

House Study Bill 628 - Introduced

SENATE/HOUSE FILE _____
BY (PROPOSED DEPARTMENT ON
AGING BILL)

A BILL FOR

- 1 An Act relating to the substitute decision maker Act.
- 2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 22.7, subsection 61, Code 2018, is
2 amended to read as follows:

3 61. Records of the department on aging pertaining to clients
4 served by the state office or a local office of substitute
5 ~~decision-maker~~ public guardian as defined in section 231E.3.

6 Sec. 2. Section 231E.1, Code 2018, is amended to read as
7 follows:

8 **231E.1 Title.**

9 This chapter shall be known and may be cited as the "*Iowa*
10 ~~*Substitute Decision Maker*~~ *Public Guardian Act*".

11 Sec. 3. Section 231E.2, Code 2018, is amended to read as
12 follows:

13 **231E.2 Office of ~~substitute decision-maker~~ public guardian**
14 **— findings and intent.**

15 1. *a.* The general assembly finds that many adults
16 in this state are unable to meet essential requirements
17 to maintain their physical health or to manage essential
18 aspects of their financial resources and are in need of
19 ~~substitute decision-making~~ guardianship, conservatorship,
20 or representative payee services. However, a willing
21 and responsible person may not be available to serve as a
22 private ~~substitute decision-maker~~ guardian, conservator, or
23 representative payee or the adult may not have adequate income
24 or resources to compensate a private ~~substitute decision-maker~~
25 guardian, conservator, or representative payee.

26 *b.* The general assembly further finds that a process
27 should exist to assist individuals in finding alternatives
28 to ~~substitute decision-making~~ guardianship, conservatorship,
29 or representative payee services and less intrusive means of
30 assistance before an individual's independence or rights are
31 limited.

32 ~~*c.* The general assembly further finds that a substitute~~
33 ~~decision-maker may be necessary to finalize a person's affairs~~
34 ~~after death when there is no willing and appropriate person~~
35 ~~available to serve as the person's personal representative.~~

1 2. a. It is, therefore, the intent of the general assembly
2 to establish a state office of ~~substitute decision maker~~ public
3 guardian and authorize the establishment of local offices of
4 ~~substitute decision maker~~ public guardian to provide ~~substitute~~
5 ~~decision-making~~ public guardianship services to adults and
6 ~~their estates after their deaths~~, when no private ~~substitute~~
7 ~~decision maker~~ guardian, conservator, or representative payee
8 is available.

9 b. It is also the intent of the general assembly that the
10 state office of ~~substitute decision maker~~ public guardian
11 provide assistance to both public and private ~~substitute~~
12 ~~decision makers~~ guardians, conservators, and representative
13 payees throughout the state in securing necessary services
14 for their wards, ~~principals, and~~ clients, and ~~decedents~~ and
15 to assist ~~substitute decision makers~~ guardians, conservators,
16 representative payees, wards, principals, clients, courts,
17 and attorneys in the orderly and expeditious handling of
18 ~~substitute decision-making~~ guardianship, conservatorship, and
19 representative payee proceedings.

20 Sec. 4. Section 231E.3, Code 2018, is amended to read as
21 follows:

22 **231E.3 Definitions.**

23 As used in [this chapter](#), unless the context otherwise
24 requires:

25 1. "*Client*" means an individual for whom a representative
26 payee is appointed.

27 2. "*Commission*" means the commission on aging.

28 3. "*Conservator*" means conservator as defined in section
29 633.3.

30 4. "*Court*" means court as defined in [section 633.3](#).

31 5. "*Decedent*" ~~means the individual for whom an estate is~~
32 ~~administered or executed.~~

33 6. "*Department*" means the department on aging established
34 in [section 231.21](#).

35 7. 6. "*Director*" means the director of the department on

1 aging.

2 ~~8. "Estate" means estate as defined in [section 633.3](#).~~

3 ~~9. 7. "Guardian" means guardian as defined in section~~
4 ~~633.3.~~

5 ~~10. 8. "Incompetent" means incompetent as defined in~~
6 ~~section 633.3.~~

7 ~~11. 9. "Local office" means a local office of substitute~~
8 ~~decision maker public guardian.~~

9 ~~12. 10. "Local substitute decision maker" public guardian"~~
10 means an individual under contract with the department to
11 act as a ~~substitute decision maker~~ guardian, conservator, or
12 representative payee.

