

Comment Report

SF 348

A bill for an act relating to the opening, administration, and termination of adult and minor guardianships and conservatorships. (Formerly SF 31.)

Subcommittee Members: Hite-CH, Holt, Prichard

Date: 03/01/2022

Time: 08:00 AM

Location: RM 304.1

Name: Teresa Bomhoff

Comment: The Iowa Mental Health Planning Council supports the passage of SF 348 in the Senate unanimously passed version. When the Iowa Supreme Court took on the task of reforming guardianship and conservatorship laws, it did so because the existing system was failing to protect the persons it was supposed to shield. Your reaction to the Supreme Court Task Force findings, was to pass the 2019 guardianship and conservatorship reform legislation. We are truly grateful for your responsible action. Along with the reforming of the laws, the associated report forms needed to be updated, too. Previous report forms did not contain enough detail for court officials to have a reasonable chance to determine the protected person was being represented by a trustworthy and attentive guardian and/or conservator. The new report forms require a proposed health plan and financial plan. From year to year, the court can track whether the plan was followed from the year before. Whats more important, it isnt only a plan for the court, it is a personal ongoing roadmap to successfully protect a vulnerable person. I have had the personal experience of being the guardian and conservator for my daughter with schizophrenia while she recuperated from a spell when she stopped taking her meds. Im now involved in the care of my 95 year old father and my 87 year old mother from a health and financial standpoint. Based on my experience, many people who agree to be guardians dont know what is involved, particularly on the conservatorship side involving the management of the finances of the person under conservatorship. Persons with mental illness often do not have a lot of income. It takes time to research and locate the right kind of services. Then the search is on to locate enough money to pay for the services. It is not a quick and done process to be a guardian or a conservator. Training sessions for guardians and conservators would be an added bonus to the success of the system. Perhaps it would be a topic to be taken up in the legislature next year. Do the new forms take more time to complete yes. Do the new forms help to keep the guardians and conservators more accountable? yes. Can they be completed by family members? yes. Does it require an attorney to complete them? No. Im disappointed the most criticism has come from a subset of attorneys. The guardianship and conservatorship laws werent written for the ease of attorneys, they were written to benefit and protect vulnerable people. To go back to the original report forms would be a step backwards to the failing system the 2019 laws were correcting. That would be a travesty. Please pass SF348 in the Senate unanimously passed version. Thank you.