

---

---

# HOUSE BILL No. 1169

---

## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 29-3.

**Synopsis:** Volunteer advocates for incapacitated adults and seniors. Changes the: (1) reporting requirements for; (2) duties of; and (3) appointments of; volunteer advocates for incapacitated adults and seniors. Provides that an advocate may petition the court for reasonable compensation or reimbursement of expenses. Provides that probate courts in adjacent counties may establish joint or multiple county volunteer advocates for seniors programs or volunteer advocates for incapacitated adults programs. Provides that probate courts may contract with an Indiana nonprofit corporation to provide volunteer advocates for seniors programs or volunteer advocates for incapacitated adults programs.

**Effective:** July 1, 2010.

---

---

**Avery**

---

---

January 7, 2010, read first time and referred to Committee on Family, Children and Human Affairs.

---

---

C  
o  
p  
y



Second Regular Session 116th General Assembly (2010)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2009 Regular and Special Sessions of the General Assembly.

C  
o  
p  
y

# HOUSE BILL No. 1169



A BILL FOR AN ACT to amend the Indiana Code concerning probate.

*Be it enacted by the General Assembly of the State of Indiana:*

- 1 SECTION 1. IC 29-3-1-15.5, AS ADDED BY P.L.11-2006,
- 2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 3 JULY 1, 2010]: Sec. 15.5. "Volunteer advocate for incapacitated
- 4 adults" means an individual who:
- 5 (1) is a volunteer;
- 6 (2) has completed a ~~limited~~ guardian training program approved
- 7 by a court;
- 8 (3) is supervised by a ~~community~~ volunteer advocates for adults
- 9 program;
- 10 (4) is appointed by a court to serve as a ~~limited~~ guardian for an
- 11 incapacitated person ~~or protected person~~ who is at least eighteen
- 12 (18) years of age; and
- 13 (5) provides reports and makes recommendations to a court.
- 14 SECTION 2. IC 29-3-1-16 IS AMENDED TO READ AS
- 15 FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 16. "Volunteer
- 16 advocate for seniors" means an individual who:
- 17 (1) is a volunteer;



- 1 (2) has completed a ~~limited~~ guardian training program approved
- 2 by a court;
- 3 (3) is supervised by a ~~community~~ volunteer advocates for seniors
- 4 program;
- 5 (4) is appointed by a court to serve as a ~~limited~~ guardian for an
- 6 incapacitated person ~~or protected person~~ who is at least fifty-five
- 7 (55) years of age; and
- 8 (5) provides reports and makes recommendations to a court.

9 SECTION 3. IC 29-3-1-17 IS ADDED TO THE INDIANA CODE  
 10 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
 11 1, 2010]: **Sec. 17. "Volunteer advocates for incapacitated adults**  
 12 **program" means:**

- 13 (1) an Indiana nonprofit corporation;
- 14 (2) a program of an Indiana nonprofit corporation; or
- 15 (3) a program operated by a county or court;
- 16 **that trains and supervises volunteers in a court approved guardian**
- 17 **program for incapacitated adults.**

18 SECTION 4. IC 29-3-1-18 IS ADDED TO THE INDIANA CODE  
 19 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
 20 1, 2010]: **Sec. 18. "Volunteer advocates for seniors program"**  
 21 **means:**

- 22 (1) an Indiana nonprofit corporation;
- 23 (2) a program of an Indiana nonprofit corporation; or
- 24 (3) a program operated by a county or court;
- 25 **that trains and supervises volunteers in a court approved guardian**
- 26 **program for incapacitated persons who are at least fifty-five (55)**
- 27 **years of age.**

28 SECTION 5. IC 29-3-8.5-2, AS AMENDED BY P.L.11-2006,  
 29 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 30 JULY 1, 2010]: **Sec. 2. A volunteer advocate for seniors or a volunteer**  
 31 **advocate for incapacitated adults shall submit to the court:**

- 32 (1) a progress report ~~fifteen (15)~~ **thirty (30)** days after the date of
- 33 appointment describing:
  - 34 (A) the matters required by the court; and
  - 35 (B) the:
    - 36 (i) **current physical and mental condition;**
    - 37 (ii) **residential placement; and**
    - 38 (iii) **property, and any property related issues;**
    - 39 **of the senior or the incapacitated adult;**
- 40 (2) a ~~final~~ **progress** report sixty (60) days after the date of
- 41 appointment:
  - 42 (A) describing the matters required by the court; and

