

IC 29-3-10

Chapter 10. Claims Against Protected Persons

IC 29-3-10-1

Payment of debts incurred on behalf of protected person; payment of claims; actions against guardian; filing of claims

Sec. 1. (a) Without prior order of the court, a guardian shall pay from the guardianship property all indebtedness that the guardian has reasonably incurred in good faith on behalf of the protected person.

(b) Upon order of the court, a guardian shall pay from the protected person's property for which the guardian is responsible any claim against the protected person or the protected person's property, that the court determines has merit.

(c) Claims based on:

- (1) contracts entered into by a guardian in the guardian's official capacity;
- (2) obligations arising from ownership or control of the property for which the guardian is responsible; or
- (3) acts or omissions in the course of administration of the guardianship;

may be asserted against the guardianship by proceeding against the guardian in the guardian's official capacity, whether or not the guardian is personally liable.

(d) Any person having a claim against the protected person or the protected person's property or against the guardian as such may file the claim with the court at any time before the claim is barred by the statute of limitations and, upon proof of the claim, procure an order for its allowance and payment from the guardianship property. However, if a claim is filed within sixty (60) days before the date that a protected person attains the age of majority or regains capacity:

- (1) the claim shall be stayed until the sixty (60) day period has elapsed;
- (2) the protected person shall be substituted as a party; and
- (3) the guardian shall prepare and file the guardian's account without regard to the claim.

As added by P.L.169-1988, SEC.1.