



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

SB1475

Introduced 2/7/2023, by Sen. Ann Gillespie

SYNOPSIS AS INTRODUCED:

755 ILCS 45/2-3	from Ch. 110 1/2, par. 802-3
755 ILCS 45/2-8	from Ch. 110 1/2, par. 802-8
755 ILCS 45/2-10.3	
755 ILCS 45/3-3	from Ch. 110 1/2, par. 803-3
815 ILCS 505/2BBBB new	

Amends the Illinois Power of Attorney Act. Changes the definition of "person". Changes the forms for an Agent's Certification and Acceptance of Authority and a Successor Agent's Certification and Acceptance of Authority. Creates a form for an Agent's Certification and Acceptance of Authority Statutory Power of Attorney for Health Care After the Death of the Principal. Provides that no person located or doing business in the State shall refuse, without reasonable cause, to honor a statutory short form power of attorney for property properly executed in accordance with the Act that is valid according to the Act. Includes reasonable causes to refuse to honor a statutory short form power of attorney. Sets forth reasons it shall be deemed unreasonable for a person to refuse to honor a statutory short form power of attorney in accordance with the laws in effect at the time of its execution. Provides that if a proceeding is brought to compel acceptance of a statutory short form power of attorney, the court shall award damages of \$1,000 or actual damages. Changes the Notice to the Individual Signing the Illinois Statutory Short Form Power of Attorney for Property. Amends the Consumer Fraud and Deceptive Business Practices Act. Provides that any person who violates the Illinois Power of Attorney Act by unreasonably refusing to comply with a power of attorney commits an unlawful practice within the meaning of the Act. Effective immediately.

LRB103 25875 LNS 52226 b

1 AN ACT concerning civil law.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Illinois Power of Attorney Act is amended
5 by changing Sections 2-3, 2-8, 2-10.3, and 3-3 as follows:

6 (755 ILCS 45/2-3) (from Ch. 110 1/2, par. 802-3)

7 Sec. 2-3. Definitions. As used in this Act:

8 (a) "Agency" means the written power of attorney or other
9 instrument of agency governing the relationship between the
10 principal and agent or the relationship, itself, as
11 appropriate to the context, and includes agencies dealing with
12 personal or health care as well as property. An agency is
13 subject to this Act to the extent it may be controlled by the
14 principal, excluding agencies and powers for the benefit of
15 the agent.

16 (b) "Agent" means the attorney-in-fact or other person
17 designated to act for the principal in the agency.

18 (c) "Person with a disability" has the same meaning as in
19 the "Probate Act of 1975", as now or hereafter amended. To be
20 under a "disability" means to be a person with a disability.

21 (c-5) "Incapacitated", when used to describe a principal,
22 means that the principal is under a legal disability as
23 defined in Section 11a-2 of the Probate Act of 1975. A

1 principal shall also be considered incapacitated if: (i) a
2 physician licensed to practice medicine in all of its branches
3 has examined the principal and has determined that the
4 principal lacks decision making capacity; (ii) that physician
5 has made a written record of this determination and has signed
6 the written record within 90 days after the examination; and
7 (iii) the written record has been delivered to the agent. The
8 agent may rely conclusively on the written record.

9 (d) "Person" means an individual, corporation, trust,
10 partnership, financial institution, title insuring or
11 guaranteeing company, bank, ambulatory and community currency
12 exchange, credit union, guaranteed credit union, or other
13 entity, as appropriate to the agency or to any third-party
14 asset custodian.

15 (e) "Principal" means an individual (including, without
16 limitation, an individual acting as trustee, representative,
17 or other fiduciary) who signs a power of attorney or other
18 instrument of agency granting powers to an agent.

19 (Source: P.A. 99-143, eff. 7-27-15.)

20 (755 ILCS 45/2-8) (from Ch. 110 1/2, par. 802-8)

21 Sec. 2-8. Reliance on document purporting to establish an
22 agency.

23 (a) Any person who acts in good faith reliance on a copy of
24 a document purporting to establish an agency will be fully
25 protected and released to the same extent as though the

1 reliant had dealt directly with the named principal as a
2 fully-competent person. The named agent shall furnish an
3 affidavit or Agent's Certification and Acceptance of Authority
4 to the reliant on demand stating that the instrument relied on
5 is a true copy of the agency and that, to the best of the named
6 agent's knowledge, the named principal is alive and the
7 relevant powers of the named agent have not been altered or
8 terminated; but good faith reliance on a document purporting
9 to establish an agency will protect the reliant without the
10 affidavit or Agent's Certification and Acceptance of
11 Authority.

