IC 35-40-13

Chapter 13. Inability to Exercise Rights; Designation of Others; Representative of a Minor

IC 35-40-13-1

Victim physically or emotionally unable to exercise rights; designation of representative

Sec. 1. (a) If a victim is physically or emotionally unable to exercise any right but is able to designate a lawful representative who is not a bona fide witness, the designated person may exercise the same rights that the victim is entitled to exercise.

(b) A victim may revoke the designation of a representative at any time and exercise the victim's rights.

As added by P.L.139-1999, SEC.1.

IC 35-40-13-2

Appointment of representative by court

Sec. 2. If a victim is incompetent, deceased, or otherwise incapable of designating another person to act in the victim's place, the court may appoint, upon request of the prosecuting attorney, a lawful representative who is not a witness.

As added by P.L.139-1999, SEC.1.

IC 35-40-13-3

Victim a minor

Sec. 3. If the victim is a minor, the victim's parents or legal guardian may exercise all of the victim's rights on behalf of the victim.

As added by P.L.139-1999, SEC.1.

IC 35-40-13-4

Victim not a minor; appointment of representative by court

Sec. 4. If section 3 of this chapter does not apply, the court shall consider appointing a relative of the incompetent, deceased, or otherwise incapable victim as the lawful representative.

As added by P.L.139-1999, SEC.1.

IC 35-40-13-5

Guidelines for court when appointing representatives

Sec. 5. The court shall consider the following guidelines in appointing a person to represent an incompetent or deceased victim:

(1) Any conflict occasioned by the allegation of criminal conduct that substantially or adversely affected the person.

(2) The person's willingness and ability to do all of the following:

(A) Work with and accompany the victim through all proceedings, including criminal, civil, and dependency proceedings.

(B) Communicate with the victim.

(C) Express the concerns of the victim to those authorized to come in contact with the victim as a result of the proceedings.

(3) The person's training, if any, to serve as a representative of the incompetent victim.

(4) The likelihood of the person being called as a witness in the criminal case involving the incompetent victim.

As added by P.L.139-1999, SEC.1.