

232D.203 Guardianship with parental consent.

1. The court may appoint a guardian for a minor if the court finds all of the following:
 - a. The parent or parents having legal custody of the minor understand the nature of the guardianship and knowingly and voluntarily consent to the guardianship.
 - b. The minor is in need of a guardianship because of any one of the following:
 - (1) The parent having legal custody of the minor has a physical or mental illness that prevents the parent from providing care and supervision of the child.
 - (2) The parent having legal custody of the minor is incarcerated or imprisoned.
 - (3) The parent having legal custody of the minor is on active military duty.
 - (4) The minor is in need of a guardianship for some other reason constituting good cause shown.
 - c. Appointment of a guardian for the minor is in the best interest of the minor.
2. If the guardianship petition requests a guardianship with parental consent, the petition shall include an affidavit signed by the parent or parents verifying that the parent or parents knowingly and voluntarily consent to the guardianship. The consent required by [this subsection](#) shall be on a form prescribed by the judicial branch.
3. On or before the date of the hearing on the petition, the parent or parents and the proposed guardian shall file an agreement with the court. This agreement shall state the following:
 - a. The responsibilities of the guardian.
 - b. The responsibilities of the parent or parents.
 - c. The expected duration of the guardianship, if known.
4. If the court grants the petition, it shall approve the guardianship agreement between the custodial parent and the proposed guardian and incorporate its terms by reference unless the court finds the agreement was not reached knowingly and voluntarily or is not in the best interests of the child.

[2019 Acts, ch 56, §9, 44, 45](#)

Referred to in [§232D.503](#)

Section takes effect January 1, 2020, and applies to guardianships and guardianship proceedings of minors established or pending before, on, or after that date; 2019 Acts, ch 56, §44, 45

NEW section