

*Reprinted 2/13*

FFB 11 1982

HOUSE FILE 2345

Place On Calendar

BY COMMITTEE ON JUDICIARY  
AND LAW ENFORCEMENT

(Formerly Study Bill 554)

Passed House, Date 2-16-82 (425) Passed Senate, Date \_\_\_\_\_

Vote: Ayes 96 Nays 0 Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_

Approved \_\_\_\_\_

## A BILL FOR

1 An Act relating to the transfer of certain moneys and assets  
2 to parents or other persons having custody of minors.

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

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2345

1 Section 1. Section 633.574, Code 1981, is amended to read  
2 as follows:

3 633.574 PROCEDURE IN LIEU OF CONSERVATORSHIP. If ~~no~~ a  
4 conservator has not been appointed, money due a minor or other  
5 property to which a minor is entitled, not exceeding in the  
6 aggregate ~~the sum of one~~ four thousand dollars in value, may  
7 be paid or delivered to a parent of the minor who is entitled  
8 to the custody of ~~such~~ the minor, for the use of the minor,  
9 upon written statement verified by the oath of ~~such~~ the parent,  
10 that all money or property of ~~such~~ the minor does not exceed  
11 in the aggregate ~~the sum of one~~ four thousand dollars, ~~and~~  
12 ~~the.~~ The written receipt of ~~such~~ the parent shall constitute  
13 an acquittance of the person making ~~such~~ the payment of money  
14 or delivery of ~~such~~ property.

15 Sec. 2. Section 633.681, Code 1981, is amended to read  
16 as follows:

17 633.681 ASSETS OF MINOR WARD EXHAUSTED. ~~Whenever~~ When  
18 the assets of a minor ward's conservatorship are exhausted  
19 or consist of personal property only of an aggregate value  
20 not in excess of ~~one~~ four thousand dollars, the court, upon  
21 application or upon its own motion, may terminate the  
22 conservatorship and direct the conservator to deliver ~~such~~  
23 the property to the parent or other person having the custody  
24 of the minor ward, for the use of ~~such~~ the ward, after payment  
25 of allowed claims and expenses of administration. Such  
26 delivery shall have the same force and effect as if delivery  
27 had been made to the ward after ~~he attains his~~ attaining  
28 majority.

29 EXPLANATION

30 Chapter 193, Acts of the Sixty-ninth General Assembly,  
31 allowed a court under certain circumstances to order a  
32 fiduciary to pay a bequest not in excess of four thousand  
33 dollars to the parents of a minor without the appointment  
34 of a conservator. Similarly this bill allows a minor's parent  
35 to receive money for the child without the appointment of

1 a conservator if the aggregate sum does not exceed four thou-  
2 sand dollars. Also the court may terminate a conservatorship  
3 and direct the payment of assets if the aggregate value is  
4 not in excess of four thousand dollars. The bill takes ef-  
5 fect July 1 following its enactment.

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H-5123

- 1 Amend House File 2345 as follows:  
 2 1. Page 1, line 7, by inserting after the word  
 3 "parent" the words "or guardian".  
 4 2. Page 1, line 9, by inserting after the word  
 5 "parent" the words "or guardian".  
 6 3. Page 1, line 12, by inserting after the word  
 7 "parent" the words "or guardian".

H-5123 FILED FEBRUARY 12, 1982 SPEAR of Lee

*Adopted 2/16 (p. 424)*

HOUSE FILE 2345

H-5139

- 1 Amend House File 2345 as follows:  
 2 1. Page 1, line 7, by striking the words "a parent  
 3 of the minor who is" and inserting in lieu thereof  
 4 the words "a the parent of-the-minor-who-is or other  
 5 person".  
 6 2. Page 1, line 23, by striking the word "having"  
 7 and inserting in lieu thereof the words "having  
 8 entitled to".

