

CHAPTER 1074

DAMAGES FOR WRONGFUL DEATH AND AWARDING OF COSTS AND FEES IN PROBATE PROCEEDINGS — NONTESTAMENTARY TRANSFER ACTION STATUTE OF LIMITATION — ACTIONS TO SET ASIDE OR CONTEST TRUSTS

H.F. 2532

AN ACT relating to probate and trust matters, including time limitations on actions, attorney fees, trust code proceedings and notice requirements, damages for wrongful death, and filing deadlines, and including effective date and applicability provisions.

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

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

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

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

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

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

633.336 Damages for wrongful death.

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

2. Except to the extent previously determined, the probate court shall determine the amount belonging to the estate and the amount belonging to the persons suffering the loss of services and support.

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

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

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

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

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

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

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

Within ninety one hundred twenty days after qualification by the personal representative, unless a longer time is granted by the court, the personal representative shall file with the clerk a report and inventory of the property of the decedent, so far

as the same has come to the knowledge of the personal representative. The report and inventory shall be verified or affirmed under penalty of perjury. It shall include the following information:

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

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

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

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

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

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

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

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

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

2. The section of this Act enacting section 633.163.

Approved May 2, 2026