

CHAPTER 141
LIMITED GUARDIANSHIPS

S. F. 400

AN ACT providing for limited guardianships under the state probate code.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Chapter six hundred thirty-three (633), Code 1979, is amended by adding the following new section:

NEW SECTION. RESPONSIBILITIES OF GUARDIAN. Unless otherwise directed by order of court, the guardian shall have custody of a minor ward and general supervisory responsibility for the care of a ward who has attained the age of majority. However, the court may take into account all available information concerning the capabilities of the ward and any additional evaluation deemed necessary, and may direct that the guardian have only a specially limited responsibility for the ward. In such event, the court shall state those areas of responsibility which shall be supervised by the guardian and all others shall be retained by the ward. From time to time, upon a proper showing, the court may alter the respective responsibilities of the guardian and the ward, after notice to the ward and an opportunity to be heard.

Sec. 2. Section six hundred thirty-three point six hundred thirty-seven (633.637), Code 1979, is amended to read as follows:

633.637 POWERS OF WARD. A ward for whom a conservator has been appointed shall not have the power to convey, encumber or dispose of property in any manner, other than by will if he the ward possesses the requisite testamentary capacity, unless the court determines that the ward has a limited ability to handle his or her own funds. If the court makes such a finding, it shall specify to what extent the ward may possess and use his or her own funds.

Sec. 3. Section six hundred thirty-three point six hundred thirty-eight (633.638), Code 1979, is amended to read as follows:

633.638 PRESUMPTION OF FRAUD. If a conservator be appointed, all contracts, transfers and gifts made by the ward after the filing of the petition shall be presumed to be a fraud against the rights and interest of the ward except as otherwise directed by the court pursuant to section six hundred thirty-three point six hundred thirty-seven (633.637) of the Code.

Sec. 4. This Act is effective January first following its enactment.

Approved April 26, 1979