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Testimony of Peter J. Boorman, Esq., Chair of the Connecticut Bar Association, Elder Law Section, For the February 24, 2016 Public Hearing before
The Committee on the Judiciary

***In SUPPORT of
Senate Bill 142***

AN ACT CONCERNING REVISIONS TO THE CONNECTICUT UNIFORM POWER OF ATTORNEY ACT AND ADOPTION OF THE CONNECTICUT UNIFORM RECOGNITION OF SUBSTITUTE DECISION-MAKING DOCUMENTS ACT.

Representative Tong, Senator Coleman and members of the Judiciary Committee, please accept this written testimony on behalf of the Connecticut Bar Association's Elder Law Section. We submit this testimony in general *support* of Raised Bill No. 142.

Background: The Connecticut Uniform Power of Attorney Act (UPOAA) became law last year. (Public Act No. 15-240). However, the effective date of the legislation is **July 1, 2016**. The effective date was pushed back to allow further comment through the 2015/16 legislative session.

Position: The Elder Law Section of the CBA supports the technical changes contained in SB 142 to UPOAA. The Section believes that technical corrections are required to Public Act No. 15-240. With the passage of that law last session, Connecticut has effectively updated the prior law in the area and further organized the provisions of the law in a more logical way using more understandable language. However, additional "clean up" of the language and form is required. We join the Estates & Probate Section of the CBA in supporting the following technical adjustments to Sections 1-8 of Public Act No. 15-240:

1. Section 1 provides a simple technical fix to dates referenced in the law to reflect the July 1, 2016 effective date of the UPOAA.
2. Section 2 provides fixes to the text of the UPOAA relating to the disposition of a deceased person's remains.
3. Section 3 provides technical fixes to the text of the sample Power of Attorney form that may be used by citizens and attorneys.
4. Section 4 again provides a simple technical fix to dates referenced in the law to reflect the July 1, 2016 effective date of the UPOAA.



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5. Section 5 provides additional fixes the text of the UPOAA relating to the disposition of a deceased person's remains.
6. Section 6 provides a fix to a statutory reference and to the revision date for the old statute.
7. Section 7 again provides fixes to the text of the UPOAA relating to the disposition of a deceased person's remains *[We respectfully suggest that in line 197 of the bill the parenthetical "(1)" may need to be changed to "(10)"]*.
8. Section 8 fixes the text of the UPOAA regarding the timing of when a probate court may order the reinstatement of any authority of any agent under a power of attorney that was previously limited or suspended by the probate court because of the existence of a conservatorship.

I thank you for your kind consideration of the above.

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