

633.244 Incompetent spouse election by court.

In case an affidavit is filed that the surviving spouse is incapable of determining whether to take the elective share, or to elect to receive a life estate in the homestead, and does not have a conservator, the court shall fix a time and place of hearing on the matter and cause a notice thereof to be served upon the surviving spouse in such manner and for such time as the court may direct. At the hearing, a guardian ad litem shall be appointed to represent the spouse and the court shall enter such orders as it deems appropriate under the circumstances. The guardian ad litem shall be a practicing attorney.

[S13, § 3376, 3377; C24, 27, 31, 35, 39, § **12011, 12014**; C46, 50, 54, 58, 62, § 636.26, 636.29; C66, 71, 73, 75, 77, 79, 81, § 633.244]

88 Acts, ch 1064, §4; 90 Acts, ch 1271, § 1513; 2005 Acts, ch 38, §20