

1503 by \_\_\_\_\_.

1504 (Name of Principal)

1505 \_\_\_\_\_ (Seal, if any)

1506 Signature of Commissioner of Superior Court/Notary

1507 My commission expires: \_\_\_\_\_

1508 IMPORTANT INFORMATION FOR AGENT

1509 Agent's Duties

1510 When you accept the authority granted under this power of  
1511 attorney, a special legal relationship is created between you and the  
1512 principal. This relationship continues until you resign or the power of  
1513 attorney is terminated or revoked. You must:

1514 (1) Do what you know the principal reasonably expects you to do  
1515 with the principal's property or, if you do not know the principal's  
1516 expectations, act in the principal's best interest;

1517 (2) Act in good faith;

1518 (3) Do nothing beyond the authority granted in this power of  
1519 attorney; and

1520 (4) Disclose your identity as an agent whenever you act for the  
1521 principal by writing or printing the name of the principal and signing  
1522 your own name as "agent" in the following manner:

1523 (Principal's Name) by (Your Signature) as Agent

1524 Unless the special instructions in this power of attorney state  
1525 otherwise, you must also:

1526 (1) Act loyally for the principal's benefit;

1527 (2) Avoid conflicts that would impair your ability to act in the  
1528 principal's best interest;

- 1529 (3) Act with care, competence, and diligence;
- 1530 (4) Keep a record of all receipts, disbursements, and transactions  
1531 made on behalf of the principal;
- 1532 (5) Cooperate with any person that has authority to make health  
1533 care decisions for the principal to do what you know the principal  
1534 reasonably expects or, if you do not know the principal's expectations,  
1535 to act in the principal's best interest; and
- 1536 (6) Attempt to preserve the principal's estate plan if you know the  
1537 plan and preserving the plan is consistent with the principal's best  
1538 interest.

1539 Termination of Agent's Authority

1540 You must stop acting on behalf of the principal if you learn of any  
1541 event that terminates this power of attorney or your authority under  
1542 this power of attorney. Events that terminate a power of attorney or  
1543 your authority to act under a power of attorney include:

- 1544 (1) Death of the principal;
- 1545 (2) The principal's revocation of the power of attorney or your  
1546 authority;
- 1547 (3) The occurrence of a termination event stated in the power of  
1548 attorney;
- 1549 (4) The purpose of the power of attorney is fully accomplished; or
- 1550 (5) If you are married to the principal, a legal action is filed with a  
1551 court to end your marriage, or for your legal separation, unless the  
1552 special instructions in this power of attorney state that such an action  
1553 will not terminate your authority.

1554 Liability of Agent

1555 The meaning of the authority granted to you is defined in the  
1556 Connecticut Uniform Power of Attorney Act, sections 9 to 53,  
1557 inclusive, of this act. If you violate the Connecticut Uniform Power of  
1558 Attorney Act, sections 9 to 53, inclusive, of this act or act outside the  
1559 authority granted, you may be liable for any damages caused by your  
1560 violation.

1561 If there is anything about this document or your duties that you do  
1562 not understand, you should seek legal advice.

1563 Sec. 50. (NEW) (Effective October 1, 2015) The following optional  
1564 form may be used by an agent to certify facts concerning a power of  
1565 attorney.

1566 AGENT'S CERTIFICATION AS TO THE

1567 VALIDITY OF POWER OF ATTORNEY AND AGENT'S  
1568 AUTHORITY

1569 State of \_\_\_\_\_

1570 County of \_\_\_\_\_

1571 I, \_\_\_\_\_ (Name of Agent), certify under penalty of  
1572 false statement that \_\_\_\_\_(Name of Principal) granted  
1573 me authority as an agent or successor agent in a power of attorney  
1574 dated \_\_\_\_\_.

1575 I further certify that to my knowledge:

1576 (1) the Principal is alive and has not revoked the Power of Attorney  
1577 or my authority to act under the Power of Attorney and the Power of  
1578 Attorney and my authority to act under the Power of Attorney have  
1579 not terminated;

1580 (2) if the Power of Attorney was drafted to become effective upon  
1581 the happening of an event or contingency, the event or contingency  
1582 has occurred;

1583 (3) if I was named as a successor agent, the prior agent is no longer  
1584 able or willing to serve; and

1585 (4) \_\_\_\_\_  
1586 \_\_\_\_\_  
1587 \_\_\_\_\_  
1588 \_\_\_\_\_

1589 (Insert other relevant statements)

