

IC 29-3-4

Chapter 4. Protective Proceedings and Single Transactions

IC 29-3-4-1

Protective orders; notice and hearing; findings; protective arrangements

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
- (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.
- (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.

As added by P.L.169-1988, SEC.1. Amended by P.L.33-1989, SEC.66; P.L.6-2010, SEC.9.

IC 29-3-4-2

Contracts, trusts or business transactions of incapacitated person or minor; ratification by court; exercise of parental powers in absence of guardian

Sec. 2. The court may, without appointment of a guardian, by protective order authorize or ratify:

- (1) any contract, trust, or other transaction relating to the property and financial or business affairs of the incapacitated person or minor if the court determines the transaction to be in the incapacitated person's or the minor's best interest; or
- (2) if no guardian is acting for an incapacitated person, the exercise of any power on the incapacitated person's behalf that is the same as that given to the parent of a minor under IC 29-3-3-3.

As added by P.L.169-1988, SEC.1. Amended by P.L.33-1989, SEC.67.

IC 29-3-4-3

Creditors and dependents to be considered by court before issuing protective order; appointment of limited guardian; authority conferred by order

Sec. 3. Before issuing a protective order under this chapter, the court shall consider the interest of creditors and dependents of the protected person and, in view of the disability or minority of the protected person, whether the protected person needs the protection of a guardian. The court may appoint a limited guardian to assist in the establishment of any protective arrangement or other transaction. All persons acting under a protective order have the authority conferred by the order and serve until discharged by the court after reporting to the court all matters conducted under the order.

As added by P.L.169-1988, SEC.1.

IC 29-3-4-4

Compensation; persons whose services benefited protected person or his or her property

Sec. 4. If not otherwise compensated for services rendered, any guardian, attorney, physician, or other person whose services are

provided in good faith and are beneficial to the protected person or the protected person's property is entitled to reasonable compensation and reimbursement for reasonable expenditures made on behalf of the protected person. These amounts may be paid from the property of the protected person as ordered by the court.

As added by P.L.169-1988, SEC.1.