

CHAPTER 24

REPORTING ABUSE OF CHILDREN AND DEPENDENT ADULTS

S.F. 105

AN ACT relating to the reporting of abuse of children and dependent adults.

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

Section 1. Section 232.68, subsection 4, Code 1989, is amended to read as follows:

4. "Health practitioner" includes a licensed physician and surgeon, osteopath, osteopathic physician and surgeon, dentist, optometrist, podiatrist or chiropractor; a resident or intern in any of such professions; a licensed dental hygienist; and any a registered nurse or licensed practical nurse.

Sec. 2. Section 235B.1, subsection 7, paragraph a, unnumbered paragraph 3, Code 1989, is amended to read as follows:

Any other person, including but not limited to a volunteer, who believes that a dependent adult has suffered abuse may report the suspected abuse to the department of human services.

Sec. 3. Section 235B.1, subsection 7, paragraph b, Code 1989, is amended to read as follows:

b. The department of human services shall inform the appropriate county attorneys of any reports. County attorneys, law enforcement agencies, multidisciplinary teams, and social services agencies in the state shall cooperate and assist in the evaluation upon the request of the department. County attorneys and appropriate law enforcement agencies shall also take any other lawful action necessary or advisable for the protection of the dependent adult.

The department may request information from any person believed to have knowledge of a case of dependent adult abuse. The person, including but not limited to a county attorney, a law enforcement agency, a multidisciplinary team, a social services agency, or a person required to report suspected abuse under this subsection, shall provide the information and assist in the evaluation upon the request of the department.

Approved April 3, 1989

CHAPTER 25

SMALL ESTATE ADMINISTRATION

S.F. 506

AN ACT relating to the administration of small estates.

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

Section 1. Section 635.1, Code 1989, is amended to read as follows:

635.1 WHEN APPLICABLE.

1. When the gross value of the probate and nonprobate property of a decedent subject to the jurisdiction of this state does not exceed fifty thousand dollars in property subject to taxation under section 450.3, upon the petition of the spouse or a child of the decedent, the clerk shall issue to a resident of the state of Iowa designated by the petitioner letters of appointment of executor or administrator for administration of a small estate if either of the following occur:

a. The decedent dies intestate and is survived by a spouse, or children, or both.

b. The decedent leaves a last will and testament and that will is admitted to probate but there is no present administration and the only beneficiaries are a spouse, or children, or both.

2. When the gross value of the probate and nonprobate property of a decedent subject to the jurisdiction of this state does not exceed fifteen thousand dollars in property subject to taxation under section 450.3, upon the petition of a parent or grandchild of the decedent the clerk shall issue to a resident of the state of Iowa designated by the petitioner, letters of appointment as executor or administrator for administration of a small estate if either of the following occur:

a. The decedent dies intestate without a surviving spouse or issue children but with a surviving parent or parents or surviving grandchild or grandchildren.

b. The decedent dies without a surviving spouse or issue children and leaves a last will and testament ~~and that will is admitted to probate but there is no present administration~~ and the only beneficiaries are a surviving parent or parents or surviving grandchild or grandchildren.

3. When the entire estate of the decedent does not exceed the sum of ten thousand dollars after deducting the debts, as defined in chapter 450, upon the petition of a person related within the fourth degree of consanguinity to the decedent, the clerk shall issue to a resident of the state of Iowa designated by the petitioner, letters of appointment as executor or administrator for administration of a small estate if either of the following occur:

a. The decedent dies intestate without a surviving spouse, issue, or parent, but with heirs that are all within the fourth degree of consanguinity.

b. The decedent dies without a surviving spouse, issue, or parent, and leaves a last will and testament ~~and that will is admitted to probate but there is no present administration~~ and the only beneficiaries are surviving persons related to the decedent within the fourth degree of consanguinity.

Sec. 2. Section 635.2, Code 1989, is amended to read as follows:

635.2 PETITION REQUIREMENTS.

The petition for administration of a small estate must contain the following:

1. The name, domicile, and date of death of the decedent.

2. The name and address of the surviving spouse, if any, the name and address of each child of the decedent, ~~and~~ the name and address of each parent of the decedent, if the parent is an heir or beneficiary of the decedent, ~~and the name and address of each grandchild of the decedent if the grandchild is an heir or beneficiary of the decedent~~, unless none are beneficiaries under the will of the decedent and the name and address of each relative within the fourth degree of consanguinity of the decedent who is an heir or beneficiary of the decedent, unless none are beneficiaries under the will of the decedent.

3. Whether a ~~will has been admitted without present administration~~ the decedent died intestate or testate, and, if testate, the date of the will.

4. A statement that the probate and nonprobate property of the decedent subject to the jurisdiction of this state does not have an aggregate gross value of more than the amount permitted under the provisions of section 635.1.

5. A ~~statement that petitioner agrees to be personally liable for the payment of debts and charges against the estate to the extent the assets of the estate would be subject to the payment of those debts and charges under estate administration other than for a small estate. The name and address of the proposed executor or administrator.~~

6. A ~~statement that petitioner agrees to account to any personal representative for all assets of the estate coming into the possession of petitioner, if a personal representative is appointed for administration of the estate other than for a small estate.~~

Sec. 3. Section 635.7, Code 1989, is amended to read as follows:

635.7 REPORT AND INVENTORY — SHOWING GREATER GROSS VALUE.

The executor or administrator is required to file the report and inventory for which provision is made in section 633.361. Nothing in sections 635.1 to 635.3 shall exempt the executor or administrator from complying with the requirements of section 422.27, 450.22 or 450.58, or the clerk from complying with the requirements of section 633.481. ~~However, the executor or administrator is exempted from filing the certificate of the county treasurer in the county~~

in which the estate is pending that all personal taxes due and to become due have been paid in full. If the inventory and report shows assets subject to the jurisdiction of this state which exceed the total gross value of the amount permitted the small estate under the applicable provision of section 635.1, the clerk shall terminate the letters issued under section 635.1 without prejudice to the rights of persons who delivered property as permitted under section 635.3. The executor or administrator shall then be required to petition for administration of the estate as provided in chapter 633.

