

633B.116 Judicial relief.

1. The following persons may petition a court to construe a power of attorney or to review an agent's conduct:

- a. The principal or the agent.
- b. A guardian, conservator, or other fiduciary acting for the principal.
- c. A person authorized to make health care decisions for the principal.
- d. The principal's spouse, parent, or descendant or an individual who would qualify as a presumptive heir of the principal.
- e. A person named as a beneficiary to receive any property, benefit, or contractual right upon the principal's death or as a beneficiary of a trust created by or for the principal that has a financial interest in the principal's estate.
- f. A governmental agency having regulatory authority to protect the welfare of the principal.
- g. A person who becomes aware of pending criminal charges of dependent adult abuse against the agent as having abused the principal.
- h. A person who becomes aware of an investigation of dependent adult abuse related to the agent as having abused the principal.
- i. The principal's caregiver, including but not limited to a caretaker as defined in [section 235B.2](#) or [235E.1](#), or another person that demonstrates sufficient interest in the principal's welfare.
- j. A person asked to accept the power of attorney.
- k. A person designated by the principal in the power of attorney.

2. Upon motion to dismiss by the principal, the court shall dismiss a petition filed under [this section](#) unless the court finds that the principal lacks the capacity to revoke the agent's authority or the power of attorney.

3. Upon a petition to the court to review an agent's conduct relating to pending criminal charges of dependent adult abuse or an investigation of dependent adult abuse related to the principal, the court may suspend the agent's power of attorney and may appoint a guardian ad litem to represent the principal. The guardian ad litem shall be a practicing attorney.

4. The court may award reasonable attorney fees and costs to the prevailing party in a proceeding under [this section](#).

[2014 Acts, ch 1078, §18](#); [2018 Acts, ch 1084, §2, 3](#)

Referred to in [§633B.403](#)

Subsection 1, NEW paragraphs g and h and former paragraphs g - i redesignated as i - k
NEW subsection 3 and former subsection 3 renumbered as 4