H-5139 FILED FEBRUARY 15, 1982 BY SPEAR of Lee

*Adopted 2/16 (p. 424)*

HOUSE FILE 2345

H-5141

- 1 Amend House File 2345 as follows:  
 2 1. Page 1, by inserting before line 1, the  
 3 following:  
 4 "Section 1. Section 633.108, Code 1981, as amended  
 5 by Acts of the Sixty-ninth General Assembly, 1981  
 6 Session, chapter 193, section 1, is amended to read  
 7 as follows:  
 8 633.108 SMALL LEGACIES TO MINORS--PAYMENT.  
 9 Whenever a minor becomes entitled under the terms  
 10 of a will to a bequest or legacy, to a share of the  
 11 estate of an intestate, or to a beneficial interest  
 12 in a trust fund upon the distribution of the trust  
 13 fund, and the value of the bequest, legacy, share,  
 14 or interest does not exceed the sum of four thousand  
 15 dollars, and a conservator for the minor has not been  
 16 appointed, the court having jurisdiction of the  
 17 distribution of the funds may, in its discretion,  
 18 upon the application of the fiduciary, enter an order  
 19 authorizing the fiduciary to pay the bequest, legacy,  
 20 share or interest to the ~~parents-of-the-minor,-or~~  
 21 ~~to-the-person-with-whom-the-minor-resides~~ parent or  
 22 other person entitled to the custody of the minor,  
 23 for the use of the minor. The receipt of the person  
 24 or persons therefor, when presented to the court or  
 25 filed with the report of distribution of the fiduciary,  
 26 shall have the same force and effect as though the  
 27 payment had been made to a duly appointed and qualified  
 28 conservator for the minor."  
 29 2. By renumbering sections as necessary.

H-5141 FILED FEBRUARY 15, 1982

BY SPEAR of Lee

*Adopted 2/16 (p. 425)*

HOUSE FILE 2345

BY COMMITTEE ON JUDICIARY  
AND LAW ENFORCEMENT

(As Amended and Passed by the House)  
*Substituted for S.F. 2152*

Passed House, Date 2-16-82 (p. 425) Passed Senate, Date 3-4-82 (p. 587)

Vote: Ayes 96 Nays 0 Vote: Ayes 43 Nays 0

Approved March 26, 1982 (p. 1080)

## A BILL FOR

1 An Act relating to the transfer of certain moneys and assets  
2 to parents or other persons having custody of minors.

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

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House Amendments \_\_\_\_\_

1 Section 1. Section 633.108, Code 1981, as amended by Acts  
2 of the Sixty-ninth General Assembly, 1981 Session, chapter  
3 193, section 1, is amended to read as follows:

4 633.108 SMALL LEGACIES TO MINORS--PAYMENT. Whenever a  
5 minor becomes entitled under the terms of a will to a bequest  
6 or legacy, to a share of the estate of an intestate, or to  
7 a beneficial interest in a trust fund upon the distribution  
8 of the trust fund, and the value of the bequest, legacy,  
9 share, or interest does not exceed the sum of four thousand  
10 dollars, and a conservator for the minor has not been  
11 appointed, the court having jurisdiction of the distribution  
12 of the funds may, in its discretion, upon the application  
13 of the fiduciary, enter an order authorizing the fiduciary  
14 to pay the bequest, legacy, share or interest to the parents  
15 ~~of the minor, or to the person with whom the minor resides~~  
16 parent or other person entitled to the custody of the minor,  
17 for the use of the minor. The receipt of the person or persons  
18 therefor, when presented to the court or filed with the report  
19 of distribution of the fiduciary, shall have the same force  
20 and effect as though the payment had been made to a duly  
21 appointed and qualified conservator for the minor.

22 Sec. 2. Section 633.574, Code 1981, is amended to read  
23 as follows:

24 633.574 PROCEDURE IN LIEU OF CONSERVATORSHIP. If no a  
25 conservator has not been appointed, money due a minor or other  
26 property to which a minor is entitled, not exceeding in the  
27 aggregate ~~the sum of one~~ four thousand dollars in value, may  
28 be paid or delivered to a the parent ~~of the minor who is or~~  
29 other person entitled to the custody of ~~such~~ the minor, for  
30 the use of the minor, upon written statement verified by the  
31 oath of ~~such~~ the parent, that all money or property of ~~such~~  
32 the minor does not exceed in the aggregate ~~the sum of one~~  
33 four thousand dollars, ~~and the~~. The written receipt of ~~such~~  
34 the parent shall constitute an acquittance of the person  
35 making ~~such~~ the payment of money or delivery of ~~such~~ property.