13 ~~13. "Personal representative" means personal representative~~
14 ~~as defined in [section 633.3](#).~~

15 ~~14. "Planning and service area" means a geographic area~~
16 ~~of the state designated by the commission for the purpose of~~
17 ~~planning, developing, delivering, and administering services~~
18 ~~for elders.~~

19 ~~15. "Power of attorney" means a durable power of attorney~~
20 ~~for health care as defined in [section 144B.1](#) or a power of~~
21 ~~attorney executed pursuant to [chapter 633B](#).~~

22 ~~16. "Principal" means an individual for whom a power of~~
23 ~~attorney is established.~~

24 ~~11. "Public guardian" means the state public guardian or a~~
25 ~~local public guardian.~~

26 ~~12. "Public guardianship services" means guardianship,~~
27 ~~conservatorship, or representative payee services provided by~~
28 ~~the state public guardian or a local public guardian.~~

29 ~~17. 13. "Representative payee" means an individual~~
30 ~~appointed by a government entity to receive funds on behalf of~~
31 ~~a client pursuant to federal regulation.~~

32 ~~18. 14. "State agency" means any executive department,~~
33 ~~commission, board, institution, division, bureau, office,~~
34 ~~agency, or other executive entity of state government.~~

35 ~~19. 15. "State office" means the state office of substitute~~

1 ~~decision maker public guardian.~~

2 20. 16. "~~State substitute decision maker~~ public guardian"
3 means the administrator of the state office of ~~substitute~~
4 ~~decision maker public guardian.~~

5 21. "~~Substitute decision maker~~" means a guardian,
6 conservator, representative payee, attorney in fact under a
7 power of attorney, or personal representative.

8 22. "~~Substitute decision making~~" or "~~substitute~~
9 ~~decision-making services~~" means the provision of services of a
10 guardian, conservator, representative payee, attorney in fact
11 under a power of attorney, or personal representative.

12 23. 17. "Ward" means the individual for whom a guardianship
13 or conservatorship is established.

14 Sec. 5. Section 231E.4, Code 2018, is amended to read as
15 follows:

16 231E.4 State office of ~~substitute decision maker~~ public
17 guardian — established — duties — department rules.

18 1. A state office of ~~substitute decision maker~~ public
19 guardian is established within the department to create and
20 administer a statewide network of ~~substitute decision makers~~
21 guardians, conservators, and representative payees who provide
22 ~~substitute decision-making~~ guardianship, conservatorship, or
23 representative payee services if other ~~substitute decision~~
24 ~~makers~~ guardians, conservators, or representative payees are
25 not available to provide the services.

26 2. The director shall appoint an administrator of the
27 state office who shall serve as the state ~~substitute decision~~
28 ~~maker~~ public guardian. The state ~~substitute decision maker~~
29 public guardian shall be qualified for the position by training
30 and expertise in ~~substitute decision-making~~ guardianship,
31 conservatorship, and representative payee law and shall
32 be licensed to practice law in Iowa. The state ~~substitute~~
33 ~~decision maker~~ public guardian shall also have knowledge
34 of social services available to meet the needs of persons
35 adjudicated incompetent or in need of ~~substitute decision~~

1 ~~making~~ guardianship, conservatorship, or representative payee
2 services.

3 3. The state office shall do all of the following:

4 a. Select persons through a request for proposals process
5 to establish local offices of ~~substitute decision maker in~~
6 ~~each of the planning and service areas~~ public guardian. Local
7 offices shall be established ~~statewide on or before July 1,~~
8 ~~2018~~ contingent upon the appropriation of necessary funds to
9 the department as determined by the director.

10 b. Monitor and terminate contracts with local offices based
11 on criteria established by rule of the department.

12 c. Retain oversight responsibilities for all local
13 ~~substitute decision makers~~ public guardians.

14 d. Act as ~~substitute decision maker~~ a guardian, conservator,
15 or representative payee if a local ~~office~~ public guardian is
16 not available to so act.

17 e. Work with the department of human services, the
18 Iowa department of public health, the Iowa developmental
19 disabilities council, and other agencies to establish a
20 referral system for the provision of ~~substitute decision-making~~
21 guardianship, conservatorship, and representative payee
22 services.