12 (b) Upon request, the named agent in a power of attorney
13 shall furnish an Agent's Certification and Acceptance of
14 Authority to the reliant in substantially the following form:

15 AGENT'S CERTIFICATION AND ACCEPTANCE OF AUTHORITY

16 I, (insert name of agent), certify that the
17 attached is a true copy of a power of attorney naming the
18 undersigned as agent or successor agent for
19 (insert name of principal).

20 I certify that to the best of my knowledge the principal
21 had the capacity to execute the power of attorney, is alive,
22 and has not revoked the power of attorney; that my powers as
23 agent have not been altered or terminated by the principal, an
24 order of the court, or as otherwise provided by law; and that

1 the power of attorney remains in full force and effect.

2 I accept appointment as agent under this power of
3 attorney.

4 This certification and acceptance is made under penalty of
5 perjury.*

6 Dated:

7

8 (Agent's Signature)

9

10 (Print Agent's Name)

11

12 (Agent's Address)

13 *(NOTE: Perjury is defined in Section 32-2 of the Criminal
14 Code of 2012, and is a Class 3 felony.)

15 (b-5) With respect to a statutory power of attorney for
16 health care following the death of the principal, then, upon
17 request, the named agent in a power of attorney shall furnish
18 an Agent's Certification and Acceptance of Authority Statutory
19 Power of Attorney for Health Care After the Death of the
20 Principal to the reliant in substantially the following form:

21 AGENT'S CERTIFICATION AND ACCEPTANCE OF AUTHORITY

22 STATUTORY POWER OF ATTORNEY FOR HEALTH CARE

23 AFTER THE DEATH OF THE PRINCIPAL

1 (c) Any person dealing with an agent named in a copy of a
2 document purporting to establish an agency may presume, in the
3 absence of actual knowledge to the contrary, that the document
4 purporting to establish the agency was validly executed, that
5 the agency was validly established, that the named principal
6 was competent at the time of execution, and that, at the time
7 of reliance, the named principal is alive, the agency was
8 validly established and has not terminated or been amended,
9 the relevant powers of the named agent were properly and
10 validly granted and have not terminated or been amended, and
11 the acts of the named agent conform to the standards of this
12 Act. No person relying on a copy of a document purporting to
13 establish an agency shall be required to see to the
14 application of any property delivered to or controlled by the
15 named agent or to question the authority of the named agent.

16 (c-5) No person located or doing business in this State
17 shall refuse, without reasonable cause, to honor a statutory
18 short form power of attorney for property properly executed in
19 accordance with this Act that is valid according to this Act.

20 Reasonable cause includes:

21 (1) the refusal by the agent to provide an affidavit
22 or Agent's Certification and Acceptance of Authority;

23 (2) the refusal by the agent to provide a copy of the
24 original document that is certified to be valid by an
25 attorney, a court order, or other governmental entity;

26 (3) the person's good faith referral of the principal

1 and the agent or a person acting for or with the agent to
2 the local adult protective services unit;

3 (4) actual knowledge of a report having been made by
4 any person to the local adult protective services unit
5 alleging physical or financial abuse, neglect,
6 exploitation, or abandonment of the principal by the agent
7 or a person acting for the agent;

8 (5) actual knowledge of the principal's death or a
9 reasonable basis for believing the principal has died;

10 (6) actual knowledge of the incapacity of the
11 principal or a reasonable basis for believing the
12 principal is incapacitated where the power of attorney
13 tendered is a nondurable power of attorney;

14 (7) actual knowledge or a reasonable basis for
15 believing that the principal was incapacitated at the time
16 the power of attorney was executed;

17 (8) actual knowledge or a reasonable basis for
18 believing the power of attorney was procured through
19 fraud, duress, or undue influence;

20 (9) actual notice of the termination or revocation of
21 the power of attorney;

22 (10) the refusal by a title insurance company to
23 underwrite title insurance for a gift of real property
24 made pursuant to a statutory short form power of attorney
25 that does not contain express instructions or purposes of
26 the principal with respect to gifts in paragraph 3 of the

1 statutory short form power of attorney; or

2 (11) the refusal of the principal's attorney to
3 provide a certificate that the power of attorney is valid.

