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SENATE BILL No. 71

Proposed Changes to January 9, 2026 printing by AM007101

DIGEST OF PROPOSED AMENDMENT

Probate code study committee. 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.

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
- 16 interim study committee on corrections and criminal code shall review
- 17 current trends with respect to criminal behavior, sentencing,
- 18 incarceration, and treatment and may:

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SB 71—LS 6102/DI 149



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- (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

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SB 71—LS 6102/DI 149



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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

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(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).

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SB 71—LS 6102/DI 149



1] SECTION ~~4~~[3]. IC 2-5-56 IS ADDED TO THE INDIANA
 2 CODE AS A NEW CHAPTER TO READ AS FOLLOWS
 3 [EFFECTIVE JULY 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**
 16 **the senate.**

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

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

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

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

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

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

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

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

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

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

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

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

42 **The members selected under subdivisions (1) and (2) shall serve as**

SB 71—LS 6102/DI 149



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

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

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

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

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

(2) Improvements to the guardianship code that:

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

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

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

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

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

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

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

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

9 (2) to the governor.

10 Sec. 9. The legislative services agency shall provide staff
 11 support to the task force.

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

17 (b) A member of the task force who is a state employee is not
 18 entitled to a per diem. However, the member is entitled to receive
 19 the same travel allowances paid to members of the task force
 20 described in subsection (a).

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

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

26 SECTION ~~4~~[4]. IC 29-3-3-1 IS AMENDED TO READ AS
 27 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 1. (a) Any person
 28 indebted to a minor or having possession of property belonging to a
 29 minor in an amount not exceeding ~~ten~~ **twenty-five** thousand dollars
 30 (~~\$10,000~~) (**\$25,000**) may pay the debt or deliver the property without
 31 the appointment of a guardian, giving of bond, or other order of court
 32 directly to:

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

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

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

40 (c) This section does not apply if the person paying or delivering
 41 the property knows that a guardian has been appointed for the minor or
 42 that proceedings for appointment of a guardian for the minor are

SB 71—LS 6102/DI 149



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pending.

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

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

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

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

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

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

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

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

- (1) the minor:
 - (A) owns property or has income requiring management or protection that cannot otherwise be provided;
 - (B) has or may have financial or business affairs that may be jeopardized or impaired; or
 - (C) has property that needs to be managed to provide for the support or protection of the minor; and

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

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

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

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

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

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

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

(c) If the court approves the compromise, it may direct that the

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1 settlement be paid in accordance with IC 29-3-3-1 **or in accordance**
2 **with a protective order entered under IC 29-3-4-1.** If IC 29-3-3-1 is
3 **or IC 29-3-4-1 are** not applicable, the court shall require that a
4 guardian be appointed and that the settlement be delivered to the
5 guardian upon the terms that the court directs.

6 ~~(c)~~ **(d)** Any exhibit demonstrating a compromise on behalf of a
7 protected person or a minor and any testimony related to such
8 compromise that is offered or admitted into evidence in a legal
9 proceeding commenced under this section shall be maintained by the
10 court as a confidential court record. The confidential exhibits and
11 record may not be used in any other proceeding or for any other person.

12 ~~(d)~~ **(e)** Subsection ~~(c)~~ **(d)** does not prohibit the following persons
13 from having access to the confidential exhibits and record for the
14 purpose of learning, confirming, and enforcing the economic terms of
15 the compromise, for the purpose of enforcing or modifying any trust
16 that is funded under the compromise, or for the purpose of obtaining a
17 qualified order with respect to a structured settlement under IC 34-50-2
18 and 26 U.S.C. 5891(b):

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

20 (2) A guardian or guardian ad litem appointed for the
21 incapacitated person or minor by a court of competent
22 jurisdiction, and the attorney, if any, for the guardian or guardian
23 ad litem.

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

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

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

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

40 **(c) A trustee or administrator of a retirement plan, life**
41 **insurance plan, or employee profit or stock sharing plan of which**
42 **a minor is a designated beneficiary may transfer funds due under**

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SB 71—LS 6102/DI 149



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1 **the plan to the minor under subsection (a).**

2 SECTION ~~6~~ [8]. IC 30-2-8.5-29, AS AMENDED BY
3 P.L.95-2007, SECTION 17, IS AMENDED TO READ AS FOLLOWS
4 [EFFECTIVE JULY 1, 2026]: Sec. 29. (a) A custodian may deliver or
5 pay to the minor or expend for the minor's benefit so much of the
6 custodial property as the custodian considers advisable for the use and
7 benefit of the minor, without court order and without regard to:

8 (1) the duty or ability of the custodian personally or of any other
9 person to support the minor; or

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

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

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

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

16 ~~(2)~~ (B) the terms of the trust satisfy the requirements of
17 Section 2503(c) of the Internal Revenue Code and the
18 regulations under that section;

19 ~~The transfer terminates the custodianship of the property to the extent~~
20 ~~of the transfer.~~

21 (2) an account, including an account created by the
22 custodian, in which:

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

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

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

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

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

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

32 (B) the terms of the qualified disability trust satisfy the
33 requirements of Section 642(b)(2)(C)(ii) of the Internal
34 Revenue Code;

