



Reprinted  
January 9, 2026

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## SENATE BILL No. 71

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DIGEST OF SB 71 (Updated January 8, 2026 2:00 pm - DI 149)

**Citations Affected:** IC 2-5; IC 29-3; IC 30-2; IC 30-4; IC 30-5; IC 32-17; IC 32-28.

**Synopsis:** Various probate matters. Establishes the guardianship code revision task force (task force) to study a recodification of the current guardianship code with any necessary changes. Sets forth the membership, and requires the task force to issue a report to the general assembly and the governor. Allows a person indebted to a minor or having possession of property belonging to a minor to pay the debt or deliver the property without a court order in an amount up to \$25,000 and to pay the debt or deliver the property to a custodian under the Indiana Uniform Transfers to Minors Act. Specifies that a court may do the following when issuing a protective order: (1) authorize delivery of property to a custodian under the Indiana Uniform Transfers to Minors Act; and (2) order a trustee, custodian, or other person to file periodic reports concerning certain property transactions of a minor. Allows a person having the care and custody of a minor with whom the minor resides to petition a court to compromise a claim on behalf of the minor. Requires a court to hold a hearing on certain petitions concerning a proposal to compromise a claim on behalf of a minor and allows a court to appoint a guardian ad litem, an attorney, or other representative to represent the best interest of the minor in the proceeding. Provides that, under the Indiana Uniform Transfers to Minors Act, a trustee or administrator of certain plans may transfer funds due under a plan to the custodian of a minor who is designated as a beneficiary. Allows a custodian to transfer part or all of the minor's

(Continued next page)

**Effective:** July 1, 2026.

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**Carrasco, Koch, Randolph Lonnie M**

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December 8, 2025, read first time and referred to Committee on Judiciary.  
December 10, 2025, reported favorably — Do Pass.  
January 8, 2026, read second time, amended, ordered engrossed.

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**SB 71—LS 6102/DI 149**



## Digest Continued

custodial property out of the custodial form under the Indiana Uniform Transfers to Minors Act to certain types of trusts or accounts without a court order. Provides that when a power of appointment in a trust (earlier power) is exercised to create another power of appointment (subsequent power) or another nonvested property interest, then the subsequent power or nonvested property interest created through the exercise of the earlier power is considered to have been created at the time of the creation of the earlier power, unless: (1) the instrument creating the earlier power; or (2) the instrument exercising the earlier power; explicitly provides that the subsequent power or nonvested property interest is considered to have been created at the time of the irrevocable exercise of the earlier power. Specifies that language conferring general authority in a power of attorney with respect to personal or family maintenance authorizes an attorney in fact to take certain actions on behalf of the principal for the benefit of the principal and the principal's spouse, children, and other persons customarily supported by the principal. Removes the authorization to employ or contract with servants or companions from the description of health care powers. Provides that the application is only to a lifetime or inter vivos transfer of property to a trust or similar arrangement under which the spouse of the transferor is granted an earlier power that can be exercised during the spouse's lifetime or upon the spouse's death to create a subsequent limited power of appointment or another nonvested property interest. Provides that the exercise of the earlier power or another nonvested property interest is considered to have been created at the time of the creation of the earlier power by the transferor. Specifies that certain written agreements executed between an owner of residential real property and a family member, attorney in fact, health care representative, or guardian that provide for an ownership interest in the residential real property are not prohibited residential real estate service agreements. (The introduced version of this bill was prepared by the probate code study committee.)

**SB 71—LS 6102/DI 149**



Reprinted  
January 9, 2026

Second Regular Session of the 124th General Assembly (2026)

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 2025 Regular Session of the General Assembly.

## SENATE BILL No. 71

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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 2-5-56 IS ADDED TO THE INDIANA CODE AS  
2 A **NEW CHAPTER** TO READ AS FOLLOWS [EFFECTIVE JULY  
3 1, 2026]:

4 **Chapter 56. Guardianship Code Revision Task Force**

5 Sec. 1. As used in this chapter, "task force" refers to the  
6 guardianship code revision task force established by section 2 of  
7 this chapter.

