

231E.4 State office of public guardian — established — duties — department rules.

1. A state office of public guardian is established within the department to create and administer a statewide network of guardians, conservators, and representative payees who provide guardianship, conservatorship, or representative payee services if other guardians, conservators, or representative payees are not available to provide the services.

2. The director shall appoint an administrator of the state office who shall serve as the state public guardian. The state public guardian shall be qualified for the position by training and expertise in guardianship, conservatorship, and representative payee law and shall be licensed to practice law in Iowa. The state public guardian shall also have knowledge of social services available to meet the needs of persons adjudicated incompetent or in need of guardianship, conservatorship, or representative payee services.

3. The state office shall do all of the following:

a. Select persons through a request for proposals process to establish local offices of public guardian. Local offices shall be established contingent upon the appropriation of necessary funds to the department as determined by the director.

b. Monitor and terminate contracts with local offices based on criteria established by rule of the department.

c. Retain oversight responsibilities for all local public guardians.

d. Act as a guardian, conservator, or representative payee if a local public guardian is not available to so act.

e. Work with the department of human services, the Iowa department of public health, the Iowa developmental disabilities council, and other agencies to establish a referral system for the provision of guardianship, conservatorship, and representative payee services.

f. Develop and maintain a current listing of public and private services and programs available to assist wards and clients, and their families, and establish and maintain relationships with public and private entities to assure the availability of effective guardianship, conservatorship, and representative payee services for wards and clients.

g. Provide information and referrals to the public regarding guardianship, conservatorship, and representative payee services.

h. Maintain statistical data on the local offices including various methods of funding, the types of services provided, and the demographics of the wards and clients, and report to the general assembly on or before November 1, annually, regarding the local offices and recommend any appropriate legislative action.

i. Develop, in cooperation with the judicial council as established in [section 602.1202](#), a guardianship, conservatorship, and representative payee education and training program. The program may be offered to both public and private guardians, conservators, and representative payees. The state office shall establish a curriculum committee, which includes but is not limited to probate judges, to develop the education and training program. The state office shall be the sole authority for certifying additional curriculum trainers.

4. The state office may do any of the following:

a. Accept and receive gifts, grants, or donations from any public or private entity in support of the state office. Such gifts, grants, or donations shall be appropriated pursuant to [section 231E.9](#). Notwithstanding [section 8.33](#), moneys retained by the department pursuant to [this section](#) shall not be subject to reversion to the general fund of the state.

b. Accept the services of individual volunteers and volunteer organizations. Volunteers and volunteer organizations utilized by the state office shall not provide direct guardianship, conservatorship, or representative payee services.

c. Employ staff necessary to administer the state office and enter into contracts as necessary.

5. The department shall provide administrative support to the state office.

6. The department shall adopt rules in accordance with [chapter 17A](#) necessary to create and administer the state office and local offices, relating to but not limited to all of the following:

a. An application and intake process and standards for receipt of guardianship, conservatorship, or representative payee services from the state office or a local office.

b. A process for the removal or termination of the state public guardian or a local public guardian.

c. An ideal range of staff-to-client ratios for the state public guardian and local public guardians.

d. Minimum training and experience requirements for professional staff and volunteers.

e. A fee schedule. The department may establish by rule a schedule of reasonable fees for the costs of public guardianship services provided under [this chapter](#). The fee schedule established may be based upon the ability of the ward or client to pay for the services but shall not exceed the actual cost of providing the services. The state office or a local office may waive collection of a fee upon a finding that collection is not economically feasible. The rules may provide that the state office or a local office may investigate the financial status of a ward or client that requests guardianship, conservatorship, or representative payee services or for whom the state public guardian or a local public guardian has been appointed for the purpose of determining the fee to be charged by requiring the ward or client to provide any written authorizations necessary to provide access to records of public or private sources, otherwise confidential, needed to evaluate the individual's financial eligibility. The rules may also provide that the state public guardian or a local public guardian may, upon request and without payment of fees otherwise required by law, obtain information necessary to evaluate the individual's financial eligibility from any office of the state or of a political subdivision or agency of the state that possesses public records.

f. Standards and performance measures for evaluation of local offices.

g. Recordkeeping and accounting procedures to ensure that the state office and local offices maintain confidential, accurate, and up-to-date financial, case, and statistical records. The rules shall require each local office to file with the state office, on an annual basis, an account of all public and private funds received and a report regarding the operations of the local office for the preceding fiscal year.

h. Procedures for the sharing of records held by the court or a state agency with the state office, which are necessary to evaluate the state office or local offices, to assess the need for additional guardians, conservators, or representative payees, or to develop required reports.

[2005 Acts, ch 175, §133](#); [2009 Acts, ch 23, §44 – 46](#); [2012 Acts, ch 1023, §30](#); [2015 Acts, ch 137, §72, 162, 163](#); [2016 Acts, ch 1139, §49](#); [2018 Acts, ch 1041, §127](#); [2018 Acts, ch 1048, §5](#)

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