

CHAPTER 1009

ADULT AND MINOR GUARDIANSHIPS AND CONSERVATORSHIPS

S.F. 295

AN ACT concerning the creation, administration, and termination of adult and minor guardianships and conservatorships.

Be It Enacted by the General Assembly of the State of Iowa:

DIVISION I MINOR GUARDIANSHIPS

Section 1. [Section 232D.103](#), Code 2024, is amended to read as follows:

232D.103 Jurisdiction.

The juvenile court has exclusive jurisdiction in a guardianship proceeding ~~concerning a minor who is alleged to be in need of a guardianship~~ for appointment of a guardian for a minor and in a proceeding concerning the guardianship of a minor.

Sec. 2. [Section 232D.301, subsection 4](#), Code 2024, is amended to read as follows:

4. The petition shall state whether a limited guardianship is appropriate, and whether a conservatorship for the minor is already in existence.

Sec. 3. [Section 232D.302, subsection 2](#), Code 2024, is amended to read as follows:

2. Notice shall be served upon the minor's known parents listed in the petition in accordance with the rules of civil procedure. If the parent has not filed a consent to the appointment of a guardian, the notice shall inform any parent named in the petition that the parent may be entitled to representation under the conditions described in [section 232D.304.](#)

Sec. 4. [Section 232D.305, subsection 1](#), Code 2024, is amended to read as follows:

1. The court may appoint a court visitor for the minor in a proceeding for the appointment of a guardian for a minor.

Sec. 5. [Section 232D.305](#), Code 2024, is amended by adding the following new subsection:

NEW SUBSECTION. 6. The court may order a court visitor to continue to serve if the court determines continued service would be in the best interest of the minor. If the court continues the services of the court visitor, the court may limit the direct duties of the court visitor as the court deems necessary in which case the court visitor shall thereafter continue to serve until discharged by the court. If the court does not order the court visitor to continue, the order appointing the guardian shall discharge the court visitor.

Sec. 6. [Section 232D.306](#), Code 2024, is amended by adding the following new subsection:

NEW SUBSECTION. 4. A hearing on the petition may be recorded if a court reporter is not used.

Sec. 7. [Section 232D.309](#), Code 2024, is amended by adding the following new subsections:

NEW SUBSECTION. 8. The court may order an extension of the temporary guardianship for up to sixty days for good cause shown, including a showing that a hearing on a petition for a guardianship under [section 232D.301](#) cannot be scheduled within sixty days after the order for a temporary guardianship is issued. Prior to or contemporaneously with the filing for an application for the extension of time, the guardian shall file a report with the court setting forth all of the following:

a. All actions conducted by the guardian on behalf of the minor from the time of the initial appointment of the guardian up to the time of the report.

b. All actions that the guardian plans to conduct on behalf of the minor during the sixty-day extension period.

NEW SUBSECTION. 9. The temporary guardian shall submit any other report the court requires.

Sec. 8. [Section 232D.401, subsection 3](#), unnumbered paragraph 1, Code 2024, is amended to read as follows:

An order by the court appointing a guardian for a minor shall state the powers granted to the guardian until such time as the guardian files an initial care plan and such plan is approved by the court as required by [section 232D.501, subsection 4](#). Except as otherwise limited by ~~court an order appointing a guardian for a minor~~, the court may grant the guardian the following powers, ~~which may be exercised without prior court approval~~:

Sec. 9. [Section 232D.501, subsection 1](#), paragraph a, Code 2024, is amended by adding the following new subparagraph:

NEW SUBPARAGRAPH. (03) The guardian's plan, if any, for applying for and receiving funds and benefits payable for the support of the minor.

Sec. 10. [Section 232D.501, subsection 1](#), paragraph b, Code 2024, is amended by adding the following new subparagraphs:

NEW SUBPARAGRAPH. (11) The results of the guardian's efforts to apply for funds or benefits for the minor, and an accounting for the use of such funds or benefits by the guardian.

NEW SUBPARAGRAPH. (12) Any other information the guardian deems necessary for the court to consider.

Sec. 11. NEW SECTION. 232D.501A Delinquent plans or reports.

