

**633.244 Incompetent spouse — election by court.**

In case an affidavit is filed that the surviving spouse is incapable of determining whether to take the elective share, or to elect to receive a life estate in the homestead, and does not have a conservator, the court shall fix a time and place of hearing on the matter and cause a notice thereof to be served upon the surviving spouse in such manner and for such time as the court may direct. At the hearing, a guardian ad litem shall be appointed to represent the spouse and the court shall enter such orders as it deems appropriate under the circumstances. The guardian ad litem shall be a practicing attorney.

[S13, §3376, 3377; C24, 27, 31, 35, 39, §12011, 12014; C46, 50, 54, 58, 62, §636.26, 636.29; C66, 71, 73, 75, 77, 79, 81, §633.244]

[88 Acts, ch 1064, §4](#); [90 Acts, ch 1271, §1513](#); [2005 Acts, ch 38, §20](#)

Referred to in [§229.27](#), [633.236](#), [633.237](#), [633.245](#), [633.246](#)