1590 SIGNATURE AND ACKNOWLEDGMENT

1591 \_\_\_\_\_  
1592 Agent's Signature Date

1593 \_\_\_\_\_  
1594 Agent's Name Printed

1595 \_\_\_\_\_

1596 \_\_\_\_\_  
1597 Agent's Address

1598 \_\_\_\_\_  
1599 Agent's Telephone Number

1600 This document was acknowledged before me on \_\_\_\_\_,  
1601 (Date)

1602 by \_\_\_\_\_.  
1603 (Name of Agent)

1604 \_\_\_\_\_ (Seal, if any)

1605 Signature of Commissioner of Superior Court/Notary

1606 My commission expires: \_\_\_\_\_

1607       Sec. 51. (NEW) (*Effective October 1, 2015*) In applying and construing  
1608 the provisions of sections 9 to 53, inclusive, of this act, consideration  
1609 must be given to the need to promote uniformity of the law with  
1610 respect to its subject matter among the states that enact it.

1611       Sec. 52. (NEW) (*Effective October 1, 2015*) Sections 9 to 53, inclusive,  
1612 of this act modify, limit, and supersede the federal Electronic  
1613 Signatures in Global and National Commerce Act, 15 USC 7001 et seq.,  
1614 but do not modify, limit, or supersede Section 101(c) of that act, 15  
1615 USC 7001(c), or authorize electronic delivery of any of the notices  
1616 described in Section 3(b) of that act, 15 USC 7003(b).

1617       Sec. 53. (NEW) (*Effective October 1, 2015*) (a) Except as otherwise  
1618 provided in sections 9 to 53, inclusive, of this act, on October 1, 2015,  
1619 said sections apply to:

1620       (1) A power of attorney created before, on, or after October 1, 2015;

1621       (2) A judicial proceeding concerning a power of attorney  
1622 commenced on or after October 1, 2015;

1623       (3) A judicial proceeding concerning a power of attorney  
1624 commenced before October 1, 2015, unless the court finds that  
1625 application of a provision of sections 9 to 53, inclusive, of this act  
1626 would substantially interfere with the effective conduct of the judicial  
1627 proceeding or prejudice the rights of a party, in which case that  
1628 provision does not apply and the superseded law applies; and

1629       (b) An act performed by an agent under a power of attorney before  
1630 October 1, 2015, is not affected by sections 9 to 53, inclusive, of this act.

1631       Sec. 54. Subsection (a) of section 45a-98 of the general statutes is  
1632 repealed and the following is substituted in lieu thereof (*Effective*  
1633 *October 1, 2015*):

1634       (a) Courts of probate in their respective districts shall have the  
1635 power to (1) grant administration of intestate estates of persons who

1636 have died domiciled in their districts and of intestate estates of persons  
1637 not domiciled in this state which may be granted as provided by  
1638 section 45a-303; (2) admit wills to probate of persons who have died  
1639 domiciled in their districts or of nondomiciliaries whose wills may be  
1640 proved in their districts as provided in section 45a-287; (3) except as  
1641 provided in section 45a-98a or as limited by an applicable statute of  
1642 limitations, determine title or rights of possession and use in and to  
1643 any real, tangible or intangible property that constitutes, or may  
1644 constitute, all or part of any trust, any decedent's estate, or any estate  
1645 under control of a guardian or conservator, which trust or estate is  
1646 otherwise subject to the jurisdiction of the Probate Court, including the  
1647 rights and obligations of any beneficiary of the trust or estate and  
1648 including the rights and obligations of any joint tenant with respect to  
1649 survivorship property; (4) except as provided in section 45a-98a,  
1650 construe the meaning and effect of any will or trust agreement if a  
1651 construction is required in connection with the administration or  
1652 distribution of a trust or estate otherwise subject to the jurisdiction of  
1653 the Probate Court, or, upon petition from a beneficiary as defined in  
1654 section 45a-175, as amended by this act, with respect to an inter vivos  
1655 trust, if that trust is or could be subject to jurisdiction of the court for  
1656 an accounting pursuant to section 45a-175, as amended by this act,  
1657 provided such an accounting need not be required; (5) except as  
1658 provided in section 45a-98a, apply the doctrine of cy pres or  
1659 approximation; (6) to the extent provided for in section 45a-175, as  
1660 amended by this act, call executors, administrators, trustees,  
1661 guardians, conservators, persons appointed to sell the land of minors,  
1662 and [attorneys-in-fact] agents acting under powers of attorney created  
1663 in accordance with [section 45a-562] sections 9 to 53, inclusive, of this  
1664 act, to account concerning the estates entrusted to their charge or for  
1665 other relief as provided in sections 9 to 53, inclusive, of this act; and (7)  
1666 make any lawful orders or decrees to carry into effect the power and  
1667 jurisdiction conferred upon them by the laws of this state.