4 (c-10) It shall be deemed unreasonable for a person to
5 refuse to honor a statutory short form power of attorney in
6 accordance with the laws in effect at the time of its
7 execution, if the only reason for the refusal is any of the
8 following:

9 (1) the power of attorney is not on a form prescribed
10 by the person to whom the power of attorney is presented;

11 (2) the power of attorney is dishonored pursuant to a
12 clause in the account agreement agreeing to not honor a
13 power of attorney document or to require the use of an
14 internal form utilized by the person;

15 (3) there has been a lapse of time since the execution
16 of the power of attorney;

17 (4) on the face of the statutory short form power of
18 attorney, there is a lapse of time between the date of
19 acknowledgment of the signature of the principal and the
20 date of the acceptance by the agent;

21 (5) the document provided does not bear an original
22 signature, original witness, or original notarization but
23 is accompanied by an attorney-certified copy; or

24 (6) the document appoints an entity as the agent

25 Not later than the 10th business day after presentation of
26 an original or attorney-certified copy of a statutory short

1 form power of attorney properly executed in accordance with
2 the laws in effect at the time of its execution to a person for
3 acceptance, such person shall either (i) honor the statutory
4 short form power of attorney, (ii) reject the statutory short
5 form power of attorney in writing that sets forth the reasons
6 for such rejection, which shall be sent to the principal and
7 the agent at the addresses, or contact information, on the
8 power of attorney and such other addresses as provided by the
9 principal or the agent, or (iii) request that the agent
10 execute an acknowledged affidavit stating that the power of
11 attorney is in full force and effect if the statutory short
12 form power of attorney was not submitted for acceptance
13 together with such an acknowledged affidavit. Such reasons for
14 rejection may include, but not be limited to, a missing or
15 incorrect signature, an invalid notarization, or an
16 unacceptable power of attorney identification. If the
17 statutory short form power of attorney presented is not an
18 original or attorney-certified copy, as part of the initial
19 rejection, such short form power of attorney may be rejected
20 for such reason, however, in explaining the reason for
21 rejecting the short form power of attorney, the person shall
22 also identify such other provisions of the short form power of
23 attorney, if any, that would otherwise constitute cause for
24 rejection of the statutory short form power of attorney. If
25 the person initially rejects the statutory power of attorney
26 in a writing that sets forth the reasons for such rejection,

1 the person shall within 10 business days after receipt of a
2 writing in response to the reasons for such rejection (A)
3 honor the statutory short form power of attorney or (B)
4 finally reject the statutory short form power of attorney in a
5 writing that sets forth the reasons for such rejection. Such
6 writing shall be sent to the address, or contact information,
7 provided on the power of attorney and to the address of the
8 agent, if any, and may also be sent to such other address as
9 provided on the account documents, or to the address of the
10 attorney as provided in an opinion of counsel pursuant to this
11 Section. If the person requests the agent to execute such an
12 acknowledged affidavit or Agent's Certification and Acceptance
13 of Authority, the person shall honor such statutory short form
14 power of attorney within 10 business days after receipt by the
15 person of an acknowledged affidavit which complies with the
16 provisions of subsection (b), unless reasonable cause exists
17 as described in this subsection. For purposes of this
18 subsection, notice shall be considered delivered at the time
19 such notice is mailed. However, notice to the agent shall not
20 be sent until after a determination is made by adult
21 protective services if the reason for rejection is a reason
22 set forth in subsection (c-5).

23 (d) Except as provided in subsection (c-10), it shall be
24 deemed unlawful for a person to unreasonably refuse to honor a
25 statutory short form power of attorney that is valid according
26 to this Act. Each person to whom a direction by the named agent

1 in accordance with the terms of the copy of the document
2 purporting to establish an agency is communicated shall comply
3 with that direction, and any person who fails to comply
4 arbitrarily or without reasonable cause shall be subject to
5 civil liability for any damages resulting from noncompliance.
6 A health care provider who complies with Section 4-7 shall not
7 be deemed to have acted ~~arbitrarily or~~ without reasonable
8 cause. Additionally, if a proceeding is brought to compel
9 acceptance of the statutory short form power of attorney, the
10 court shall award damages of \$1,000 or actual damages,
11 including, but not limited to:

12 (1) triple the amount of actual damages, attorney's
13 fees, and costs of the person bringing the action to
14 court; and

15 (2) prejudgment interest on the actual damages from
16 the date the person initially refused to accept the
17 authority of the attorney in fact.

