



February 9, 2026

ENGROSSED

SENATE BILL No. 71

DIGEST OF SB 71 (Updated February 9, 2026 12:00 pm - DI 151)

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
(Continued next page)

Effective: July 1, 2026.

Carrasco, Koch, Randolph Lonnie M
(HOUSE SPONSOR — JETER)

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.
January 9, 2026, engrossed.
January 12, 2026, read third time, passed. Yeas 48, nays 0.

HOUSE ACTION

January 20, 2026, read first time and referred to Committee on Judiciary.
February 9, 2026, amended, reported — Do Pass.

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Digest Continued

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 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. Repeals the probate code study committee and requires the interim study committee on courts and the judiciary to study and recommend needed changes concerning the probate code, trust code, and other relevant statutes in even-numbered years. (The introduced version of this bill was prepared by the probate code study committee.)

ES 71—LS 6102/DI 149



February 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.

ENGROSSED SENATE BILL No. 71

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 2-5-1.3-13, AS AMENDED BY P.L.186-2025,
2 SECTION 270, IS AMENDED TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2026]: Sec. 13. (a) A study committee shall
4 study the issues assigned by the legislative council that are within the
5 subject matter for the study committee, as described in section 4 of this
6 chapter.
7 (b) In addition to the issues assigned under subsection (a), the
8 interim study committee on roads and transportation shall advise the
9 bureau of motor vehicles regarding the suitability of a special group (as
10 defined in IC 9-13-2-170) to receive a special group recognition license
11 plate for the special group (as defined in IC 9-13-2-170) for the first
12 time under IC 9-18.5-12-4 and the suitability of a special group (as
13 defined in IC 9-13-2-170) to continue participating in the special group
14 recognition license plate program under IC 9-18.5-12-5.
15 (c) In addition to the issues assigned under subsection (a), the

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1 interim study committee on corrections and criminal code shall review
2 current trends with respect to criminal behavior, sentencing,
3 incarceration, and treatment and may:

- 4 (1) identify particular needs of the criminal justice system that can
5 be addressed by legislation; and
6 (2) prepare legislation to address the particular needs found by the
7 committee.

8 (d) In each even-numbered year, in addition to the issues assigned
9 under subsection (a), the interim study committee on courts and the
10 judiciary shall review, consider, and make recommendations
11 concerning all requests for new courts, new judicial officers, and
12 changes in jurisdiction of existing courts. A request under this
13 subsection must include at least the following information to receive
14 full consideration by the committee:

15 (1) The level of community support for the change, including
16 support from the local fiscal body.

17 (2) The results of a survey that shall be conducted by the county
18 requesting the change, sampling members of the bar, members of
19 the judiciary, and local officials to determine needs and concerns
20 of existing courts.

21 (3) Whether the county is already using a judge or magistrate
22 from an overserved area of the judicial district.

23 (4) The relative severity of need based on the most recent
24 weighted caseload measurement system report published by the
25 office of judicial administration.

26 (5) Whether the county is using any problem solving court as
27 described in IC 33-23-16-11, and, if so, the list of problem solving
28 courts established in the county, and any evaluation of the impact
29 of the problem solving courts on the overall judicial caseload.

30 (6) A description of the:

31 (A) county's population growth in the ten (10) years before the
32 date of the request; and

33 (B) projected population growth in the county for the ten (10)
34 years after the date of the request, to the extent available;
35 and any documentation to support the information provided under
36 this subdivision.

37 (7) A description of the county's use of pre-incarceration
38 diversion services and post-incarceration reentry services in an
39 effort to decrease recidivism.

40 (8) If the request is a request for a new court or new courts, an
41 acknowledgment from the county fiscal body (as defined in
42 IC 36-1-2-6) with the funding sources and estimated costs the



1 county intends to pay toward the county's part of the operating
2 costs associated with the new court or new courts.

3 The office of judicial administration shall post the list of required
4 information provided under this subsection on its website.

5 (e) In each even-numbered year, in addition to the issues assigned
6 under subsection (a), the interim study committee on courts and the
7 judiciary shall **do the following:**

8 **(1)** Review the most recent weighted caseload measurement
9 system report published by the office of judicial administration
10 and do the following:

11 ~~(1)~~ **(A)** Identify each county in which the number of courts or
12 judicial officers exceeds the number used by the county in that
13 report year.

14 ~~(2)~~ **(B)** Determine the number of previous report years in
15 which the number of courts or judicial officers in a county
16 identified in ~~subdivision (1)~~ **clause (A)** exceeded the number
17 used by the county in that particular report year.

