

# **Connecticut Funeral Directors Association, Inc.**

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Written Testimony of  
Randy Molloy, Co-Chair of the Legislative Committee

**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**

Judiciary Committee  
Public Hearing  
February 24, 2016

Good afternoon Senator Coleman, Representative Tong, Senator Kissel, Representative Rebimbas and the distinguished members of the Judiciary Committee. My name is Randy Malloy and I am the Legislative Committee Co-Chair of the Connecticut Funeral Directors Association (CFDA), CFDA represents 220 funeral homes. I'm also a licensed funeral director and the owner of the Molloy Funeral Home in West Hartford.

CFDA strongly endorses the provisions proposed in SB 142, which would expressly allow agents under a power of attorney to make disposition arrangements for their principals. This Act would expressly authorize what had already been authorized in prior legislation prior to the adoption of new power of attorney legislation last year. This important legislation will allow agents to make predisposition arrangements for their principals. In many cases, this legislation will permit adult children to help their parents by making advance funeral and cremation arrangements for their parents.

Please find attached to my testimony proposed changes to Section 2 of this legislation. The changes CFDA is seeking adds much needed clarity for the power of attorney to make disposition arrangements for their principal.

Thank you for your consideration of this testimony and our amendment language.



General Assembly  
February Session, 2016

**Raised Bill No. 142**

LCO No. 1440



Referred to Committee on JUDICIARY

Introduced by:  
(JUD)

**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.**

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

1 Section 1. Subsections (a) and (b) of section 1-350e of the 2016  
2 supplement to the general statutes are repealed and the following is  
3 substituted in lieu thereof (*Effective July 1, 2016*):

4 (a) A power of attorney executed in this state on or after [October 1,  
5 2015] July 1, 2016, is valid if its execution complies with section 1-350d.

6 (b) A power of attorney executed in this state before [October 1,  
7 2015] July 1, 2016, is valid if its execution complied with the law of this  
8 state as it existed at the time of execution.

9 Sec. 2. Subsection (a) of section 1-351f of the 2016 supplement to the  
10 general statutes is repealed and the following is substituted in lieu  
11 thereof (*Effective July 1, 2016*):

12 (a) Unless the power of attorney otherwise provides, language in a  
13 power of attorney granting general authority with respect to personal  
14 and family maintenance authorizes the agent to:

15 (1) Perform the acts necessary to maintain the customary standard  
16 of living of the principal, the principal's spouse and the following  
17 individuals, whether living when the power of attorney is executed or  
18 later born:

19 (A) The principal's children;

20 (B) Other individuals legally entitled to be supported by the  
21 principal; and

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

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

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

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

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

33 (4) Provide normal domestic help, usual vacations and travel  
34 expenses and funds for shelter, clothing, food, appropriate education,  
35 including post secondary and vocational education and other current  
36 living costs for the individuals described in subdivision (1) of this  
37 subsection;

38 (5) Pay expenses for necessary health care and custodial care on

39 behalf of the individuals described in subdivision (1) of this subsection;

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

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

52 (8) Maintain credit and debit accounts for the convenience of the  
53 individuals described in subdivision (1) of this subsection and open  
54 new accounts; and.

55 (9) Continue payments incidental to the membership or affiliation of  
56 the principal in a religious institution, club, society, order or other  
57 organization or continue contributions to those organizations; and

58 (10) Execute a written document in advance of the principal's death,  
59 in accordance with section 45a-318, as amended by this act, directing  
60 the disposition of the principal's body upon the disposition of the  
61 principal's body upon the death of the principal, **which**  
**document my also designate an individual to have custody**  
**and control of such person's body and to act as agent to**  
62 individual to have custody and control of the disposition of the  
63 principal's body upon the death of the principal. **Any such**  
**document may designate an alternate to an individual**  
**designated to have custody and control of the disposition of**  
**the principal's body upon the death of the principal. Such**  
**disposition shall include, but not be limited to, cremation,**

incineration, disposition of cremains, burial, method of  
interment, and cryogenic preservation.

64 Sec. 3. Subsection (a) of section 1-352 of the 2016 supplement to the  
65 general statutes is repealed and the following is substituted in lieu  
66 thereof (*Effective July 1, 2016*):

67 (a) The use of the following form in the creation of a power of

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68 attorney is authorized, and, when used, it shall be construed in  
69 accordance with the provisions of sections 1-350 to 1-353b, inclusive:

70 "Notice: The powers granted by this document are broad and  
71 sweeping. They are defined in Connecticut Uniform Power of Attorney  
72 Act, which expressly permits the use of any other or different form of  
73 power of attorney desired by the parties concerned. The grantor of any  
74 power of attorney or the agent may make application to a court of  
75 probate for an accounting as provided in subsection (b) of section 45a-  
76 175 of the general statutes. This power of attorney does not authorize  
77 the agent to make health care decisions for you.

78 Know All Persons by These Presents, which are intended to  
79 constitute a GENERAL POWER OF ATTORNEY pursuant to  
80 Connecticut Uniform Power of Attorney Act:

81 That I .... (insert name and address of the principal) do hereby  
82 appoint .... (insert name and address of the agent, or each agent, if  
83 more than one is designated) my agent(s) TO ACT

84 If more than one agent is designated and the principal wishes each  
85 agent alone to be able to exercise the power conferred, insert in this  
86 blank the word 'severally'. Failure to make any insertion or the  
87 insertion of the word 'jointly' shall require the agents to act jointly.

88 First: In my name, place and stead in any way which I myself could  
89 do, if I were personally present, with respect to the following matters  
90 as each of them is defined in the Connecticut Uniform Power of