

**CHAPTER 109**

**ADMINISTRATION OF DECEDENTS' ESTATES — MEDICAL ASSISTANCE CLAIMS**

S.F. 354

**AN ACT** relating to limitations on filing medical assistance claims against a decedent's estate.

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. NEW SECTION. 633.230A NOTICE IN INTESTATE ESTATES — MEDICAL ASSISTANCE CLAIMS.

Upon opening administration of an intestate estate, the administrator may, in accordance with section 633.410, provide by ordinary mail to the entity designated by the department of human services, a notice of opening administration of the estate and of the appointment of the administrator, which shall include a notice to file claims with the clerk within the later to occur of fifteen months from the second publication of the notice or two months from the date of mailing of this notice, or thereafter be forever barred.

The notice shall be in substantially the following form:

NOTICE OF OPENING ADMINISTRATION OF ESTATE,  
OF APPOINTMENT OF ADMINISTRATOR,  
AND NOTICE TO CREDITOR

In the District Court of Iowa

In and for ..... County.

In the Estate of ....., Deceased

Probate No. ....

To the Department of Human Services who may be interested in the Estate of ....., Deceased, who died on or about ..... (date):

You are hereby notified that on the ..... day of ..... (month), ..... (year), an intestate estate was opened in the above named court and that ..... was appointed administrator of the estate.

You are further notified that the birthdate of the deceased is ..... and the deceased's social security number is ..... The birthdate of the spouse is ..... and the spouse's social security number is ....., and that the spouse of the deceased is alive as of the date of this notice, or deceased as of ..... (date).

You are further notified that the deceased was/was not a disabled or a blind child of the medical assistance recipient by the name of ....., who had a birthdate of ..... and a social security number of ....., and the medical assistance debt of that medical assistance recipient was waived pursuant to section 249A.5, subsection 2, paragraph "a", subparagraph (1), and is now collectible from this estate pursuant to section 249A.5, subsection 2, paragraph "b".

Notice is hereby given that if the department of human services has a claim against the estate for the deceased person or persons named in this notice, the claim shall be filed with the clerk of the above named district court, as provided by law, duly authenticated, for allowance, and unless so filed by the later to occur of fifteen months from the second publication of this notice or two months from the date of the mailing of this notice, unless otherwise allowed or paid, the claim is thereafter forever barred.

Dated this ..... day of ..... (month), ..... (year)

.....  
Administrator of estate

.....  
Address

.....  
Attorney for administrator

.....  
Address

Date of second publication  
..... day of ..... (month), ..... (year)  
(Date to be inserted by publisher)

Sec. 2. NEW SECTION. 633.304A NOTICE OF PROBATE OF WILL — MEDICAL ASSISTANCE CLAIMS.

On admission of a will to probate, the executor may, in accordance with section 633.410, provide by ordinary mail to the entity designated by the department of human services, a notice of admission of the will to probate and of the appointment of the executor, which shall include a notice to file claims with the clerk within the later to occur of fifteen months from the second publication of the notice or two months from the date of mailing of this notice, or thereafter be forever barred.

The notice shall be in substantially the following form:

NOTICE OF PROBATE OF WILL, OF APPOINTMENT  
OF EXECUTOR, AND NOTICE TO CREDITORS

In the District Court of Iowa

In and for ..... County.

In the Estate of ....., Deceased

Probate No. ....

To the Department of Human Services, Who May Be Interested in the Estate of ....., Deceased, who died on or about ..... (date):

You are hereby notified that on the ..... day of ..... (month), ..... (year), the last will and testament of ....., deceased, bearing date of the ..... day of ..... (month), ..... (year), was admitted to probate in the above named court and that ..... was appointed executor of the estate.

You are further notified that the birthdate of the deceased is ..... and the deceased's social security number is ...-.-.... The birthdate of the spouse is ..... and the spouse's social security number is ...-.-...., and that the spouse of the deceased is alive as of the date of this notice, or deceased as of ..... (date).

You are further notified that the deceased was/was not a disabled or a blind child of the medical assistance recipient by the name of ....., who had a birthdate of ..... and a social security number of ...-.-...., and the medical assistance debt of that medical assistance recipient was waived pursuant to section 249A.5, subsection 2, paragraph "a", subparagraph (1), and is now collectible from this estate pursuant to section 249A.5, subsection 2, paragraph "b".

Notice is hereby given that if the department of human services has a claim against the estate for the deceased person or persons named in this notice, the claim shall be filed with the clerk of the above named district court, as provided by law, duly authenticated, for allowance, and unless so filed by the later to occur of fifteen months from the second publication of this notice or two months from the date of mailing of this notice, unless otherwise allowed or paid, the claim is thereafter forever barred.

Dated this ..... day of ..... (month), .....(year)

.....  
Executor of estate

.....  
Address

.....  
Attorney for executor

.....  
Address

Date of second publication  
..... day of ..... (month), ..... (year)  
(Date to be inserted by publisher)

Sec. 3. Section 633.410, Code 2001, is amended to read as follows:

633.410 LIMITATION ON FILING CLAIMS AGAINST DECEDENT'S ESTATE.

1. All claims against a decedent's estate, other than charges, whether due or to become due, absolute or contingent, liquidated or unliquidated, founded on contract or otherwise, are forever barred against the estate, the personal representative, and the distributees of the estate, unless filed with the clerk within the later to occur of four months after the date of the second publication of the notice to creditors or, as to each claimant whose identity is reasonably ascertainable, one month after service of notice by ordinary mail to the claimant's last known address.

2. Notwithstanding subsection 1, claims for debts created under section 249A.5, subsection 2, relating to the recovery of medical assistance payments shall be barred under this section unless filed with the clerk within the later to occur of fifteen months after the date of the second publication of the notice to creditors, or two months after service of notice by ordinary mail, on the form prescribed in section 633.230A for intestate estates or on the form prescribed in section 633.304A for testate estates, to the entity designated by the department of human services to receive notice.

3. ~~However, notice~~ Notice is not required to be given by mail to any creditor whose claim will be paid or otherwise satisfied during administration and the personal representative may waive the limitation on filing provided under this section. This section does not bar claims for which there is insurance coverage, to the extent of the coverage, ~~claims for debts created under section 249A.5 relating to the recovery of medical assistance payments,~~ or claimants entitled to equitable relief due to peculiar circumstances.

Approved May 3, 2001

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## CHAPTER 110

### COMPULSORY SCHOOL ATTENDANCE AGE

S.F. 412

**AN ACT** relating to the compulsory attendance age and attendance at school during the regular school calendar by a child who has reached the age of sixteen.

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. Section 299.1A, Code 2001, is amended to read as follows:

299.1A COMPULSORY ATTENDANCE AGE.

A child who has reached the age of six and is under sixteen years of age by September 15 is of compulsory attendance age. However, if a child enrolled in a school district or accredited nonpublic school reaches the age of sixteen on or after September 15, the child remains of compulsory age until the end of the regular school calendar.

Approved May 3, 2001