

Senate File 306 - Introduced

SENATE FILE 306
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB 1162)

A BILL FOR

1 An Act relating to communication and visitation between an
2 adult ward and another person.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 633.635, subsection 1, Code 2015, is
2 amended by adding the following new paragraph:

3 NEW PARAGRAPH. *Of.* Placing reasonable time, place,
4 or manner restrictions on communication, visitation, or
5 interaction between the ward and another person.

6 Sec. 2. Section 633.635, subsection 2, Code 2015, is amended
7 by adding the following new paragraph:

8 NEW PARAGRAPH. *d.* Denying all communication, visitation, or
9 interaction by an adult ward with a person with whom the adult
10 ward has expressed a desire to communicate, visit, or interact
11 or with a person who seeks to communicate, visit, or interact
12 with the adult ward. A court shall approve the denial of all
13 communication, visitation, or interaction with another person
14 only upon a showing of good cause by the guardian.

15 Sec. 3. NEW SECTION. **633.637A Rights of ward under**
16 **guardianship.**

17 An adult ward under a guardianship has the right of
18 communication, visitation, or interaction with other persons
19 upon the consent of the adult ward, subject to section 633.635,
20 subsection 2, paragraph "d". If an adult ward is unable
21 to give express consent to such communication, visitation,
22 or interaction with a person due to a physical or mental
23 condition, consent of a ward may be presumed by a guardian or a
24 court based on a ward's prior relationship with such person.

25 EXPLANATION

26 The inclusion of this explanation does not constitute agreement with
27 the explanation's substance by the members of the general assembly.

28 This bill relates to an adult ward's right to interact and
29 visit with another person.

30 The bill provides that an adult ward's guardian may deny an
31 adult ward's communication, visitation, or interaction with
32 a person with whom the adult ward has expressed a desire to
33 communicate, visit, or interact, or with a person who seeks to
34 communicate, visit, or interact with the adult ward, only upon
35 court approval. The bill provides that a court shall grant

1 such power to a guardian only if the guardian can show good
2 cause to deny communication, visitation, or interaction between
3 the adult ward and the other person.

4 The bill specifies that a guardian may place reasonable
5 time, place, or manner restrictions on an adult ward's
6 communication, visitation, or interaction with another person
7 without court approval.

8 The bill further provides that an adult ward has the right of
9 communication, visitation, or interaction with other persons
10 upon the adult ward's consent. If the adult ward is unable to
11 express consent, consent may be presumed by a guardian or a
12 court based on a ward's prior relationship with such person.