

**CONFERENCE COMMITTEE REPORT
DIGEST FOR EHB 1055**

Citations Affected: IC 32-17.5-5-1.

Synopsis: Probate matters. Enacts the uniform adult guardianship and protective proceedings jurisdiction act. Governs issues concerning original jurisdiction, registration, transfer, and out-of-state enforcement of guardianships and protective orders appointed or issued for adults. Specifies the notice requirements following court action on a petition to appoint a temporary guardian. Authorizes a parent of a minor or a guardian of a protected person to designate a standby guardian by executing a written declaration that is effective upon the death or incapacity of the parent or guardian. Specifies the information required in a declaration designating a standby guardian. Provides that the declaration is not binding upon the juvenile justice system with respect to the placement of a child who is subject to an allegation of abuse or neglect, an open child in need of services case, or an open delinquency case. Provides that the declaration is effective for 90 days unless the standby guardian files a petition for guardianship, in which case the declaration is effective until the court rules on the petition. Provides that a delegation of parental powers by power of attorney is effective immediately. Makes conforming changes, including changing the duration of a temporary guardianship from 60 days to 90 days. Corrects a formula determining the amount of property interests that a joint holder may disclaim after the death of another joint owner if, during the deceased holder's lifetime, the deceased holder could have unilaterally regained a part of the jointly held property without the consent of any other holder. (The introduced version of this bill was prepared by the probate code study commission.) **(This conference committee report corrects the formula determining the amount of property interests that a joint holder may disclaim after the death of another joint owner if, during the deceased holder's lifetime, the deceased holder could have unilaterally regained a part of the jointly held property without the consent of any other holder.)**

Effective: Upon passage.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT:

Your Conference Committee appointed to confer with a like committee from the House upon Engrossed Senate Amendments to Engrossed House Bill No. 1055 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the House recede from its dissent from all Senate amendments and that the House now concur in all Senate amendments to the bill and that the bill be further amended as follows:

- 1 Page 19, after line 28, begin a new paragraph and insert:
2 "SECTION 11. IC 32-17.5-5-1, AS AMENDED BY P.L.42-2011,
3 SECTION 64, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
4 UPON PASSAGE]: Sec. 1. (a) This subsection applies upon the death
5 of a holder of jointly held property only if, during the deceased holder's
6 lifetime, the deceased holder could have unilaterally regained a part of
7 the property attributable to the deceased holder's contribution without
8 consent of any other holder. Another holder may disclaim an amount
9 that may not exceed the amount determined in STEP THREE of the
10 following formula:
11 STEP ONE: Determine the amount of the property attributable to
12 the deceased holder's contributions.
13 STEP TWO: Determine the quotient of:
14 (A) one (1); divided by
15 (B) the number of joint holders alive immediately ~~before~~ **after**
16 the death of the holder to whose death the disclaimer relates.
17 STEP THREE: Determine the product of:
18 (A) the STEP ONE amount; multiplied by
19 (B) the STEP TWO quotient.
20 (b) This subsection applies in the case of the death of a holder of
21 jointly held property that is not subject to subsection (a). Another
22 holder may disclaim an amount that may not exceed the amount

- 1 determined in STEP FOUR of the following formula:
2 STEP ONE: Determine the value of the total amount of the jointly
3 held property.
4 STEP TWO: Determine the product of:
5 (A) the number of joint holders alive immediately before the
6 death of the holder to whose death the disclaimer relates;
7 multiplied by
8 (B) the number of joint holders alive immediately after the
9 death of the holder to whose death the disclaimer relates.
10 STEP THREE: Determine the quotient of:
11 (A) one (1); divided by
12 (B) the STEP TWO result.
13 STEP FOUR: Determine the product of:
14 (A) the value determined in STEP ONE; multiplied by
15 (B) the quotient determined in STEP THREE.
16 (c) A disclaimer under subsection (a) or (b) takes effect as of the
17 death of the holder of jointly held property to whose death the
18 disclaimer relates.
19 (d) An interest in jointly held property disclaimed by a surviving
20 holder of the property passes as if the disclaimant predeceased the
21 holder to whose death the disclaimer relates.
22 SECTION 12. **An emergency is declared for this act.**
23 Renumber all SECTIONS consecutively.
(Reference is to EHB 1055 as printed April 1, 2011.)

Conference Committee Report
on
Engrossed House Bill 1055

Signed by:

Representative Foley
Chairperson

Senator Zakas

Representative DeLaney

Senator Broden

House Conferees

Senate Conferees