8 Sec. 2. The guardianship code revision task force is established  
9 as a temporary task force serving the general assembly.

10 Sec. 3. (a) The task force consists of the following eleven (11)  
11 voting members:

12 (1) Two (2) members of the senate, appointed as follows:  
13 (A) One (1) member appointed by the president pro  
14 tempore.  
15 (B) One (1) member appointed by the minority leader of

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the senate.

**(2) Two (2) members of the house of representatives, appointed as follows:**

**(A) One (1) member appointed by the speaker.**

**(B) One (1) member appointed by the minority leader of the house of representatives.**

**(3) A representative from an area agency on aging appointed by the governor.**

(4) A representative of the Indiana supreme court's adult guardianship office appointed by the chief justice of the supreme court.

**(5) Two (2) private attorneys who practice guardianship or elder law appointed by the governor.**

(6) A manager or trained volunteer from a volunteer advocates for seniors and incapacitated adults (VASIA) recipient program appointed by the governor.

(7) One (1) probate court judge appointed by the governor.

**(8) A representative of Indiana Disability Rights appointed by the governor.**

**(b) Not later than July 31, 2026, the:**

(1) chairperson of the legislative council shall select a member of the task force to serve as the chairperson of the task force; and

(2) vice chairperson of the legislative council shall select a member of the task force to serve as the vice chairperson of the task force.

**The members selected under subdivisions (1) and (2) shall serve as chairperson and vice chairperson, respectively, for the duration of the task force.**

**(c) A member of the task force serves for the duration of the task force.**

(d) If a vacancy occurs on the task force, the appointing authority that appointed the member whose position is vacant shall appoint an individual to fill the vacancy. An individual appointed to fill a vacancy must have the qualifications that the vacating member must have. An individual appointed to fill a vacancy serves for the remainder of the task force's duration.

**(e) Appointments to the task force under this section must be made not later than July 30, 2026.**

**Sec. 4. (a) Six (6) members of the task force constitute a quorum.**

**(b) The affirmative vote of at least a majority of the members at a meeting at which a quorum is present is necessary for the task**



1       **force to take action on any measure, including final reports, other**  
2       **than to meet and take testimony.**

3       **(c) The task force shall meet at the call of the chairperson.**

4       **Sec. 5. All meetings of the task force shall be open to the public**  
5       **in accordance with and subject to IC 5-14-1.5. All records of the**  
6       **task force shall be subject to the requirements of IC 5-14-3.**

7       **Sec. 6. The task force shall study the following:**

8       **(1) Recodification of IC 29-3 (guardianships and protective**  
9       **proceedings) in a style that is clear, concise, and easy to**  
10       **interpret and apply.**

11       **(2) Improvements to the guardianship code that:**

12       **(A) increase procedural protections for minors and adults**  
13       **who are subject to a guardianship procedure, including**  
14       **enforcement mechanisms concerning supported decision**  
15       **making;**

16       **(B) clearly distinguish between adult and minor**  
17       **guardianships; and**

18       **(C) update terminology, including the use of people first**  
19       **and person centered language.**

20       **Sec. 7. The task force shall make recommendations based upon**  
21       **the study conducted under section 6 of this chapter.**

22       **Sec. 8. (a) The task force may, not later than November 1, 2026,**  
23       **prepare a status report describing the progress made under section**  
24       **6 of this chapter. The status report may also contain proposed**  
25       **legislation based on recommendations made under this chapter.**

26       **(b) If the report submitted under subsection (a), does not**  
27       **contain proposed legislation, the task force shall, not later than**  
28       **November 1, 2027, submit a report of proposed legislation based on**  
29       **recommendations made under this chapter.**

30       **(c) A report issued under this section must be submitted:**

31       **(1) in an electronic format under IC 5-14-6 to the executive**  
32       **director of the legislative services agency for distribution to**  
33       **the members of the general assembly; and**

