

441—231.7(231E,633) Individuals eligible for services. The office of public guardian will seek to restrict appointments to only those necessary. The state office or a local office will not accept an appointment based upon a voluntary petition unless that appointment is as a successor guardian or conservator and the court has, after notice and hearing, found by clear and convincing evidence that the protected person meets the legal standard for appointment of a guardian in Iowa Code section 633.552, the legal standard for appointment of a conservator in Iowa Code section 633.553, or both.

231.7(1) In order to qualify for services, an individual shall meet all of the following criteria:

- a.* Is a resident of the state of Iowa;
- b.* Is aged 18 or older or is at least 17 years and six months of age for appointment of a guardian or conservator on a standby basis for a minor approaching majority pursuant to Iowa Code section 633.567;
- c.* Does not have a suitable individual or appropriate entity willing and able to serve as guardian, conservator, or representative payee;
- d.* Is “incompetent” as defined in Iowa Code section 633.3(25) (for appointment of a guardian or conservator) or is incapable of managing social security or supplemental security income (SSI) payments as determined by the Social Security Administration (for representative payee);
- e.* Is an individual for whom guardianship, conservatorship, or representative payee services are the least restrictive means of meeting the individual’s needs; and
- f.* A viable plan for improving the care and safety of the individual is possible.

231.7(2) The following cases shall be given priority:

- a.* Those involving abuse, neglect or exploitation that public guardianship services can address;
- b.* Those in which a critical medical decision must be made; or
- c.* Any situation that may cause serious or irreparable harm to the individual’s mental or physical health or finances.

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