

633.552 Basis for appointment of guardian for an adult.

1. On petition and after notice and hearing, the court may appoint a guardian for an adult if the court finds by clear and convincing evidence that all of the following are true:

a. The decision-making capacity of the respondent is so impaired that the respondent is unable to care for the respondent's safety, or to provide for necessities such as food, shelter, clothing, or medical care without which physical injury or illness may occur.

b. The appointment of a guardian is in the best interest of the respondent.

2. [Section 633.551](#) applies to the appointment of a guardian under [subsection 1](#).

3. If the court appoints a guardian based upon the mental incapacity of the protected person because the protected person has an intellectual disability, as defined in [section 4.1](#), the court shall make a separate determination as to the protected person's competency to vote. The court shall find a protected person incompetent to vote only upon determining that the person lacks sufficient mental capacity to comprehend and exercise the right to vote.

[2019 Acts, ch 57, §10, 43, 44](#)

Referred to in [§48A.2](#), [229.27](#), [235B.18](#), [622.10](#), [633.567](#), [633.569](#), [633.635](#), [633.675](#), [633B.102](#)

Former [§633.552](#) repealed effective January 1, 2020, by [2019 Acts, ch 57, §41, 43](#)

Section takes effect January 1, 2020, and applies to guardianships and guardianship proceedings for adults and conservatorships and conservatorship proceedings for adults and minors established or pending before, on, or after that date; [2019 Acts, ch 57, §43, 44](#)