INDIANA CODE TITLE 29. PROBATE 29-3-8.5

Sec. 1 . A court in a proceeding under this article may appoint a volunteer advocates for seniors program or a volunteer advocates for incapacitated adults program.

Sec. 2 . A volunteer advocates for seniors program or a volunteer advocates for incapacitated adults program shall submit to the court:

(1) a progress report thirty (30) days after the date of appointment describing:
  (A) the matters required by the court; and
  (B) the:
    (i) current physical and mental condition;
    (ii) residential placement; and
    (iii) property, and any property related issues;
    of the senior or the incapacitated adult;

(2) a progress report sixty (60) days after the date of appointment:
  (A) describing the matters required by the court; and
  (B) that includes a verified inventory describing the property, and any property related issues, of the incapacitated adult or senior;

(3) a progress report or final report ninety (90) days after the date of appointment:
  (A) describing the matters required by the court; and
  (B) making recommendations to the court as to whether the need continues to exist for the appointment of a guardian of the incapacitated adult or senior;

(4) an annual progress report on the anniversary date of the appointment if the appointment of the volunteer advocate is continued by the court for more than one (1) year:
  (A) describing the matters required by the court;
  (B) describing the:
    (i) current physical and mental condition;
    (ii) residential placement; and
    (iii) property, and any property related issues;
    of the senior or the incapacitated adult; and
  (C) making recommendations to the court as to whether the need continues to exist for the appointment of a guardian of the incapacitated adult or senior; and

(5) upon the death of the incapacitated person, a final report and financial accounting:
  (A) describing the incapacitated person's:
    (i) final physical and mental condition;
    (ii) cause of death;
    (iii) last residential placement; and
    (iv) final burial arrangements;
  (B) stating the actions taken by the program regarding the:
    (i) person's care and custody; and

(ii) preservation of the person's property;

(C) making recommendations to the court to close the guardianship of the person; and

(D) containing all other matters required by the court.

Sec. 3 . (a) A volunteer advocates for seniors program or a volunteer advocates for incapacitated adults program shall:

(1) serve as a guardian to represent and protect the best interests of an incapacitated person or senior including the person's property;

(2) investigate and gather information regarding the health, welfare, and financial circumstances of the incapacitated person or senior, as directed by a court;

(3) facilitate and authorize health care, social welfare, and residential placement services as needed by the incapacitated person or senior;

(4) advocate for the rights of the incapacitated person or senior;

(5) facilitate legal representation for the incapacitated person or senior;

(6) provide the court with the required reports under section 2 of this chapter; and

(7) perform any other responsibilities required by the court.

(b) A volunteer advocates for seniors program or a volunteer advocates for incapacitated adults program has the duties of the guardian of a minor listed in IC 29-3-8-1 and IC 29-3-8-3 .

Sec. 4 . (a) A volunteer advocates for seniors program or a volunteer advocates for incapacitated adults program may:

(1) consent to medical and other professional care and treatment for the incapacitated person's or senior's health and welfare;

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

(3) take custody of the incapacitated person or senior and establish the incapacitated person's or senior's residence within Indiana or another state in accordance with IC 29-3-9-2 ;

(4) institute proceedings or take other appropriate action to compel the performance by any person of a duty to support the incapacitated person's or senior's health or welfare;

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

(6) delegate to the incapacitated person or senior certain responsibilities for decisions affecting the incapacitated person's or senior's business affairs and well-being; and

(7) petition the court to request the authority to petition for dissolution of marriage, legal separation, or annulment of marriage on behalf of an incapacitated person as provided under IC 29-3-9-12.2 .

(b) A volunteer advocates for seniors program or a volunteer advocates for incapacitated adults program may exercise the powers of a guardian of a minor listed in IC 29-3-8-2 and IC 29-3-8-4 .

Sec. 5 . (a) If a court appoints a volunteer advocates for seniors program or a volunteer advocates for incapacitated adults program, the initial appointment shall be for a period of ninety (90) days.

(b) After the initial ninety (90) day period, the court may, upon petition by the volunteer advocates for seniors program or volunteer advocates for incapacitated adults program or upon the court's own motion, extend the appointment for a period as determined by the court to be necessary to protect the best interests and property of the incapacitated person or senior.

Sec. 6 . A volunteer advocates for seniors program or a volunteer advocates for incapacitated adults program is considered an officer of the court for the purpose of representing the interests of an incapacitated person or senior.

Sec. 7 . The court may appoint an attorney to represent a volunteer advocate for seniors or a volunteer advocate for incapacitated adults.

Sec. 8 . Except for gross misconduct:

(1) a volunteer advocate for seniors program or a volunteer advocate for incapacitated adults program that;

(2) an employee of a volunteer advocates for seniors program or a volunteer advocate for incapacitated adults program who; or

(3) a volunteer for a volunteer advocates for seniors program or a volunteer advocate for incapacitated adults program who;

performs duties in good faith is immune from any civil liability resulting from the program's, employee's, or volunteer's performance.

Sec. 9 . A volunteer advocates for seniors program or a volunteer advocates for incapacitated adults program under this chapter is not authorized to consent to or refuse health care (as defined in IC 16-36-1-1) for an individual if:

(1) a spouse, a parent, an adult child, or an adult sibling of the individual or the individual's religious superior, if the individual is a member of a religious order, is available, capable, and suitable to consent to or refuse the health care on behalf of the individual; or
(2) the individual has previously:
(A) appointed a health care representative under IC 16-36-1;
(B) authorized health care under IC 16-36-1.5, IC 16-36-4, or IC 16-36-5;
(C) executed a power of attorney under IC 30-5-4; or
(D) had a guardian appointed by the court under IC 29-3.

Sec. 9.5 . IC 29-3-8-5 through IC 29-3-8-8 apply to a volunteer advocates for seniors program or a volunteer advocates for incapacitated adults program under this chapter.

Sec. 10 . (a) A volunteer advocates for seniors program or a volunteer advocates for incapacitated adults program may petition the court for reasonable compensation for services provided or for expenditures made in good faith on behalf of the incapacitated adult or senior.

(b) A court may grant reasonable compensation or expenditure reimbursement to a volunteer advocates for seniors program or a volunteer advocates for incapacitated adults program upon the court's own motion.

Sec. 11 . (a) Courts with probate jurisdiction that are located in adjacent counties may establish joint or multiple county volunteer advocates for seniors programs or volunteer advocates for incapacitated adults programs.

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

Sec. 12 . (a) A volunteer advocates for seniors program or volunteer advocates for incapacitated adults program that is a program of an Indiana nonprofit corporation must establish policies and procedures to avoid a conflict of interest if the nonprofit corporation is also a provider of other necessary services to the incapacitated individual.

(b) A volunteer advocates for seniors program or volunteer advocates for incapacitated adults program to which subsection (a) applies shall advise the court of the policies and procedures established to avoid a conflict of interest in the petition to the court for guardianship of the incapacitated individual.