IOWA HOUSE REPUBLICANS

**REPUBLICAN CAUCUS STAFF**
HOUSE OF REPRESENTATIVES
STATE CAPITOL
DES MOINES, IOWA 50319

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# HOUSE REPUBLICAN STAFF ANALYSIS

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| Bill: | House File 232 (Formerly HSB 106) | House Committee: | **PASSED** on February 7 (21-0) |
| Committee: | Judiciary | House Floor: | |
| Floor Manager: | Rep. Gustoff | Senate Floor: | |
| Date: | February 14, 2023 | Governor: | |
| Staff: | Amanda Wille (1-5230) | | |

## Probate

- HF 232 Amends the Probate Code. Updates current practices, removes inconsistences, and streamlines procedures.

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## Section by Section Analysis

*Section 1 –Probate Code- Fiduciary Written Request and Third-Party Protection (633.78)*
Facilitates the fiduciary's ability to gather assets and information to administer the estate of decedents and protected person under the probate code.

*Section 2 –Probate Code- Fiduciary Written Request and Third-Party Protection (633.78)*
Changes ward to protected person

*Section 3- Probate Code- Copy of Will for Executor (633.301)*
Directs the clerk of court to only send certified copies of wills upon request.

*Section 4 Probate Code- Time Within Which Action Must Be Commenced (633.309)*
Time when an action must be commenced- This is in response to an IA Sup Ct.

*Section 5- Probate Procedure in Lieu of Conservatorship for a Minor (633.555)*
Allows the transfer of inheritance payable to minors available under the Uniform Transfers to Minor Act, The Uniform Custodial Trust Act and College Savings Iowa Plan.

*Section 6- Probate- Appointment and Role of Attorney for Respondent (633.561)*
Clarifies the cost of a court appointed attorney includes the expense of the trial transcript for a respondent in a guardianship proceeding

*Section 7- Probate- Trustee Written Request and Third-Party Protection (633A.4403) New Code Section*
Gives trustees acting under the Trust Code the same options as those acting under the probate code.

*Section 8 – Powers of Attorney- Estates, Trusts, and Other Beneficial Interests (633B.211)*
Allows agents under 633B power of attorney to create a Miller trust to benefit the principal.

*Section 9- Applicability*
Applies to those created on or after the effective date of this act.

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## Amendment Analysis