

HSB 38: SUBCOMMITTEE COMMENTS

To: Rep. Hite, Rep. Mitchell, and Rep. Wolfe

From: Caitlin Jarzen, Director of Governmental Affairs, Iowa Judicial Branch

Registration: Undecided

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Thank you for the opportunity to provide written comments on HSB 38.

These are questions and issues regarding the implementation of the guardianship and conservatorship legislation that have been brought to the attention of the judicial branch by clerks, attorneys, and judges.

1. **Confidentiality:** This bill keeps minor guardianships confidential but not minor conservatorships or adult guardianships/conservatorships. With the level of detail the legislation and forms require, the information in minor conservatorships and adult guardianships/conservatorships is not confidential and is available to the public.
2. **Court visitors - Discharge:** The bill addresses when a court visitor shall be discharged in minor conservatorships and adult guardianships/conservatorships but does not address when a court visitor shall be discharged in minor guardianships.
3. **Emergency guardianships - personal service requirement:** The bill authorizes the court to extend temporary guardianships for adults and conservatorships for adults and minors, but does not address minor guardianships. For minor guardianships, when a parent needs to be served and there is a 20 day requirement, even when personal service is done, it can be difficult to schedule court time within 30 days, especially if it is contested.
4. **Background checks:** The bill does not address who is entitled to see the background check. It could be an issue if the court refers to the background check in a finding that the proposed guardian/conservator is not suitable and the parties/attorneys cannot see the background check.
5. **Recording vs. reporting:** Juvenile court proceedings are not required to be reported by a court reporter. Since minor conservatorships are required to be separate from guardianships and under the district court jurisdiction, are those proceedings required to be reported by a court reporter or can they be recorded like minor guardianships? A requirement to be reported by a court reporter has a significant impact on court scheduling.

Please do not hesitate to contact me to discuss this further:

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