18 At the request of the plaintiff, the circuit clerk shall
19 send a certified copy of the order to the body or governmental
20 entity that regulates the offending institution. Such a
21 proceeding shall be the exclusive remedy for a violation of
22 this Section.

23 (e) With respect to a health care power of attorney, each
24 person to whom a direction by the named agent in accordance
25 with the terms of the copy of the document purporting to
26 establish an agency is communicated shall comply with that

1 direction, and any person who fails to comply arbitrarily or
2 without reasonable cause shall be subject to civil liability
3 for any damages resulting from noncompliance, including
4 reasonable attorney's fees and costs. At the request of the
5 plaintiff, the circuit clerk shall send a certified copy of
6 the order to the body or governmental entity that regulates
7 the offending institution. A health care provider who complies
8 with Section 4-7 shall not be deemed to have acted arbitrarily
9 or without reasonable cause.

10 (f) Liability for damages imposed pursuant to this Section
11 does not abate with the death of the principal.

12 (Source: P.A. 96-1195, eff. 7-1-11; 97-1150, eff. 1-25-13.)

13 (755 ILCS 45/2-10.3)

14 Sec. 2-10.3. Successor agents.

15 (a) A principal may designate one or more successor agents
16 to act if an initial or predecessor agent resigns, dies,
17 becomes incapacitated, is not qualified to serve, or declines
18 to serve. A principal may grant authority to another person,
19 designated by name, by office, or by function, including an
20 initial or successor agent, to designate one or more successor
21 agents. Unless a power of attorney otherwise provides, a
22 successor agent has the same authority as that granted to an
23 initial agent.

24 (b) An agent is not liable for the actions of another
25 agent, including a predecessor agent, unless the agent

1 participates in or conceals a breach of fiduciary duty
 2 committed by the other agent. An agent who has knowledge of a
 3 breach or imminent breach of fiduciary duty by another agent
 4 must notify the principal and, if the principal is
 5 incapacitated, take whatever actions may be reasonably
 6 appropriate in the circumstances to safeguard the principal's
 7 best interest.

8 (c) Any person who acts in good faith reliance on the
 9 representation of a successor agent regarding the
 10 unavailability of a predecessor agent will be fully protected
 11 and released to the same extent as though the reliant had dealt
 12 directly with the predecessor agent. Upon request, the
 13 successor agent shall furnish an affidavit or Successor
 14 Agent's Certification and Acceptance of Authority to the
 15 reliant, but good faith reliance on a document purporting to
 16 establish an agency will protect the reliant without the
 17 affidavit or Successor Agent's Certification and Acceptance of
 18 Authority. A Successor Agent's Certification and Acceptance of
 19 Authority shall be in substantially the following form:

20 SUCCESOR AGENT'S

21 CERTIFICATION AND ACCEPTANCE OF AUTHORITY

22 I certify that the attached is a true copy of a power of
 23 attorney naming the undersigned as agent or successor agent
 24 for (insert name of principal).

1 I certify that to the best of my knowledge the principal
 2 had the capacity to execute the power of attorney, is alive,
 3 and has not revoked the power of attorney; that my powers as
 4 agent have not been altered or terminated by the principal, an
 5 order of the court, or as otherwise provided by law; and that
 6 the power of attorney remains in full force and effect.

7 I certify that to the best of my knowledge
 8 (insert name of unavailable agent) is unavailable due to
 9 (specify death, resignation, absence,
 10 illness, or other temporary incapacity).

11 I accept appointment as agent under this power of
 12 attorney.

13 This certification and acceptance is made under penalty of
 14 perjury.*

15 Dated:

16
 17 (Agent's Signature)
 18
 19 (Print Agent's Name)
 20
 21 (Agent's Address)

22 *(NOTE: Perjury is defined in Section 32-2 of the Criminal
 23 Code of 2012, and is a Class 3 felony.)
 24 (Source: P.A. 96-1195, eff. 7-1-11; 97-1150, eff. 1-25-13.)

