

House File 2660 - Introduced

HOUSE FILE 2660
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HF 817)

A BILL FOR

1 An Act relating to decedent property, including deposit accounts,
2 small estate affidavits, and distribution of child support.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

unofficial

1 Section 1. Section 524.805, subsection 8, Code 2026, is
2 amended to read as follows:

3 8. A state bank may receive deposits from one or more persons
4 with the provision that upon the death of the depositors the
5 deposit account shall be the property of the person or persons
6 designated by the deceased depositors as shown on the deposit
7 account records of the state bank. After payment by the state
8 bank, the proceeds shall remain subject to any debts of the
9 decedent and subject to any payment of Iowa inheritance tax for
10 resulting from a death occurring prior to January 1, 2025. A
11 state bank paying the person or persons designated shall not be
12 liable as a result of that action for any debts of the decedent
13 or for any estate, inheritance, or succession taxes which may be
14 due this state.

15 Sec. 2. Section 633.356, subsection 1, unnumbered paragraph
16 1, Code 2026, is amended to read as follows:

17 When the ~~gross value of the decedent's probate assets consist~~
18 only of personal property that would otherwise be distributed
19 ~~by will or intestate succession is or has been, at any time~~
20 since and the gross value of the decedent's personal property is,
21 or has been at any time since the decedent's death, fifty one
22 hundred thousand dollars or less and there is no real property,
23 ~~or for deaths occurring before January 1, 2025, the real property~~
24 ~~passes to persons exempt from inheritance tax as joint tenants~~
25 ~~with full rights of survivorship pursuant to chapter 450, and~~
26 if forty days have elapsed since the death of the decedent,
27 a successor as defined in subsection 2 may, by furnishing an
28 affidavit prepared pursuant to subsection 3 or 8, and without
29 procuring letters of appointment, do any of the following with
30 respect to one or more items of such personal property:

31 Sec. 3. Section 633.356, subsection 3, paragraph a,
32 subparagraph (3), Code 2026, is amended by striking the
33 subparagraph and inserting in lieu thereof the following:

34 (3) That the decedent's probate assets consist only of
35 personal property, with no interest in real estate, and that

1 the gross value of the decedent's personal property is, or has
2 been at any time since the decedent's death, one hundred thousand
3 dollars or less.

4 Sec. 4. Section 633.356, subsection 3, Code 2026, is amended
5 by adding the following new paragraph:

6 NEW PARAGRAPH. c. Child support services, as created in
7 section 252B.2, shall make available a form meeting the
8 requirements of this subsection that may be used, if appropriate,
9 by a successor as defined in subsection 2, paragraph "a" or "b",
10 when child support services or the collection services center,
11 as created in section 252B.13A, is the holder of the decedent's
12 property in the form of undistributed child support owed to the
13 decedent.

14 **EXPLANATION**

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

17 This bill relates to decedent property, including deposit
18 accounts, small estate affidavits, and distribution of child
19 support.

20 Under current law, a successor may use an affidavit pursuant
21 to Code section 633.356 (distribution of property by affidavit)
22 to collect and transfer a decedent's personal property that would
23 otherwise be distributed by will or intestate succession if the
24 gross value of the personal property is \$50,000 or less and
25 the estate includes no real property, or if the death occurred
26 prior to January 1, 2025, the real property passes to a person
27 exempt from inheritance tax as joint tenants with full rights
28 of survivorship, and at least 40 days have elapsed since the
29 decedent's death.

30 The bill increases the maximum allowable gross value of
31 personal property eligible for the affidavit procedure from
32 \$50,000 to \$100,000. The bill also provides that the decedent's
33 probate assets must consist only of personal property, and
34 eliminates the real property exception for deaths occurring prior
35 to January 1, 2025. The requirement that 40 days must elapse

1 following the decedent's death remains unchanged. As under
2 current law, a successor may act by furnishing an affidavit and
3 without procuring letters of appointment from the court.

4 The bill allows a successor of a decedent who has a very small
5 estate to access undistributed child support payments owed to
6 the decedent held by child support services or the collection
7 services center. The bill requires child support services to
8 create and make available a form that allows the successor to
9 collect the held moneys.

unofficial