1668 Sec. 55. Section 45a-175 of the general statutes is repealed and the  
1669 following is substituted in lieu thereof (*Effective October 1, 2015*):

1670 (a) Courts of probate shall have jurisdiction of the interim and final  
1671 accounts of testamentary trustees, trustees appointed by the courts of  
1672 probate, conservators, guardians, persons appointed by probate courts  
1673 to sell the land of minors, executors, administrators and trustees in  
1674 insolvency, and, to the extent provided for in this section, shall have  
1675 jurisdiction of accounts of the actions of trustees of inter vivos trusts  
1676 and [attorneys-in-fact] agents acting under powers of attorney.

1677 (b) A trustee or settlor of an inter vivos trust or an attorney-in-fact  
1678 or the successor of the trustee, settlor [or attorney-in-fact or the grantor  
1679 of such power of attorney] or his legal representative may make  
1680 application to the court of probate for the district where the trustee, or  
1681 any one of them, [or the attorney-in-fact] has any place of business or  
1682 to the court of probate for the district where the trustee or any one of  
1683 them or the settlor [or the attorney-in-fact or the grantor of the power]  
1684 resides or, in the case of a deceased settlor, [or grantor,] to the court of  
1685 probate having jurisdiction over the estate of the settlor [or grantor] or  
1686 for the district in which the settlor [or grantor] resided immediately  
1687 prior to death for submission to the jurisdiction of the court of an  
1688 account for allowance of the trustee's [or attorney's] actions under such  
1689 trust. [or power.]

1690 (c) (1) Any beneficiary of an inter vivos trust may petition a court of  
1691 probate having jurisdiction under this section for an accounting by the  
1692 trustee or trustees. The court may, after hearing with notice to all  
1693 interested parties, grant the petition and require an accounting for  
1694 such periods of time as it determines are reasonable and necessary on  
1695 finding that: (A) The beneficiary has an interest in the trust sufficient to  
1696 entitle him to an accounting, (B) cause has been shown that an  
1697 accounting is necessary, and (C) the petition is not for the purpose of  
1698 harassment.

1699 (2) A court of probate shall have jurisdiction to require an  
1700 accounting under subdivision (1) of this subsection if (A) a trustee of  
1701 the trust resides in its district, (B) in the case of a corporate trustee, the  
1702 trustee has any place of business in the district, (C) any of the trust

1703 assets are maintained or evidences of intangible property of the trust  
1704 are situated in the district, or (D) the settlor resides in the district or, in  
1705 the case of a deceased settlor, resided in the district immediately prior  
1706 to death.

1707 (3) As used in subdivision (1) of this subsection, "beneficiary" means  
1708 any person currently receiving payments of income or principal from  
1709 the trust, or who may be entitled to receive income or principal or both  
1710 from the trust at some future date, or the legal representative of such  
1711 person.

1712 (d) Any of the persons specified in section 24 of this act may make  
1713 application to the court of probate for the district where the agent has  
1714 any place of business or to the court of probate for the district where  
1715 the agent or the principal resides or, in the case of a deceased principal,  
1716 to the court of probate having jurisdiction over the estate of the  
1717 principal or for the district in which the principal resided immediately  
1718 prior to death, for an accounting or other relief as provided in section  
1719 24 of this act. The court shall grant the petition if filed by the principal,  
1720 agent, guardian, conservator or other fiduciary acting for the principal.  
1721 The court may grant a petition filed by any other person specified in  
1722 section 24 of this act if it finds that (1) the petitioner has an interest  
1723 sufficient to entitle him to the relief requested, (2) cause has been  
1724 shown that such relief is necessary, and (3) the petition is not for the  
1725 purpose of harassment.

1726 [(d)] (e) The action to submit an accounting to the court, whether by  
1727 an inter vivos trustee or [attorney] agent acting under a power of  
1728 attorney or whether pursuant to petition of another party, shall not  
1729 subject the trust or the power of attorney to the continuing jurisdiction  
1730 of the Probate Court.

