

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
2 accounts, small estate affidavits, and distribution of child
3 support.

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

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
4 persons with the provision that upon the death of the
5 depositors the deposit account shall be the property of the
6 person or persons designated by the deceased depositors as
7 shown on the deposit account records of the state bank. After
8 payment by the state bank, the proceeds shall remain subject
9 to any debts of the decedent and subject to any payment of Iowa
10 inheritance tax for ~~resulting from~~ a death occurring prior to
11 January 1, 2025. A state bank paying the person or persons
12 designated shall not be liable as a result of that action for
13 any debts of the decedent or for any estate, inheritance, or
14 succession taxes which may be 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~~
18 consist only of personal property that would otherwise be
19 distributed by will or intestate succession is or has been,
20 at any time since and the gross value of the decedent's
21 personal property is, or has been at any time since the
22 decedent's death, fifty one hundred thousand dollars or less
23 and there is no real property, or for deaths occurring before
24 January 1, 2025, the real property passes to persons exempt
25 from inheritance tax as joint tenants with full rights of
26 survivorship pursuant to ~~chapter 450~~, and if forty days have
27 elapsed since the death of the decedent, a successor as defined
28 in ~~subsection 2~~ may, by furnishing an affidavit prepared
29 pursuant to ~~subsection 3 or 8~~, and without procuring letters
30 of appointment, do any of the following with respect to one or
31 more items of such personal property:

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

35 (3) That the decedent's probate assets consist only of

1 personal property, with no interest in real estate, and that
2 the gross value of the decedent's personal property is, or
3 has been at any time since the decedent's death, one hundred
4 thousand dollars or less.

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

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

15 EXPLANATION

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

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

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

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

1 deaths occurring prior to January 1, 2025. The requirement
2 that 40 days must elapse following the decedent's death
3 remains unchanged. As under current law, a successor may act
4 by furnishing an affidavit and without procuring letters of
5 appointment from the court.

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