23 f. Develop and maintain a current listing of public and
24 private services and programs available to assist wards,
25 ~~principals, and~~ clients, personal representatives, and their
26 families, and establish and maintain relationships with public
27 and private entities to assure the availability of effective
28 ~~substitute decision-making~~ guardianship, conservatorship,
29 and representative payee services for wards, ~~principals, and~~
30 ~~clients, and estates.~~

31 g. Provide information and referrals to the public regarding
32 ~~substitute decision-making~~ guardianship, conservatorship, and
33 representative payee services.

34 ~~h. Provide personal representatives for estates where a~~
35 ~~person is not available for that purpose.~~

1 ~~i.~~ h. Maintain statistical data on the local offices
2 including various methods of funding, the types of services
3 provided, and the demographics of the wards, ~~principals,~~ and
4 clients, ~~and decedents~~ and report to the general assembly on or
5 before November 1, annually, regarding the local offices and
6 recommend any appropriate legislative action.

7 ~~j.~~ i. Develop, in cooperation with the judicial council as
8 established in [section 602.1202](#), a ~~substitute decision maker~~
9 guardianship, conservatorship, and representative payee
10 education and training program. The program may be offered to
11 both public and private ~~substitute decision makers~~ guardians,
12 conservators, and representative payees. The state office
13 shall establish a curriculum committee, which includes but is
14 not limited to probate judges, to develop the education and
15 training program. The state office shall be the sole authority
16 for certifying additional curriculum trainers.

17 4. The state office may do any of the following:

18 a. Accept and receive gifts, grants, or donations from any
19 public or private entity in support of the state office. Such
20 gifts, grants, or donations shall be appropriated pursuant to
21 section 231E.9. Notwithstanding [section 8.33](#), moneys retained
22 by the department pursuant to [this section](#) shall not be subject
23 to reversion to the general fund of the state.

24 b. Accept the services of individual volunteers
25 and volunteer organizations. Volunteers and volunteer
26 organizations utilized by the state office shall not
27 provide direct ~~substitute decision-making~~ guardianship,
28 conservatorship, or representative payee services.

29 c. Employ staff necessary to administer the state office and
30 enter into contracts as necessary.

31 5. The department shall provide administrative support to
32 the state office.

33 6. The department shall adopt rules in accordance with
34 chapter 17A necessary to create and administer the state office
35 and local offices, relating to but not limited to all of the

1 following:

2 *a.* An application and intake process and standards
3 for receipt of ~~substitute decision-making~~ guardianship,
4 conservatorship, or representative payee services from the
5 state office or a local office.

6 *b.* A process for the removal or termination of the state
7 public guardian or a local ~~substitute decision-maker~~ public
8 guardian.

9 *c.* An ideal range of staff-to-client ratios for the state
10 public guardian and local ~~substitute decision-makers~~ public
11 guardians.

12 *d.* Minimum training and experience requirements for
13 professional staff and volunteers.

14 *e.* A fee schedule. The department may establish by rule
15 a schedule of reasonable fees for the costs of ~~substitute~~
16 ~~decision-making~~ public guardianship services provided under
17 this chapter. The fee schedule established may be based upon
18 the ability of the ward, ~~principal, or~~ client, or estate to
19 pay for the services but shall not exceed the actual cost of
20 providing the services. The state office or a local office
21 may waive collection of a fee upon a finding that collection
22 is not economically feasible. The rules may provide that the
23 state office or a local office may investigate the financial
24 status of a ward, ~~principal, or~~ client, or estate that requests
25 ~~substitute decision-making~~ guardianship, conservatorship, or
26 representative payee services or for whom ~~or which~~ the state
27 public guardian or a local ~~substitute decision-maker~~ public
28 guardian has been appointed for the purpose of determining the
29 fee to be charged by requiring the ward, ~~principal, or~~ client,
30 ~~or estate~~ to provide any written authorizations necessary
31 to provide access to records of public or private sources,
32 otherwise confidential, needed to evaluate the individual's ~~or~~
33 ~~estate's~~ financial eligibility. The rules may also provide
34 that the state public guardian or a local ~~substitute decision~~
35 ~~maker~~ public guardian may, upon request and without payment of

1 fees otherwise required by law, obtain information necessary
2 to evaluate the individual's ~~or estate's~~ financial eligibility
3 from any office of the state or of a political subdivision
4 or agency of the state that possesses public records. ~~In~~
5 ~~estate proceedings, the state or local decision maker shall be~~
6 ~~compensated pursuant to chapter 633, division III, part 8.~~

7 *f.* Standards and performance measures for evaluation of
8 local offices.

