

Comment Report

HSB 14

A bill for an act relating to the creation, administration, and termination of minor guardianships.(See HF 834.)

Subcommittee Members: Hite-CH, Mitchell, Wolfe

Date: 01/13/2021

Time: 04:30 PM

Location: RM 102, Sup. Ct. Consult

Name: Caitlin Jarzen

Comment: Please see attached.

HSB 14: SUBCOMMITTEE COMMENTS

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

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

Registration: Undecided

Date: January 13, 2021

Thank you for the opportunity to provide written comments on HSB 14.

The issues that I will address here are not new; they are the same issues that the judicial branch raised last year in response to proposed guardianship and conservatorship legislation. We appreciate that some of the issues that we discussed last year have been addressed by this legislation. There are, however, just a couple of outstanding issues that we hope the final guardianship and conservatorship legislation will address:

1. **Confidentiality:** New chapter 232D does not include an explicit confidentiality provision, however, the judicial branch is keeping juvenile guardianships confidential because juvenile proceedings are confidential. This approach has kept juvenile guardianships confidential but it would be optimal for confidentiality of juvenile guardianships to be codified to ensure clarity and uniformity of this practice.
2. **Emergency guardianships-personal service requirement:** The emergency guardianship only lasts 30 days and there is not a code provision allowing an extension. 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.

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

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