18 ~~(3)~~ **(C)** Make a recommendation on whether the number of
19 courts or judicial officers in the county should be decreased.

20 The office of judicial administration shall post a list of the number
21 of courts or judicial officers used in each county for each report
22 year, and the number of years in which the number of courts or
23 judicial officers in the county has exceeded the number used by
24 the county, on its website.

25 **(2) Study and recommend to the general assembly needed**
26 **changes to the following:**

27 **(A) The probate code (IC 29-1).**

28 **(B) The trust code (IC 30-4).**

29 **(C) Any other statute affecting the administration of a**
30 **decendent's estate, guardianship, probate jurisdiction, trust,**
31 **or fiduciary.**

32 (f) In addition to studying the issues assigned under subsection (a),
33 the interim study committee on child services shall:

34 (1) review the annual reports submitted by:

35 (A) each local child fatality review team under IC 16-49-3-7;

36 (B) the statewide child fatality review committee under
37 IC 16-49-4-11; and

38 (C) the department of child services under IC 31-25-2-24;

39 during the immediately preceding twelve (12) month period, and
40 may make recommendations regarding changes in policies or
41 statutes to improve child safety; and

42 (2) report to the legislative council before November 1 of each



1 interim, in an electronic format under IC 5-14-6, the results of:

2 (A) the committee's review under subdivision (1); and

3 (B) the committee's study of any issue assigned to the
4 committee under subsection (a).

5 (g) In each even-numbered year, in addition to the issues assigned
6 under subsection (a), the interim study committee on government shall
7 do the following:

8 (1) Determine whether a group has met in the immediately
9 preceding two (2) years.

10 (2) Review reports submitted to the committee in accordance with
11 IC 1-1-15.5-4.

12 (3) Identify all interstate compacts that have been fully
13 operational for at least two (2) years to which the state is a party.

14 (4) Consider whether to:

15 (A) remain a party to; or

16 (B) withdraw from;

17 each interstate compact.

18 (5) If the committee determines that the state should withdraw
19 from an interstate compact, identify the steps needed to withdraw.

20 (6) Report before November 1 to the legislative council, in an
21 electronic format under IC 5-14-6 the committee's:

22 (A) recommendations for proposed legislation to repeal
23 groups:

24 (i) that have not met during the immediately preceding two
25 (2) years; and

26 (ii) after reviewing a group's report under subdivision (2);
27 and

28 (B) findings and recommendations regarding the interstate
29 compacts.

30 As used in this subsection, "group" refers to an authority, a board, a
31 commission, a committee, a council, a delegate, a foundation, a panel,
32 or a task force that is established by statute, has at least one (1)
33 legislator assigned to it, and is not staffed by the legislative services
34 agency.

35 (h) In 2026 and 2027, in addition to the issues assigned under
36 subsections (a) and (f), the interim study committee on child services
37 shall review the report submitted by the child welfare task force under
38 IC 2-5-55.7-8. This subsection expires December 31, 2027.

39 SECTION 2. IC 2-5-16.1 IS REPEALED [EFFECTIVE JULY 1,
40 2026]. (Probate Code Study Committee).

41 SECTION 3. IC 2-5-56 IS ADDED TO THE INDIANA CODE AS
42 A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY



1, 2026]:

Chapter 56. Guardianship Code Revision Task Force

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

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

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

(1) Two (2) members of the senate, appointed as follows:

(A) One (1) member appointed by the president pro tempore.

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



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

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

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

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

12 (b) The affirmative vote of at least a majority of the members at
13 a meeting at which a quorum is present is necessary for the task
14 force to take action on any measure, including final reports, other
15 than to meet and take testimony.

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

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

20 Sec. 6. The task force shall study the following:

21 (1) Recodification of IC 29-3 (guardianships and protective
22 proceedings) in a style that is clear, concise, and easy to
23 interpret and apply.

24 (2) Improvements to the guardianship code that:

25 (A) increase procedural protections for minors and adults
26 who are subject to a guardianship procedure, including
27 enforcement mechanisms concerning supported decision
28 making;

29 (B) clearly distinguish between adult and minor
30 guardianships; and

31 (C) update terminology, including the use of people first
32 and person centered language.

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

35 Sec. 8. (a) The task force may, not later than November 1, 2026,
36 prepare a status report describing the progress made under section
37 6 of this chapter. The status report may also contain proposed
38 legislation based on recommendations made under this chapter.

39 (b) If the report submitted under subsection (a), does not
40 contain proposed legislation, the task force shall, not later than
41 November 1, 2027, submit a report of proposed legislation based on
42 recommendations made under this chapter.