9 *g.* Recordkeeping and accounting procedures to ensure that
10 the state office and local offices maintain confidential,
11 accurate, and up-to-date financial, case, and statistical
12 records. The rules shall require each local office to file
13 with the state office, on an annual basis, an account of all
14 public and private funds received and a report regarding the
15 operations of the local office for the preceding fiscal year.

16 *h.* Procedures for the sharing of records held by the court
17 or a state agency with the state office, which are necessary
18 to evaluate the state office or local offices, to assess the
19 need for additional ~~substitute decision makers~~ guardians,
20 conservators, or representative payees, or to develop required
21 reports.

22 Sec. 6. Section 231E.5, Code 2018, is amended to read as
23 follows:

24 **231E.5 Local office of ~~substitute decision maker~~ public**
25 **guardian — requirements for state and local ~~substitute decision~~**
26 **makers public guardians.**

27 1. The state ~~substitute decision maker~~ public
28 guardian shall select persons to provide local ~~substitute~~
29 ~~decision-making~~ public guardianship services ~~in each of the~~
30 ~~planning and service areas,~~ based upon a request for proposals
31 process developed by the department.

32 2. The A local office shall comply with all requirements
33 established for the local office by the department and shall
34 do all of the following:

35 *a.* Maintain a staff of professionally qualified individuals

1 to carry out the ~~substitute decision-making~~ guardian,
2 conservator, and representative payee functions.

3 *b.* Identify client needs and local resources to provide
4 necessary support services to recipients of ~~substitute~~
5 ~~decision-making guardianship, conservatorship, and~~
6 representative payee services.

7 *c.* Collect program data as required by the state office.

8 *d.* Meet standards established for the local office.

9 *e.* Comply with minimum staffing requirements and caseload
10 restrictions.

11 *f.* Conduct background checks on employees and volunteers.

12 *g.* With regard to a proposed ward, the local office shall
13 do all of the following:

14 (1) Determine the most appropriate form of ~~substitute~~
15 ~~decision-making guardianship or conservatorship~~ services
16 needed, if any, giving preference to the least restrictive
17 alternative.

18 (2) Determine whether the needs of the proposed ward require
19 the appointment of a guardian or conservator.

20 (3) Assess the financial resources of the proposed ward
21 based on the information supplied to the local office at the
22 time of the determination.

23 (4) Inquire and, if appropriate, search to determine
24 whether any other person may be willing and able to serve as
25 the proposed ward's guardian or conservator.

26 (5) Determine the form of guardianship or conservatorship
27 to request of a court, if any, giving preference to the least
28 restrictive form.

29 (6) If determined necessary, file a petition for the
30 appointment of a guardian or conservator pursuant to chapter
31 633.

32 ~~*h.* With regard to an estate, the local office may appoint a~~
33 ~~personal representative to file a petition to open an estate~~
34 ~~who shall do all of the following:~~

35 ~~(1) Retain legal counsel as described in section 231E.11~~

1 ~~to be compensated from the proceeds of the estate pursuant to~~
2 ~~chapter 633, division III, part 8.~~

3 ~~(2) Liquidate all assets of the estate.~~

4 ~~(3) Distribute the assets of the estate pursuant to~~
5 ~~chapter 633, division VII, parts 7 and 8, and other applicable~~
6 ~~provisions of law.~~

7 3. A local office may do any of the following:

8 a. Contract for or arrange for provision of services
9 necessary to carry out the duties of a local ~~substitute~~
10 ~~decision maker~~ public guardian.

11 b. Accept the services of volunteers or consultants and
12 reimburse them for necessary expenses.

13 c. Employ staff and delegate to members of the staff the
14 powers and duties of the local ~~substitute decision maker~~
15 public guardian. However, the local office shall retain
16 responsibility for the proper performance of the delegated
17 powers and duties. All delegations shall be to persons who
18 meet the eligibility requirements of the specific type of
19 ~~substitute decision maker~~ public guardian.

20 4. An individual acting as the state public guardian or a
21 local ~~substitute decision maker~~ public guardian shall comply
22 with applicable requirements for guardians, and conservators,
23 or personal representatives pursuant to ~~chapter 633~~, attorneys
24 in fact under a power of attorney pursuant to ~~chapter 633~~ or a
25 durable power of attorney for health care pursuant to chapter
26 ~~144B~~, or representative payees pursuant to federal law and
27 regulations.

