

House File 2453 - Introduced

HOUSE FILE 2453
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HSB 579)

A BILL FOR

1 An Act relating to guardianships and conservatorships of
2 minors.

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

1 Section 1. Section 232D.103, Code 2020, is amended to read
2 as follows:

3 **232D.103 Jurisdiction.**

4 The juvenile court has exclusive jurisdiction in a
5 guardianship proceeding concerning a minor who is alleged to be
6 in need of a guardianship, and guardianships of minors.

7 Sec. 2. Section 232D.105, subsection 1, Code 2020, is
8 amended to read as follows:

9 1. A petition alleging that a minor is in need of a
10 conservatorship is not subject to **this chapter**. Such
11 proceedings shall be governed by **chapter 633** and may be
12 initiated pursuant to **section 633-627** 633.557.

13 Sec. 3. **NEW SECTION. 232D.107 Confidentiality.**

14 Official juvenile court records in guardianship proceedings
15 shall be confidential and are not public records. Confidential
16 records may be inspected and their contents shall be disclosed
17 to the following without court order, provided that a person
18 or entity who inspects or receives a confidential record under
19 this section shall not disclose the confidential record or its
20 contents unless required by law:

- 21 1. The judge and professional court staff.
- 22 2. The minor and the minor's counsel.
- 23 3. The minor's parent, guardian or custodian, court
24 visitor, and any counsel representing such person.

25 Sec. 4. Section 232D.301, subsection 2, paragraph d,
26 subparagraph (3), Code 2020, is amended to read as follows:

27 (3) Any adult who has had the primary care of the minor or
28 with whom the minor has lived for ~~at least~~ any time during the
29 six months prior to immediately preceding the filing of the
30 petition.

31 Sec. 5. Section 232D.301, subsection 4, Code 2020, is
32 amended to read as follows:

33 4. The petition shall state whether a limited guardianship
34 is appropriate, and whether a conservatorship for the minor is
35 needed or already in existence.

1 Sec. 6. Section 232D.302, subsection 2, Code 2020, is
2 amended to read as follows:

3 2. Notice shall be served upon the minor's known parents
4 listed in the petition in accordance with the rules of civil
5 procedure. If the parent has not filed a consent to the
6 appointment of a guardian, the notice shall inform any parent
7 named in the petition that the parent may be entitled to
8 representation under the conditions described in section
9 232D.304.

10 Sec. 7. Section 232D.305, subsection 1, Code 2020, is
11 amended to read as follows:

12 1. The court may appoint a court visitor for the minor. A
13 person is qualified to serve as a court visitor if the court
14 determines the person has demonstrated sufficient knowledge of
15 guardianships to adequately perform the duties in subsection 3.

16 Sec. 8. Section 232D.306, Code 2020, is amended by adding
17 the following new subsection:

18 NEW SUBSECTION. 4. A hearing on the petition may be
19 recorded if a court reporter is not used.

20 Sec. 9. Section 232D.307, subsection 2, Code 2020, is
21 amended to read as follows:

22 2. The court shall review the results of background
23 checks in determining the suitability of a proposed guardian
24 for appointment, and may, for good cause, share with the
25 respondent, the respondent's attorney, and the protected
26 person's attorney, the results of background checks.

27 Sec. 10. Section 232D.401, subsection 1, Code 2020, is
28 amended to read as follows:

29 1. The order by the court appointing a guardian for a minor
30 shall state the basis for the order and the date on which the
31 first reporting period for the guardianship will end.

32 Sec. 11. Section 232D.401, subsection 3, unnumbered
33 paragraph 1, Code 2020, is amended to read as follows:

34 An order by the court appointing a guardian for a minor shall
35 state the powers granted to the guardian. Except as otherwise

1 limited by court order, the court may grant the guardian the
2 following powers, which may be exercised without ~~prior~~ further
3 court approval:

4 Sec. 12. Section 232D.401, subsection 3, paragraph e, Code
5 2020, is amended to read as follows:

6 e. Applying for and receiving funds and benefits payable
7 for the support of the minor if the minor does not have a
8 conservator. If the minor has a conservator, the guardian
9 shall notify the conservator at least ten days before applying
10 for funds or benefits for the support of the minor.

11 Sec. 13. Section 232D.501, subsection 1, paragraph a, Code
12 2020, is amended by adding the following new subparagraph:

13 NEW SUBPARAGRAPH. (2A) The guardian's plan, if any, for
14 applying for and receiving funds and benefits payable for the
15 support of the minor.

16 Sec. 14. Section 232D.501, subsection 1, paragraph b, Code
17 2020, is amended by adding the following new subparagraph:

18 NEW SUBPARAGRAPH. (11) The results of the guardian's
19 efforts to apply for funds or benefits for the minor, and
20 an accounting for the use of such funds or benefits by the
21 guardian.

22 Sec. 15. Section 232D.501, Code 2020, is amended by adding
23 the following new subsections:

24 NEW SUBSECTION. 5. A copy of the verified initial care plan
25 and verified annual reports shall be provided by the court to
26 the protected person.

27 NEW SUBSECTION. 6. The judicial branch shall develop and
28 implement a calendar system to ensure that reports of the
29 guardian are timely filed, and to provide notice to the court
30 of guardian reports which are not timely filed.

31 EXPLANATION

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

34 This bill relates to guardianships and conservatorships of
35 minors.

1 Under current law, the juvenile court has exclusive
2 jurisdiction of guardianship proceedings. The bill provides
3 that the juvenile court also has exclusive jurisdiction over
4 guardianships of minors.

5 The bill changes a Code reference for a petition to appoint a
6 conservator for a minor.

7 The bill provides that a petition for a minor guardianship
8 must state whether a minor needs or currently has a
9 conservatorship.

10 The bill provides that juvenile court records in
11 guardianship proceedings are confidential and are not public
12 records. The confidential records may be inspected and
13 disclosed without court order to the judge and professional
14 court staff; the minor and minor's counsel; and the minor's
15 parent, guardian or custodian, court visitor, and any counsel
16 representing such person.

17 The bill describes who is qualified to serve as a court
18 visitor for a minor.

19 The bill provides that notice of a guardianship proceeding
20 must be given to any adult with whom the minor has lived for any
21 time during the six months immediately preceding the filing of
22 the petition.

23 The bill further provides that if a minor's known parents
24 have not consented to the appointment of a guardian, the notice
25 of the filing of a guardianship petition shall inform the known
26 parents that they are entitled to representation if they meet
27 the conditions in Code section 232D.304.

28 The bill provides that hearings on petitions for
29 guardianship may be recorded, and that for good cause a court
30 may share the results of background checks regarding the
31 suitability of a proposed guardian.

32 The bill also directs that the initial verified care plan
33 must include the guardian's plan for applying and receiving
34 funds and benefits for the support of the minor, that a copy of
35 the verified initial care plan and verified annual reports be

1 provided to the minor, and that the court develop and implement
2 a calendar system to ensure reports are timely filed.