

Adopted	Rejected
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COMMITTEE REPORT

YES:	12
NO:	0

MR. SPEAKER:

*Your Committee on Family, Children and Human Affairs, to which was referred House Bill 1169, 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:*

- 1 Page 1, line 8, after "for" insert "**incapacitated**".
- 2 Page 1, line 9, delete "program;" and insert "program **that is**
- 3 **appointed by a court to serve as a guardian for an incapacitated**
- 4 **person who is at least eighteen (18) years of age; and**".
- 5 Page 1, line 10, strike "(4) is appointed by a court to serve as a".
- 6 Page 1, line 10, strike "guardian for an".
- 7 Page 1, line 11, strike "incapacitated person".
- 8 Page 1, line 11, strike "who is at least eighteen".
- 9 Page 1, strike line 12.
- 10 Page 1, line 13, strike "(5)" and insert "**(4)**".
- 11 Page 2, line 4, delete "program;" and insert "program **that is**
- 12 **appointed by a court to serve as a guardian for an incapacitated**
- 13 **person who is at least fifty-five (55) years of age; and**".
- 14 Page 2, line 5, strike "(4) is appointed by a court to serve as a".

- 1 Page 2, line 5, strike "guardian for an".
- 2 Page 2, line 6, strike "incapacitated person".
- 3 Page 2, line 6, strike "who is at least fifty-five".
- 4 Page 2, strike line 7.
- 5 Page 2, line 8, strike "(5)" and insert "(4)".
- 6 Page 2, line 16, after "that" insert "**is appointed by a court to serve**
- 7 **as a guardian for an incapacitated person who is at least eighteen**
- 8 **(18) years of age and"**.
- 9 Page 2, line 25, after "that" insert "**is appointed by a court to serve**
- 10 **as a guardian for an incapacitated person who is at least fifty-five**
- 11 **(55) years of age and"**.
- 12 Page 2, between lines 27 and 28, begin a new paragraph and insert:
- 13 "SECTION 5. IC 29-3-8.5-1, AS AMENDED BY P.L.11-2006,
- 14 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 15 JULY 1, 2010]: Sec. 1. A court in a proceeding under this article may
- 16 appoint a volunteer ~~advocate~~ **advocates** for seniors **program** or a
- 17 volunteer ~~advocate~~ **advocates** for incapacitated adults **program"**.
- 18 Page 2, line 30, strike "advocate" and insert "**advocates"**.
- 19 Page 2, line 30, after "seniors" insert "**program"**.
- 20 Page 2, line 31, strike "advocate" and insert "**advocates"**.
- 21 Page 2, line 31, after "adults" insert "**program"**.
- 22 Page 3, line 11, delete "and".
- 23 Page 3, line 23, delete "senior." and insert "**senior; and**
- 24 **(5) upon the death of the incapacitated person, a final report**
- 25 **and financial accounting:**
- 26 **(A) describing the incapacitated person's:**
- 27 **(i) final physical and mental condition;**
- 28 **(ii) cause of death;**
- 29 **(iii) last residential placement; and**
- 30 **(iv) final burial arrangements;**
- 31 **(B) stating the actions taken by the program regarding the:**
- 32 **(i) person's care and custody; and**
- 33 **(ii) preservation of the person's property;**
- 34 **(C) making recommendations to the court to close the**
- 35 **guardianship of the person; and**
- 36 **(D) containing all other matters required by the court."**
- 37 Page 3, line 26, after "3." insert "(a)".
- 38 Page 3, line 26, strike "advocate" and insert "**advocates"**.