1 Sec. 3-3. Statutory short form power of attorney for
2 property.

3 (a) The form prescribed in this Section may be known as
4 "statutory property power" and may be used to grant an agent
5 powers with respect to property and financial matters. The
6 "statutory property power" consists of the following: (1)
7 Notice to the Individual Signing the Illinois Statutory Short
8 Form Power of Attorney for Property; (2) Illinois Statutory
9 Short Form Power of Attorney for Property; and (3) Notice to
10 Agent. When a power of attorney in substantially the form
11 prescribed in this Section is used, including all 3 items
12 above, with item (1), the Notice to Individual Signing the
13 Illinois Statutory Short Form Power of Attorney for Property,
14 on a separate sheet (coversheet) in 14-point type and the
15 notarized form of acknowledgment at the end, it shall have the
16 meaning and effect prescribed in this Act.

17 (b) A power of attorney shall also be deemed to be in
18 substantially the same format as the statutory form if the
19 explanatory language throughout the form (the language
20 following the designation "NOTE:") is distinguished in some
21 way from the legal paragraphs in the form, such as the use of
22 boldface or other difference in typeface and font or point
23 size, even if the "Notice" paragraphs at the beginning are not
24 on a separate sheet of paper or are not in 14-point type, or if
25 the principal's initials do not appear in the acknowledgement
26 at the end of the "Notice" paragraphs.

1 The validity of a power of attorney as meeting the
2 requirements of a statutory property power shall not be
3 affected by the fact that one or more of the categories of
4 optional powers listed in the form are struck out or the form
5 includes specific limitations on or additions to the agent's
6 powers, as permitted by the form. Nothing in this Article
7 shall invalidate or bar use by the principal of any other or
8 different form of power of attorney for property. Nonstatutory
9 property powers (i) must be executed by the principal, (ii)
10 must designate the agent and the agent's powers, (iii) must be
11 signed by at least one witness to the principal's signature,
12 and (iv) must indicate that the principal has acknowledged his
13 or her signature before a notary public. However, nonstatutory
14 property powers need not conform in any other respect to the
15 statutory property power.

16 (c) The Notice to the Individual Signing the Illinois
17 Statutory Short Form Power of Attorney for Property shall be
18 substantially as follows:

19 "PERSONS WHO UNREASONABLY FAIL TO HONOR THIS
20 POWER OF ATTORNEY MAY BE LIABLE FOR DAMAGES.

21 NOTICE TO THE INDIVIDUAL SIGNING THE ILLINOIS
22 STATUTORY SHORT FORM POWER OF ATTORNEY FOR PROPERTY.

23 PLEASE READ THIS NOTICE CAREFULLY. The form that you will

1 be signing is a legal document. It is governed by the Illinois
2 Power of Attorney Act. If there is anything about this form
3 that you do not understand, you should ask a lawyer to explain
4 it to you.

5 The purpose of this Power of Attorney is to give your
6 designated "agent" broad powers to handle your financial
7 affairs, which may include the power to pledge, sell, or
8 dispose of any of your real or personal property, even without
9 your consent or any advance notice to you. When using the
10 Statutory Short Form, you may name successor agents, but you
11 may not name co-agents.

12 This form does not impose a duty upon your agent to handle
13 your financial affairs, so it is important that you select an
14 agent who will agree to do this for you. It is also important
15 to select an agent whom you trust, since you are giving that
16 agent control over your financial assets and property. Any
17 agent who does act for you has a duty to act in good faith for
18 your benefit and to use due care, competence, and diligence.
19 He or she must also act in accordance with the law and with the
20 directions in this form. Your agent must keep a record of all
21 receipts, disbursements, and significant actions taken as your
22 agent. The failure of any person to accept a Durable Power of
23 Attorney for Property may result in liability, including
24 damages and attorney's fees.

25 Unless you specifically limit the period of time that this
26 Power of Attorney will be in effect, your agent may exercise

1 the powers given to him or her throughout your lifetime, both
 2 before and after you become incapacitated. A court, however,
 3 can take away the powers of your agent if it finds that the
 4 agent is not acting properly. You may also revoke this Power of
 5 Attorney if you wish.