34       **(2) to the governor.**

35       **Sec. 9. The legislative services agency shall provide staff support**  
36       **to the task force.**

37       **Sec. 10. (a) Each legislative member and each lay member of the**  
38       **task force is entitled to receive the same per diem, mileage, and**  
39       **travel allowances paid to individuals serving as legislative and lay**  
40       **members, respectively, on an interim study committee established**  
41       **by the legislative council.**

42       **(b) A member of the task force who is a state employee is not**



1       **entitled to a per diem. However, the member is entitled to receive**  
2       **the same travel allowances paid to members of the task force**  
3       **described in subsection (a).**

4       **Sec. 11. The task force's expenses, including the payment of per**  
5       **diem, mileage, and travel allowances under section 10 of this**  
6       **chapter, are payable from amounts appropriated to the legislative**  
7       **council.**

8       **Sec. 12. This chapter expires December 31, 2027.**

9       SECTION 2. IC 29-3-3-1 IS AMENDED TO READ AS FOLLOWS  
10      [EFFECTIVE JULY 1, 2026]: Sec. 1. (a) Any person indebted to a  
11      minor or having possession of property belonging to a minor in an  
12      amount not exceeding ~~ten~~ **twenty-five** thousand dollars (\$10,000)  
13      **(\$25,000)** may pay the debt or deliver the property without the  
14      appointment of a guardian, giving of bond, or other order of court  
15      directly to:

16       (1) any person having the care and custody of the minor with  
17       whom the minor resides; **or**

18       **(2) a custodian for the benefit of the minor under IC 30-2-8.5.**

19       (b) Persons receiving property for a minor under this section are  
20      obligated to apply the property to the support, use, and benefit of the  
21      minor.

22       (c) This section does not apply if the person paying or delivering the  
23      property knows that a guardian has been appointed for the minor or that  
24      proceedings for appointment of a guardian for the minor are pending.

25       (d) A person who pays or delivers property in accordance with this  
26      section in good faith is not responsible for the proper application of that  
27      property.

28       SECTION 3. IC 29-3-4-1, AS AMENDED BY P.L.6-2010,  
29      SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
30      JULY 1, 2026]: Sec. 1. (a) Upon petition by any person and after a  
31      hearing under IC 29-3-5, the court may issue, without the appointment  
32      of a guardian, any protective order for the benefit of a person who has  
33      been adjudicated an incapacitated person or is a minor.

34       (b) Notice of the filing of a petition under this chapter for the  
35      issuance of a protective order and the hearing on the petition shall be  
36      given under IC 29-3-6.

37       (c) Incapacitated persons and minors have the same rights at the  
38      hearing on a petition filed under this chapter for the issuance of a  
39      protective order as they would have at a hearing for the appointment of  
40      a guardian.

41       (d) The court may issue a protective order concerning an  
42      incapacitated person if the court finds that:



1       (1) the incapacitated person:  
2           (A) owns property or has income requiring management or  
3           protection that cannot otherwise be provided;  
4           (B) has or may have financial or business affairs that may be  
5           jeopardized or impaired; or  
6           (C) has property that needs to be managed to provide for the  
7           support or protection of the incapacitated person;  
8       (2) the incapacitated person is unable to manage the incapacitated  
9           person's property and financial or business affairs effectively; and  
10      (3) the protection sought is necessary.

11       The court shall make the orders that it considers proper and appropriate  
12      to protect the person, business affairs, and property of the incapacitated  
13      person.

14 (e) The court may issue a protective order concerning a minor if the  
15 court finds that:

16 (1) the minor:

17 (A) owns property or has income requiring management or  
18 protection that cannot otherwise be provided;  
19 (B) has or may have financial or business affairs that may be  
20 jeopardized or impaired; or  
21 (C) has property that needs to be managed to provide for the  
22 support or protection of the minor; and  
23 (2) the protection sought is necessary.

