

Senate File 2364 - Introduced

SENATE FILE 2364
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB 3157)

(COMPANION TO HF 2532 BY
COMMITTEE ON JUDICIARY)

A BILL FOR

1 An Act relating to probate and trust matters, including
2 time limitations on actions, attorney fees, trust code
3 proceedings and notice requirements, damages for wrongful
4 death, and filing deadlines, and including effective date and
5 applicability provisions.
6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 614.1, Code 2026, is amended by adding the
2 following new subsection:

3 NEW SUBSECTION. 2B. *With respect to nontestamentary*
4 *transfers.* Those founded upon a decedent's title to assets,
5 beneficiary designations, or other nontestamentary transfers
6 procured in whole or in part by tortious interference with
7 inheritance, undue influence, fraud, or other wrongful conduct
8 not involving fraud, within two years of the decedent's death.

9 Sec. 2. NEW SECTION. **633.163 Fees — expenses.**

10 In a disputed judicial proceeding involving the administration
11 of a decedent's estate, the court, as equity and justice may
12 require, may award costs, attorney fees, and other expenses to
13 any party to be paid by another or from the estate that is
14 the subject of the controversy. For purposes of this section,
15 attorney fees do not include an attorney fee as described in
16 section 633.198.

17 Sec. 3. Section 633.336, Code 2026, is amended by striking
18 the section and inserting in lieu thereof the following:

19 **633.336 Damages for wrongful death.**

20 1. When a wrongful act produces death, damages recovered as
21 a result of the wrongful act shall be disposed of as personal
22 property belonging to the estate of the deceased person except to
23 the extent that the damages are for loss of services and support.

24 2. The probate court shall determine the amount belonging to
25 the estate and the amount belonging to the persons suffering the
26 loss of services and support.

27 3. The amount belonging to the estate shall be at least the
28 amount necessary to pay for all of the following:

29 a. Court costs and reasonable fees and further allowances for
30 the personal representatives and their attorneys to administer
31 the estate of the deceased person.

32 b. Department of health and human services for payments made
33 for medical assistance pursuant to chapter 249A, paid on behalf
34 of the decedent from the time of the injury which gives rise to
35 the decedent's death up until the date of the decedent's death.

1 4. The probate court shall then determine whether there are
2 debts and charges classified under section 633.425 related to the
3 wrongful death that should be paid from the remaining portion
4 belonging to the estate.

5 5. The balance of the portion belonging to the estate shall
6 be distributed pursuant to the decedent's will or the laws of
7 intestate succession.

8 6. Damages for loss of services and support shall be
9 apportioned among the persons suffering the loss of services and
10 support in a manner as the court may deem equitable consistent
11 with those losses sustained by each person.

12 Sec. 4. Section 633.361, unnumbered paragraph 1, Code 2026,
13 is amended to read as follows:

14 Within ~~ninety~~ one hundred twenty days after qualification by
15 the personal representative, unless a longer time is granted
16 by the court, the personal representative shall file with the
17 clerk a report and inventory of the property of the decedent,
18 so far as the same has come to the knowledge of the personal
19 representative. The report and inventory shall be verified
20 or affirmed under penalty of perjury. It shall include the
21 following information:

22 Sec. 5. NEW SECTION. **633A.6203 Nature of proceedings —**
23 **orders in trust code — notice.**

24 1. Actions to set aside or contest trusts and for the
25 establishment of contested claims shall be triable in probate as
26 law actions, and all other matters triable under the trust code
27 shall be tried by the probate court as a proceeding in equity.

28 2. All orders and decrees of the court sitting in probate are
29 final decrees as to the parties having notice and those who have
30 appeared without notice.

31 3. All orders without notice or appearance are reviewable by
32 the court at any time prior to the entry of an order closing or
33 terminating court jurisdiction.

34 4. Other than notice required under the rules of civil
35 procedure, notice and hearing of actions under section 633A.6202

1 shall be governed by section 633A.1109.

2 Sec. 6. EFFECTIVE DATE. The following, being deemed of
3 immediate importance, takes effect upon enactment:

4 The section of this Act enacting section 633A.6203.

5 Sec. 7. APPLICABILITY. The following apply to actions
6 involving decedents dying on or after July 1, 2026:

7 1. The section of this Act enacting section 614.1, subsection
8 2B.

9 2. The section of this Act enacting section 633.163.

10 EXPLANATION

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

13 This bill relates to probate code and trust code matters,
14 including time limitations on nontestamentary transfer actions,
15 attorney fees, trust code proceedings, trust code notice
16 requirements, damages for wrongful death, and probate report and
17 inventory filing deadlines.

18 The bill creates a period of limitations for nontestamentary
19 transfers. The bill requires actions founded upon a
20 decedent's title to assets, beneficiary designations, or other
21 nontestamentary transfers procured by tortious interference with
22 inheritance, undue influence, fraud, or other wrongful conduct
23 not involving fraud, to be brought within two years of the
24 decedent's death. This provision applies to actions involving
25 decedents dying on or after July 1, 2026.

26 The bill allows the court to award costs, attorney fees,
27 and other expenses to any party in a probate proceeding. This
28 provision applies to actions involving decedents dying on or
29 after July 1, 2026.

30 The bill provides that when a wrongful act produces death,
31 damages recovered as a result of that act shall be disposed of as
32 personal property belonging to the estate of the deceased person
33 except to the extent that the damages are for loss of services
34 and support. The bill requires the court to determine the amount
35 belonging to the estate and the amount belonging to the persons

1 suffering the loss of services and support.

2 The bill extends the filing deadline for probate report and
3 inventory from 90 days to 120 days.

4 The bill provides that actions to set aside or contest trusts
5 and for the establishment of contested claims shall be triable
6 in probate as law actions. The bill further provides that all
7 other matters triable under the trust code shall be tried by
8 the probate court as a proceeding in equity. The bill provides
9 notice requirements for actions under the trust code. These
10 provisions take effect upon enactment.

unofficial