

Volunteer Advocates for Seniors

This Act permits a court to appoint a volunteer advocate for seniors to represent and protect for a limited period the interests of an incapacitated or protected person who is at least 55 years old. It requires volunteer advocates to report to the court and make recommendations about the incapacitated or protected people for whom they are advocating. This Act provides civil immunity for such volunteer advocates.

Submitted as:

Indiana

[HEA 1178 \(enrolled version\)](#)

Status: Enacted into law in 2004.

Suggested State Legislation

(Title, enacting clause, etc.)

1 Section 1. [*Short Title.*] This Act may be cited as "An Act Concerning Volunteer
2 Advocates for Seniors."

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Section 2. [*Definitions.*] As used in this Act:

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(A) "Volunteer advocate for seniors" means an individual who:

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(1) Is a volunteer;

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(2) Has completed a limited guardian training program approved by a court;

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(3) Is supervised by a community volunteer advocates for seniors program;

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(4) Is appointed by a court to serve as a limited guardian for an incapacitated

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person or protected person who is at least [55 years] old; and

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(5) Provides reports and makes recommendations to a court.

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Section 3. [*Appointing a Volunteer Advocate for Seniors.*]

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(A) A court in a proceeding under this Act may appoint a volunteer advocate for seniors.

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A volunteer advocate for seniors shall submit to the court:

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(1) A progress report [15 days] after the date of appointment describing the
17 matters required by the court; and

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(2) A final report [60 days] after the date of appointment:

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(a) Describing the matters required by the court; and

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(b) Making recommendations to the court as to whether a need exists for

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continued representation to the court as to whether a need exists for continued representation of
22 the incapacitated or protected person.

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(B) The court may appoint an attorney to represent a volunteer advocate for seniors.

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Section 4. [*Duties of Volunteer Advocates for Seniors.*]

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(A) A volunteer advocate for seniors shall:

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(1) Serve as a limited guardian to represent and protect the interests of an
28 incapacitated or protected person who is at least [55 years] old;

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(2) Investigate and gather information regarding the health, welfare and financial
30 circumstances of the incapacitated or protected person, as directed by a court;

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(3) Facilitate and authorize health care, social welfare, and residential placement

32 services as needed by the incapacitated or protected person;

33 (4) Advocate for the rights of the incapacitated or protected person;

34 (5) Facilitate legal representation for the incapacitated or protected person; and

35 (6) Perform any other duty required by a court.

36 (B) A volunteer advocate for seniors may:

37 (1) Consent to medical and other professional care and treatment for the
38 incapacitated or protected person's health and welfare;

39 (2) Secure the appointment of a guardian or co-guardian in another state;

40 (3) Take custody of the incapacitated or protected person and establish the
41 person's place of abode within this or another state in accordance with [insert citation];

42 (4) Institute proceedings or take other appropriate action to compel the
43 performance by any person of a duty to support the incapacitated or protected person's health or
44 welfare; and

45 (5) Delegate to the incapacitated or protected person certain responsibilities for
46 decisions affecting the person's business affairs and well-being.

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48 Section 5. [*Length of Service of Court-Appointed Volunteer Advocate for Seniors.*] If a
49 court appoints an individual to serve as a volunteer advocate for seniors, the appointment shall be
50 for a period of [60 days]. After the initial [60 day] period, the court may, upon petition by the
51 volunteer or upon the court's own motion, extend the appointment for a period as determined by
52 the court to be necessary to protect the interests of the incapacitated or protected person.

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54 Section 6. [*Volunteer Advocate for Seniors as Officer of the Court.*] A volunteer
55 advocate for seniors is considered an officer of the court for the purpose of representing the
56 interests of an incapacitated or protected person.

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58 Section 7. [*Volunteer Advocate for Seniors' Immunity for Civil Liability.*]

59 Except for gross misconduct:

60 (1) A volunteer advocate for seniors program that;

61 (2) An employee of a volunteer advocates for seniors program who; or

62 (3) A volunteer for a volunteer advocates for seniors program who;

63 performs duties in good faith is immune from any civil liability resulting from the program's,
64 employee's, or volunteer's performance.

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66 Section 8. [*Consent to Refuse Health Care.*]

67 A volunteer advocate for seniors is not authorized to consent to or refuse health care as
68 defined in [insert citation] for an individual if:

69 (1) A spouse, a parent, an adult child, or an adult sibling of the individual or the
70 individual's religious superior, if the individual is a member of a religious order, is available,
71 capable, and suitable to consent to or refuse the health care on behalf of the individual; or

72 (2) The individual has previously:

73 (A) Appointed a health care representative under [insert citation];

74 (B) Authorized health care under [insert citation];

75 (C) Executed a power of attorney under [insert citation]; or

76 (D) Had a guardian appointed by the court under [insert citation].

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78 Section 9. [*Changing the Physical Presence of a Protected Person.*] A guardian (other
79 than a temporary guardian) or volunteer advocate for seniors appointed under [insert citation]
80 may, with the approval of and under such conditions as may be imposed by the court after notice

81 and hearing, change the physical presence of the protected person to another place in this state or
82 to another state if the court finds that such a change is in the best interests of the protected
83 person. Upon such a change, the guardianship may be limited or terminated by the court.
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85 Section 10. [*Severability.*] [Insert severability clause.]

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87 Section 11. [*Repealer.*] [Insert repealer clause.]

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89 Section 12. [*Effective Date.*] [Insert effective date.]