23 (2) the protection sought is necessary.  
24 The court shall make the orders it considers proper and appropriate to  
25 protect the person, business affairs, and property of the minor.

25 protect the person, business affairs, and property of the minor.

26 (f) If the court finds grounds for a protective order under subsection

27 (d) or (e), it may, without appointing a guardian, declare the person to

28 be a protected person and authorize or ratify any transaction necessary

29 or desirable to meet the needs of the protected person. Protective

30 arrangements include the following:

**A court may order a trustee, custodian, or other person to file periodic reports concerning a transaction involving property of a minor ordered under subdivisions (1) through (4).**

SECTION 4. IC 29-3-9-7, AS AMENDED BY P.L.56-2020,  
SECTION 7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



1 JULY 1, 2026]: Sec. 7. (a) Whenever it is proposed to compromise any  
 2 claim by or against a protected person or the protected person's  
 3 property, the court, on petition of the guardian, may enter an order  
 4 authorizing the compromise to be made if satisfied that the compromise  
 5 will be in the best interest of the protected person.

6 (b) Whenever a minor has a disputed claim against another person,  
 7 whether arising in contract, tort, or otherwise, and a guardian for the  
 8 minor and the minor's property has not been appointed:

9                   **(1) the parents of the minor; or**  
 10                   **(2) any other person having the care and custody of the minor**  
 11                   **with whom the minor resides;**

12 may **petition a court to** compromise the claim. However, before the  
 13 compromise is valid, it **must be approved by the court upon filing of a**  
 14 **petition requesting the court's approval.** A **petition filed under this**  
 15 **subsection may be combined with a petition for a protective order**  
 16 **filed under IC 29-3-4-1. The court must hold a hearing on a**  
 17 **petition filed under this subsection before issuing an order to**  
 18 **approve the compromise. A guardian ad litem, an attorney, or**  
 19 **another representative may be appointed to represent the best**  
 20 **interest of the minor in a proceeding held under this subsection.**

21 (c) If the court approves the compromise, it may direct that the  
 22 settlement be paid in accordance with IC 29-3-3-1 **or in accordance**  
 23 **with a protective order entered under IC 29-3-4-1.** If IC 29-3-3-1 **is**  
 24 **or IC 29-3-4-1 are** not applicable, the court shall require that a  
 25 guardian be appointed and that the settlement be delivered to the  
 26 guardian upon the terms that the court directs.

27                   **(e) (d)** Any exhibit demonstrating a compromise on behalf of a  
 28 protected person or a minor and any testimony related to such  
 29 compromise that is offered or admitted into evidence in a legal  
 30 proceeding commenced under this section shall be maintained by the  
 31 court as a confidential court record. The confidential exhibits and  
 32 record may not be used in any other proceeding or for any other person.

33                   **(e) (d)** Subsection **(e) (d)** does not prohibit the following persons  
 34 from having access to the confidential exhibits and record for the  
 35 purpose of learning, confirming, and enforcing the economic terms of  
 36 the compromise, for the purpose of enforcing or modifying any trust  
 37 that is funded under the compromise, or for the purpose of obtaining a  
 38 qualified order with respect to a structured settlement under IC 34-50-2  
 39 and 26 U.S.C. 5891(b):

40                   (1) The attorney of record for the incapacitated person or minor.  
 41                   (2) A guardian or guardian ad litem appointed for the  
 42 incapacitated person or minor by a court of competent



1 jurisdiction, and the attorney, if any, for the guardian or guardian  
 2 ad litem.

3 (3) Each current trustee or trust director that participates in the  
 4 administration of a trust funded under the compromise and the  
 5 attorneys of record for each current trustee or trust director.

6 (4) A prospective successor trustee or successor trust director that  
 7 is proposed to serve in the administration of a trust funded under  
 8 the compromise.

9 SECTION 5. IC 30-2-8.5-22 IS AMENDED TO READ AS  
 10 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 22. (a) A person not  
 11 subject to section 20 or 21 of this chapter that holds property of or owes  
 12 a liquidated debt to a minor not having a guardian may make an  
 13 irrevocable transfer to a custodian for the benefit of the minor under  
 14 section 24 of this chapter.