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

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

5 (2) to the governor.

6 Sec. 9. The legislative services agency shall provide staff support
7 to the task force.

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

13 (b) A member of the task force who is a state employee is not
14 entitled to a per diem. However, the member is entitled to receive
15 the same travel allowances paid to members of the task force
16 described in subsection (a).

17 Sec. 11. The task force's expenses, including the payment of per
18 diem, mileage, and travel allowances under section 10 of this
19 chapter, are payable from amounts appropriated to the legislative
20 council.

21 Sec. 12. This chapter expires December 31, 2027.

22 SECTION 4. IC 29-3-3-1 IS AMENDED TO READ AS FOLLOWS
23 [EFFECTIVE JULY 1, 2026]: Sec. 1. (a) Any person indebted to a
24 minor or having possession of property belonging to a minor in an
25 amount not exceeding ~~ten~~ **twenty-five** thousand dollars (~~\$10,000~~)
26 (**\$25,000**) may pay the debt or deliver the property without the
27 appointment of a guardian, giving of bond, or other order of court
28 directly to:

29 (1) any person having the care and custody of the minor with
30 whom the minor resides; or

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

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

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

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

41 SECTION 5. IC 29-3-4-1, AS AMENDED BY P.L.6-2010,
42 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



1 JULY 1, 2026]: Sec. 1. (a) Upon petition by any person and after a
2 hearing under IC 29-3-5, the court may issue, without the appointment
3 of a guardian, any protective order for the benefit of a person who has
4 been adjudicated an incapacitated person or is a minor.

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

8 (c) Incapacitated persons and minors have the same rights at the
9 hearing on a petition filed under this chapter for the issuance of a
10 protective order as they would have at a hearing for the appointment of
11 a guardian.

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

14 (1) the incapacitated person:

15 (A) owns property or has income requiring management or
16 protection that cannot otherwise be provided;

17 (B) has or may have financial or business affairs that may be
18 jeopardized or impaired; or

19 (C) has property that needs to be managed to provide for the
20 support or protection of the incapacitated person;

21 (2) the incapacitated person is unable to manage the incapacitated
22 person's property and financial or business affairs effectively; and

23 (3) the protection sought is necessary.

24 The court shall make the orders that it considers proper and appropriate
25 to protect the person, business affairs, and property of the incapacitated
26 person.

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

29 (1) the minor:

30 (A) owns property or has income requiring management or
31 protection that cannot otherwise be provided;

32 (B) has or may have financial or business affairs that may be
33 jeopardized or impaired; or

34 (C) has property that needs to be managed to provide for the
35 support or protection of the minor; and

36 (2) the protection sought is necessary.

37 The court shall make the orders it considers proper and appropriate to
38 protect the person, business affairs, and property of the minor.

39 (f) If the court finds grounds for a protective order under subsection
40 (d) or (e), it may, without appointing a guardian, declare the person to
41 be a protected person and authorize or ratify any transaction necessary
42 or desirable to meet the needs of the protected person. Protective



1 arrangements include the following:

- 2 (1) The payment, delivery, deposit, or retention of property,
 3 **including delivery of property to a custodian under**
 4 **IC 30-2-8.5.**
 5 (2) The sale, mortgage, lease, or other transfer of property.
 6 (3) The entry into an annuity contract, a contract for life care, a
 7 deposit contract, or a contract for training and educating a person.
 8 (4) The addition to or establishment of a suitable trust.

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

12 SECTION 6. IC 29-3-9-7, AS AMENDED BY P.L.56-2020,
 13 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 14 JULY 1, 2026]: Sec. 7. (a) Whenever it is proposed to compromise any
 15 claim by or against a protected person or the protected person's
 16 property, the court, on petition of the guardian, may enter an order
 17 authorizing the compromise to be made if satisfied that the compromise
 18 will be in the best interest of the protected person.