6 This Power of Attorney does not authorize your agent to
 7 appear in court for you as an attorney-at-law or otherwise to
 8 engage in the practice of law unless he or she is a licensed
 9 attorney who is authorized to practice law in Illinois.

10 The powers you give your agent are explained more fully in
 11 Section 3-4 of the Illinois Power of Attorney Act. This form is
 12 a part of that law. The "NOTE" paragraphs throughout this form
 13 are instructions.

14 You are not required to sign this Power of Attorney, but it
 15 will not take effect without your signature. You should not
 16 sign this Power of Attorney if you do not understand
 17 everything in it, and what your agent will be able to do if you
 18 do sign it.

19 Please place your initials on the following line
 20 indicating that you have read this Notice:

21
 22 Principal's initials"

23 (d) The Illinois Statutory Short Form Power of Attorney
 24 for Property shall be substantially as follows:

1 "ILLINOIS STATUTORY SHORT FORM
 2 POWER OF ATTORNEY FOR PROPERTY

3 1. I,, (insert name and address of
 4 principal) hereby revoke all prior powers of attorney for
 5 property executed by me and appoint:

6
 7 (insert name and address of agent)

8 (NOTE: You may not name co-agents using this form.)
 9 as my attorney-in-fact (my "agent") to act for me and in my
 10 name (in any way I could act in person) with respect to the
 11 following powers, as defined in Section 3-4 of the "Statutory
 12 Short Form Power of Attorney for Property Law" (including all
 13 amendments), but subject to any limitations on or additions to
 14 the specified powers inserted in paragraph 2 or 3 below:

15 (NOTE: You must strike out any one or more of the following
 16 categories of powers you do not want your agent to have.
 17 Failure to strike the title of any category will cause the
 18 powers described in that category to be granted to the agent.
 19 To strike out a category you must draw a line through the title
 20 of that category.)

- 21 (a) Real estate transactions.
- 22 (b) Financial institution transactions.
- 23 (c) Stock and bond transactions.

- 1 (d) Tangible personal property transactions.
- 2 (e) Safe deposit box transactions.
- 3 (f) Insurance and annuity transactions.
- 4 (g) Retirement plan transactions.
- 5 (h) Social Security, employment and military service
- 6 benefits.
- 7 (i) Tax matters.
- 8 (j) Claims and litigation.
- 9 (k) Commodity and option transactions.
- 10 (l) Business operations.
- 11 (m) Borrowing transactions.
- 12 (n) Estate transactions.
- 13 (o) All other property transactions.

14 (NOTE: Limitations on and additions to the agent's powers may
 15 be included in this power of attorney if they are specifically
 16 described below.)

17 2. The powers granted above shall not include the
 18 following powers or shall be modified or limited in the
 19 following particulars:

20 (NOTE: Here you may include any specific limitations you deem
 21 appropriate, such as a prohibition or conditions on the sale
 22 of particular stock or real estate or special rules on
 23 borrowing by the agent.)

24

25

26

1

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3 3. In addition to the powers granted above, I grant my
4 agent the following powers:

5 (NOTE: Here you may add any other delegable powers including,
6 without limitation, power to make gifts, exercise powers of
7 appointment, name or change beneficiaries or joint tenants or
8 revoke or amend any trust specifically referred to below.)

9

10

11

12

13

14 (NOTE: Your agent will have authority to employ other persons
15 as necessary to enable the agent to properly exercise the
16 powers granted in this form, but your agent will have to make
17 all discretionary decisions. If you want to give your agent
18 the right to delegate discretionary decision-making powers to
19 others, you should keep paragraph 4, otherwise it should be
20 struck out.)

21 4. My agent shall have the right by written instrument to
22 delegate any or all of the foregoing powers involving
23 discretionary decision-making to any person or persons whom my
24 agent may select, but such delegation may be amended or
25 revoked by any agent (including any successor) named by me who
26 is acting under this power of attorney at the time of

1 reference.

2 (NOTE: Your agent will be entitled to reimbursement for all
3 reasonable expenses incurred in acting under this power of
4 attorney. Strike out paragraph 5 if you do not want your agent
5 to also be entitled to reasonable compensation for services as
6 agent.)

7 5. My agent shall be entitled to reasonable compensation
8 for services rendered as agent under this power of attorney.