1731 [(e)] (f) If the court finds such appointment to be necessary and in  
1732 the best interests of the estate, the court upon its own motion may  
1733 appoint an auditor to be selected from a list provided by the Probate  
1734 Court Administrator, to examine accounts over which the court has

1735 jurisdiction under this section, except those accounts on matters in  
1736 which the fiduciary or cofiduciary is a corporation having trust  
1737 powers. The Probate Court Administrator shall promulgate  
1738 regulations in accordance with section 45a-77 concerning the  
1739 compilation of a list of qualified auditors. Costs of the audit may be  
1740 charged to the fiduciary, any party in interest and the estate, in such  
1741 proportion as the court shall direct if the court finds such charge to be  
1742 equitable. Any such share may be paid from the fund established  
1743 under section 45a-82, subject to the approval of the Probate Court  
1744 Administrator, if it is determined that the person obligated to pay such  
1745 share is unable to pay or to charge such amount to the estate would  
1746 cause undue hardship.

1747 ~~[(f)]~~ (g) Upon the allowance of any such account, the court shall  
1748 determine the rights of the fiduciaries or the [attorney-in-fact] agent  
1749 under a power of attorney rendering the account and of the parties  
1750 interested in the account, including the relief authorized under section  
1751 25 of this act, subject to appeal as in other cases. The court shall cause  
1752 notice of the hearing on the account to be given in such manner and to  
1753 such parties as it directs.

1754 ~~[(g)]~~ (h) In any action under this section, the Probate Court shall  
1755 have, in addition to powers pursuant to this section, all the powers  
1756 available to a judge of the Superior Court at law and in equity  
1757 pertaining to matters under this section.

1758 Sec. 56. Subsection (b) of section 45a-645 of the general statutes is  
1759 repealed and the following is substituted in lieu thereof (*Effective*  
1760 *October 1, 2015*):

1761 (b) The designation shall be executed, witnessed and revoked in the  
1762 same manner as provided for wills in sections 45a-251 and 45a-257, or  
1763 a power of attorney executed in accordance with section 13 of this act,  
1764 except that any person who is so designated as a conservator shall not  
1765 qualify as a witness.

1766 Sec. 57. Section 45a-650 of the general statutes is repealed and the  
1767 following is substituted in lieu thereof (*Effective October 1, 2015*):

1768 (a) At any hearing on an application for involuntary representation,  
1769 before the court receives any evidence regarding the condition of the  
1770 respondent or of the respondent's affairs, the court shall require clear  
1771 and convincing evidence that the court has jurisdiction, that the  
1772 respondent has been given notice as required in section 45a-649, and  
1773 that the respondent has been advised of the right to retain an attorney  
1774 pursuant to section 45a-649a and is either represented by an attorney  
1775 or has waived the right to be represented by an attorney. The  
1776 respondent shall have the right to attend any hearing held under this  
1777 section.

1778 (b) The rules of evidence applicable to civil matters in the Superior  
1779 Court shall apply to all hearings pursuant to this section. All testimony  
1780 at a hearing held pursuant to this section shall be given under oath or  
1781 affirmation.

1782 (c) (1) After making the findings required under subsection (a) of  
1783 this section, the court shall receive evidence regarding the respondent's  
1784 condition, the capacity of the respondent to care for himself or herself  
1785 or to manage his or her affairs, and the ability of the respondent to  
1786 meet his or her needs without the appointment of a conservator.  
1787 Unless waived by the court pursuant to subdivision (2) of this  
1788 subsection, medical evidence shall be introduced from one or more  
1789 physicians licensed to practice medicine in this state who have  
1790 examined the respondent not more than forty-five days prior to the  
1791 hearing, except that for a person with intellectual disability, as defined  
1792 in section 1-1g, psychological evidence may be introduced in lieu of  
1793 such medical evidence from a psychologist licensed pursuant to  
1794 chapter 383 who has examined the respondent not more than forty-five  
1795 days prior to the hearing. The evidence shall contain specific  
1796 information regarding the respondent's condition and the effect of the  
1797 respondent's condition on the respondent's ability to care for himself  
1798 or herself or to manage his or her affairs. The court may also consider

1799 such other evidence as may be available and relevant, including, but  
1800 not limited to, a summary of the physical and social functioning level  
1801 or ability of the respondent, and the availability of support services  
1802 from the family, neighbors, community or any other appropriate  
1803 source. Such evidence may include, if available, reports from the social  
1804 work service of a general hospital, municipal social worker, director of  
1805 social service, public health nurse, public health agency, psychologist,  
1806 coordinating assessment and monitoring agencies, or such other  
1807 persons as the court considers qualified to provide such evidence.