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

- 22 (1) the parents of the minor; **or**
 23 (2) **any other person having the care and custody of the minor**
 24 **with whom the minor resides;**

25 may **petition a court to** compromise the claim. ~~However, before the~~
 26 ~~compromise is valid, it must be approved by the court upon filing of a~~
 27 ~~petition requesting the court's approval. A petition filed under this~~
 28 ~~subsection may be combined with a petition for a protective order~~
 29 ~~filed under IC 29-3-4-1. The court must hold a hearing on a~~
 30 ~~petition filed under this subsection before issuing an order to~~
 31 ~~approve the compromise. A guardian ad litem, an attorney, or~~
 32 ~~another representative may be appointed to represent the best~~
 33 ~~interest of the minor in a proceeding held under this subsection.~~

34 (c) If the court approves the compromise, it may direct that the
 35 settlement be paid in accordance with IC 29-3-3-1 **or in accordance**
 36 **with a protective order entered under IC 29-3-4-1.** ~~If IC 29-3-3-1 is~~
 37 ~~or IC 29-3-4-1 are not applicable, the court shall require that a~~
 38 ~~guardian be appointed and that the settlement be delivered to the~~
 39 ~~guardian upon the terms that the court directs.~~

40 (e) ~~(d)~~ Any exhibit demonstrating a compromise on behalf of a
 41 protected person or a minor and any testimony related to such
 42 compromise that is offered or admitted into evidence in a legal



1 proceeding commenced under this section shall be maintained by the
 2 court as a confidential court record. The confidential exhibits and
 3 record may not be used in any other proceeding or for any other person.

4 ~~(d)~~ (e) Subsection ~~(e)~~ (d) does not prohibit the following persons
 5 from having access to the confidential exhibits and record for the
 6 purpose of learning, confirming, and enforcing the economic terms of
 7 the compromise, for the purpose of enforcing or modifying any trust
 8 that is funded under the compromise, or for the purpose of obtaining a
 9 qualified order with respect to a structured settlement under IC 34-50-2
 10 and 26 U.S.C. 5891(b):

11 (1) The attorney of record for the incapacitated person or minor.

12 (2) A guardian or guardian ad litem appointed for the
 13 incapacitated person or minor by a court of competent
 14 jurisdiction, and the attorney, if any, for the guardian or guardian
 15 ad litem.

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

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

22 SECTION 7. IC 30-2-8.5-22 IS AMENDED TO READ AS
 23 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 22. (a) A person not
 24 subject to section 20 or 21 of this chapter that holds property of or owes
 25 a liquidated debt to a minor not having a guardian may make an
 26 irrevocable transfer to a custodian for the benefit of the minor under
 27 section 24 of this chapter.

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

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

36 SECTION 8. IC 30-2-8.5-29, AS AMENDED BY P.L.95-2007,
 37 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 38 JULY 1, 2026]: Sec. 29. (a) A custodian may deliver or pay to the
 39 minor or expend for the minor's benefit so much of the custodial
 40 property as the custodian considers advisable for the use and benefit of
 41 the minor, without court order and without regard to:

42 (1) the duty or ability of the custodian personally or of any other



1 person to support the minor; or

2 (2) any other income or property of the minor that may be
3 applicable or available for the support of the minor.

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

6 (1) a trust, including a trust created by the custodian, in which:

7 ~~(1)~~ (A) the minor is the sole beneficiary of the trust; and

8 ~~(2)~~ (B) the terms of the trust satisfy the requirements of
9 Section 2503(c) of the Internal Revenue Code and the
10 regulations under that section;

11 The transfer terminates the custodianship of the property to the extent
12 of the transfer:

13 (2) an account, including an account created by the custodian,
14 in which:

15 (A) the minor is the sole beneficiary of the account; and

16 (B) the terms of the account satisfy the requirements of:

17 (i) Section 529 of the Internal Revenue Code; or

18 (ii) IC 21-9 (education savings programs);

19 (3) a qualified disability trust, including a qualified disability
20 trust created by the custodian, in which:

21 (A) the minor, who has been determined to have a
22 qualifying disability, is the sole beneficiary of the qualified
23 disability trust; and

24 (B) the terms of the qualified disability trust satisfy the
25 requirements of Section 642(b)(2)(C)(ii) of the Internal
26 Revenue Code;

27 (4) an account established within a pooled trust managed by
28 a nonprofit organization in which:

29 (A) the minor, who has been determined to have a
30 qualifying disability, is the sole beneficiary of the account;
31 and

32 (B) the pooled trust satisfies the requirements of 42 U.S.C.
33 1396p(d)(4)(C); or

34 (5) a qualified ABLE account, including an ABLE account
35 created by a custodian, in which:

36 (A) the minor is the exclusive designated beneficiary of the
37 ABLE account; and

38 (B) the ABLE account satisfies the requirements of:

39 (i) Section 529A of the Internal Revenue Code; and

40 (ii) IC 12-11-14 (Achieving a Better Life Experience
41 (ABLE) program).

