

Senate Study Bill 3131 - Introduced

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

A BILL FOR

1 An Act relating to the initial care plan for minor and adult
2 guardianships and the initial plan and inventory for
3 adult conservatorships, and including effective date and
4 retroactive applicability provisions.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. REPORTS AND POWERS OF GUARDIANS AND CONSERVATORS
2 — TRANSITION PROVISIONS.

3 1. Minor guardianships. Notwithstanding the provisions
4 of section 232D.501, subsection 1, paragraph "a", designating
5 a verified initial care plan be filed by the guardian within
6 sixty days of appointment, for all minor guardianship cases
7 wherein the guardianship was established and the guardian was
8 appointed prior to January 1, 2020, the initial care plan
9 required by section 232D.501, subsection 1, paragraph "a",
10 shall be filed with the previously scheduled annual report.
11 The annual report must comply with the requirements set forth
12 in section 232D.501, subsection 1, paragraph "a". Guardians
13 appointed prior to January 1, 2020, have continuing authority
14 to perform acts concerning the protected person that were
15 authorized prior to January 1, 2020, through the date of the
16 guardian's previously scheduled annual report.

17 2. Adult guardianships. Notwithstanding the provisions of
18 section 633.669, subsection 1, paragraph "a", designating an
19 initial care plan be filed by the guardian within sixty days
20 of appointment, for all adult guardianship cases wherein the
21 guardianship was established and the guardian was appointed
22 prior to January 1, 2020, the initial care plan required by
23 section 633.669, subsection 1, paragraph "a", shall be filed
24 with the previously scheduled annual report. The annual report
25 must comply with the requirements set forth in section 633.669,
26 subsection 1, paragraph "a". Guardians appointed prior to
27 January 1, 2020, have continuing authority to perform acts
28 concerning the protected person that were authorized prior to
29 January 1, 2020, through the date of the guardian's previously
30 scheduled annual report.

31 3. Conservatorships. Notwithstanding the provisions of
32 section 633.670, subsection 1, paragraph "a", and section
33 633.670, subsection 2, designating an initial plan and
34 inventory be filed within ninety days of appointment, for
35 all conservatorship cases wherein the conservatorship was

1 established and the conservator was appointed prior to
2 January 1, 2020, the initial plan required by section 633.670,
3 subsection 1, paragraph "a", and inventory required by section
4 633.670, subsection 2, shall be filed with the previously
5 scheduled annual report. The annual report must comply with
6 the requirements set forth in section 633.670, subsection 3,
7 paragraph "a". Conservators appointed prior to January 1,
8 2020, have continuing authority to perform acts concerning the
9 protected person that were authorized prior to January 1, 2020,
10 through the date of the conservator's previously scheduled
11 annual report.

12 Sec. 2. EFFECTIVE DATE. This Act, being deemed of immediate
13 importance, takes effect upon enactment.

14 Sec. 3. RETROACTIVE APPLICABILITY. This Act applies
15 retroactively to January 1, 2020.

16 EXPLANATION

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

19 This bill relates to the initial care plan for minor and
20 adult guardianships and the initial plan and inventory for
21 conservatorships.

22 2019 Iowa Acts, chapters 56 and 57, amended the laws
23 regarding guardianships and conservatorships, including
24 requirements relating to required reports.

25 The bill provides that for all guardianship cases wherein
26 the guardianship was established and the guardian was appointed
27 prior to January 1, 2020, the initial care plan for minors and
28 for adults shall be filed with the previously scheduled annual
29 report and not within 60 days of the initial appointment as
30 specified by 2019 Iowa Acts, chapters 56 and 57, respectively.
31 The annual report must comply with Code requirements and
32 guardians appointed prior to January 1, 2020, have continuing
33 authority to perform acts concerning the protected person that
34 were authorized prior to January 1, 2020, through the date of
35 the guardian's previously scheduled annual report.

1 The bill provides that for all conservatorship cases wherein
2 the conservatorship was established and the conservator was
3 appointed prior to January 1, 2020, the initial plan and
4 inventory shall be filed with the previously scheduled annual
5 report, and not within 90 days of appointment as specified by
6 2019 Iowa Acts, chapter 57. The annual report must comply with
7 Code requirements and conservators appointed prior to January
8 1, 2020, have continuing authority to perform acts concerning
9 the protected person that were authorized prior to January
10 1, 2020, through the date of the conservator's previously
11 scheduled annual report.

12 The bill takes effect upon enactment and is retroactively
13 applicable to January 1, 2020.