

Senate Study Bill 1162 - Introduced

SENATE FILE _____
BY (PROPOSED COMMITTEE
ON JUDICIARY BILL BY
CHAIRPERSON SODDERS)

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 2, Code 2015, is
2 amended by adding the following new paragraph:

3 NEW PARAGRAPH. *d.* Restricting or eliminating an adult
4 ward's communication, interaction, or visitation with a
5 person with whom the adult ward has expressed a desire to
6 communicate, interact, or visit, or with a person who seeks to
7 communicate, interact, or visit with the adult ward, provided
8 that a guardian may impose reasonable time, place, or manner
9 restrictions on such communication, interaction, or visitation
10 without court approval. A court shall grant a guardian
11 power to restrict or eliminate communication, interaction, or
12 visitation between an adult ward and another person only upon
13 the guardian showing good cause to do so.

14 Sec. 2. Section 633.637, Code 2015, is amended to read as
15 follows:

16 **633.637 Powers of ward.**

17 1. A ward for whom a conservator has been appointed shall
18 not have the power to convey, encumber, or dispose of property
19 in any manner, other than by will if the ward possesses the
20 requisite testamentary capacity, unless the court determines
21 that the ward has a limited ability to handle the ward's own
22 funds. If the court makes such a finding, it shall specify to
23 what extent the ward may possess and use the ward's own funds.

24 2. Any modification of the powers of the ward that would
25 be more restrictive of the ward's control over the ward's
26 financial affairs shall be based upon clear and convincing
27 evidence and the burden of persuasion is on the conservator.
28 Any modification that would be less restrictive of the ward's
29 control over the ward's financial affairs shall be based upon
30 proof in accordance with the requirements of section 633.675.

31 3. An adult ward may demand, subject to reasonable
32 restrictions imposed by the adult ward's guardian and the adult
33 ward's right to withdraw such demand, that a person be provided
34 access to visit the adult ward.

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EXPLANATION

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

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

5 The bill provides that an adult ward's guardian may restrict
6 or eliminate an adult ward's communication, interaction, or
7 visitation with a person with whom the adult ward has expressed
8 a desire to communicate, interact, or visit, or with a person
9 who seeks to communicate, interact, or visit with the adult
10 ward, only upon court approval. The bill provides that a court
11 shall grant such power to a guardian only if the guardian
12 can show good cause to restrict or eliminate communication,
13 interaction, or visitation between the adult ward and the
14 other person. The bill specifies that a guardian may place
15 reasonable time, place, or manner restrictions on an adult
16 ward's communication, interaction, or visitation with another
17 person without court approval.

18 The bill further provides that an adult ward, subject to
19 reasonable restrictions imposed by the adult ward's guardian,
20 has the right to demand that another person be granted access
21 to visit the adult ward.