42 A transfer made under this subsection terminates the



1 **custodianship of the property to the extent of the transfer.**

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

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

12 SECTION 9. IC 30-4-5-26, AS ADDED BY P.L.61-2024,
13 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
14 JULY 1, 2026]: Sec. 26. (a) If the trustee has the full, unrestricted
15 power to alienate trust property and the trust expressly states that this
16 exception applies to the trust, IC 32-17-8-3 shall apply to a nonvested
17 property interest or power of appointment contained in the trust by
18 substituting three hundred sixty (360) years instead of ninety (90) years
19 in each place where the term appears in IC 32-17-8-3, unless the terms
20 of the trust require that all beneficial interests in the trust vest or
21 terminate within a lesser period.

22 (b) When a power of appointment in a trust ("~~first power~~") ("**earlier
23 power**") is exercised to create another power of appointment ("~~second
24 power~~"; ("**subsequent power**") or **another nonvested property
25 interest**, then ~~a the subsequent power or nonvested property interest
26 or second power~~ created through the exercise of the **first earlier** power
27 is considered to have been created at the time of ~~irrevocable exercise
28 the creation~~ of the **first earlier** power, unless:

29 (1) the instrument ~~exercising creating~~ the **first earlier** power; or
30 (2) **the instrument exercising the earlier power;**
31 **explicitly** provides that the ~~second subsequent~~ power ~~was or
32 nonvested property interest is considered to have been~~ created at the
33 time of ~~creation the irrevocable exercise~~ of the **first earlier** power.

34 SECTION 10. IC 30-5-5-12 IS AMENDED TO READ AS
35 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 12. (a) Language
36 conferring general authority with respect to **personal maintenance or
37 family maintenance** means the principal authorizes the attorney in fact
38 to do the following:

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



- 1 (A) Living quarters by purchase, lease, or other contract, or by
 2 payment of operating costs, including interest, amortization
 3 payments, repairs, and taxes on premises owned by the
 4 principal and occupied by the **principal or the** principal's
 5 family, or dependents.
 6 (B) Normal domestic help for the operation of the household.
 7 (C) Usual vacation and travel expenses.
 8 (D) Usual educational facilities.
 9 (E) Funds for all the current living costs of the **principal and**
 10 **the principal's** spouse, children, and other dependents,
 11 including shelter, clothing, food, and incidentals.
 12 (2) Pay for necessary medical, dental, and surgical care,
 13 hospitalization and custodial care for the **principal and the**
 14 **principal's** spouse, children, and other dependents. ~~of the~~
 15 ~~principal.~~
 16 (3) Continue provisions made by the principal before or after the
 17 execution of the power of attorney for the **principal and the**
 18 principal's spouse, children, and other persons customarily
 19 supported by the principal with respect to automobiles or other
 20 means of transportation, including the power to license, insure,
 21 and replace automobiles owned by the principal and customarily
 22 used by the **principal or the principal's** spouse, children, or
 23 other persons customarily supported by the principal.
 24 (4) Continue charge accounts that have been operated by the
 25 principal before or after the execution of the power of attorney for
 26 the convenience of the **principal or the** principal's spouse,
 27 children, or other persons customarily supported by the principal,
 28 open new accounts the attorney in fact considers desirable to
 29 accomplish a purpose permitted under this section and pay the
 30 items charged on those accounts by a person authorized or
 31 permitted by the principal to make charges prior to the execution
 32 of the power of attorney.
 33 (5) Continue payments incidental to membership or affiliation of
 34 the principal in a church, a club, a society, an order, or other
 35 organization and continue contributions to those organizations.
 36 (6) Demand, receive, or obtain by action or proceeding money or
 37 other things of value to which the principal is or may become
 38 entitled as salary, wages, commission, or other remuneration for
 39 services performed, as a dividend or distribution on a stock, as
 40 interest or principal on an indebtedness, or as a periodic
 41 distribution of profits for a partnership or business in which the
 42 principal has or claims an interest and endorse, collect, or



