

## HOUSE REPUBLICAN STAFF ANALYSIS

Bill:	House File 232 (Formerly HSB 106)	House Committee:	<b>PASSED</b> on February 7 (21-0)
Committee:	Judiciary	House Floor:	<b>PASSED</b> on February 15 (99-0)
Floor Manager:	Rep. Gustoff	Bouncing	<b>PASSED</b> on May 3 (93-0)
Date:	May 8, 2023	Senate Floor:	<b>PASSED</b> on May 3 (48-0)
Staff:	Amanda Wille (1-5230)	Governor:	

### Probate

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

### 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**