1808 (2) The court may waive the requirement that medical evidence be  
1809 presented if it is shown that the evidence is impossible to obtain  
1810 because of the absence of the respondent or the respondent's refusal to  
1811 be examined by a physician or that the alleged incapacity is not  
1812 medical in nature. If such requirement is waived, the court shall make  
1813 a specific finding in any decree issued on the application stating why  
1814 medical evidence was not required.

1815 (3) Any hospital, psychiatric, psychological or medical record or  
1816 report filed with the court pursuant to this subsection shall be  
1817 confidential.

1818 (d) Upon the filing of an application for involuntary representation  
1819 pursuant to section 45a-648, the court shall issue an order for the  
1820 disclosure of the medical information required pursuant to this section  
1821 and any psychological information submitted with respect to a person  
1822 with intellectual disability pursuant to subsection (c) of this section to  
1823 the respondent's attorney and, upon request, to the respondent. The  
1824 court may issue an order for the disclosure of such information to any  
1825 other person as the court determines necessary.

1826 (e) Notwithstanding the provisions of section 45a-7, the court may  
1827 hold the hearing on the application at a place other than its usual  
1828 courtroom if it would facilitate attendance by the respondent.

1829 (f) (1) If the court finds by clear and convincing evidence that the

1830 respondent is incapable of managing the respondent's affairs, that the  
1831 respondent's affairs cannot be managed adequately without the  
1832 appointment of a conservator and that the appointment of a  
1833 conservator is the least restrictive means of intervention available to  
1834 assist the respondent in managing the respondent's affairs, the court  
1835 may appoint a conservator of his or her estate after considering the  
1836 factors set forth in subsection (g) of this section.

1837 (2) If the court finds by clear and convincing evidence that the  
1838 respondent is incapable of caring for himself or herself, that the  
1839 respondent cannot be cared for adequately without the appointment of  
1840 a conservator and that the appointment of a conservator is the least  
1841 restrictive means of intervention available to assist the respondent in  
1842 caring for himself or herself, the court may appoint a conservator of his  
1843 or her person after considering the factors set forth in subsection (g) of  
1844 this section.

1845 (3) No conservator may be appointed if the respondent's personal  
1846 needs and property management are being met adequately by an  
1847 agency or individual appointed pursuant to section [1-43,] 19a-575a,  
1848 19a-577, 19a-580e or 19a-580g.

1849 (g) When determining whether a conservator should be appointed  
1850 the court shall consider the following factors: (1) The abilities of the  
1851 respondent; (2) the respondent's capacity to understand and articulate  
1852 an informed preference regarding the care of his or her person or the  
1853 management of his or her affairs; (3) any relevant and material  
1854 information obtained from the respondent; (4) evidence of the  
1855 respondent's past preferences and life style choices; (5) the  
1856 respondent's cultural background; (6) the desirability of maintaining  
1857 continuity in the respondent's life and environment; (7) whether the  
1858 respondent had previously made adequate alternative arrangements  
1859 for the care of his or her person or for the management of his or her  
1860 affairs, including, but not limited to, the execution of a durable power  
1861 of attorney, springing power of attorney, the appointment of a health  
1862 care representative or health care agent, the execution of a living will

1863 or trust or the execution of any other similar document; (8) any  
1864 relevant and material evidence from the respondent's family and any  
1865 other person regarding the respondent's past practices and  
1866 preferences; and (9) any supportive services, technologies or other  
1867 means that are available to assist the respondent in meeting his or her  
1868 needs.

