

Withdrawn 2/4

FILED FEB 9 1982

SENATE FILE 2152

BY COMMITTEE ON JUDICIARY

(FORMERLY SSB 2080)

Approved 2/9

H.F. 2345 substituted 2/4 (S 584)

Passed Senate, Date _____ Passed House, Date _____

Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____

Approved _____

A BILL FOR

1 An Act relating to the transfer of certain moneys and assets
2 to parents or other persons having custody of minors.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 633.574, Code 1981, is amended to read
2 as follows:

3 633.574 PROCEDURE IN LIEU OF CONSERVATORSHIP. If ~~no~~ a
4 conservator has not been appointed, money due a minor or other
5 property to which a minor is entitled, not exceeding in the
6 aggregate ~~the-sum-of-one~~ four thousand dollars in value, may
7 be paid or delivered to a parent of the minor who is entitled
8 to the custody of ~~such~~ the minor, for the use of the minor,
9 upon written statement verified by the oath of ~~such~~ the parent,
10 that all money or property of ~~such~~ the minor does not exceed
11 in the aggregate ~~the-sum-of-one~~ four thousand dollars, ~~and~~
12 ~~the.~~ The written receipt of ~~such~~ the parent shall constitute
13 an acquittance of the person making ~~such~~ the payment of money
14 or delivery of ~~such~~ property.

15 Sec. 2. Section 633.681, Code 1981, is amended to read
16 as follows:

17 633.681 ASSETS OF MINOR WARD EXHAUSTED. ~~Whenever~~ When
18 the assets of a minor ward's conservatorship are exhausted
19 or consist of personal property only of an aggregate value
20 not in excess of ~~one~~ four thousand dollars, the court, upon
21 application or upon its own motion, may terminate the
22 conservatorship and direct the conservator to deliver ~~such~~
23 the property to the parent or other person having the custody
24 of the minor ward, for the use of ~~such~~ the ward, after payment
25 of allowed claims and expenses of administration. Such
26 delivery shall have the same force and effect as if delivery
27 had been made to the ward after ~~he-attains-his~~ attaining
28 majority.

29 EXPLANATION

30 Chapter 193, Acts of the Sixty-ninth General Assembly,
31 allowed a court under certain circumstances to order a
32 fiduciary to pay a bequest not in excess of four thousand
33 dollars to the parents of a minor without the appointment
34 of a conservator. Similarly this bill allows a minor's parent
35 to receive money for the child without the appointment of

1 a conservator if the aggregate sum does not exceed four thou-
2 sand dollars. Also the court may terminate a conservatorship
3 and direct the payment of assets if the aggregate value is
4 not in excess of four thousand dollars. The bill takes ef-
5 fect July 1 following its enactment.

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S-5154

1 Amend Senate File 2152 as follows:

2 1. Page 1, by inserting before line 1, the
3 following:

4 "Section 1. Section 633.108, Code 1981, as amended
5 by Acts of the Sixty-ninth General Assembly, 1981
6 Session, chapter 193, section 1, is amended to read
7 as follows:

8 633.108 SMALL LEGACIES TO MINORS--PAYMENT.

9 Whenever a minor becomes entitled under the terms
10 of a will to a bequest or legacy, to a share of the
11 estate of an intestate, or to a beneficial interest
12 in a trust fund upon the distribution of the trust
13 fund, and the value of the bequest, legacy, share,
14 or interest does not exceed the sum of four thousand
15 dollars, and a conservator for the minor has not been
16 appointed, the court having jurisdiction of the
17 distribution of the funds may, in its discretion,
18 upon the application of the fiduciary, enter an order
19 authorizing the fiduciary to pay the bequest, legacy,
20 share or interest to the ~~parents-of-the-minor,-or~~
21 ~~to-the-person-with-whom-the-minor-resides~~ parent or
22 other person entitled to the custody of the minor,
23 for the use of the minor. The receipt of the person
24 or persons therefor, when presented to the court or
25 filed with the report of distribution of the fiduciary,
26 shall have the same force and effect as though the
27 payment had been made to a duly appointed and qualified
28 conservator for the minor."

29 2. Page 1, line 7, by striking the words "a parent"
30 of the minor who is" and inserting in lieu thereof
31 the words "a the parent of-the-minor-who-is or other
32 person".

33 3. Page 1, line 23, by striking the word "having"
34 and inserting in lieu thereof the words "having
35 entitled to".

36 4. By renumbering sections as necessary.

S-5154 FILED

FEBRUARY 25, 1982

Adopted 3/4 (p. 589)

BY A. R. BUD KUDART

LUCAS J. DeKOSTER