15 (b) If a person having the right to nominate a custodian under  
 16 section 18 of this chapter has nominated a custodian under that section  
 17 to receive the custodial property, the transfer shall be made to the  
 18 custodian.

19 (c) **A trustee or administrator of a retirement plan, life**  
 20 **insurance plan, or employee profit or stock sharing plan of which**  
 21 **a minor is a designated beneficiary may transfer funds due under**  
 22 **the plan to the minor under subsection (a).**

23 SECTION 6. IC 30-2-8.5-29, AS AMENDED BY P.L.95-2007,  
 24 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 25 JULY 1, 2026]: Sec. 29. (a) A custodian may deliver or pay to the  
 26 minor or expend for the minor's benefit so much of the custodial  
 27 property as the custodian considers advisable for the use and benefit of  
 28 the minor, without court order and without regard to:

- 29 (1) the duty or ability of the custodian personally or of any other  
 30 person to support the minor; or
- 31 (2) any other income or property of the minor that may be  
 32 applicable or available for the support of the minor.

33 (b) At any time and without a court order, a custodian may transfer  
 34 part or all of the custodial property to:

- 35 (1) a trust, including a trust created by the custodian, in which:
  - 36 (1) (A) the minor is the sole beneficiary of the trust; and
  - 37 (2) (B) the terms of the trust satisfy the requirements of  
 38 Section 2503(c) of the Internal Revenue Code and the  
 39 regulations under that section;

40 The transfer terminates the custodianship of the property to the extent  
 41 of the transfer.

42 (2) an account, including an account created by the custodian,



in which:

- (A) the minor is the sole beneficiary of the account; and
- (B) the terms of the account satisfy the requirements of:
  - (i) Section 529 of the Internal Revenue Code; or
  - (ii) IC 21-9 (education savings programs);
- ) a qualified disability trust, including a qualified disability trust created by the custodian, in which:
  - (A) the minor, who has been determined to have a qualifying disability, is the sole beneficiary of the qualified disability trust; and
  - (B) the terms of the qualified disability trust satisfy the requirements of Section 642(b)(2)(C)(ii) of the Internal Revenue Code;
- ) an account established within a pooled trust managed by a nonprofit organization in which:
  - (A) the minor, who has been determined to have a qualifying disability, is the sole beneficiary of the account; and
  - (B) the pooled trust satisfies the requirements of 42 U.S.C. 1396p(d)(4)(C); or
- ) a qualified ABLE account, including an ABLE account created by a custodian, in which:
  - (A) the minor is the exclusive designated beneficiary of the ABLE account; and
  - (B) the ABLE account satisfies the requirements of:
    - (i) Section 529A of the Internal Revenue Code; and
    - (ii) IC 12-11-14 (Achieving a Better Life Experience (ABLE) program).

A transfer made under this subsection terminates the custodianship of the property to the extent of the transfer.

(c) On petition of an interested person or the minor if the minor is at least fourteen (14) years of age, the court may order the custodian to deliver or pay to the minor or expend for the minor's benefit as much of the custodial property as the court considers advisable for the use and benefit of the minor.

(d) A delivery, payment, or expenditure under this section is in addition to, not in substitution for, and does not affect an obligation of a person to support the minor. **A custodian may not use custodial property to satisfy any legal support obligation owed to the minor by the custodian.**

SECTION 7. IC 30-4-5-26, AS ADDED BY P.L.61-2024, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



1 JULY 1, 2026]: Sec. 26. (a) If the trustee has the full, unrestricted  
 2 power to alienate trust property and the trust expressly states that this  
 3 exception applies to the trust, IC 32-17-8-3 shall apply to a nonvested  
 4 property interest or power of appointment contained in the trust by  
 5 substituting three hundred sixty (360) years instead of ninety (90) years  
 6 in each place where the term appears in IC 32-17-8-3, unless the terms  
 7 of the trust require that all beneficial interests in the trust vest or  
 8 terminate within a lesser period.