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

37 (A) the minor, who has been determined to have a
38 qualifying disability, is the sole beneficiary of the
39 account; and

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

42 (5) a qualified ABLE account, including an ABLE account

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

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

(1) the instrument ~~exercising creating~~ **the first earlier power**; or

(2) **the instrument exercising the earlier power**;

explicitly provides that the ~~second subsequent power was or nonvested property interest is considered to have been~~ created at the time of ~~creation~~ **the irrevocable exercise of the **first earlier power**.**

SECTION ~~10~~ [10]. IC 30-5-5-12 IS AMENDED TO READ AS

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SB 71—LS 6102/DI 149



1 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 12. (a) Language
 2 conferring general authority with respect to **personal maintenance or**
 3 **family maintenance** means the principal authorizes the attorney in fact
 4 to do the following:
 5 (1) Perform acts necessary for maintaining the customary
 6 standard of living of the **principal and the principal's** spouse,
 7 children, and other persons customarily supported by the
 8 principal, including the power to provide the following:
 9 (A) Living quarters by purchase, lease, or other contract, or
 10 by payment of operating costs, including interest,
 11 amortization payments, repairs, and taxes on premises
 12 owned by the principal and occupied by the **principal or**
 13 **the principal's** family, or dependents.
 14 (B) Normal domestic help for the operation of the
 15 household.
 16 (C) Usual vacation and travel expenses.
 17 (D) Usual educational facilities.
 18 (E) Funds for all the current living costs of the **principal**
 19 **and the principal's** spouse, children, and other dependents,
 20 including shelter, clothing, food, and incidentals.
 21 (2) Pay for necessary medical, dental, and surgical care,
 22 hospitalization and custodial care for the **principal and the**
 23 **principal's** spouse, children, and other dependents. ~~of the~~
 24 **principal**.
 25 (3) Continue provisions made by the principal before or after the
 26 execution of the power of attorney for the **principal and the**
 27 principal's spouse, children, and other persons customarily
 28 supported by the principal with respect to automobiles or other
 29 means of transportation, including the power to license, insure,
 30 and replace automobiles owned by the principal and customarily
 31 used by the **principal or the principal's** spouse, children, or
 32 other persons customarily supported by the principal.
 33 (4) Continue charge accounts that have been operated by the
 34 principal before or after the execution of the power of attorney
 35 for the convenience of the **principal or the principal's** spouse,
 36 children, or other persons customarily supported by the
 37 principal, open new accounts the attorney in fact considers
 38 desirable to accomplish a purpose permitted under this section
 39 and pay the items charged on those accounts by a person
 40 authorized or permitted by the principal to make charges prior to
 41 the execution of the power of attorney.
 42 (5) Continue payments incidental to membership or affiliation of

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SB 71—LS 6102/DI 149



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1 the principal in a church, a club, a society, an order, or other
 2 organization and continue contributions to those organizations.
 3 (6) Demand, receive, or obtain by action or proceeding money or
 4 other things of value to which the principal is or may become
 5 entitled as salary, wages, commission, or other remuneration for
 6 services performed, as a dividend or distribution on a stock, as
 7 interest or principal on an indebtedness, or as a periodic
 8 distribution of profits for a partnership or business in which the
 9 principal has or claims an interest and endorse, collect, or
 10 otherwise realize upon an instrument for the payment received.
 11 (7) Use an asset of the principal for the performance of a power
 12 permitted under this section, including the power to draw money
 13 by check or otherwise from a bank deposit of the principal, sell
 14 an interest in real property, a bond, a share, a commodity
 15 interest, tangible personal property, or other asset of the
 16 principal, borrow money and pledge as security for a loan an
 17 asset, including insurance, that belongs to the principal.
 18 (8) Execute, acknowledge, verify, seal, file, and deliver an
 19 application, a consent, a petition, a notice, a release, a waiver, an
 20 agreement, or other instrument that the attorney in fact considers
 21 useful to accomplish a purpose permitted under this section.
 22 (9) Hire, discharge, and compensate an attorney, accountant,
 23 expert witness, or other assistant when the attorney in fact
 24 considers the action to be desirable for the proper execution by
 25 the attorney in fact of a power described in this section and keep
 26 needed records.
 27 (10) Perform any other acts for the welfare of the spouse,
 28 children, or other persons customarily supported by the principal
 29 or for the preservation and maintenance of other personal
 30 relationships of the principal to parents, relatives, friends, and
 31 organizations as are appropriate.
 32 (b) The powers described in this section are exercisable equally
 33 whether the acts required for their execution relate to real or personal
 34 property owned by the principal at the time of the giving of the power
 35 of attorney or acquired after that time, whether located in Indiana or in
 36 another jurisdiction.
 37 SECTION ~~11~~^[11]. IC 30-5-5-16, AS AMENDED BY
 38 P.L.38-2023, SECTION 19, IS AMENDED TO READ AS FOLLOWS
 39 [EFFECTIVE JULY 1, 2026]: Sec. 16. (a) This section does not
 40 prohibit an individual capable of consenting to the individual's own
 41 health care or to the health care of another from consenting to health
 42 care administered in good faith under the religious tenets and practices

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SB 71—LS 6102/DI 149



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of the individual requiring health care.