28 5. Notwithstanding any provision to the contrary, an
29 individual acting as the state public guardian or a local
30 ~~substitute decision maker~~ public guardian shall not be
31 subject to the posting of a bond pursuant to ~~chapter 633~~. An
32 individual acting as the state public guardian or a local
33 ~~substitute decision maker~~ public guardian shall complete at
34 least eight hours of training annually as certified by the
35 department.

1 Sec. 7. Section 231E.6, Code 2018, is amended to read as
2 follows:

3 **231E.6 Court-initiated or petition-initiated appointment**
4 **of state or local ~~substitute decision maker~~ public guardian —**
5 **guardianship or conservatorship — discharge.**

6 1. The court may appoint on its own motion or upon petition
7 of any person, the state office or a local office ~~of substitute~~
8 ~~decision maker~~, to serve as guardian or conservator for any
9 proposed ward in cases in which the court determines that
10 the proceeding will establish the least restrictive form of
11 ~~substitute decision making~~ guardianship or conservatorship
12 services suitable for the proposed ward and if the proposed
13 ward meets all of the following criteria:

14 a. Is a resident of the ~~planning and~~ service area in which
15 the local office is located from which services would be
16 provided or is a resident of the state, if the state office
17 would provide the services.

18 b. Is eighteen years of age or older.

19 c. Does not have suitable family or another appropriate
20 entity willing and able to serve as guardian or conservator.

21 d. Is incompetent.

22 e. Is an individual for whom guardianship or conservatorship
23 services are the least restrictive means of meeting the
24 individual's needs.

25 2. For all appointments made pursuant to **this section**,
26 notice shall be provided to the state office or local office
27 ~~of substitute decision maker~~ prior to appointment. For
28 appointments made pursuant to **this section**, the state office
29 or local office ~~of substitute decision maker~~ shall only accept
30 appointments made pursuant to the filing of an involuntary
31 petition for appointment of a conservator or guardianship
32 pursuant to **chapter 633**.

33 Sec. 8. Section 231E.7, Code 2018, is amended to read as
34 follows:

35 **231E.7 ~~Substitute decision maker-initiated~~ Public**

1 **guardian-initiated appointment — interventions.**

2 The state office or local office may on its own motion or
3 at the request of the court intervene in a guardianship or
4 conservatorship proceeding if the state office or local office
5 or the court considers the intervention to be justified because
6 of any of the following:

7 1. An appointed guardian or conservator is not fulfilling
8 prescribed duties or is subject to removal under section
9 633.65.

10 2. A willing and qualified guardian or conservator is not
11 available.

12 3. The best interests of the ward require the intervention.
13 Sec. 9. Section 231E.8, Code 2018, is amended to read as
14 follows:

15 **231E.8 Provisions applicable to all appointments and**
16 **designations — discharge.**

17 1. The court shall only appoint or intervene on its own
18 motion or act upon the petition of any person under section
19 231E.6 or 231E.7 if such appointment or intervention would
20 comply with staffing ratios established by the department and
21 if sufficient resources are available to the state office or
22 local office. Notice of the proposed appointment shall be
23 provided to the state office or local office prior to the
24 granting of such appointment.

25 2. The state office or local office shall maintain
26 reasonable personal contact with each ward, ~~principal,~~ or
27 client for whom the state office or local office is appointed
28 or designated in order to monitor the ward's, ~~principal's,~~ or
29 client's care and progress. ~~For any estates in which the state~~
30 ~~office or local office is involved, the state office or local~~
31 ~~office shall move estate proceedings forward in a reasonable~~
32 ~~and expeditious manner and shall monitor the progress of any~~
33 ~~legal counsel retained on a regular basis.~~

34 3. Notwithstanding any provision of law to the contrary,
35 the state office or local office appointed by the court or

1 ~~designated under a power of attorney document~~ may access all
2 confidential records concerning the ward ~~or principal~~ for whom
3 the state office or local office is appointed or designated,
4 including medical records and abuse reports.

5 4. In any proceeding in which the state or a local office is
6 appointed or is acting as guardian or conservator, the court
7 shall waive court costs or filing fees, if the state office or
8 local office certifies to the court that the state office or
9 local office has waived its fees in their entirety based upon
10 the ability of the ward to pay for the services of the state
11 office or local office. ~~In any estate proceeding, the court~~
12 ~~costs shall be paid in accordance with chapter 633, division~~
13 ~~VII, part 7.~~

14 5. The state public guardian or a local ~~substitute decision~~
15 ~~maker~~ public guardian shall be subject to discharge or removal,
16 by the court, on the grounds and in the manner in which other
17 guardians, or conservators, ~~or personal representatives~~ are
18 discharged or removed pursuant to [chapter 633](#).