9 (b) When a power of appointment in a trust ("first power") ("earlier  
 10 power") is exercised to create another power of appointment ("second  
 11 power"), ("subsequent power") **or another nonvested property**  
 12 **interest**, then **a the subsequent power or nonvested property interest**  
 13 **or second power** created through the exercise of the **first earlier** power  
 14 is considered to have been created at the time of **irrevocable exercise**  
 15 **the creation of the first earlier** power, unless:

16 (1) the instrument **exercising creating the first earlier** power; **or**  
 17 (2) **the instrument exercising the earlier power;**  
 18 **explicitly provides that the second subsequent power was or**  
 19 **nonvested property interest is considered to have been** created at the  
 20 **time of creation the irrevocable exercise of the first earlier** power.

21 SECTION 8. IC 30-5-5-12 IS AMENDED TO READ AS  
 22 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 12. (a) Language  
 23 conferring general authority with respect to **personal maintenance or**  
 24 family maintenance means the principal authorizes the attorney in fact  
 25 to do the following:

26 (1) Perform acts necessary for maintaining the customary standard  
 27 of living of the **principal and the principal's** spouse, children,  
 28 and other persons customarily supported by the principal,  
 29 including the power to provide the following:

30 (A) Living quarters by purchase, lease, or other contract, or by  
 31 payment of operating costs, including interest, amortization  
 32 payments, repairs, and taxes on premises owned by the  
 33 principal and occupied by the **principal or the** principal's  
 34 family, or dependents.

35 (B) Normal domestic help for the operation of the household.  
 36 (C) Usual vacation and travel expenses.

37 (D) Usual educational facilities.

38 (E) Funds for all the current living costs of the **principal and**  
 39 **the principal's** spouse, children, and other dependents,  
 40 including shelter, clothing, food, and incidentals.

41 (2) Pay for necessary medical, dental, and surgical care,  
 42 hospitalization and custodial care for the **principal and the**



1 principal's spouse, children, and other dependents. of the  
2 principal.

(3) Continue provisions made by the principal before or after the execution of the power of attorney for the **principal and the** principal's spouse, children, and other persons customarily supported by the principal with respect to automobiles or other means of transportation, including the power to license, insure, and replace automobiles owned by the principal and customarily used by the **principal or the principal's** spouse, children, or other persons customarily supported by the principal.

11 (4) Continue charge accounts that have been operated by the  
12 principal before or after the execution of the power of attorney for  
13 the convenience of the **principal or the** principal's spouse,  
14 children, or other persons customarily supported by the principal,  
15 open new accounts the attorney in fact considers desirable to  
16 accomplish a purpose permitted under this section and pay the  
17 items charged on those accounts by a person authorized or  
18 permitted by the principal to make charges prior to the execution  
19 of the power of attorney.

20 (5) Continue payments incidental to membership or affiliation of  
21 the principal in a church, a club, a society, an order, or other  
22 organization and continue contributions to those organizations.

23 (6) Demand, receive, or obtain by action or proceeding money or  
24 other things of value to which the principal is or may become  
25 entitled as salary, wages, commission, or other remuneration for  
26 services performed, as a dividend or distribution on a stock, as  
27 interest or principal on an indebtedness, or as a periodic  
28 distribution of profits for a partnership or business in which the  
29 principal has or claims an interest and endorse, collect, or  
30 otherwise realize upon an instrument for the payment received.

31 (7) Use an asset of the principal for the performance of a power  
32 permitted under this section, including the power to draw money  
33 by check or otherwise from a bank deposit of the principal, sell an  
34 interest in real property, a bond, a share, a commodity interest,  
35 tangible personal property, or other asset of the principal, borrow  
36 money and pledge as security for a loan an asset, including  
37 insurance, that belongs to the principal.

