

IN THE IOWA DISTRICT COURT FOR THE FIRST JUDICIAL DISTRICT

IN THE MATTER OF GUARDIANSHIP
AND CONSERVATORSHIP MATTERS
EFFECTIVE JANUARY 1, 2020.

**ADMINISTRATIVE ORDER -
SUPPLEMENTAL**
December 31, 2020

The First Judicial Districts hereby re-issues the Administrative Order entered December 24, 2019, with supplements noted in bold.

The Iowa legislature has approved House File 610 and House File 591, and this legislation was signed into law by Governor Kim Reynolds on May 1, 2019. House File 591 adds Chapter 232D to the *Code of Iowa*. House File 610 substantially amends *Code of Iowa* Chapter 633 dealing with guardianships and conservatorships. This legislation is effective January 1, 2020, and applies retroactively to existing guardianships and conservatorships. In anticipation of the implementation of new and amended provisions of the *Code of Iowa* and in order to effectuate efficient and effective compliance with these new provisions, the First Judicial District of Iowa must enter an administrative order to provide for the transition.

Iowa Code Section 232D.103 provides that the juvenile court has exclusive jurisdiction in guardianship proceedings concerning a minor. *Code of Iowa* Section 602.7101(1) establishes juvenile court jurisdiction within the district court. *Code of Iowa* Section 602.1211 empowers the chief judge of a judicial district to supervise the judicial business of the district, including supervising allocation of judicial officers' workload. The Iowa Supreme Court issued Supervisory Orders on November 21, 2019, and November 25, 2019, that granted, in part, guardianships and conservatorships existing on January 1, 2020, will have continuing authority to perform acts concerning the protected person that were authorized prior to January 1, 2020, and through the date of the next 2020 scheduled annual report. When the annual report is due in 2020, the parties are expected to comply with the new provisions of the *Code of Iowa* concerning annual report filings, including, but not

limited to, the filing of an initial care plan. The legislation creating *Code of Iowa* Chapter 232D, as well as amending *Code of Iowa* Chapter 233, will impact a large volume of cases in the First Judicial District and will create a substantial workload for judicial officers, particularly in the transition period of approximately 12 to 18 months following January 1, 2020. In order for the work associated with these cases to be performed, the undersigned will allocate and assign responsibility for these cases among various judicial officers. As a result, the following order is necessary to provide for judicial business within the district.

IT IS THEREFORE ORDERED as follows:

1. Any newly-filed minor guardianship proceeding beginning January 1, 2020, shall proceed in the Juvenile Court in all counties in the First Judicial District.

2. In all counties in the First Judicial District, except Black Hawk County, any minor guardianship established prior to January 1, 2020, will be handled by the Juvenile Court, effective January 1, 2020.

3. In Black Hawk County, any minor guardianship established prior to January 1, 2020, may be handled either by the Juvenile Court or by the District Court, exercising Juvenile Court jurisdiction, for a period of 18 months until June 30, 2021, when it is anticipated that all existing minor guardianship cases will have transitioned to the Juvenile Court.

4. It is further ordered that any combined guardianship and conservatorship case involving a minor protected person that was established prior to January 1, 2020, will continue to be handled by the District Court, exercising Juvenile Court jurisdiction, pending further order. No combined guardianship and conservatorship case can be filed for minors after January 1, 2020.

5. Any existing guardianship, conservatorship, and combined guardianship and conservatorship shall file annual reports in 2020 that comply with the new *Code of Iowa* requirements. Thereafter, annual reports will be required in all case files. There shall be no waiver of the annual reporting requirement.

6. It is further ordered that the background check form completed by a proposed guardian or conservator, as well as the results of any background check conducted pursuant to the law subsequent to January 1, 2020, shall be maintained by the Clerk of Court at a Document Security Level 5.

7. It is further ordered that with regard to any pending case as of December 31, 2019, wherein an individual has been appointed to serve as a “guardian ad litem” for the protected person, beginning January 1, 2020, the role of that person shall be as attorney for the protected person as described in the amendments to *Iowa Code* Chapter 633. **A determination will be made at the time of the Court’s review of the 2020 annual report, or earlier if necessary, if the appointment of a court visitor would be in the best interest of the protected person.** With regard to any pending case as of December 31, 2019, wherein no attorney or guardian ad litem has been appointed for the protected person, an attorney shall be appointed for the protected person at the time of the Court’s review of the 2020 annual report unless the Court has received an application signed by the respondent and/or an interested party and entered an order finding an attorney is not needed or has been privately retained. **With regard to any pending case as of December 31, 2019, wherein separate individuals have been appointed to serve as attorney and as “guardian ad litem” for the protected person, the previously appointed attorney will continue to serve in the role of attorney for the protected person and a determination will be made at the time of the Court’s review of the 2020 annual report, or earlier if necessary, if the appointment of a court visitor would be in the best interest of the protected person.**

8. There are no Supreme Court approved forms currently available for use in meeting the new *Code of Iowa* requirements. The Supreme Court has submitted proposed forms to the Legislative Council for review. This review process is still pending. Until Supreme Court approved forms are available, pleadings will be

accepted in compliance with the *Code of Iowa* requirements, as amended. When Supreme Court approved forms have been fully approved and are available on the Judicial Branch website, compliance with those forms will be ~~expected~~ **encouraged although a pleading in compliance with the *Code of Iowa* requirements will continue to be accepted.**

This Order is effective immediately.

BY THE COURT:



KELLYANN M. LEKAR, Chief Judge of the
First Judicial District of Iowa