

February 10, 1953.
Judiciary 1.

Rec. Ind. Postp 3/10

House File 254

By SCHROEDER, PARKER and RYAN.

Passed House, Date.....

Vote: Ayes..... Nays.....

Passed Senate, Date.....

Vote: Ayes..... Nays.....

Approved

A BILL FOR

An Act to repeal section six hundred seventy-two point eleven (672.11), Code 1950, and to enact a substitute therefor relative to the guardianship of incompetent veterans and minor beneficiaries of the Veterans Administration, and to make uniform the law relative thereto.

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

1 Section 1. Section six hundred seventy-two point eleven
2 (672.11), Code 1950, is hereby repealed and the following
3 enacted in lieu thereof:

4 "(1) Every guardian, who has received or shall receive on
5 account of his ward any moneys or other thing of value from the
6 veterans administration shall file with the court annually, on
7 the anniversary date of the appointment, in addition to such
8 other accounts as may be required by the court, a full, true,
9 and accurate account under oath of all moneys or other things
10 of value so received by him, all earnings, interest or profits
11 derived therefrom and all property acquired therewith and of
12 all disbursements therefrom, and showing the balance thereof
13 in his hands at the date of the account and how invested.

14 (2) The guardian, at the time of filing any account,
15 shall exhibit all securities or investments held by him to

16 an officer of the bank or other depository wherein said
17 securities or investments are held for safekeeping, or to
18 an authorized representative of the corporation which is
19 surety on his bond, or to the judge or clerk of a court
20 of record in this state, or, upon request of the guardian
21 or other interested party to any other reputable person
22 designated by the court, who shall certify in writing that he
23 has examined the securities or investments and identified them
24 with those described in the account, and shall note any
25 omissions or discrepancies. If the depository is the guardian,
26 the certifying officer shall not be the officer verifying the
27 account. The guardian may exhibit the securities or investments
28 to the judge of the court, who shall endorse on the account and
29 copy thereof a certificate that the securities or investments
30 shown therein as held by the guardian were each in fact
31 exhibited to him and that those exhibited to him were the same
32 as those shown in the account, and noting any omission or
33 discrepancy. That certificate and the certificate of an
34 official of the bank in which are deposited any funds for
35 which the guardian is accountable, showing the amount on
36 deposit, shall be prepared and signed in duplicate and one of
37 each shall be filed by the guardian with his account.

38 (3) At the time of filing in the court any account, a
39 certified copy thereof and a signed duplicate of each
40 certificate filed with the court shall be sent by the guardian
41 to the office of the veterans administration having jurisdiction

42 over the area in which the court is located. A signed duplicate
43 or a certified copy of any petition, motion or other pleading,
44 pertaining to an account, or to any matter other than an account,
45 and which is filed in the guardianship proceedings or in any
46 proceeding for the purpose of removing the disability of minority
47 or mental incapacity, shall be furnished by the person filing
48 the same to the proper office of the veterans administration.
49 Unless hearing be waived in writing by the attorney of the
50 veterans administration, and by all other persons, if any,
51 entitled to notice, the court shall fix a time and place for
52 the hearing on the account, petitions, motion or other pleading
53 not less than fifteen days nor more than thirty days from the
54 date same is filed, unless a different available date be
55 stipulated in writing. Unless waived in writing, written
56 notice of the time and place of hearing shall be given the
57 veterans administration office concerned and the guardian and
58 any others entitled to notice not less than fifteen days prior
59 to the date fixed for the hearing. The notice may be given by
60 mail in which event it shall be deposited in the mails not less
61 than fifteen days prior to said date. The court, or clerk
62 thereof, shall mail to said veterans administration office a
63 copy of each order entered in any guardianship proceeding
64 wherein the administrator is an interested party.

65 (4) If the guardian is accountable for property derived
66 from sources other than the veterans administration, he shall
67 be accountable as is or may be required under the applicable

68 law of this state pertaining to the property of minors or
69 persons of unsound mind who are not beneficiaries of the
70 veterans administration, and as to such other property shall
71 be entitled to the compensation provided by such law. The
72 account for other property may be combined with the account
73 filed in accordance with this section."

EXPLANATION OF H. F. 254

Section 672.11, Code 1950, relating to guardianship of veterans, is based upon the original text of a Uniform Veteran's Guardianship Act. The text of this bill, which is to be substituted for section 672.11, is identical with section 10 of the Uniform Veteran's Guardianship Act (as revised), drafted and approved by the National Conference of Commissioners on Uniform State Laws at its annual conference in 1942, and recommended by said conference for enactment in all the states. The revised Uniform Act, including section 10 thereof, was approved by the American Bar Association at its annual meeting on August 27, 1942.

This bill provides certain changes from the present statute. It contains a provision for an actual physical check by one of several methods of all moneys and securities held by the guardian at the time account is rendered and a certification with respect thereto is required to be filed in the guardianship proceedings. An additional requirement is that a copy of not only accounts, but also of any petition, motion, or other pleading, must be supplied to the Veterans Administration, and notice of hearing thereon furnished to the proper office of the Veterans Administration by mail. This is recommended because of experience in a number of jurisdictions where the effective act producing the loss to the ward occurred in connection with some transactions other than an accounting, such as petition to invest funds, or an application for restoration to competency and termination of the guardianship. In the absence of a notice to the Veterans Administration, it is too late to prevent the loss when some irregularity or illegality is discovered on the filing of subsequent accountings or after the termination of the guardianship.

The Veterans Administration is required to supervise the expenditure or investment of the funds of the ward derived from VA payments. The provisions of this bill will facilitate such supervision and will minimize the possibility of loss of such funds. The purpose of this bill is to afford greater protection to veteran wards or minor wards with respect to funds received from benefits paid by the Veterans Administration.