1     Sec. 3. Section 633.681, Code 1981, is amended to read  
2 as follows:

3     633.681 ASSETS OF MINOR WARD EXHAUSTED. ~~Whenever~~ When  
4 the assets of a minor ward's conservatorship are exhausted  
5 or consist of personal property only of an aggregate value  
6 not in excess of ~~one~~ four thousand dollars, the court, upon  
7 application or upon its own motion, may terminate the  
8 conservatorship and direct the conservator to deliver ~~such~~  
9 the property to the parent or other person ~~having~~ entitled  
10 to the custody of the minor ward, for the use of ~~such~~ the  
11 ward, after payment of allowed claims and expenses of  
12 administration. Such delivery shall have the same force and  
13 effect as if delivery had been made to the ward after he  
14 ~~attains-his~~ attaining majority.

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HOUSE FILE 2345

AN ACT

RELATING TO THE TRANSFER OF CERTAIN MONEYS AND ASSETS TO PARENTS OR OTHER PERSONS HAVING CUSTODY OF MINORS.

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

Section 1. Section 633.108, Code 1981, as amended by Acts of the Sixty-ninth General Assembly, 1981 Session, chapter 193, section 1, is amended to read as follows:

633.108 SMALL LEGACIES TO MINORS--PAYMENT. Whenever a minor becomes entitled under the terms of a will to a bequest or legacy, to a share of the estate of an intestate, or to a beneficial interest in a trust fund upon the distribution of the trust fund, and the value of the bequest, legacy, share, or interest does not exceed the sum of four thousand dollars, and a conservator for the minor has not been appointed, the court having jurisdiction of the distribution of the funds may, in its discretion, upon the application

of the fiduciary, enter an order authorizing the fiduciary to pay the bequest, legacy, share or interest to the ~~parents of the minor, or to the person with whom the minor resides~~ parent or other person entitled to the custody of the minor, for the use of the minor. The receipt of the person or persons therefor, when presented to the court or filed with the report of distribution of the fiduciary, shall have the same force and effect as though the payment had been made to a duly appointed and qualified conservator for the minor.

Sec. 2. Section 633.574, Code 1981, is amended to read as follows:

633.574 PROCEDURE IN LIEU OF CONSERVATORSHIP. If no ~~a~~ conservator has ~~not~~ been appointed, money due a minor or other property to which a minor is entitled, not exceeding in the aggregate ~~the sum of one~~ four thousand dollars in value, may be paid or delivered to a the ~~parent of the minor who is or other person~~ entitled to the custody of ~~such the~~ minor, for the use of the minor, upon written statement verified by the oath of ~~such the~~ parent, that all money or property of ~~such the~~ minor does not exceed in the aggregate ~~the sum of one~~ four thousand dollars, ~~and the~~. The written receipt of ~~such the~~ parent shall constitute an acquittance of the person making ~~such the~~ payment of money or delivery of ~~such~~ property.

Sec. 3. Section 633.681, Code 1981, is amended to read as follows:

633.681 ASSETS OF MINOR WARD EXHAUSTED. Whenever When the assets of a minor ward's conservatorship are exhausted or consist of personal property only of an aggregate value not in excess of ~~one~~ four thousand dollars, the court, upon application or upon its own motion, may terminate the conservatorship and direct the conservator to deliver ~~such the~~ property to the parent or other person having entitled to the custody of the minor ward, for the use of ~~such the~~ ward, after payment of allowed claims and expenses of administration. Such delivery shall have the same force and

effect as if delivery had been made to the ward after he  
~~attains-his~~ attaining majority.

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DELWYN STROMER  
Speaker of the House

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TERRY E. BRANSTAD  
President of the Senate

I hereby certify that this bill originated in the House and  
is known as House File 2345, Sixty-ninth General Assembly.

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ELIZABETH A. ISAACSON  
Chief Clerk of the House

Approved March 26, 1982

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ROBERT D. RAY  
Governor