9 (NOTE: This power of attorney may be amended or revoked by you
10 at any time and in any manner. Absent amendment or revocation,
11 the authority granted in this power of attorney will become
12 effective at the time this power is signed and will continue
13 until your death, unless a limitation on the beginning date or
14 duration is made by initialing and completing one or both of
15 paragraphs 6 and 7:)

16 6. () This power of attorney shall become effective on
17

18 (NOTE: Insert a future date or event during your lifetime,
19 such as a court determination of your disability or a written
20 determination by your physician that you are incapacitated,
21 when you want this power to first take effect.)

22 7. () This power of attorney shall terminate on
23

24 (NOTE: Insert a future date or event, such as a court
25 determination that you are not under a legal disability or a
26 written determination by your physician that you are not

1 incapacitated, if you want this power to terminate prior to
2 your death.)

3 (NOTE: If you wish to name one or more successor agents, insert
4 the name and address of each successor agent in paragraph 8.)

5 8. If any agent named by me shall die, become incompetent,
6 resign or refuse to accept the office of agent, I name the
7 following (each to act alone and successively, in the order
8 named) as successor(s) to such agent:

9
10

11 For purposes of this paragraph 8, a person shall be considered
12 to be incompetent if and while the person is a minor or an
13 adjudicated incompetent or a person with a disability or the
14 person is unable to give prompt and intelligent consideration
15 to business matters, as certified by a licensed physician.

16 (NOTE: If you wish to, you may name your agent as guardian of
17 your estate if a court decides that one should be appointed. To
18 do this, retain paragraph 9, and the court will appoint your
19 agent if the court finds that this appointment will serve your
20 best interests and welfare. Strike out paragraph 9 if you do
21 not want your agent to act as guardian.)

22 9. If a guardian of my estate (my property) is to be
23 appointed, I nominate the agent acting under this power of
24 attorney as such guardian, to serve without bond or security.

25 10. I am fully informed as to all the contents of this form
26 and understand the full import of this grant of powers to my

1 agent.

2 (NOTE: This form does not authorize your agent to appear in
3 court for you as an attorney-at-law or otherwise to engage in
4 the practice of law unless he or she is a licensed attorney who
5 is authorized to practice law in Illinois.)

6 11. The Notice to Agent is incorporated by reference and
7 included as part of this form.

8 Dated:

9 Signed

10 (principal)

11 (NOTE: This power of attorney will not be effective unless it
12 is signed by at least one witness and your signature is
13 notarized, using the form below. The notary may not also sign
14 as a witness.)

15 The undersigned witness certifies that, known
16 to me to be the same person whose name is subscribed as
17 principal to the foregoing power of attorney, appeared before
18 me and the notary public and acknowledged signing and
19 delivering the instrument as the free and voluntary act of the
20 principal, for the uses and purposes therein set forth. I
21 believe him or her to be of sound mind and memory. The
22 undersigned witness also certifies that the witness is not:
23 (a) the attending physician or mental health service provider
24 or a relative of the physician or provider; (b) an owner,

1 operator, or relative of an owner or operator of a health care
 2 facility in which the principal is a patient or resident; (c) a
 3 parent, sibling, descendant, or any spouse of such parent,
 4 sibling, or descendant of either the principal or any agent or
 5 successor agent under the foregoing power of attorney, whether
 6 such relationship is by blood, marriage, or adoption; or (d)
 7 an agent or successor agent under the foregoing power of
 8 attorney.

9 Dated:

10

11 Witness

12 (NOTE: Illinois requires only one witness, but other
 13 jurisdictions may require more than one witness. If you wish
 14 to have a second witness, have him or her certify and sign
 15 here:)

16 (Second witness) The undersigned witness certifies that
 17, known to me to be the same person whose name
 18 is subscribed as principal to the foregoing power of attorney,
 19 appeared before me and the notary public and acknowledged
 20 signing and delivering the instrument as the free and
 21 voluntary act of the principal, for the uses and purposes
 22 therein set forth. I believe him or her to be of sound mind and
 23 memory. The undersigned witness also certifies that the
 24 witness is not: (a) the attending physician or mental health

1 service provider or a relative of the physician or provider;
 2 (b) an owner, operator, or relative of an owner or operator of
 3 a health care facility in which the principal is a patient or
 4 resident; (c) a parent, sibling, descendant, or any spouse of
 5 such parent, sibling, or descendant of either the principal or
 6 any agent or successor agent under the foregoing power of
 7 attorney, whether such relationship is by blood, marriage, or
 8 adoption; or (d) an agent or successor agent under the
 9 foregoing power of attorney.