1. On June 1 and December 1 of each year, the clerk shall notify the fiduciary and the fiduciary's attorney of any delinquent plans or reports due by law in any pending minor guardianship, and that unless such delinquent plan or report is filed within sixty days thereafter, the matter shall be reported to the presiding judge. If the delinquent plan or report is not filed within the time so specified, the fiduciary will be subject to removal under the provisions of [section 232D.502](#).

2. On August 1 and February 1 of each year, the clerk shall report to the presiding judge all delinquent plans or reports in minor guardianships on which such notice has been given and no plan or report has been filed in response to the notice.

DIVISION II

ADULT GUARDIANSHIPS AND MINOR AND ADULT CONSERVATORSHIPS

Sec. 12. [Section 235B.6, subsection 2](#), paragraph d, Code 2024, is amended by adding the following new subparagraph:

NEW SUBPARAGRAPH. (7) To a district court conducting checks of the dependent adult abuse registry for all proposed guardians and conservators pursuant to [section 633.564](#).

Sec. 13. [Section 633.556, subsection 4](#), Code 2024, is amended to read as follows:

4. The petition shall list the name and address of the respondent and petitioner, and the petitioner's relationship to the respondent.

Sec. 14. [Section 633.556, subsection 8](#), Code 2024, is amended by striking the subsection.

Sec. 15. [Section 633.556](#), Code 2024, is amended by adding the following new subsection:

NEW SUBSECTION. 10. The person listed in the petition for guardianship or conservatorship pursuant to [subsections 4, 5, and 6](#) shall be given notice of the filing of the petition for guardianship or conservatorship pursuant to [section 633.558](#). A person entitled to notice under [this subsection](#) does not gain standing in a guardianship or conservatorship proceeding as a result of being entitled to notice unless so ordered by the court.

Sec. 16. [Section 633.560, subsection 3](#), Code 2024, is amended to read as follows:

3. The court shall require the proposed guardian or conservator to attend the hearing on the petition but the court may excuse the proposed guardian's or conservator's attendance for good cause shown.

Sec. 17. [Section 633.560, subsection 6](#), Code 2024, is amended by striking the subsection and inserting in lieu thereof the following:

6. The hearing may be recorded if a court reporter is not used.

Sec. 18. [Section 633.561, subsection 1](#), paragraph b, Code 2024, is amended to read as follows:

b. If the respondent is the petitioner or an adult under a standby petition, the court shall determine whether, under the circumstances of the case, the respondent is entitled to representation. The determination regarding representation may be made with or without notice to the respondent, as the court deems necessary. If the court determines that the respondent is entitled to representation, the court shall appoint an attorney to represent the respondent. After making the determination regarding representation, the court shall set a hearing on the petition, and provide for notice on the determination regarding representation and the date for hearing.

Sec. 19. [Section 633.562](#), Code 2024, is amended by adding the following new subsection:
NEW SUBSECTION. 7. A court visitor shall be discharged from all further duties upon appointment of a guardian or conservator unless otherwise ordered by the court. The court may order a court visitor to continue to serve if the court determines continued service would be in the best interest of the protected person. If the court continues the service of the court visitor, the court may limit the direct duties of the court visitor as the court deems necessary. The court visitor shall thereafter continue to serve until discharged by the court.

Sec. 20. [Section 633.563, subsection 1](#), Code 2024, is amended to read as follows:

1. At or before a hearing on a petition for the appointment of a guardian or conservator or the modification or termination of a guardianship or conservatorship, the court shall order a professional evaluation of the respondent unless one of the following criteria is met:

a. The court finds it has sufficient information to determine whether the criteria for a guardianship or conservatorship of an adult pursuant to [section 633.552](#) or [633.553](#) are met.

b. The petitioner for a guardianship or conservatorship for an adult or an adult respondent has filed a professional evaluation.

c. The court finds that it has sufficient information to determine whether the criteria for a conservatorship of a minor pursuant to [section 633.554](#) are met.

d. The petitioner for a conservatorship for a minor or a minor respondent has filed a professional evaluation.