1 otherwise realize upon an instrument for the payment received.
2 (7) Use an asset of the principal for the performance of a power
3 permitted under this section, including the power to draw money
4 by check or otherwise from a bank deposit of the principal, sell an
5 interest in real property, a bond, a share, a commodity interest,
6 tangible personal property, or other asset of the principal, borrow
7 money and pledge as security for a loan an asset, including
8 insurance, that belongs to the principal.
9 (8) Execute, acknowledge, verify, seal, file, and deliver an
10 application, a consent, a petition, a notice, a release, a waiver, an
11 agreement, or other instrument that the attorney in fact considers
12 useful to accomplish a purpose permitted under this section.
13 (9) Hire, discharge, and compensate an attorney, accountant,
14 expert witness, or other assistant when the attorney in fact
15 considers the action to be desirable for the proper execution by
16 the attorney in fact of a power described in this section and keep
17 needed records.
18 (10) Perform any other acts for the welfare of the spouse,
19 children, or other persons customarily supported by the principal
20 or for the preservation and maintenance of other personal
21 relationships of the principal to parents, relatives, friends, and
22 organizations as are appropriate.
23 (b) The powers described in this section are exercisable equally
24 whether the acts required for their execution relate to real or personal
25 property owned by the principal at the time of the giving of the power
26 of attorney or acquired after that time, whether located in Indiana or in
27 another jurisdiction.
28 SECTION 11. IC 30-5-5-16, AS AMENDED BY P.L.38-2023,
29 SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
30 JULY 1, 2026]: Sec. 16. (a) This section does not prohibit an individual
31 capable of consenting to the individual's own health care or to the
32 health care of another from consenting to health care administered in
33 good faith under the religious tenets and practices of the individual
34 requiring health care.
35 (b) Language conferring general authority with respect to health
36 care powers means the principal authorizes the attorney in fact to do
37 the following:
38 (1) Employ or contract with ~~servants, companions, or~~ health care
39 providers to care for the principal.
40 (2) Consent to or refuse health care for the principal who is an
41 individual in accordance with IC 16-36-4 and IC 16-36-1 by
42 properly executing and attaching to the power of attorney a



1 declaration or appointment, or both.
 2 (3) Admit or release the principal from a hospital or health care
 3 facility.
 4 (4) Have access to records, including medical records, concerning
 5 the principal's condition.
 6 (5) Make anatomical gifts on the principal's behalf.
 7 (6) Request an autopsy.
 8 (7) Make plans for the disposition of the principal's body,
 9 including executing a funeral planning declaration on behalf of
 10 the principal in accordance with IC 29-2-19.
 11 (c) Except as provided in subsection (d), if an individual has
 12 executed both:
 13 (1) a power of attorney under this article that authorizes an
 14 attorney in fact to apply for public benefits on behalf of the
 15 individual; and
 16 (2) an advance directive under IC 16-36-7 that authorizes a health
 17 care representative to apply for public benefits on behalf of the
 18 individual under IC 16-36-7-36(a)(6);
 19 the authority of the attorney in fact described in subdivision (1) to
 20 apply for public benefits on behalf of the individual and to access the
 21 individual's assets, income, and banking and financial assets supersedes
 22 the authority of the health care representative described in subdivision
 23 (2).
 24 (d) The authority of a health care representative described in
 25 subsection (c)(2) supersedes the authority of an attorney in fact
 26 described in subsection (c)(1) to apply for public benefits on behalf of
 27 the individual if the individual has specifically granted the authority of
 28 the health care representative to supersede the authority of the attorney
 29 in fact in the executed power of attorney.
 30 (e) Notwithstanding any other law, a document granting health care
 31 powers to an attorney in fact for health care may not be executed under
 32 this chapter after December 31, 2022. However, if a power of attorney
 33 that is executed after December 31, 2022, is written to grant both:
 34 (1) health care powers; and
 35 (2) nonhealth care powers under this chapter;
 36 to an attorney in fact, the health care powers are void, but all other
 37 powers granted by the power of attorney will remain effective and
 38 enforceable under this article.
 39 SECTION 12. IC 32-17-8-3.5, AS ADDED BY P.L.61-2024,
 40 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 41 JULY 1, 2026]: Sec. 3.5. When ~~the an~~ initial power of appointment in
 42 a ~~legacy~~ trust is exercised to create a ~~second~~ **subsequent** power of



1 appointment **or nonvested property interest, the subsequent power**
 2 **of appointment or** a nonvested property interest **or the second power**
 3 **of appointment** created through the exercise of the initial power of
 4 appointment is considered to have been created at the time of the
 5 **irrevocable exercise creation** of the initial power of appointment,
 6 unless:

7 (1) the instrument **exercising creating** the initial power of
 8 appointment; **or**

9 (2) **the instrument exercising the initial power of**
 10 **appointment;**

11 **explicitly** provides that the **second subsequent** power of appointment
 12 **was is considered to have been** created at the time of the **creation**
 13 **irrevocable exercise** of the initial power of appointment.

