

231E.5 Local office of public guardian — requirements for state and local public guardians.

1. The state public guardian shall select persons to provide local public guardianship services, based upon a request for proposals process developed by the department.

2. A local office shall comply with all requirements established for the local office by the department and shall do all of the following:

a. Maintain a staff of professionally qualified individuals to carry out the guardian, conservator, and representative payee functions.

b. Identify client needs and local resources to provide necessary support services to recipients of guardianship, conservatorship, and representative payee services.

c. Collect program data as required by the state office.

d. Meet standards established for the local office.

e. Comply with minimum staffing requirements and caseload restrictions.

f. Conduct background checks on employees and volunteers.

g. With regard to a proposed ward, the local office shall do all of the following:

(1) Determine the most appropriate form of guardianship or conservatorship services needed, if any, giving preference to the least restrictive alternative.

(2) Determine whether the needs of the proposed ward require the appointment of a guardian or conservator.

(3) Assess the financial resources of the proposed ward based on the information supplied to the local office at the time of the determination.

(4) Inquire and, if appropriate, search to determine whether any other person may be willing and able to serve as the proposed ward's guardian or conservator.

(5) Determine the form of guardianship or conservatorship to request of a court, if any, giving preference to the least restrictive form.

(6) If determined necessary, file a petition for the appointment of a guardian or conservator pursuant to [chapter 633](#).

3. A local office may do any of the following:

a. Contract for or arrange for provision of services necessary to carry out the duties of a local public guardian.

b. Accept the services of volunteers or consultants and reimburse them for necessary expenses.

c. Employ staff and delegate to members of the staff the powers and duties of the local public guardian. However, the local office shall retain responsibility for the proper performance of the delegated powers and duties. All delegations shall be to persons who meet the eligibility requirements of the specific type of public guardian.

4. An individual acting as the state public guardian or a local public guardian shall comply with applicable requirements for guardians and conservators pursuant to [chapter 633](#), or representative payees pursuant to federal law and regulations.

5. Notwithstanding any provision to the contrary, an individual acting as the state public guardian or a local public guardian shall not be subject to the posting of a bond pursuant to [chapter 633](#). An individual acting as the state public guardian or a local public guardian shall complete at least eight hours of training annually as certified by the department.

[2005 Acts, ch 175, §134](#); [2018 Acts, ch 1041, §127](#); [2018 Acts, ch 1048, §6](#)

For proposed amendments by 2018 Acts, ch 1041, §127, see Code editor's note on simple harmonization at the end of Vol VI
Section amended