

**641—97.16(144) Registration of presumptive death.**

**97.16(1)** A petition shall be filed with the district court in the county where the presumptive death occurred and shall be supported with the completed Affidavit of Personal Knowledge of a Missing Person form. The form shall be completed by the surviving next of kin of the deceased, or the surviving next of kin's legal representative, in the following descending order:

- a. Spouse, if not legally separated from the decedent;
- b. Child or the child's legal guardian if the child is under the age of majority;
- c. Parent;
- d. Grandchild or the grandchild's legal guardian if the grandchild is under the age of majority;
- e. Sibling;
- f. Grandparent;
- g. Aunt or uncle;
- h. Niece or nephew; or
- i. A person in the next degree of kinship to the decedent in the order named by law to inherit the estate of the decedent pursuant to Iowa Code sections 633.210 to 633.226.

**97.16(2)** In addition to the Affidavit of Personal Knowledge of a Missing Person form or in the absence of the next of kin, the petition may be supported by the following:

- a. Affidavit by Employer for an Employee Who Was Working at Time of Disappearance form;
- b. Affidavit by Government Official for a Government Employee Missing While Involved in Rescue Efforts form; or
- c. Affidavit by Reliable Informant of Missing Person form.

**97.16(3)** The state registrar shall provide the affidavit forms and the certificate of presumptive death. The affidavits and the certificate of presumptive death shall be registered and maintained solely at the state registrar's office.

**97.16(4)** Upon presentation of a certified copy of a court order, the state registrar shall file a certificate of presumptive death pursuant to Iowa Code sections 633.517 to 633.520. The order from the district court shall only establish the presumptive death record.

**97.16(5)** In cases under the jurisdiction of the medical examiner, the certified copy of the court order and the completed supporting affidavits listed in subrules 97.16(1) and 97.16(2) shall be delivered to the medical examiner. The medical examiner shall complete the certificate of presumptive death and certify to the cause of death.

**97.16(6)** The certificate of presumptive death shall be registered and maintained solely at the state registrar's office.

**97.16(7)** The certificate of presumptive death shall be recorded based on the date of the court order and shall not be registered as a delayed certificate.

**97.16(8)** If the missing person is located and found to be alive, the certificate of presumptive death shall be voided and removed from the vital records system of registration. Any issued certified copies shall be surrendered to the state registrar.

[ARC 0483C, IAB 12/12/12, effective 1/16/13; see Delay note at end of chapter]