



January 29, 2016

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## SENATE BILL No. 192

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DIGEST OF SB 192 (Updated January 27, 2016 12:54 pm - DI 106)

**Citations Affected:** IC 12-7; IC 12-8; IC 29-3; noncode.

**Synopsis:** Guardianship and adult protective services report. Provides that, unless specifically authorized by a court order, a guardian may not restrict a protected person's right to communication, visitation, or interaction with other individuals. Provides that, if a protected person is unable to express consent to communication, visitation, or interaction with another individual, then the consent of the protected person is presumed based on the protected person's prior relationship history with the individual. Provides that a court may not deny an individual the right to communicate, visit, or interact with a protected person unless certain conditions are met. Requires a guardian to communicate certain information to a protected person's close relatives and other designated individuals. Requires the family and social services administration (FSSA), in cooperation with the Indiana prosecuting attorneys council (IPAC), to prepare and submit a report to the legislative council before December 1, 2016, concerning adult protective services. Specifies that the report must include: (1) an estimation of appropriate staffing levels necessary to efficiently and effectively manage the investigations of reports of matters related to the abuse, neglect, or exploitation of endangered adults; (2) identification of: (A) the circumstances that should result in emergency placement in the case of an adult protective services investigation; (B) the appropriate types of emergency placements based on those circumstances; and (C) strategies for improving emergency placement capabilities; (3) consideration of the benefits and cost of establishing a centralized intake system for reports of matters related to the abuse,  
(Continued next page)

**Effective:** Upon passage; July 1, 2016.

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**Crider, Kenley, Steele, Head,  
Randolph Lonnie M**

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January 6, 2016, read first time and referred to Committee on Judiciary.  
January 28, 2016, amended, reported favorably — Do Pass.

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SB 192—LS 6797/DI 77



Digest Continued

neglect, or exploitation of endangered adults; (4) a statement of consistent standards of care for endangered adults; (5) a determination of the appropriate levels of training for employees who are involved in providing adult protective services; (6) a draft of a cooperative agreement between the FSSA and IPAC that sets forth the duties and responsibilities of the agencies and county prosecuting attorney offices with regard to adult protective services; and (7) Performance goals and accountability metrics for adult protective services to be incorporated in contracts and grant agreements. Provides that the FSSA shall present the report to the state budget committee. Provides that the state budget committee shall consider the report in formulating the committee's budget recommendations.

**SB 192—LS 6797/DI 77**



January 29, 2016

Second Regular Session 119th General Assembly (2016)

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 2015 Regular Session of the General Assembly.

## SENATE BILL No. 192

A BILL FOR AN ACT to amend the Indiana Code concerning protective proceedings.

*Be it enacted by the General Assembly of the State of Indiana:*

- 1 SECTION 1. IC 12-7-2-77 IS AMENDED TO READ AS  
2 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 77. "Endangered  
3 adult", for purposes of **IC 12-8-1.5-18 and** IC 12-10-3, has the  
4 meaning set forth in IC 12-10-3-2.
- 5 SECTION 2. IC 12-8-1.5-18 IS ADDED TO THE INDIANA CODE  
6 AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE  
7 UPON PASSAGE]: **Sec. 18. (a) Before December 1, 2016, the office**  
8 **of the secretary of family and social services, in cooperation with**  
9 **the Indiana prosecuting attorneys council, shall do the following:**
- 10 (1) **Prepare and submit a report as described in subsection (b)**  
11 **to the legislative council in an electronic format under**  
12 **IC 5-14-6.**
- 13 (2) **Present the report required under this section to the**  
14 **budget committee.**
- 15 **(b) The report must include:**
- 16 (1) **an estimation of the appropriate staffing levels necessary**  
17 **for the office of the secretary of family and social services and**

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1 county prosecuting attorney offices to efficiently and  
 2 effectively manage the investigations of reports of matters  
 3 related to the abuse, neglect, or exploitation of endangered  
 4 adults;

5 (2) identification of:

6 (A) the circumstances that should result in emergency  
 7 placement in the case of an adult protective services  
 8 investigation;

9 (B) the appropriate types of emergency placements based  
 10 on those circumstances; and

11 (C) strategies for improving emergency placement  
 12 capabilities;

13 (3) consideration of the benefits and cost of establishing a  
 14 centralized intake system for reports of matters related to the  
 15 abuse, neglect, or exploitation of endangered adults;

16 (4) a statement of consistent standards of care for endangered  
 17 adults;

18 (5) a determination of the appropriate levels of training for  
 19 employees of:

20 (A) the office of the secretary of family and social services;  
 21 and

22 (B) a county prosecuting attorney office;

23 who are involved in providing adult protective services;

24 (6) a draft of a cooperative agreement between the office of  
 25 the secretary of family and social services and the Indiana  
 26 prosecuting attorneys council that sets forth the duties and  
 27 responsibilities of the agencies and county prosecuting  
 28 attorney offices with regard to adult protective services; and

29 (7) performance goals and accountability metrics for adult  
 30 protective services to be incorporated in contracts and grant  
 31 agreements.

