

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

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FISCAL IMPACT STATEMENT

LS 6844

BILL NUMBER: HB 1252

NOTE PREPARED: Jan 28, 2021

BILL AMENDED: Jan 26, 2021

SUBJECT: Probate and Guardianship Matters.

FIRST AUTHOR: Rep. Young J

FIRST SPONSOR:

BILL STATUS: 2nd Reading - 1st House

FUNDS AFFECTED: **GENERAL**
 DEDICATED
 FEDERAL

IMPACT: State & Local

Summary of Legislation: The bill removes conflicts between probate and guardianship statutes regarding classification of claims. It requires, for purposes of the power of attorney act, that a principal may not be a minor. It creates a tenant's representative for a deceased tenant or a tenant who is under a guardianship and specifies who may accept an appointment as a tenant's representative. It protects the proceeds from the sale of real property where no estate administration has been opened within five months of the decedent's date of death from claims of all creditors.

Effective Date: July 1, 2021.

Explanation of State Expenditures:

Explanation of State Revenues: The bill provides that the filing fee for a petition to settle and allow an account is a legitimate expense of the tenant's estate. Therefore, the filing fee is paid by the tenant's estate. The probate costs fee is \$120. If additional petitions are filed, court fee revenue will increase.

It is unknown how many petitions to settle and allow an account will be filed.

Explanation of Local Expenditures: If a petition is filed to settle and allow an account, this provision could potentially increase the workload of the probate court to conduct a judicial review and settle an account.

Explanation of Local Revenues:

State Agencies Affected: Indiana Supreme Court.

Local Agencies Affected: Probate courts.

Information Sources: Indiana Supreme Court.

Fiscal Analyst: Corrin Harvey, 317-234-9438.