

House File 591

H-1054

1 Amend House File 591 as follows:

2 1. Page 7, line 4, by striking <rule of civil procedure  
3 1.305(2)> and inserting <the rules of civil procedure>

4 2. Page 7, lines 8 and 9, by striking <rule of civil  
5 procedure 1.305> and inserting <the rules of civil procedure>

6 3. Page 7, line 22, by striking <may> and inserting <shall>

7 4. Page 11, by striking lines 31 through 33 and inserting:  
8 <1. An adult person having physical and legal custody of  
9 a minor may execute a verified petition for the appointment  
10 of a guardian of the minor upon the express condition that  
11 the petition shall be acted upon by the court only upon  
12 the occurrence of an event specified or the existence of a  
13 described condition of the mental or physical health of the  
14 petitioner, the occurrence of which event, or the existence of  
15 which condition, shall be established in the manner directed  
16 in the petition. The petition, in addition to containing  
17 the information required in section 232D.301, shall include  
18 a statement that the petitioner understands the result of a  
19 guardian being appointed for the minor. An appointment of a  
20 guardian for a minor shall only be effective until the minor  
21 attains full age.

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

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

33 4. A standby petition may be revoked by the petitioner  
34 at any time before appointment of a guardian by the court,  
35 provided that the petitioner is of sound mind at the time

1 of revocation. Revocation shall be accomplished by the  
2 destruction of the petition by the petitioner, or by the  
3 execution of an acknowledged instrument of revocation. If the  
4 petition has been deposited with the clerk, the revocation may  
5 likewise be deposited there.

6 5. If the standby petition has been deposited with the  
7 clerk under the provisions of subsection 3 and has not been  
8 revoked under the provisions of subsection 4, the petition may  
9 be filed with the court upon the filing of a verified statement  
10 to the effect that the occurrence of the event or the condition  
11 provided for in the petition has occurred. If the petition  
12 has not been deposited with the clerk under the provisions of  
13 subsection 3 and has not been revoked under the provisions  
14 of subsection 4, then the petition shall be filed with the  
15 court at the time a verified statement that the occurrence  
16 of the event or the condition provided for in the petition  
17 has occurred is filed with the court in the county where the  
18 minor then resides. Upon filing of the petition and verified  
19 statement, the person filing the verified statement shall  
20 become the petitioner and the proceedings shall be thereafter  
21 conducted as provided for in this chapter.

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

27 5. Page 14, after line 3 by inserting:

28 <7. A guardian shall promptly inform the court of any change  
29 in the minor's school or school district.>

---

HINSON of Linn