32 (c) The budget committee shall consider the report submitted  
 33 under this section in formulating the committee's budget  
 34 recommendations.

35 SECTION 3. IC 29-3-1-7.3 IS ADDED TO THE INDIANA CODE  
 36 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
 37 1, 2016]: Sec. 7.3. "Immediate family" means a spouse, child,  
 38 sibling, parent, grandparent, or grandchild. The term includes  
 39 stepparents, stepchildren, stepsiblings, and adoptive relationships.

40 SECTION 4. IC 29-3-8-10 IS ADDED TO THE INDIANA CODE  
 41 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
 42 1, 2016]: Sec. 10. (a) Unless specifically authorized by a court



1 order, a guardian may not restrict a protected person's right to  
 2 communication, visitation, or interaction with other individuals,  
 3 including the right to receive visitors, telephone calls, and personal  
 4 mail.

5 (b) If a protected person is unable to express consent to  
 6 communication, visitation, or interaction with another individual  
 7 due to a physical or mental condition, the consent of the protected  
 8 person is presumed based on the protected person's prior  
 9 relationship history with the individual.

10 (c) Except in a situation in which the court finds that an  
 11 individual poses a threat to a protected person, the court must have  
 12 issued an order requiring supervised communication, visitation, or  
 13 interaction between the protected person and the individual before  
 14 the court may issue an order that would deny an individual the  
 15 right to communicate, visit, or interact with a protected person.

16 (d) A guardian shall promptly notify the protected person's  
 17 immediate family and any individual that the protected person has  
 18 designated to be notified and provided contact information for, if  
 19 the guardian knows or has information concerning any of the  
 20 following circumstances:

21 (1) The protected person's residence has changed.

22 (2) The protected person is staying at a location other than the  
 23 protected person's residence.

24 (3) The protected person is admitted to a hospital or health  
 25 care facility for:

26 (A) emergency care in response to a life threatening injury  
 27 or medical condition; or

28 (B) acute care.

29 (4) The protected person dies.

30 If a protected person has died, the guardian shall notify the  
 31 relatives and designated individuals of the protected person's death  
 32 in person or by telephone.

33 SECTION 5. An emergency is declared for this act.



## COMMITTEE REPORT

Madam President: The Senate Committee on Judiciary, to which was referred Senate Bill No. 192, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning protective proceedings.

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

"SECTION 1. IC 12-7-2-77 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 77. "Endangered adult", for purposes of **IC 12-8-1.5-18 and** IC 12-10-3, has the meaning set forth in IC 12-10-3-2.

SECTION 2. IC 12-8-1.5-18 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 18. (a) Before December 1, 2016, the office of the secretary of family and social services, in cooperation with the Indiana prosecuting attorneys council, shall do the following:**

**(1) Prepare and submit a report as described in subsection (b) to the legislative council in an electronic format under IC 5-14-6.**

**(2) Present the report required under this section to the budget committee.**

**(b) The report must include:**

**(1) an estimation of the appropriate staffing levels necessary for the office of the secretary of family and social services and county prosecuting attorney offices to efficiently and effectively manage the investigations of reports of matters related to the abuse, neglect, or exploitation of endangered adults;**

**(2) identification of:**

**(A) the circumstances that should result in emergency placement in the case of an adult protective services investigation;**

**(B) the appropriate types of emergency placements based on those circumstances; and**

**(C) strategies for improving emergency placement capabilities;**

**(3) consideration of the benefits and cost of establishing a centralized intake system for reports of matters related to the abuse, neglect, or exploitation of endangered adults;**



**(4) a statement of consistent standards of care for endangered adults;**

**(5) a determination of the appropriate levels of training for employees of:**

**(A) the office of the secretary of family and social services; and**

**(B) a county prosecuting attorney office; who are involved in providing adult protective services;**

**(6) a draft of a cooperative agreement between the office of the secretary of family and social services and the Indiana prosecuting attorneys council that sets forth the duties and responsibilities of the agencies and county prosecuting attorney offices with regard to adult protective services; and**

**(7) performance goals and accountability metrics for adult protective services to be incorporated in contracts and grant agreements.**

**(c) The budget committee shall consider the report submitted under this section in formulating the committee's budget recommendations."**

Page 2, after line 23, begin a new paragraph and insert:

"SECTION 5. **An emergency is declared for this act.**"

Re-number all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 192 as introduced.)

STEELE, Chairperson

Committee Vote: Yeas 8, Nays 0.