38 (8) Execute, acknowledge, verify, seal, file, and deliver an  
39 application, a consent, a petition, a notice, a release, a waiver, an  
40 agreement, or other instrument that the attorney in fact considers  
41 useful to accomplish a purpose permitted under this section.

useful to accomplish a purpose permitted under this section.

(9) Hire, discharge, and compensate an attorney, accountant,



1 expert witness, or other assistant when the attorney in fact  
2 considers the action to be desirable for the proper execution by  
3 the attorney in fact of a power described in this section and keep  
4 needed records.

5 (10) Perform any other acts for the welfare of the spouse,  
6 children, or other persons customarily supported by the principal  
7 or for the preservation and maintenance of other personal  
8 relationships of the principal to parents, relatives, friends, and  
9 organizations as are appropriate.

10 (b) The powers described in this section are exercisable equally  
11 whether the acts required for their execution relate to real or personal  
12 property owned by the principal at the time of the giving of the power  
13 of attorney or acquired after that time, whether located in Indiana or in  
14 another jurisdiction.

15 SECTION 9. IC 30-5-5-16, AS AMENDED BY P.L.38-2023,  
16 SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
17 JULY 1, 2026]: Sec. 16. (a) This section does not prohibit an individual  
18 capable of consenting to the individual's own health care or to the  
19 health care of another from consenting to health care administered in  
20 good faith under the religious tenets and practices of the individual  
21 requiring health care.

22 (b) Language conferring general authority with respect to health  
23 care powers means the principal authorizes the attorney in fact to do  
24 the following:

25 (1) Employ or contract with servants, companions, or health care  
26 providers to care for the principal.

27 (2) Consent to or refuse health care for the principal who is an  
28 individual in accordance with IC 16-36-4 and IC 16-36-1 by  
29 properly executing and attaching to the power of attorney a  
30 declaration or appointment, or both.

31 (3) Admit or release the principal from a hospital or health care  
32 facility.

33 (4) Have access to records, including medical records, concerning  
34 the principal's condition.

35 (5) Make anatomical gifts on the principal's behalf.

36 (6) Request an autopsy.

37 (7) Make plans for the disposition of the principal's body,  
38 including executing a funeral planning declaration on behalf of  
39 the principal in accordance with IC 29-2-19.

40 (c) Except as provided in subsection (d), if an individual has  
41 executed both:

42 (1) a power of attorney under this article that authorizes an



1 attorney in fact to apply for public benefits on behalf of the  
 2 individual; and

3 (2) an advance directive under IC 16-36-7 that authorizes a health  
 4 care representative to apply for public benefits on behalf of the  
 5 individual under IC 16-36-7-36(a)(6);

6 the authority of the attorney in fact described in subdivision (1) to  
 7 apply for public benefits on behalf of the individual and to access the  
 8 individual's assets, income, and banking and financial assets supersedes  
 9 the authority of the health care representative described in subdivision  
 10 (2).

11 (d) The authority of a health care representative described in  
 12 subsection (c)(2) supersedes the authority of an attorney in fact  
 13 described in subsection (c)(1) to apply for public benefits on behalf of  
 14 the individual if the individual has specifically granted the authority of  
 15 the health care representative to supersede the authority of the attorney  
 16 in fact in the executed power of attorney.

17 (e) Notwithstanding any other law, a document granting health care  
 18 powers to an attorney in fact for health care may not be executed under  
 19 this chapter after December 31, 2022. However, if a power of attorney  
 20 that is executed after December 31, 2022, is written to grant both:

21 (1) health care powers; and  
 22 (2) nonhealth care powers under this chapter;

23 to an attorney in fact, the health care powers are void, but all other  
 24 powers granted by the power of attorney will remain effective and  
 25 enforceable under this article.

