

Senate Study Bill 3157 - Introduced

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

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
5 and 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
2 the 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
11 administration of a decedent's estate, the court, as equity
12 and justice may require, may award costs, attorney fees, and
13 other expenses to any party to be paid by another or from the
14 estate that is the subject of the controversy. For purposes of
15 this section, attorney fees do not included an attorney fee as
16 described in 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
23 to the extent that the damages are for loss of services and
24 support.

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

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

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

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

1 the decedent's death up until the date of the decedent's death.

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

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

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

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

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

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

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

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

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

1 4. Other than notice required under the rules of civil
2 procedure, notice and hearing of actions under section
3 633A.6202 shall be governed by section 633A.1109.

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

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

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

9 1. The section of this Act enacting section 614.1,
10 subsection 2B.

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

12 EXPLANATION

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

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

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

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

32 The bill provides that when a wrongful act produces death,
33 damages recovered as a result of that act shall be disposed of
34 as personal property belonging to the estate of the deceased
35 person except to the extent that the damages are for loss of

1 services and support. The bill requires the court to determine
2 the amount belonging to the estate and the amount belonging to
3 the persons suffering the loss of services and support.

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

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