Sec. 4. Section 635.8, Code 1989, is amended to read as follows:

635.8 CLOSING BY SWORN STATEMENT.

1. Unless an interested person petitions for administration of the estate on a basis other than for a small estate within ~~one year~~ four months after letters of administration for a small estate are issued, if those letters of administration are not terminated under the provisions of section 635.7, any property of the estate shall then be free of debts and charges, unless a claim has been filed as provided in section 635.13. However, the executor or administrator of the small estate shall not be exonerated from debts and charges of the estate except as otherwise provided in this chapter, and shall be subject to personal liability to the extent provided in section 635.2, subsection 5, for the period of time otherwise provided by law. The executor or administrator is personally liable for the payment of debts and charges against the estate to the extent the assets of the estate would be subject to the payment of those debts and charges under estate administration other than a small estate.

2. The executor or administrator shall file with the court a closing statement within ~~nine~~ six months from the date of issuance of the letters of appointment, and the closing statement shall be verified or affirmed under penalty of perjury, stating all of the following:

a. To the best knowledge of the person, the gross value of the estate subject to the jurisdiction of this state does not exceed the amount permitted the small estate under the applicable provision of section 635.1.

b. The estate has been fully administered, dispersed, and distributed to persons entitled ~~thereto~~ to the estate and a description of the disbursement and distribution of the estate including an accurate description of all the real estate of which the decedent died seized, stating the nature and extent of the interest ~~therein~~ in the real estate and its disposition.

c. A copy of the closing statement has been sent to all distributees of the estate and to all known creditors and a full account in writing of the administration of the estate has been furnished to the distributees whose interests are affected.

3. If no actions or proceedings involving the estate are pending in the court ~~one year~~ sixty days after the closing statement is filed, the estate shall close and the clerk shall discharge the administrator or executor.

4. The closing statement shall include a statement as to the amount of fees paid for services rendered by the executor or administrator and the executor's or administrator's attorney in administration of the estate. The fees for the executor or administrator and the executor's or administrator's attorney shall not be in excess of the fees permitted by section 633.197.

5. A closing statement filed under this section has the same effect as final settlement of the estate under chapter 633.

Sec. 5. Section 635.9, Code 1989, is amended to read as follows:

635.9 PETITION FOR ADMINISTRATION ON OTHER BASIS.

At any time within ~~one year~~ four months after letters of administration are issued for a small estate, any interested person may petition for appointment of an executor or administrator for administration of the estate other than as a small estate. In that event the clerk shall notify the person holding letters of appointment for administration of a small estate by ordinary mail not less than ten days before a hearing on the petition. The notice shall be directed to the executor or administrator of the small estate at the executor's or administrator's last known address as reflected in the petition filed under section 635.2 or the report and inventory filed under section 633.361, whichever is filed later.

Sec. 6. Section 635.13, Code 1989, is amended to read as follows:

635.13 NOTICE — CLAIMS.

~~The executor or administrator of a small estate may publish notice pursuant to section 633.230 or section 633.304. If a petition for administration of a small estate of a decedent is granted, the notice as provided in section 633.230 or section 633.304 shall indicate administration as a small estate.~~ Creditors having claims against the estate must file them with the clerk within four months from the second publication of the notice. The notice has the same force and effect as in chapter 633.

Sec. 7. Section 635.14, Code 1989, is amended to read as follows:

635.14 MINIMUM TIME BEFORE DISTRIBUTION.

The executor or administrator shall not distribute property of the estate not exempt from execution, prior to ~~sixty days~~ four months after the issuance of the letters of appointment.

Approved April 14, 1989

CHAPTER 26

LABOR COMMISSIONER RULES

H.F. 301

AN ACT relating to the rulemaking authority of the labor commissioner.

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

Section 1. NEW SECTION. 91.6 RULES.

The commissioner shall adopt rules pursuant to chapter 17A for the purpose of administering this chapter and all other chapters under the commissioner's jurisdiction.

Approved April 18, 1989

CHAPTER 27

HANDICAPPED IDENTIFICATION

H.F. 332

AN ACT allowing a physician, as defined in section 135.1, to issue a statement attesting to a person's handicap for the purpose of issuing a handicapped plate, identification device, or sticker, and providing an effective date.

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

Section 1. Section 321.34, subsection 7, Code 1989, is amended to read as follows:

7. **HANDICAPPED PLATES.** The owner of a motor vehicle subject to registration pursuant to section 321.109, subsection 1, light delivery truck, panel delivery truck, or pickup, who is a handicapped person as defined in section 601E.1, may, upon written application to the department, order special registration plates designed by the department bearing the international symbol of accessibility. The special registration plates shall only be issued if the application is accompanied with a statement from a physician ~~licensed under chapter 148, 150, or 150A~~ as defined in section 135.1, written on the physician's stationery, stating the nature of