14 SECTION 13. IC 32-17-8-4.5 IS ADDED TO THE INDIANA
 15 CODE AS A NEW SECTION TO READ AS FOLLOWS
 16 [EFFECTIVE JULY 1, 2026]: **Sec. 4.5. For all purposes under this**
 17 **chapter and IC 30-4-5-26, this section applies only to a lifetime or**
 18 **inter vivos transfer of property to a trust or similar arrangement**
 19 **under which the spouse of the transferor is granted a limited power**
 20 **of appointment ("earlier power") that can be exercised during the**
 21 **spouse's lifetime or upon the spouse's death to create a subsequent**
 22 **limited power of appointment or another nonvested property**
 23 **interest. The exercise of the earlier power or another nonvested**
 24 **property interest is considered to have been created at the time of**
 25 **the creation of the earlier power by the transferor.**

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

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

32 (1) A home warranty or similar product that covers the cost of
 33 maintenance of a major home system, such as:

34 (A) a plumbing system;

35 (B) a heating, cooling, and ventilation system; or

36 (C) electrical wiring;

37 for a fixed period.

38 (2) An insurance contract.

39 (3) An option to purchase residential real estate or a right of
 40 refusal to purchase residential real estate.

41 (4) A declaration that is created in the formation of:

42 (A) an association of co-owners (as defined in IC 32-25-2-2)



- 1 for a condominium (as defined in IC 32-25-2-7); or
 2 (B) a homeowners association (as defined in IC 32-25.5-2-4);
 3 including any amendment to the declaration.
 4 (5) A maintenance or repair agreement entered into by:
 5 (A) an association of co-owners (as defined in IC 32-25-2-2)
 6 for a condominium (as defined in IC 32-25-2-7); or
 7 (B) a homeowners association (as defined in IC 32-25.5-2-4).
 8 (6) A mortgage loan or a commitment to make or receive a
 9 mortgage loan.
 10 (7) A security agreement under IC 26-1 concerning the sale or
 11 rental of personal property or fixtures.
 12 (8) Providers of:
 13 (A) utility services, including water, sewer, gas, or electric
 14 service; or
 15 (B) communications service (as defined in IC 8-1-32.5-3).
 16 (9) A land contract (as defined in IC 24-9-2-9.5).
 17 (10) An attorney's lien authorized by IC 33-43-4.
 18 (11) A statutory lien authorized by this article, including:
 19 (A) the lien of a broker company (as defined in
 20 IC 32-28-12.5-0.5) upon commercial real estate under
 21 IC 32-28-12.5-5; or
 22 (B) a mechanic's or materialman's lien under IC 32-28-3.
 23 **(12) A written agreement executed between an individual who**
 24 **owns residential real property and:**
 25 **(A) a family member of the individual;**
 26 **(B) the individual's attorney in fact through a power of**
 27 **attorney;**
 28 **(C) the individual's health care representative through a**
 29 **health care advanced directive; or**
 30 **(D) a guardian of the individual's person or estate;**
 31 **in which the person described in clauses (A) through (D)**
 32 **agrees to pay or provide for the maintenance, repair, costs, or**
 33 **upkeep of the residential real property. An agreement under**
 34 **this subdivision may grant or convey an interest in the**
 35 **residential real property to a person described in clauses (A)**
 36 **through (D) or the interest in the residential real property**
 37 **may be secured by a lien.**



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

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

COMMITTEE REPORT

Mr. Speaker: Your Committee on Judiciary, to which was referred Senate Bill 71, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 2-5-1.3-13, AS AMENDED BY P.L.186-2025, SECTION 270, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 13. (a) A study committee shall study the issues assigned by the legislative council that are within the subject matter for the study committee, as described in section 4 of this chapter.

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(b) In addition to the issues assigned under subsection (a), the interim study committee on roads and transportation shall advise the bureau of motor vehicles regarding the suitability of a special group (as defined in IC 9-13-2-170) to receive a special group recognition license plate for the special group (as defined in IC 9-13-2-170) for the first time under IC 9-18.5-12-4 and the suitability of a special group (as defined in IC 9-13-2-170) to continue participating in the special group recognition license plate program under IC 9-18.5-12-5.

(c) In addition to the issues assigned under subsection (a), the interim study committee on corrections and criminal code shall review current trends with respect to criminal behavior, sentencing, incarceration, and treatment and may:

- (1) identify particular needs of the criminal justice system that can be addressed by legislation; and
- (2) prepare legislation to address the particular needs found by the committee.

