

232D.310 Appointment of a guardian for a minor on a standby basis.

1. An adult person having physical and legal custody of a minor may execute a verified petition for the appointment of a guardian of the minor upon the express condition that the petition shall be acted upon by the court only upon the occurrence of an event specified or the existence of a described condition of the mental or physical health of the petitioner, the occurrence of which event, or the existence of which condition, shall be established in the manner directed in the petition. The petition, in addition to containing the information required in [section 232D.301](#), shall include a statement that the petitioner understands the result of a guardian being appointed for the minor. An appointment of a guardian for a minor shall only be effective until the minor attains full age.

2. A standby petition may nominate a person for appointment to serve as guardian as well as alternate guardians if the nominated person is unable or unwilling or is removed as guardian. The court in appointing the guardian shall appoint the person or persons nominated by the petitioner unless the person or persons are not qualified or for other good cause and shall give due regard to other requests and recommendations contained in the petition.

3. A standby petition may be deposited with the clerk of the county in which the minor resides or with any person nominated by the petitioner to serve as guardian.

4. A standby petition may be revoked by the petitioner at any time before appointment of a guardian by the court, provided that the petitioner is of sound mind at the time of revocation. Revocation shall be accomplished by the destruction of the petition by the petitioner, or by the execution of an acknowledged instrument of revocation. If the petition has been deposited with the clerk, the revocation may likewise be deposited there.

5. If the standby petition has been deposited with the clerk under the provisions of [subsection 3](#) and has not been revoked under the provisions of [subsection 4](#), the petition may be filed with the court upon the filing of a verified statement to the effect that the occurrence of the event or the condition provided for in the petition has occurred. If the petition has not been deposited with the clerk under the provisions of [subsection 3](#) and has not been revoked under the provisions of [subsection 4](#), then the petition shall be filed with the court at the time a verified statement that the occurrence of the event or the condition provided for in the petition has occurred is filed with the court in the county where the minor then resides. Upon filing of the petition and verified statement, the person filing the verified statement shall become the petitioner and the proceedings shall be thereafter conducted as provided for in [this chapter](#).

6. A standby petition for the appointment of a guardian for a minor shall not supersede any contradictory provision in a will admitted to probate of a parent, guardian, or custodian having physical and legal custody of a minor in the event of the parent's, guardian's, or custodian's death.

[2019 Acts, ch 56, §20, 44, 45](#)

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