

**LEGISLATIVE SERVICES AGENCY  
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

200 W. Washington, Suite 301  
Indianapolis, IN 46204  
(317) 233-0696  
<http://www.in.gov/legislative>

**FISCAL IMPACT STATEMENT**

**LS 7286**

**BILL NUMBER:** HB 1178

**NOTE PREPARED:** Jan 8, 2004

**BILL AMENDED:**

**SUBJECT:** Volunteer Advocates for Seniors and Guardians.

**FIRST AUTHOR:** Rep. Avery

**FIRST SPONSOR:**

**BILL STATUS:** As Introduced

**FUNDS AFFECTED:**  **GENERAL**  
 **DEDICATED**  
 **FEDERAL**

**IMPACT:** State & Local

**Summary of Legislation:** This bill permits a court to appoint a volunteer advocate for seniors ("volunteer") to represent and protect for a limited period the interests of an incapacitated or protected person who is at least 55 years of age. The bill requires a volunteer to report to the court and make recommendations regarding the incapacitated or protected person. It allows a volunteer to subpoena witnesses and present evidence to a court. It also provides civil immunity for a volunteer, a volunteer advocate for seniors program, and a guardian.

**Effective Date:** July 1, 2004.

**Explanation of State Expenditures:** This bill allows the courts to appoint a volunteer advocate for an individual who is (a) incapacitated, or (b) a protected person who is at least fifty-five years of age. The volunteer advocate shall be appointed for a period of 60 days. Following this, the court may extend the appointment for a period of time to be determined by the court. The number of individuals that would be appointed a volunteer advocate is currently unknown [Note: This fiscal note will be updated when additional information becomes available].

This bill could potentially increase expenditures for the state in two ways:

(1) The court may appoint an attorney to represent the volunteer advocate. This could potentially increase expenditures for the state, however, any increases are likely small. The number of volunteer advocates falling under this provision are likely minimal. Actual increases in expenditures are dependent on the number of volunteer advocates that are appointed attorneys.

(2) A volunteer advocate may subpoena witnesses and present evidence regarding (1) the supervision of the incapacitated or protected person; and (2) any investigation or report required by the court. This provision could increase court time, however, any additional court time is likely minimal. Any increase in court time is dependent on the amount of additional evidence presented and the number of additional witnesses subpoenaed. Increases in expenditures are likely minimal.

**Explanation of State Revenues:**

**Explanation of Local Expenditures:**

**Explanation of Local Revenues:**

**State Agencies Affected:**

**Local Agencies Affected:** Courts.

**Information Sources:**

**Fiscal Analyst:** Sarah Brooks, 317-232-9559.