



CONFERENCE COMMITTEE REPORT DIGEST FOR ESB 71

Citations Affected: IC 2-5-56; 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. 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 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. **(This conference committee report reinstates the probate code study committee.)**

Effective: July 1, 2026.



CONFERENCE COMMITTEE REPORT

MR. PRESIDENT:

Your Conference Committee appointed to confer with a like committee from the House upon Engrossed House Amendments to Engrossed Senate Bill No. 71 respectfully reports that said two committees have conferred and agreed as follows to wit:

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

- 1 . Page 1, delete lines 1 through 15.
- 2 Delete pages 2 and 3.
- 3 Page 4, delete lines 1 through 40.
- 4 Renumber all SECTIONS consecutively.
(Reference is to ESB 71 as printed February 9, 2026.)

Conference Committee Report
on
Engrossed Senate Bill 71

Signed by:

Senator Carrasco
Chairperson

Representative Jeter

Senator Randolph Lonnie M

Representative Burton

Senate Conferees

House Conferees