19 6. The state public guardian or a local ~~substitute decision~~
20 ~~maker~~ public guardian may petition to be removed as guardian
21 or conservator. A petition for removal shall be granted for
22 any of the following reasons:

23 a. The ward displays assaultive or aggressive behavior that
24 causes the ~~substitute decision maker~~ public guardian to fear
25 for their personal safety.

26 b. The ward refuses the services of the ~~substitute decision~~
27 ~~maker~~ public guardian.

28 c. The ward refuses to have contact with the ~~substitute~~
29 ~~decision maker~~ public guardian.

30 d. The ward moves out of Iowa.

31 ~~7. An appointment nominating the state office or a local~~
32 ~~office under a power of attorney shall not take effect unless~~
33 ~~the nominated state or local office has consented to the~~
34 ~~appointment in writing.~~

35 Sec. 10. Section 231E.9, Code 2018, is amended to read as

1 follows:

2 **231E.9 Fees — appropriated.**

3 Fees received by the state office and by local offices
4 for services provided as the state public guardian or as a
5 local ~~substitute decision maker~~ public guardian shall be
6 deposited in the general fund of the state and the amounts
7 received are appropriated to the department for the purposes
8 of administering this chapter.

9 Sec. 11. Section 231E.10, Code 2018, is amended to read as
10 follows:

11 **231E.10 Conflicts of interest — limitations.**

12 Notwithstanding section 633.63 or any other provision to the
13 contrary, a local ~~substitute decision maker~~ public guardian
14 shall not provide direct services to or have an actual or
15 the appearance of any conflict of interest relating to any
16 individual for whom the local ~~substitute decision maker~~ public
17 guardian acts in a ~~substitute decision making~~ the capacity of
18 a guardian, conservator, or representative payee, unless such
19 provision of direct services or the appearance of a conflict
20 of interest is approved and monitored by the state office in
21 accordance with rules adopted by the department.

22 Sec. 12. Section 231E.11, subsection 3, Code 2018, is
23 amended to read as follows:

24 3. A Notwithstanding section 13.7, the state public
25 guardian or a local public guardian may retain a local attorney
26 to represent the state office or a local office in legal
27 proceedings. A local attorney retained under this subsection
28 shall be experienced in probate matters ~~may represent the~~
29 ~~personal representative for all routine matters associated with~~
30 ~~probating an estate.~~

31 Sec. 13. Section 235B.6, subsection 2, paragraph e,
32 subparagraph (11), Code 2018, is amended to read as follows:

33 (11) The state office or a local office of substitute
34 ~~decision maker~~ public guardian as defined in section 231E.3,
35 if the information relates to the provision of legal services

1 for a client served by the state or local office of ~~substitute~~
2 ~~decision-maker~~ public guardian.

3 Sec. 14. Section 633.63, subsection 4, Code 2018, is amended
4 to read as follows:

5 4. The state public guardian or a local ~~substitute~~
6 ~~decision-maker~~ public guardian as defined in [section 231E.3](#)
7 is authorized to act in a fiduciary capacity in this state in
8 accordance with [chapter 231E](#).

9 EXPLANATION

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

12 This bill relates to the substitute decision maker Act (Code
13 chapter 231E) by changing references relative to the state
14 and local offices of substitute decision maker and substitute
15 decision-making services, and to instead refer to these offices
16 and services in terms of the state and local offices of public
17 guardian and public guardianship services.

18 The bill eliminates as services provided by the state and
19 local offices of public guardian, services provided by an
20 attorney in fact under a durable power of attorney for health
21 care pursuant to Code chapter 144B, an agent under a power
22 of attorney executed pursuant to Code chapter 633B, and a
23 personal representative (an executor or administrator) under
24 Code chapter 633 relating to the opening and administering of
25 an estate. Under the bill, the remaining services provided by
26 a public guardian are conservator, guardian, and representative
27 payee services.

28 The bill requires that local offices of public guardian be
29 established by the state office of public guardian, contingent
30 upon an appropriation to the department on aging of necessary
31 funds as determined by the director of the department on aging.

32 The bill makes additional conforming changes in the Code to
33 reflect the changes in terminology and the services provided.