(d) In each even-numbered year, in addition to the issues assigned under subsection (a), the interim study committee on courts and the judiciary shall review, consider, and make recommendations concerning all requests for new courts, new judicial officers, and changes in jurisdiction of existing courts. A request under this subsection must include at least the following information to receive full consideration by the committee:

- (1) The level of community support for the change, including support from the local fiscal body.
- (2) The results of a survey that shall be conducted by the county requesting the change, sampling members of the bar, members of the judiciary, and local officials to determine needs and concerns of existing courts.
- (3) Whether the county is already using a judge or magistrate from an overserved area of the judicial district.
- (4) The relative severity of need based on the most recent weighted caseload measurement system report published by the office of judicial administration.
- (5) Whether the county is using any problem solving court as described in IC 33-23-16-11, and, if so, the list of problem solving courts established in the county, and any evaluation of the impact of the problem solving courts on the overall judicial caseload.
- (6) A description of the:
 - (A) county's population growth in the ten (10) years before the date of the request; and
 - (B) projected population growth in the county for the ten (10)



years after the date of the request, to the extent available; and any documentation to support the information provided under this subdivision.

(7) A description of the county's use of pre-incarceration diversion services and post-incarceration reentry services in an effort to decrease recidivism.

(8) If the request is a request for a new court or new courts, an acknowledgment from the county fiscal body (as defined in IC 36-1-2-6) with the funding sources and estimated costs the county intends to pay toward the county's part of the operating costs associated with the new court or new courts.

The office of judicial administration shall post the list of required information provided under this subsection on its website.

(e) In each even-numbered year, in addition to the issues assigned under subsection (a), the interim study committee on courts and the judiciary shall **do the following:**

(1) Review the most recent weighted caseload measurement system report published by the office of judicial administration and do the following:

~~(1)~~ **(A)** Identify each county in which the number of courts or judicial officers exceeds the number used by the county in that report year.

~~(2)~~ **(B)** Determine the number of previous report years in which the number of courts or judicial officers in a county identified in ~~subdivision (1)~~ **clause (A)** exceeded the number used by the county in that particular report year.

~~(3)~~ **(C)** Make a recommendation on whether the number of courts or judicial officers in the county should be decreased.

The office of judicial administration shall post a list of the number of courts or judicial officers used in each county for each report year, and the number of years in which the number of courts or judicial officers in the county has exceeded the number used by the county, on its website.

(2) Study and recommend to the general assembly needed changes to the following:

(A) The probate code (IC 29-1).

(B) The trust code (IC 30-4).

(C) Any other statute affecting the administration of a decedent's estate, guardianship, probate jurisdiction, trust, or fiduciary.

(f) In addition to studying the issues assigned under subsection (a), the interim study committee on child services shall:



- (1) review the annual reports submitted by:
 - (A) each local child fatality review team under IC 16-49-3-7;
 - (B) the statewide child fatality review committee under IC 16-49-4-11; and
 - (C) the department of child services under IC 31-25-2-24; during the immediately preceding twelve (12) month period, and may make recommendations regarding changes in policies or statutes to improve child safety; and
- (2) report to the legislative council before November 1 of each interim, in an electronic format under IC 5-14-6, the results of:
 - (A) the committee's review under subdivision (1); and
 - (B) the committee's study of any issue assigned to the committee under subsection (a).

(g) In each even-numbered year, in addition to the issues assigned under subsection (a), the interim study committee on government shall do the following:

- (1) Determine whether a group has met in the immediately preceding two (2) years.
- (2) Review reports submitted to the committee in accordance with IC 1-1-15.5-4.
- (3) Identify all interstate compacts that have been fully operational for at least two (2) years to which the state is a party.
- (4) Consider whether to:
 - (A) remain a party to; or
 - (B) withdraw from;
 each interstate compact.
- (5) If the committee determines that the state should withdraw from an interstate compact, identify the steps needed to withdraw.
- (6) Report before November 1 to the legislative council, in an electronic format under IC 5-14-6 the committee's:
 - (A) recommendations for proposed legislation to repeal groups:
 - (i) that have not met during the immediately preceding two (2) years; and
 - (ii) after reviewing a group's report under subdivision (2); and
 - (B) findings and recommendations regarding the interstate compacts.

As used in this subsection, "group" refers to an authority, a board, a commission, a committee, a council, a delegate, a foundation, a panel, or a task force that is established by statute, has at least one (1) legislator assigned to it, and is not staffed by the legislative services



agency.

(h) In 2026 and 2027, in addition to the issues assigned under subsections (a) and (f), the interim study committee on child services shall review the report submitted by the child welfare task force under IC 2-5-55.7-8. This subsection expires December 31, 2027.

SECTION 2. IC 2-5-16.1 IS REPEALED [EFFECTIVE JULY 1, 2026]. (Probate Code Study Committee).".

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 71 as reprinted January 9, 2026.)

JETER

Committee Vote: yeas 9, nays 0.

