

TITLE 15
UNIFORM PROBATE CODE

Chapter 15
UNIFORM RECOGNITION OF SUBSTITUTE DECISION-MAKING DOCUMENTS ACT

PART 1.
Provisions

15-15-101. SHORT TITLE. This chapter shall be known and may be cited as the "Uniform Recognition of Substitute Decision-Making Documents Act."

[15-15-101, added 2015, ch. 115, sec. 1, p. 298.]

15-15-102. DEFINITIONS. As used in this chapter:

(1) "Decision maker" means a person authorized to act for an individual under a substitute decision-making document, whether denominated a decision maker, agent, attorney in fact, proxy, representative or by another title. The term includes an original decision maker, a co-decision maker, a successor decision maker and a person to which a decision maker's authority is delegated.

(2) "Good faith" means honesty in fact.

(3) "Health care" means a service or procedure to maintain, diagnose, treat or otherwise affect an individual's physical or mental condition.

(4) "Person" means an individual, estate, business or nonprofit entity, public corporation, government or governmental subdivision, agency, or instrumentality or other legal entity.

(5) "Personal care" means an arrangement or service to provide an individual shelter, food, clothing, transportation, education, recreation, social contact or assistance with the activities of daily living.

(6) "Property" means anything that may be subject to ownership, whether real or personal or legal or equitable, or any interest or right therein.

(7) "Record" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

(8) "Substitute decision-making document" means a record created by an individual to authorize a decision maker to act for the individual with respect to property, health care or personal care.

[15-15-102, added 2015, ch. 115, sec. 1, p. 298.]

15-15-103. VALIDITY OF SUBSTITUTE DECISION-MAKING DOCUMENT. (1) A substitute decision-making document for property executed outside this state is valid in this state if, when the document was executed, the execution complied with the law of the jurisdiction indicated in the document or, if no jurisdiction is indicated, the law of the jurisdiction in which the document was executed.

(2) A substitute decision-making document for health care or personal care executed outside this state is valid in this state if, when the document was executed, the execution complied with:

(a) The law of the jurisdiction indicated in the document or, if no jurisdiction is indicated, the law of the jurisdiction in which the document was executed; or

(b) The law of this state other than this chapter.

(3) Except as otherwise provided by law of this state other than this chapter, a photocopy or electronically transmitted copy of an original substitute decision-making document has the same effect as the original.

[15-15-103, added 2015, ch. 115, sec. 1, p. 298.]

15-15-104. MEANING AND EFFECT OF SUBSTITUTE DECISION-MAKING DOCUMENT. The meaning and effect of a substitute decision-making document and the authority of the decision maker are determined by the law of the jurisdiction indicated in the document or, if no jurisdiction is indicated, the law of the jurisdiction in which the document was executed.

[15-15-104, added 2015, ch. 115, sec. 1, p. 298.]

15-15-105. RELIANCE UPON SUBSTITUTE DECISION-MAKING DOCUMENT. (1) Except as otherwise provided for in sections [15-12-119](#) and [39-4513](#), Idaho Code, a person that in good faith accepts a substitute decision-making document without actual knowledge that the document is void, invalid or terminated, or that the authority of the purported decision maker is void, invalid or terminated, may assume without inquiry that the document is genuine, valid and still in effect and that the decision maker's authority is genuine, valid and still in effect.

(2) A person that is asked to accept a substitute decision-making document may request and without further investigation rely upon:

- (a) The decision maker's assertion of a fact concerning the individual for whom a decision will be made, the decision maker or the document;
- (b) A translation of the document if the document contains, in whole or in part, language other than English; and
- (c) An opinion of counsel regarding any matter of law concerning the document if the person provides in a record the reason for the request.

[15-15-105, added 2015, ch. 115, sec. 1, p. 298.]

15-15-106. OBLIGATION TO ACCEPT SUBSTITUTE DECISION-MAKING DOCUMENT. (1) Except as otherwise provided in subsection (2) of this section or by law of this state other than this act, including section [15-12-120](#) (2) (b), Idaho Code, a person that is asked to accept a substitute decision-making document shall accept within a reasonable time a document that purportedly meets the validity requirements of section [15-15-103](#), Idaho Code. The person may not require an additional or different form of document for authority granted in the document presented.

(2) A person that is asked to accept a substitute decision-making document is not required to accept the document if:

- (a) The person otherwise would not be required in the same circumstances to act if requested by the individual who executed the document;
- (b) The person has actual knowledge of the termination of the decision maker's authority or the document;
- (c) The person's request under section [15-15-105](#) (2), Idaho Code, for the decision maker's assertion of fact, a translation or an opinion of counsel is refused;
- (d) The person in good faith believes that the document is not valid or the decision maker does not have the authority to request a particular transaction or action; or

(e) The person makes, or has actual knowledge that another person has made, a report to the local office of adult protective services stating a belief that the individual for whom a decision will be made may be subject to abuse, neglect, exploitation or abandonment by the decision maker or a person acting for or with the decision maker.

(3) A person that in violation of the provisions of this section refuses to accept a substitute decision-making document is subject to:

(a) A court order mandating acceptance of the document; and

(b) Liability for reasonable attorney's fees and costs incurred in an action or proceeding that mandates acceptance of the document.

[15-15-106, added 2015, ch. 115, sec. 1, p. 299.]

15-15-107. REMEDIES UNDER OTHER LAW. The remedies under this act are not exclusive and do not abrogate any right or remedy under law of this state other than this chapter.

[15-15-107, added 2015, ch. 115, sec. 1, p. 299.]

15-15-108. UNIFORMITY OF APPLICATION AND CONSTRUCTION. In applying and construing this uniform act, consideration must be given to the need to promote uniformity of the law with respect to its subject matter among the states that enact it.

[15-15-108, added 2015, ch. 115, sec. 1, p. 299.]

15-15-109. RELATION TO ELECTRONIC SIGNATURES IN GLOBAL AND NATIONAL COMMERCE ACT. This chapter modifies, limits or supersedes the electronic signatures in global and national commerce act, 15 U.S.C. section 7001 et seq., but does not modify, limit or supersede section 101(c) of that act, 15 U.S.C. section 7001(c), or authorize electronic delivery of any of the notices described in section 103(b) of that act, 15 U.S.C. section 7003(b).

[15-15-109, added 2015, ch. 115, sec. 1, p. 299.]

15-15-110. APPLICABILITY. This chapter applies to a substitute decision-making document created before, on or after the effective date of this chapter.

[15-15-110, added 2015, ch. 115, sec. 1, p. 300.]