COPY



- 1 (B) making recommendations to the court as to whether a need
- 2 exists for continued representation of the incapacitated or
- 3 protected person: **that includes a verified inventory**
- 4 **describing the property, and any property related issues,**
- 5 **of the incapacitated adult or senior;**
- 6 **(3) a progress report or final report ninety (90) days after the**
- 7 **date of appointment:**
- 8 **(A) describing the matters required by the court; and**
- 9 **(B) making recommendations to the court as to whether**
- 10 **the need continues to exist for the appointment of a**
- 11 **guardian of the incapacitated adult or senior; and**
- 12 **(4) an annual progress report on the anniversary date of the**
- 13 **appointment if the appointment of the volunteer advocate is**
- 14 **continued by the court for more than one (1) year:**
- 15 **(A) describing the matters required by the court;**
- 16 **(B) describing the:**
- 17 **(i) current physical and mental condition;**
- 18 **(ii) residential placement; and**
- 19 **(iii) property, and any property related issues;**
- 20 **of the senior or the incapacitated adult; and**
- 21 **(C) making recommendations to the court as to whether**
- 22 **the need continues to exist for the appointment of a**
- 23 **guardian of the incapacitated adult or senior.**
- 24 SECTION 6. IC 29-3-8.5-3, AS AMENDED BY P.L.11-2006,
- 25 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 26 JULY 1, 2010]: Sec. 3. A volunteer advocate for seniors or a volunteer
- 27 advocate for incapacitated adults shall:
- 28 (1) serve as a ~~limited~~ guardian to represent and protect the **best**
- 29 **interests of an incapacitated or protected person or senior**
- 30 **including the person's property;**
- 31 (2) investigate and gather information regarding the health,
- 32 welfare, and financial circumstances of the incapacitated or
- 33 ~~protected~~ person **or senior**, as directed by a court;
- 34 (3) facilitate and authorize health care, social welfare, and
- 35 residential placement services as needed by the incapacitated or
- 36 ~~protected~~ person **or senior**;
- 37 (4) advocate for the rights of the incapacitated or ~~protected~~ person
- 38 **or senior**;
- 39 (5) facilitate legal representation for the incapacitated or ~~protected~~
- 40 person **or senior**; ~~and~~
- 41 **(6) provide the court with the required reports under section**
- 42 **2 of this chapter; and**

COPY



1           ~~(6)~~ (7) perform any other ~~duty responsibilities~~ required by ~~a~~ **the**  
2           court.

3           SECTION 7. IC 29-3-8.5-4, AS AMENDED BY P.L.11-2006,  
4           SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
5           JULY 1, 2010]: Sec. 4. A volunteer advocate for seniors or a volunteer  
6           advocate for incapacitated adults may:

7           (1) consent to medical and other professional care and treatment  
8           for the incapacitated ~~or protected~~ person's **or senior's** health and  
9           welfare;

10          (2) secure the appointment of a guardian or coguardian in another  
11          state;

12          (3) take custody of the incapacitated ~~or protected~~ person **or senior**  
13          and establish the **incapacitated** person's ~~place of abode or~~  
14          **senior's residence** within Indiana or another state in accordance  
15          with IC 29-3-9-2;

16          (4) institute proceedings or take other appropriate action to  
17          compel the performance by any person of a duty to support the  
18          incapacitated ~~or protected~~ person's **or senior's** health or welfare;  
19          **and**

20          **(5) protect and preserve the property of the incapacitated**  
21          **person or senior and preserve any property in excess of the**  
22          **incapacitated person's or senior's current needs; and**

23          ~~(5)~~ (6) delegate to the incapacitated ~~or protected~~ person **or senior**  
24          certain responsibilities for decisions affecting the **incapacitated**  
25          person's **or senior's** business affairs and well-being.

26          SECTION 8. IC 29-3-8.5-5, AS AMENDED BY P.L.11-2006,  
27          SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
28          JULY 1, 2010]: Sec. 5. **(a)** If a court appoints an individual to serve as  
29          a volunteer advocate for seniors or a volunteer advocate for  
30          incapacitated adults, the **initial** appointment shall be for a period of  
31          **sixty** ~~(60)~~ **ninety (90)** days.

32          **(b)** After the initial ~~sixty (60)~~ **ninety (90)** day period, the court may,  
33          upon petition by the volunteer or upon the court's own motion, extend  
34          the appointment for a period as determined by the court to be necessary  
35          to protect the interests **and property** of the incapacitated ~~or protected~~  
36          person **or senior**.

37          SECTION 9. IC 29-3-8.5-6, AS AMENDED BY P.L.11-2006,  
38          SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
39          JULY 1, 2010]: Sec. 6. A volunteer advocate for seniors or a volunteer  
40          advocate for incapacitated adults is considered an officer of the court  
41          for the purpose of representing the interests of an incapacitated ~~or~~  
42          **protected** person **or senior**.

C  
o  
p  
y



1 SECTION 10. IC 29-3-8.5-10 IS ADDED TO THE INDIANA  
2 CODE AS A NEW SECTION TO READ AS FOLLOWS  
3 [EFFECTIVE JULY 1, 2010]: **Sec. 10. (a) A volunteer advocate for  
4 seniors or a volunteer advocate for incapacitated adults may  
5 petition the court for reasonable compensation for services  
6 provided or for expenditures made in good faith on behalf of the  
7 incapacitated adult or senior.**

8 **(b) A court may grant reasonable compensation or expenditure  
9 reimbursement to a volunteer advocate for seniors or a volunteer  
10 advocate for incapacitated adults upon the court's own motion.**

11 SECTION 11. IC 29-3-8.5-11 IS ADDED TO THE INDIANA  
12 CODE AS A NEW SECTION TO READ AS FOLLOWS  
13 [EFFECTIVE JULY 1, 2010]: **Sec. 11. (a) Courts with probate  
14 jurisdiction that are located in adjacent counties may establish  
15 joint or multiple county volunteer advocates for seniors programs  
16 or volunteer advocates for incapacitated adults programs.**

17 **(b) Courts with probate jurisdiction may contract with an  
18 Indiana nonprofit corporation to provide volunteer advocates for  
19 seniors programs or volunteer advocates for incapacitated adults  
20 programs.**

**C  
o  
p  
y**

