

FILED

DEC 12 2019

In the Iowa Supreme Court

**In the Matter of Amendments to)
Chapters 7 and 8 of the Iowa)
Court Rules and concerning)
Guardianship and)
Conservatorship Court Forms)**

Order

CLERK SUPREME COURT

On May 1, 2019, Governor Kim Reynolds signed into law House File 591, an Act providing for juvenile court jurisdiction over minor guardianship proceedings. House File 591 adds chapter 232D to the Iowa Code. The statute directs the court to create several court forms to implement the provisions of the chapter, including an affidavit of parental consent, initial care plan, annual report, and final report. The Act is effective January 1, 2020.

On May 1, 2019, Governor Reynolds also signed into law House File 610, an Act relating to the opening of guardianships for adults and conservatorships for adults and minors and the administration of guardianships and conservatorships. House File 610 substantially amends a number of sections in Iowa Code chapter 633 dealing with guardianships and conservatorships. The statute directs the court to create several court forms for guardianships, including an initial care plan, annual report, and final report for both minor and adult guardianships. The Act is effective January 1, 2020.

On August 20, 2019, the supreme court entered an order with an effective date of January 1, 2020, removing Iowa Court rule 7.11 forms and adding new proposed forms.

On October 9, 2019, the supreme court entered an order transferring forms 7, 8, 9, and 10 from rule 7.11 of the Iowa Rules of Probate Procedure to newly created rule 8.37 of the Iowa Rules of Juvenile Procedure.

With today's order, the supreme court withdraws the proposed rules and forms submitted to Legislative Council with the court's August 20, 2019, and

October 9, 2019, orders and issues new proposed rules and forms.

The rule revisions and forms provided with this order divide the report of referee form, minor guardianship forms, adult guardianship forms, and conservatorship forms into separate rules. The rule revisions also make the new forms mandatory for unrepresented filers and optional for attorneys.

The minor and adult guardianship forms are modified to require more detailed responses in the initial plan and subsequent reports consistent with the new legislation. Specifically, the annual budget and expenses section, health section, education section, and protected person's contact with family and other significant persons sections are expanded. Additional background information about the protected person and guardian are included in the new forms. Instructions are added at the top of each form. A background check form for the proposed guardian is also included.

The conservatorship forms are similarly modified to require more detailed responses in the initial plan and subsequent reports consistent with the new legislation. Specifically, the proposed accounting and budget sections are greatly expanded and new sections were added regarding conservatorship fees and management of assets. Additional background information about the protected person and conservator are included in the new forms. Instructions are added at the top of each form. A background check form for the proposed conservator is included. The inventory form is also expanded to provide more categories of assets to prompt filers.

The adult guardianship forms are in Iowa Court Rule 7.11. The conservatorship forms are in new Iowa Court Rule 7.12. The minor guardianship forms are in Iowa Court Rule 8.37.

Today's order is intended to supplement the supreme court's November 21, 2019, supervisory order, which was entered in anticipation of the

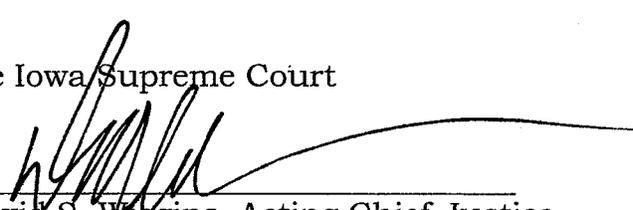
implementation of legislation addressing uncertainty with respect to when initial plans and annual reports must be filed as well as when existing guardian and conservator powers become limited by the terms of the new acts. Specifically, the supervisory order extends the deadline for initial plans and annual reports for guardianships and conservatorships established prior to January 1, 2020 through the previously scheduled report deadlines. The November 21, 2019, supervisory order also extends existing guardianship and conservatorship powers through the deadline for the filing of the annual report.

With today's order, the supreme court hereby orders as follows:

1. All proposed rule revisions and forms accompanying the August 20, 2019, and October 9, 2019, orders are withdrawn effective immediately.
2. The rule amendments and forms provided with this order are temporarily adopted effective immediately. The forms will permanently take effect subject to Legislative Council review consistent with the provisions of Iowa Code section 602.4202.
3. All 2014 Iowa Court Rule 7.11 forms are removed effective January 1, 2020.

Dated this 12TH day of December, 2019.

The Iowa Supreme Court

By 
David S. Wiggins, Acting Chief Justice