

Power of Attorney "Hot Powers"

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November 2, 2020 | 2020-R-0285

Issue

Summarize Connecticut's power of attorney "hot powers" statute.

Summary

A power of attorney is a written document by which someone, as principal, appoints another as his or her agent and authorizes the agent to perform certain specified acts or kinds of acts on his or her behalf.

Generally, "hot powers" refer to those powers that an agent may exercise on behalf of the principal only if (1) the power of attorney specifically authorizes the agent to do so and (2) another agreement or instrument does not prohibit the agent from exercising that authority.

By law, these powers consist of the following:

1. creating, changing, revoking, or terminating an inter vivos trust (one created and effective during the principal's lifetime);
2. making a gift;
3. creating or changing survivorship rights or a beneficiary designation;
4. waiving the principal's right to be a beneficiary of a joint and survivor annuity;
5. exercising fiduciary powers that the principal can delegate;
6. disclaiming property;

7. exercising any power the principal may have over any of the principal's digital devices, digital assets, user accounts, or electronically stored information, including any user account and digital asset that currently exists or may exist as technology develops; or
8. acting as if he or she is the owner of the principal's intellectual property interests, including copyrights, contracts for payments of royalties, and trademarks; these actions include the exercise of all powers with respect to intellectual property that the principal could exercise if present ([CGS § 1-351\(a\)](#)).

Additionally, the law prohibits all agents from creating in the agent, or the agent's dependent, an interest in the principal's property unless authorized by a power of attorney. This includes doing so by gift, right of survivorship, beneficiary designation, disclaimer, or otherwise ([CGS § 1-351\(b\)](#)).

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