26 SECTION 10. IC 32-17-8-3.5, AS ADDED BY P.L.61-2024,  
 27 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 28 JULY 1, 2026]: Sec. 3.5. When ~~the an~~ initial power of appointment in  
 29 a ~~legacy~~ trust is exercised to create a ~~second subsequent~~ power of  
 30 appointment **or nonvested property interest, the subsequent power**  
 31 **of appointment or a nonvested property interest or the second power**  
 32 **of appointment** created through the exercise of the initial power of  
 33 appointment is considered to have been created at the time of the  
 34 ~~irrevocable exercise creation~~ of the initial power of appointment,  
 35 unless:

36 (1) the instrument ~~exercising creating~~ the initial power of  
 37 appointment; or

38 (2) **the instrument exercising the initial power of**  
 39 **appointment;**

40 **explicitly provides that the second subsequent power of appointment**  
 41 **was is considered to have been** created at the time of the ~~creation~~  
 42 **irrevocable exercise** of the initial power of appointment.



1       SECTION 11. IC 32-17-8-4.5 IS ADDED TO THE INDIANA  
2       CODE AS A NEW SECTION TO READ AS FOLLOWS  
3       [EFFECTIVE JULY 1, 2026]: Sec. 4.5. **For all purposes under this**  
4       **chapter and IC 30-4-5-26, this section applies only to a lifetime or**  
5       **inter vivos transfer of property to a trust or similar arrangement**  
6       **under which the spouse of the transferor is granted a limited power**  
7       **of appointment ("earlier power") that can be exercised during the**  
8       **spouse's lifetime or upon the spouse's death to create a subsequent**  
9       **limited power of appointment or another nonvested property**  
10       **interest. The exercise of the earlier power or another nonvested**  
11       **property interest is considered to have been created at the time of**  
12       **the creation of the earlier power by the transferor.**

13       SECTION 12. IC 32-28-15-1, AS ADDED BY P.L.62-2024,  
14       SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
15       JULY 1, 2026]: Sec. 1. (a) Except as otherwise provided in this  
16       chapter, this chapter does not apply to a residential real estate service  
17       agreement entered into before March 15, 2024.

18       (b) This chapter does not apply to any of the following:

- 19           (1) A home warranty or similar product that covers the cost of  
20           maintenance of a major home system, such as:
  - 21              (A) a plumbing system;
  - 22              (B) a heating, cooling, and ventilation system; or
  - 23              (C) electrical wiring;

24           for a fixed period.

- 25           (2) An insurance contract.
- 26           (3) An option to purchase residential real estate or a right of  
27           refusal to purchase residential real estate.
- 28           (4) A declaration that is created in the formation of:
  - 29              (A) an association of co-owners (as defined in IC 32-25-2-2)  
30              for a condominium (as defined in IC 32-25-2-7); or
  - 31              (B) a homeowners association (as defined in IC 32-25.5-2-4);

32           including any amendment to the declaration.

- 33           (5) A maintenance or repair agreement entered into by:
  - 34              (A) an association of co-owners (as defined in IC 32-25-2-2)  
35              for a condominium (as defined in IC 32-25-2-7); or
  - 36              (B) a homeowners association (as defined in IC 32-25.5-2-4).
- 37           (6) A mortgage loan or a commitment to make or receive a  
38           mortgage loan.
- 39           (7) A security agreement under IC 26-1 concerning the sale or  
40           rental of personal property or fixtures.
- 41           (8) Providers of:
  - 42              (A) utility services, including water, sewer, gas, or electric





## COMMITTEE REPORT

Mr. President: The Senate Committee on Judiciary, to which was referred Senate Bill No. 71, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is to SB 71 as introduced.)

BROWN L, Chairperson

Committee Vote: Yeas 8, Nays 0

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## SENATE MOTION

Mr. President: I move that Senate Bill 71 be amended to read as follows:

Page 2, line 10, delete "office." and insert "**office appointed by the chief justice of the supreme court.**".

Page 2, line 17, delete "Rights." and insert "**Rights appointed by the governor.**".

Page 7, line 37, delete "section." and insert "section;".

(Reference is to SB 71 as printed December 11, 2025.)

CARRASCO

