

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.