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

- (1) Employ or contract with ~~servants, companions, or~~ health care providers to care for the principal.
- (2) Consent to or refuse health care for the principal who is an individual in accordance with IC 16-36-4 and IC 16-36-1 by properly executing and attaching to the power of attorney a declaration or appointment, or both.
- (3) Admit or release the principal from a hospital or health care facility.
- (4) Have access to records, including medical records, concerning the principal's condition.
- (5) Make anatomical gifts on the principal's behalf.
- (6) Request an autopsy.
- (7) Make plans for the disposition of the principal's body, including executing a funeral planning declaration on behalf of the principal in accordance with IC 29-2-19.

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

- (1) a power of attorney under this article that authorizes an attorney in fact to apply for public benefits on behalf of the individual; and
- (2) an advance directive under IC 16-36-7 that authorizes a health care representative to apply for public benefits on behalf of the individual under IC 16-36-7-36(a)(6);

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

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

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

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SB 71—LS 6102/DI 149



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both:

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

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

SECTION 1 ~~↔~~ [2]. IC 32-17-8-3.5, AS ADDED BY P.L.61-2024, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 3.5. When ~~the~~ **an** initial power of appointment in a ~~legacy~~ trust is exercised to create a ~~second~~ **subsequent** power of appointment **or nonvested property interest, the subsequent power of appointment or a nonvested property interest or the second power of appointment** created through the exercise of the initial power of appointment is considered to have been created at the time of the **irrevocable exercise creation** of the initial power of appointment, unless:

- (1) the instrument ~~exercising~~ **creating** the initial power of appointment; **or**
- (2) **the instrument exercising the initial power of appointment;**

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

SECTION 1 ~~↔~~ [3]. IC 32-17-8-4.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: **Sec. 4.5. For all purposes under this chapter and IC 30-4-5-26, this section applies 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 a limited power of appointment ("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. 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.**

SECTION 1 ~~↔~~ [4]. IC 32-28-15-1, AS ADDED BY P.L.62-2024, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 1. (a) Except as otherwise provided in this chapter, this chapter does not apply to a residential real estate service agreement entered into before March 15, 2024.

- (b) This chapter does not apply to any of the following:
 - (1) A home warranty or similar product that covers the cost of

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SB 71—LS 6102/DI 149



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- 1 maintenance of a major home system, such as:
- 2 (A) a plumbing system;
- 3 (B) a heating, cooling, and ventilation system; or
- 4 (C) electrical wiring;
- 5 for a fixed period.
- 6 (2) An insurance contract.
- 7 (3) An option to purchase residential real estate or a right of
- 8 refusal to purchase residential real estate.
- 9 (4) A declaration that is created in the formation of:
- 10 (A) an association of co-owners (as defined in
- 11 IC 32-25-2-2) for a condominium (as defined in
- 12 IC 32-25-2-7); or
- 13 (B) a homeowners association (as defined in
- 14 IC 32-25.5-2-4);
- 15 including any amendment to the declaration.
- 16 (5) A maintenance or repair agreement entered into by:
- 17 (A) an association of co-owners (as defined in
- 18 IC 32-25-2-2) for a condominium (as defined in
- 19 IC 32-25-2-7); or
- 20 (B) a homeowners association (as defined in
- 21 IC 32-25.5-2-4).
- 22 (6) A mortgage loan or a commitment to make or receive a
- 23 mortgage loan.
- 24 (7) A security agreement under IC 26-1 concerning the sale or
- 25 rental of personal property or fixtures.
- 26 (8) Providers of:
- 27 (A) utility services, including water, sewer, gas, or electric
- 28 service; or
- 29 (B) communications service (as defined in IC 8-1-32.5-3).
- 30 (9) A land contract (as defined in IC 24-9-2-9.5).
- 31 (10) An attorney's lien authorized by IC 33-43-4.
- 32 (11) A statutory lien authorized by this article, including:
- 33 (A) the lien of a broker company (as defined in
- 34 IC 32-28-12.5-0.5) upon commercial real estate under
- 35 IC 32-28-12.5-5; or
- 36 (B) a mechanic's or materialman's lien under IC 32-28-3.
- 37 **(12) A written agreement executed between an individual**
- 38 **who owns residential real property and:**
- 39 **(A) a family member of the individual;**
- 40 **(B) the individual's attorney in fact through a power of**
- 41 **attorney;**
- 42 **(C) the individual's health care representative through**

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1 a health care advanced directive; or
2 (D) a guardian of the individual's person or estate;
3 in which the person described in clauses (A) through (D)
4 agrees to pay or provide for the maintenance, repair, costs,
5 or upkeep of the residential real property. An agreement
6 under this subdivision may grant or convey an interest in the
7 residential real property to a person described in clauses (A)
8 through (D) or the interest in the residential real property
9 may be secured by a lien.

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SB 71—LS 6102/DI 149



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