10 Dated:

11

12 Witness

13 State of

14) SS.

15 County of

16 The undersigned, a notary public in and for the above
 17 county and state, certifies that,
 18 known to me to be the same person whose name is subscribed as
 19 principal to the foregoing power of attorney, appeared before
 20 me and the witness(es) (and) in
 21 person and acknowledged signing and delivering the instrument
 22 as the free and voluntary act of the principal, for the uses
 23 and purposes therein set forth (, and certified to the
 24 correctness of the signature(s) of the agent(s)).

25 Dated:

1
2

Phone: "

3 (e) Notice to Agent. The following form may be known as
4 "Notice to Agent" and shall be supplied to an agent appointed
5 under a power of attorney for property.

6 "NOTICE TO AGENT

7 When you accept the authority granted under this power of
8 attorney a special legal relationship, known as agency, is
9 created between you and the principal. Agency imposes upon you
10 duties that continue until you resign or the power of attorney
11 is terminated or revoked.

12 As agent you must:

13 (1) do what you know the principal reasonably expects
14 you to do with the principal's property;

15 (2) act in good faith for the best interest of the
16 principal, using due care, competence, and diligence;

17 (3) keep a complete and detailed record of all
18 receipts, disbursements, and significant actions conducted
19 for the principal;

20 (4) attempt to preserve the principal's estate plan,
21 to the extent actually known by the agent, if preserving
22 the plan is consistent with the principal's best interest;
23 and

24 (5) cooperate with a person who has authority to make

1 health care decisions for the principal to carry out the
2 principal's reasonable expectations to the extent actually
3 in the principal's best interest.

4 As agent you must not do any of the following:

5 (1) act so as to create a conflict of interest that is
6 inconsistent with the other principles in this Notice to
7 Agent;

8 (2) do any act beyond the authority granted in this
9 power of attorney;

10 (3) commingle the principal's funds with your funds;

11 (4) borrow funds or other property from the principal,
12 unless otherwise authorized;

13 (5) continue acting on behalf of the principal if you
14 learn of any event that terminates this power of attorney
15 or your authority under this power of attorney, such as
16 the death of the principal, your legal separation from the
17 principal, or the dissolution of your marriage to the
18 principal.

19 If you have special skills or expertise, you must use
20 those special skills and expertise when acting for the
21 principal. You must disclose your identity as an agent
22 whenever you act for the principal by writing or printing the
23 name of the principal and signing your own name "as Agent" in
24 the following manner:

25 "(Principal's Name) by (Your Name) as Agent"

26 The meaning of the powers granted to you is contained in

1 Section 3-4 of the Illinois Power of Attorney Act, which is
2 incorporated by reference into the body of the power of
3 attorney for property document.

4 If you violate your duties as agent or act outside the
5 authority granted to you, you may be liable for any damages,
6 including attorney's fees and costs, caused by your violation.

7 If there is anything about this document or your duties
8 that you do not understand, you should seek legal advice from
9 an attorney."

10 (f) The requirement of the signature of a witness in
11 addition to the principal and the notary, imposed by Public
12 Act 91-790, applies only to instruments executed on or after
13 June 9, 2000 (the effective date of that Public Act).

14 (NOTE: This amendatory Act of the 96th General Assembly
15 deletes provisions that referred to the one required witness
16 as an "additional witness", and it also provides for the
17 signature of an optional "second witness".)

18 (Source: P.A. 99-143, eff. 7-27-15.)

19 Section 10. The Consumer Fraud and Deceptive Business
20 Practices Act is amended by adding Section 2BBBB as follows:

21 (815 ILCS 505/2BBBB new)

22 Sec. 2BBBB. Violations of the Illinois Power of Attorney
23 Act. Any person who violates the Illinois Power of Attorney

1 Act by unreasonably refusing to comply with a power of
2 attorney as set forth in Section 2-8 of the Illinois Power of
3 Attorney Act commits an unlawful practice within the meaning
4 of this Act.

5 Section 99. Effective date. This Act takes effect upon
6 becoming law.