1869 (h) The respondent or conserved person may appoint, designate or  
1870 nominate a conservator or successor conservator pursuant to section  
1871 19a-575a, 19a-580e, 19a-580g or 45a-645, as amended by this act, or  
1872 may, orally or in writing, nominate a conservator or successor  
1873 conservator who shall be appointed unless the court finds that the  
1874 appointee, designee or nominee is unwilling or unable to serve or there  
1875 is substantial evidence to disqualify such person. If there is no such  
1876 appointment, designation or nomination or if the court does not  
1877 appoint the person appointed, designated or nominated by the  
1878 respondent or conserved person, the court may appoint any qualified  
1879 person, authorized public official or corporation in accordance with  
1880 subsections (a) and (b) of section 45a-644. In considering whom to  
1881 appoint as conservator or successor conservator, the court shall  
1882 consider (1) the extent to which a proposed conservator has knowledge  
1883 of the respondent's or conserved person's preferences regarding the  
1884 care of his or her person or the management of his or her affairs, (2) the  
1885 ability of the proposed conservator to carry out the duties,  
1886 responsibilities and powers of a conservator, (3) the cost of the  
1887 proposed conservatorship to the estate of the respondent or conserved  
1888 person, (4) the proposed conservator's commitment to promoting the  
1889 respondent's or conserved person's welfare and independence, and (5)  
1890 any existing or potential conflicts of interest of the proposed  
1891 conservator.

1892 (i) If the court appoints a conservator of the estate of the respondent,  
1893 the court shall require a probate bond. The court may, if it considers it  
1894 necessary for the protection of the respondent, require a bond of any  
1895 conservator of the person appointed under this section.

1896 (j) Absent the court's order to the contrary and except as otherwise  
1897 provided in subsection (b) of section 19a-580e, a conservator appointed  
1898 pursuant to this section shall be bound by all health care decisions  
1899 properly made by the conserved person's health care representative.

1900 (k) In assigning the duties of a conservator under this section the  
1901 court may, in accordance with section 16 of this act, limit, suspend or  
1902 terminate the authority of an agent designated by the conserved  
1903 person to act under a power of attorney.

1904 [(k) A] (l) Except as provided in subsection (k) of this section, a  
1905 conserved person and his agent under a power of attorney shall retain  
1906 all rights and authority not expressly assigned to the conservator.

1907 [(l)] (m) The court shall assign to a conservator appointed under this  
1908 section only the duties and authority that are the least restrictive  
1909 means of intervention necessary to meet the needs of the conserved  
1910 person. The court shall find by clear and convincing evidence that such  
1911 duties and authority restrict the decision-making authority of the  
1912 conserved person only to the extent necessary to provide for the  
1913 personal needs or property management of the conserved person. Such  
1914 personal needs and property management shall be provided in a  
1915 manner appropriate to the conserved person. The court shall make a  
1916 finding of the clear and convincing evidence that supports the need for  
1917 each duty and authority assigned to the conservator.

1918 [(m)] (n) Nothing in this chapter shall impair, limit or diminish a  
1919 conserved person's right to retain an attorney to represent such person  
1920 or to seek redress of grievances in any court or administrative agency,  
1921 including proceedings in the nature of habeas corpus arising out of  
1922 any limitations imposed on the conserved person by court action taken  
1923 under this chapter, chapter 319i, chapter 319j or section 45a-242. In any  
1924 other proceeding in which the conservator has retained counsel for the  
1925 conserved person, the conserved person may request the Court of  
1926 Probate to direct the conservator to substitute an attorney chosen by  
1927 the conserved person.

1928 Sec. 58. Section 47-5 of the general statutes is repealed and the  
1929 following is substituted in lieu thereof (*Effective October 1, 2015*):

1930 (a) All conveyances of land shall be: (1) In writing; (2) if the grantor  
1931 is a natural person, subscribed, with or without a seal, by the grantor  
1932 with his own hand or with his mark with his name annexed to it or by  
1933 his [attorney] agent authorized for that purpose by a power executed,  
1934 acknowledged and witnessed in the manner provided for conveyances  
1935 or, if the grantor is a corporation, limited liability company or  
1936 partnership, subscribed by a duly authorized person; (3)  
1937 acknowledged by the grantor, his [attorney] agent or such duly  
1938 authorized person (A) to be his free act and deed, or (B) in any manner  
1939 permitted under chapter 6 or chapter 8; and (4) attested to by two  
1940 witnesses with their own hands.

1941 (b) A document conveying land shall also include the current  
1942 mailing address of the grantee.

1943 (c) In addition to the requirements of subsection (a) of this section,  
1944 the execution of a deed or other conveyance of real property pursuant  
1945 to a power of attorney shall be deemed sufficient if done in  
1946 substantially the following form:

1947 Name of Owner of Record

1948 By: (Signature of [Attorney-in-Fact] Agent) L.S.

1949 Name of Signatory

1950 His/Her [Attorney-in-Fact] Agent

1951 (d) Nothing in subsection (c) of this section precludes the use of any  
1952 other legal form of execution of deed or other conveyance of real  
1953 property.