- 1 Page 3, line 26, after "seniors" insert "**program**".
- 2 Page 3, line 27, strike "advocate" and insert "**advocates**".
- 3 Page 3, line 27, after "adults" insert "**program**".
- 4 Page 4, between lines 2 and 3, begin a new paragraph and insert:
- 5 "**(b) A volunteer advocates for seniors program or a volunteer**
- 6 **advocates for incapacitated adults program has the duties of the**
- 7 **guardian of a minor listed in IC 29-3-8-1 and IC 29-3-8-3.**".
- 8 Page 4, line 5, after "4." insert "(a)".
- 9 Page 4, line 5, strike "advocate" and insert "**advocates**".
- 10 Page 4, line 5, after "seniors" insert "**program**".
- 11 Page 4, line 6, strike "advocate" and insert "**advocates**".
- 12 Page 4, line 6, after "adults" insert "**program**".
- 13 Page 4, between lines 25 and 26, begin a new paragraph and insert:
- 14 "**(b) A volunteer advocates for seniors program or a volunteer**
- 15 **advocates for incapacitated adults program may exercise the**
- 16 **powers of a guardian of a minor listed in IC 29-3-8-2 and**
- 17 **IC 29-3-8-4.**".
- 18 Page 4, line 28, strike "an individual to serve as".
- 19 Page 4, line 29, before "for seniors" strike "advocate" and insert
- 20 "**advocates**".
- 21 Page 4, line 29, after "seniors" insert "**program**".
- 22 Page 4, line 29, after "or a" strike "advocate" and insert
- 23 "**advocates**".
- 24 Page 4, line 30, delete "," and insert "**program,**".
- 25 Page 4, line 33, after "volunteer" insert "**advocates for seniors**
- 26 **program or volunteer advocates for incapacitated adults**
- 27 **program**".
- 28 Page 4, line 35, after "the" insert "**best**".
- 29 Page 4, line 39, strike "advocate" and insert "**advocates**".
- 30 Page 4, line 39, after "seniors" insert "**program**".
- 31 Page 4, line 40, strike "advocate" and insert "**advocates**".
- 32 Page 4, line 40, after "adults" insert "**program**".
- 33 Page 4, after line 42, begin a new paragraph and insert:
- 34 "SECTION 10. IC 29-3-8.5-9, AS AMENDED BY P.L.11-2006,
- 35 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 36 JULY 1, 2010]: Sec. 9. A volunteer ~~advocate~~ **advocates** for seniors
- 37 **program** or a volunteer ~~advocate~~ **advocates** for incapacitated adults
- 38 **program** under this chapter is not authorized to consent to or refuse

- 1 health care (as defined in IC 16-36-1-1) for an individual if:
- 2 (1) a spouse, a parent, an adult child, or an adult sibling of the
- 3 individual or the individual's religious superior, if the individual
- 4 is a member of a religious order, is available, capable, and
- 5 suitable to consent to or refuse the health care on behalf of the
- 6 individual; or
- 7 (2) the individual has previously:
- 8 (A) appointed a health care representative under IC 16-36-1;
- 9 (B) authorized health care under IC 16-36-1.5, IC 16-36-4, or
- 10 IC 16-36-5;
- 11 (C) executed a power of attorney under IC 30-5-4; or
- 12 (D) had a guardian appointed by the court under IC 29-3.

13 SECTION 11. IC 29-3-8.5-9.5 IS ADDED TO THE INDIANA

14 CODE AS A **NEW** SECTION TO READ AS FOLLOWS

15 [EFFECTIVE JULY 1, 2010]: **Sec. 9.5. IC 29-3-8-5 through**

16 **IC 29-3-8-8 apply to a volunteer advocates for seniors program or**

17 **a volunteer advocates for incapacitated adults program under this**

18 **chapter."**

19 Page 5, line 3, delete "advocate" and insert "**advocates**".

20 Page 5, line 4, after "seniors" insert "**program**".

21 Page 5, line 4, delete "advocate" and insert "**advocates**".

22 Page 5, line 4, after "adults" insert "**program**".

23 Page 5, line 9, delete "advocate" and insert "**advocates**".

24 Page 5, line 9, after "seniors" insert "**program**".

25 Page 5, line 10, delete "advocate" and insert "**advocates**".

26 Page 5, line 10, after "adults" insert "**program**".

(Reference is to HB 1169 as introduced.)

and when so amended that said bill do pass.

Representative Summers