

633.563 Court-ordered professional evaluation.

1. At or before a hearing on a petition for the appointment of a guardian or conservator or the modification or termination of a guardianship or conservatorship, the court shall order a professional evaluation of the respondent unless one of the following criteria are met:

a. The court finds it has sufficient information to determine whether the criteria for a guardianship or conservatorship are met.

b. The petitioner or respondent has filed a professional evaluation.

2. Notwithstanding [subsection 1](#), if the respondent has filed a professional evaluation and the court determines an additional professional evaluation will assist the court in understanding the decision-making capacity and functional abilities and limitations of the respondent, the court may order a professional evaluation of the respondent.

3. If the court orders an evaluation, the evaluation shall be conducted by a licensed physician, psychologist, social worker, or other individual who is qualified to conduct an evaluation appropriate for the respondent being assessed.

4. Unless otherwise directed by the court, the report must contain all of the following:

a. A description of the nature, type, and extent of the respondent's cognitive and functional abilities and limitation.

b. An evaluation of the respondent's mental and physical condition and, if appropriate, educational potential, adaptive behavior, and social skills.

c. A prognosis for improvement and recommendation for the appropriate treatment, support, or habilitation plan.

d. The evaluator's qualifications to evaluate the respondent's cognitive and functional abilities limitations and lack of conflict of interest.

e. The date of examination on which the report is based.

5. The cost of the professional evaluation shall be paid by the respondent unless the respondent is indigent as defined in [section 633.561, subsection 3](#), in which case the costs shall be paid by the county in which the proceedings are pending or unless the court orders otherwise.

6. At the request of the respondent, the court shall seal the record of the results of the evaluation ordered by the court subject to the exceptions in [subsection 7](#).

7. The results of the evaluation ordered by the court shall be filed with the court and made available to the following:

a. The respondent and the respondent's attorney.

b. The petitioner and the petitioner's attorney.

c. A court visitor as described in [section 633.562](#).

d. Other persons for good cause shown for such purposes as the court may order.

[2019 Acts, ch 57, §22, 43, 44; 2020 Acts, ch 1062, §68; 2020 Acts, ch 1063, §352](#)

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

Subsection 1, unnumbered paragraph 1 amended

Subsection 7, unnumbered paragraph 1 amended