1954 Sec. 59. Subsection (c) of section 19a-580f of the general statutes is  
1955 repealed and the following is substituted in lieu thereof (*Effective*

1956 *October 1, 2015*):

1957 (c) A power of attorney for health care decisions properly executed  
 1958 prior to October 1, 2006, shall have the same power and effect as  
 1959 provided under section 1-55, revision of 1958 revised to January 1,  
 1960 2015, in effect at the time of its execution.

1961 Sec. 60. Section 45a-582 of the general statutes is repealed and the  
 1962 following is substituted in lieu thereof (*Effective October 1, 2015*):

1963 An interest that exists on October 1, 1981, as to which, if a present  
 1964 interest, the time for delivering a disclaimer under [section 45a-562,]  
 1965 subsections (3) and (35) of section 45a-234, subsections (4) and (19) of  
 1966 section 45a-235, and sections 45a-578 to 45a-584, inclusive, has not  
 1967 expired or, if a future interest, the interest has not become indefeasibly  
 1968 vested or the taker finally ascertained, may be disclaimed within nine  
 1969 months after October 1, 1981.

1970 Sec. 61. Sections 1-42 to 1-56, inclusive, of the general statutes,  
 1971 sections 1-56h to 1-56k, inclusive, of the general statutes and section  
 1972 45a-562 of the general statutes are repealed. (*Effective October 1, 2015*)"

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2015</i>	17b-450
Sec. 2	<i>October 1, 2015</i>	17b-451(a)
Sec. 3	<i>October 1, 2015</i>	53a-119
Sec. 4	<i>October 1, 2015</i>	53a-123(a)
Sec. 5	<i>October 1, 2015</i>	New section
Sec. 6	<i>October 1, 2015</i>	New section
Sec. 7	<i>October 1, 2015</i>	New section
Sec. 8	<i>October 1, 2015</i>	New section
Sec. 9	<i>October 1, 2015</i>	New section
Sec. 10	<i>October 1, 2015</i>	New section
Sec. 11	<i>October 1, 2015</i>	New section
Sec. 12	<i>October 1, 2015</i>	New section
Sec. 13	<i>October 1, 2015</i>	New section

Sec. 14	<i>October 1, 2015</i>	New section
Sec. 15	<i>October 1, 2015</i>	New section
Sec. 16	<i>October 1, 2015</i>	New section
Sec. 17	<i>October 1, 2015</i>	New section
Sec. 18	<i>October 1, 2015</i>	New section
Sec. 19	<i>October 1, 2015</i>	New section
Sec. 20	<i>October 1, 2015</i>	New section
Sec. 21	<i>October 1, 2015</i>	New section
Sec. 22	<i>October 1, 2015</i>	New section
Sec. 23	<i>October 1, 2015</i>	New section
Sec. 24	<i>October 1, 2015</i>	New section
Sec. 25	<i>October 1, 2015</i>	New section
Sec. 26	<i>October 1, 2015</i>	New section
Sec. 27	<i>October 1, 2015</i>	New section
Sec. 28	<i>October 1, 2015</i>	New section
Sec. 29	<i>October 1, 2015</i>	New section
Sec. 30	<i>October 1, 2015</i>	New section
Sec. 31	<i>October 1, 2015</i>	New section
Sec. 32	<i>October 1, 2015</i>	New section
Sec. 33	<i>October 1, 2015</i>	New section
Sec. 34	<i>October 1, 2015</i>	New section
Sec. 35	<i>October 1, 2015</i>	New section
Sec. 36	<i>October 1, 2015</i>	New section
Sec. 37	<i>October 1, 2015</i>	New section
Sec. 38	<i>October 1, 2015</i>	New section
Sec. 39	<i>October 1, 2015</i>	New section
Sec. 40	<i>October 1, 2015</i>	New section
Sec. 41	<i>October 1, 2015</i>	New section
Sec. 42	<i>October 1, 2015</i>	New section
Sec. 43	<i>October 1, 2015</i>	New section
Sec. 44	<i>October 1, 2015</i>	New section
Sec. 45	<i>October 1, 2015</i>	New section
Sec. 46	<i>October 1, 2015</i>	New section
Sec. 47	<i>October 1, 2015</i>	New section
Sec. 48	<i>October 1, 2015</i>	New section
Sec. 49	<i>October 1, 2015</i>	New section
Sec. 50	<i>October 1, 2015</i>	New section
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