

**CONFERENCE COMMITTEE REPORT  
DIGEST FOR ESB 32**

**Citations Affected:** IC 29-3-12.

**Synopsis:** Guardianships. Conference committee report for ESB 32. Allows a minor who has not been adjudicated an incapacitated person and the minor's guardian to jointly petition the court to extend the guardianship beyond the date the minor attains 18 years of age. Requires the petition to be verified. Authorizes the court to extend the guardianship, but not beyond the date on which the protected person attains 22 years of age, if the court finds that extending the guardianship is in the best interests of the protected person. Specifies that the extension of the guardianship does not place the person under a legal disability. **(This conference committee report: Fixes a conflict between this bill and SB 286.)**

**Effective:** July 1, 2012.

Adopted      Rejected

## CONFERENCE COMMITTEE REPORT

**MR. SPEAKER:**

*Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed House Amendments to Engrossed Senate Bill No. 32 respectfully reports that said two committees have conferred and agreed as follows to wit:*

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

- 1           Delete everything after the enacting clause and insert the following:  
2           SECTION 1. IC 29-3-12-1, AS AMENDED BY SEA 286-2012,  
3           SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
4           JULY 1, 2012]: Sec. 1. (a) ~~Unless the protected person has been~~  
5           ~~adjudicated an incapacitated person or is a recipient or beneficiary of~~  
6           ~~financial assistance provided by the department of child services~~  
7           ~~through a guardianship described in IC 31-9-2-17.8(1)(E);~~ **Except as**  
8           **provided in section 6 or 7 of this chapter,** the court shall terminate  
9           the guardianship of a minor upon:  
10           (1) the minor's attaining eighteen (18) years of age; or  
11           (2) the minor's death.  
12           The court may terminate the guardianship of a minor upon the minor's  
13           adoption or marriage.  
14           (b) The court shall terminate the guardianship of an incapacitated  
15           person upon:  
16           (1) adjudication by the court that the protected person is no longer  
17           an incapacitated person; or  
18           (2) the death of the protected person.  
19           (c) The court may terminate any guardianship if:  
20           (1) the guardianship property does not exceed the value of three  
21           thousand five hundred dollars (\$3,500);  
22           (2) the guardianship property is reduced to three thousand five

- 1 hundred dollars (\$3,500);  
 2 (3) the domicile or physical presence of the protected person is  
 3 changed to another state and a guardian has been appointed for  
 4 the protected person and the protected person's property in that  
 5 state; or  
 6 (4) the guardianship is no longer necessary for any other reason.  
 7 (d) When a guardianship terminates otherwise than by the death of  
 8 the protected person, the powers of the guardian cease, except that the  
 9 guardian may pay the claims and expenses of administration that are  
 10 approved by the court and exercise other powers that are necessary to  
 11 complete the performance of the guardian's trust, including payment  
 12 and delivery of the remaining property for which the guardian is  
 13 responsible:  
 14 (1) to the protected person;  
 15 (2) in the case of an unmarried minor, to a person having care and  
 16 custody of the minor with whom the minor resides;  
 17 (3) to a trust approved by the court, including a trust created by  
 18 the guardian, in which:  
 19 (A) the protected person is the sole beneficiary of the trust;  
 20 and  
 21 (B) the terms of the trust satisfy the requirements of Section  
 22 2503(c) of the Internal Revenue Code and the regulations  
 23 under that Section;  
 24 (4) to a custodian under the Uniform Transfers to Minors Act (IC  
 25 30-2-8.5); or  
 26 (5) to another responsible person as the court orders.  
 27 (e) When a guardianship terminates by reason of the death of the  
 28 protected person, the powers of the guardian cease, except that the  
 29 guardian may pay the expenses of administration that are approved by  
 30 the court and exercise other powers that are necessary to complete the  
 31 performance of the guardian's trust and may deliver the remaining  
 32 property for which the guardian is responsible to the protected person's  
 33 personal representative or to a person who presents the guardian with  
 34 an affidavit under IC 29-1-8-1 or IC 29-2-1-2. If approved by the court,  
 35 the guardian may pay directly the following:  
 36 (1) Reasonable funeral and burial expenses of the protected  
 37 person.  
 38 (2) Reasonable expenses of the protected person's last illness.  
 39 (3) The protected person's federal and state taxes.  
 40 (4) Any statutory allowances payable to the protected person's  
 41 surviving spouse or surviving children.  
 42 (5) Any other obligations of the protected person.  
 43 SECTION 2. IC 29-3-12-6 IS ADDED TO THE INDIANA CODE  
 44 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
 45 1, 2012]: **Sec. 6. (a) If a protected person:**  
 46 **(1) is a minor; and**  
 47 **(2) has been adjudicated an incapacitated person;**  
 48 **the court may not terminate the guardianship of the protected**  
 49 **person when the protected person attains eighteen (18) years of**  
 50 **age.**  
 51 **(b) If a protected person is:**

1           **(1) a minor; and**  
2           **(2) a recipient or beneficiary of financial assistance provided**  
3           **by the department of child services through a guardianship**  
4           **described in IC 31-9-2-17.8(1)(E);**  
5           **the court may not terminate the guardianship of the protected**  
6           **person when the protected person attains eighteen (18) years of**  
7           **age.**  
8           SECTION 3. IC 29-3-12-7 IS ADDED TO THE INDIANA CODE  
9           AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
10          1, 2012]: **Sec. 7. (a) This section applies to the guardianship of a**  
11          **minor who has not been adjudicated an incapacitated person.**  
12          **(b) A protected person who is at least seventeen (17) years of age**  
13          **and the guardian of the protected person may jointly petition the**  
14          **court to extend the duration of the guardianship beyond the date**  
15          **on which the protected person attains eighteen (18) years of age to**  
16          **the earlier of the following:**  
17               **(1) A termination date, if any, set forth in the petition.**  
18               **(2) The date the protected person attains twenty-two (22)**  
19               **years of age.**  
20          **(c) A petition submitted under subsection (b) must be verified.**  
21          **(d) The court, after notice and hearing, may extend a**  
22          **guardianship under this section if the court finds that extending the**  
23          **guardianship is in the best interests of the protected person. The**  
24          **extension of a guardianship under this section does not place the**  
25          **protected person under a legal disability.**

(Reference is to ESB 32 as printed February 14, 2012.)

**Conference Committee Report**  
**on**  
**Engrossed Senate Bill 32**

**S**igned by:

---

Senator Bray  
Chairperson

---

Representative Foley

---

Senator Broden

---

Representative Pryor

**Senate Conferees**

**House Conferees**