



THOMAS J. VILSACK
GOVERNOR

OFFICE OF THE GOVERNOR

SALLY J. PEDERSON
LT. GOVERNOR

April 21, 2006

The Honorable Chester Culver
Secretary of State
State Capitol Building
L O C A L

Dear Mr. Secretary:

I hereby transmit:

House File 2147, an Act relating to the temporary appointment of a conservator for a dependent adult in an emergency situation.

House File 2233, an Act relating to the time limit on executions of judgments and orders for wage garnishments.

House File 2398, an Act relating to criminal penalties for a driver convicted of failure to stop and render aid at the scene of a motor vehicle accident.

The above House Files are hereby approved this date.

Sincerely,

A handwritten signature in blue ink, appearing to read "Thomas J. Vilsack".

Thomas J. Vilsack
Governor

TJV:jmc

cc: Secretary of the Senate
Chief Clerk of the House





HOUSE FILE 2147

AN ACT

RELATING TO THE TEMPORARY APPOINTMENT OF A CONSERVATOR FOR A
DEPENDENT ADULT IN AN EMERGENCY SITUATION.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 235B.19, Code Supplement 2005, is amended by adding the following new subsection:

NEW SUBSECTION. 3A. a. Notwithstanding section 633.573, upon a finding that there is probable cause to believe that the dependent adult abuse is producing irreparable harm to the physical or financial resources or property of the dependent adult, and that the dependent adult lacks capacity to consent to the receipt of services, the court may order the appointment of a temporary conservator without notice to the dependent adult or the dependent adult's attorney if all of the following conditions are met:

(1) It clearly appears from specific facts shown by affidavit or by the verified petition that immediate and irreparable injury, loss, or damage will result to the physical or financial resources or property of the dependent adult before the dependent adult or the dependent adult's attorney can be heard in opposition.

(2) The department certifies to the court in writing any efforts the department has made to give the notice or the reasons supporting the claim that notice should not be required.

(3) The department files with the court a request for a hearing on the petition for the appointment of a temporary conservator.

(4) The department certifies that the notice of the petition, order, and all filed reports and affidavits will be sent to the dependent adult by personal service within the

time period the court directs but not more than seventy-two hours after entry of the order of appointment.

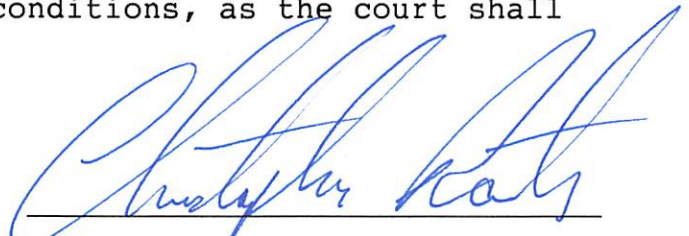
b. An order of appointment of a temporary conservator entered by the court under paragraph "a" shall expire as prescribed by the court but within a period of not more than thirty days unless extended by the court for good cause.

c. A hearing on the petition for the appointment of a temporary conservator shall be held within the time specified in paragraph "b". If the department does not proceed with a hearing on the petition, the court, on the motion of any party or on its own motion, may dismiss the petition.

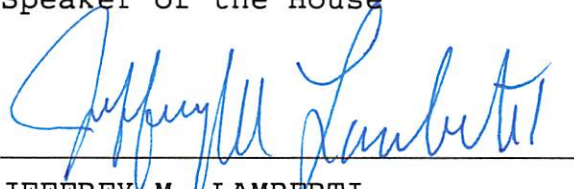
Sec. 2. Section 633.573, Code 2005, is amended to read as follows:

633.573 APPOINTMENT OF TEMPORARY CONSERVATOR.

A Except as provided in section 235B.19, a temporary conservator may be appointed but only after a hearing on such notice, and subject to such conditions, as the court shall prescribe.



CHRISTOPHER C. RANTS
Speaker of the House



JEFFREY M. LAMBERTI
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 2147, Eighty-first General Assembly.



MARGARET THOMSON
Chief Clerk of the House

Approved April 21, 2006



THOMAS J. VILSACK
Governor