

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 2016 Regular Session of the General Assembly.

SENATE ENROLLED ACT No. 516

AN ACT to amend the Indiana Code concerning guardians.

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

SECTION 1. IC 16-39-1-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 3. (a) Health records may be requested by a competent patient if the patient is:

- (1) emancipated and less than eighteen (18) years of age; or
- (2) at least eighteen (18) years of age.

(b) If a patient is incompetent, the request for health records may be made by the parent, guardian, or custodian of the patient.

(c) Health records of a deceased patient may be requested:

- (1) by a coroner under IC 36-2-14-21 or by the personal representative of the patient's estate;
- (2) if the **estate of the deceased patient** does not have a personal representative, **by the spouse of the deceased patient; may make a request.**
- (3) **if there is no the deceased patient does not have a surviving spouse and the deceased patient's estate does not have a personal representative, by:**
 - (1) ~~(A)~~ **(A)** a child of the deceased patient; or
 - (2) ~~(B)~~ **(B)** the parent, guardian, or custodian of the child **of the deceased patient** if the child **of the deceased patient** is incompetent; **may make a request. or**
- (4) **if the deceased patient was an incapacitated person for whom a guardian had been appointed under IC 29-3 or the**



law of another state, by the guardian of the deceased patient, except as provided in subsection (d).

(d) If:

- (1) the deceased patient was an incapacitated person subject to a guardianship at the time of the patient's death; and**
- (2) a personal representative of the estate of the deceased patient is appointed under IC 29-1-7;**

the guardian of the deceased patient may not request health records of the deceased patient under subsection (c)(4).

SECTION 2. IC 29-3-12-1, AS AMENDED BY P.L.115-2012, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 1. (a) Except as provided in section 6 or 7 of this chapter, the court shall terminate the guardianship of a minor upon:

- (1) the minor's attaining eighteen (18) years of age; or
- (2) the minor's death.

The court may terminate the guardianship of a minor upon the minor's adoption or marriage.

(b) The court shall terminate the guardianship of an incapacitated person upon:

- (1) adjudication by the court that the protected person is no longer an incapacitated person; or
- (2) the death of the protected person.

(c) The court may terminate any guardianship if:

- (1) the guardianship property does not exceed the value of three thousand five hundred dollars (\$3,500);
- (2) the guardianship property is reduced to three thousand five hundred dollars (\$3,500);
- (3) the domicile or physical presence of the protected person is changed to another state and a guardian has been appointed for the protected person and the protected person's property in that state; or
- (4) the guardianship is no longer necessary for any other reason.

(d) When a guardianship terminates otherwise than by the death of the protected person, the powers of the guardian cease, except that the guardian may pay the claims and expenses of administration that are approved by the court and exercise other powers that are necessary to complete the performance of the guardian's trust, including payment and delivery of the remaining property for which the guardian is responsible:

- (1) to the protected person;
- (2) in the case of an unmarried minor, to a person having care and custody of the minor with whom the minor resides;



(3) to a trust approved by the court, including a trust created by the guardian, in which:

(A) the protected person is the sole beneficiary of the trust; and

(B) the terms of the trust satisfy the requirements of Section 2503(c) of the Internal Revenue Code and the regulations under that Section;

(4) to a custodian under the Uniform Transfers to Minors Act (IC 30-2-8.5); or

(5) to another responsible person as the court orders.

(e) When a guardianship terminates by reason of the death of the protected person, the powers of the guardian cease, except ~~that~~ **as follows:**

(1) The guardian may do the following:

(A) Pay the expenses of administration that are approved by the court and exercise other powers that are necessary to complete the performance of the guardian's trust. ~~and may~~

(B) Deliver the remaining property for which the guardian is responsible to the protected person's personal representative or to a person who presents the guardian with an affidavit under IC 29-1-8-1 or IC 29-2-1-2.

(C) Request the health records of the protected person under IC 16-39-1-3(c)(4), except as provided in IC 16-39-1-3(d), if the protected person was an incapacitated person. The power of a guardian under this clause terminates sixty (60) days after the date of the protected person's death.

(2) If approved by the court, the guardian may pay directly the following:

~~(1)~~ **(A)** Reasonable funeral and burial expenses of the protected person.

~~(2)~~ **(B)** Reasonable expenses of the protected person's last illness.

~~(3)~~ **(C)** The protected person's federal and state taxes.

~~(4)~~ **(D)** Any statutory allowances payable to the protected person's surviving spouse or surviving children.

~~(5)~~ **(E)** Any other obligations of the protected person.

SECTION 3. IC 29-3-12-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 5. **(a)** The authority and responsibility of a guardian terminate:

(1) at the time that the court designates; ~~or~~

(2) upon the death, resignation, or removal of the guardian; or



(3) upon the termination of the guardianship, **subject to section 1(d) and 1(e) of this chapter.**

(b) The termination for any reason of the authority and responsibility of the guardian does not affect the liability of the guardian for prior acts or the obligation to account for the guardian's conduct of the guardian's trust.

(c) **The** resignation of a guardian does not terminate the appointment of the guardian until the guardian's resignation and final account have been approved by the court.



President of the Senate

President Pro Tempore

Speaker of the House of Representatives

Governor of the State of Indiana

Date: _____ Time: _____

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