

FILED

MAR 07 2018

In the Iowa Supreme Court

In the Matter of Adoption of)
New Iowa Rule of Probate)
Procedure 7.8 Prohibiting)
Waiver of Guardian and Conservator)
Filing Requirements)

CLERK SUPREME COURT

Order

The Iowa Supreme Court adopts new rule of probate procedure 7.8 that prohibits waiver of a guardian’s requirement to file initial, annual, or final reports and that would prohibit waiver of a conservator’s requirement to file an inventory, annual report and accounting, or final report. The proposed rule is based on recommendations from the August 2017 Iowa Guardianship and Conservatorship Reform Task Force Report, *Reforming Iowa’s Guardianship and Conservatorship System*. New Iowa Rule of Probate Procedure 7.8 provides as follows:

Rule 7.8 Guardian and conservator filing requirements.

Rule 7.8(1) The court shall not waive any guardian requirement to file an initial, annual, or final report.

Rule 7.8(2) The court shall not waive any conservator requirement to file an inventory, annual report and accounting, or final report.

Rule 7.8(3) The court may extend the time for any required filing of a guardian or conservator only upon the showing of good cause.

Rule 7.8(4) Upon a failure of a guardian or conservator to make any required filing, and after notice and opportunity to cure the failure, the court may impose sanctions on the guardian or conservator including removal of the guardian or conservator.

The court first reviewed the substance of the new rule during its 2017 Administrative Term and then submitted it for public comment in October 2017. The court has carefully reviewed the many thoughtful comments it received. The court also notes the Judicial Council’s support of a prohibition on waivers and limiting the granting of extensions for good cause shown. The

court finds that adoption of new Rule of Probate Procedure 7.8 will bring uniformity of reporting requirements among the judicial districts and better ensure that district courts are able to fulfill their guardianship and conservatorship oversight responsibilities without imposing undue burdens on guardians or conservators.

New Iowa Rule of Probate Procedure 7.8 is subject to Legislative Council review consistent with the provisions of Iowa Code section 602.4202.

The effective date of these amendments is January 1, 2019.

Dated this 7th day of March, 2018.

The Iowa Supreme Court

By Mark S. Cady
Mark S. Cady, Chief Justice