Sec. 21. [Section 633.564, subsection 1](#), Code 2024, is amended to read as follows:

1. The court shall request criminal record checks and checks of the child abuse, dependent adult abuse, and sexual offender registries in this state for all proposed guardians and conservators, other than financial institutions with Iowa trust powers, unless a proposed guardian or conservator has undergone the background check required by [this section](#) within the twelve months prior to the filing of a petition and the background check has been provided to the court.

Sec. 22. [Section 633.569, subsections 1, 2, and 3](#), Code 2024, are amended to read as follows:

1. A person authorized to file a petition under section ~~633.552, 633.553, or 633.554~~ [633.556](#) or [633.557](#) may file an application for the emergency appointment of a temporary guardian or conservator.

2. Such application shall state all of the following:

a. The name and address of the respondent.

b. The name and address of the petitioner and the petitioner's relationship to the respondent.

~~b. c.~~ The name and address of the proposed guardian or conservator and the reason the proposed guardian or conservator should be selected.

d. The names and addresses, to the extent known, of any other persons who must be named in the petition for the appointment of a guardian or conservator under [section 633.556](#) or [633.557](#).

~~e. e.~~ The reason the emergency appointment of a temporary guardian or conservator is sought.

3. The court may enter an ex parte order appointing a temporary guardian or conservator on an emergency basis under [this section](#) if the court finds that all of the following conditions are met:

a. There is not sufficient time to file a petition and hold a hearing pursuant to section ~~633.552, 633.553, or 633.554~~ [633.556, 633.557, or 633.560](#).

b. The appointment of a temporary guardian or conservator is necessary to avoid immediate or irreparable harm to the respondent before a hearing with notice to the respondent can be held.

c. There is reason to believe that the basis for appointment of guardian or conservator exists under section ~~633.552, 633.553, or 633.554~~ [633.556 or 633.557](#).

Sec. 23. [Section 633.569](#), Code 2024, is amended by adding the following new subsections:

NEW SUBSECTION. 8. The court may order an extension of the temporary guardianship or conservatorship for up to sixty days for good cause shown, including a showing that a hearing on a petition for a guardianship or conservatorship under [section 633.556 or 633.557](#) cannot be scheduled within sixty days after the order for a temporary guardianship or conservatorship is issued. Prior to or contemporaneously with the filing for an application for the extension of time, the guardian or conservator shall file a report with the court setting forth all of the following:

a. All actions conducted by the guardian or conservator on behalf of the protected person from the time of the initial appointment of the guardian up to the time of the report.

b. All actions that the guardian or conservator plans to conduct on behalf of the protected person during the sixty-day extension period.

NEW SUBSECTION. 9. The temporary guardian or conservator shall submit any other report the court requires.

Sec. 24. [Section 633.570, subsections 1 and 2](#), Code 2024, are amended to read as follows:

1. In a proceeding for the appointment of a guardian, the respondent shall be given written notice which advises the respondent of the powers that the court may grant a guardian may exercise without court approval pursuant to the powers set out in [section 633.635, subsection 2](#), and the powers that ~~the guardian may exercise only with court approval pursuant to [section 633.635, subsection 3](#)~~.

2. In a proceeding for the appointment of a conservator, the respondent shall be given written notice which advises the respondent of ~~the powers that the court may grant a conservator may exercise without court approval pursuant to [section 633.646](#) and the powers that the conservator may exercise only with court approval pursuant to [section 633.647](#)~~ the powers set out in [section 633.642](#).

Sec. 25. [Section 633.635, subsection 1](#), Code 2024, is amended to read as follows:

1. The order by the court appointing a guardian shall state the factual basis for the guardianship pursuant to [section 633.552](#) and the date on which the first reporting period for the guardianship shall end.

Sec. 26. [Section 633.635, subsection 2](#), unnumbered paragraph 1, Code 2024, is amended to read as follows:

~~Based upon the evidence produced at the hearing~~ An order by the court appointing a guardian for an adult shall state the powers granted to the guardian until such time as the guardian files an initial care plan and such plan is approved by the court as required by [section 633.669](#). Except as otherwise limited by an order appointing a guardian for an adult, the court may grant a guardian the following powers and duties with respect to a protected person which may be exercised without prior court approval:

Sec. 27. [Section 633.635, subsection 3](#), unnumbered paragraph 1, Code 2024, is amended to read as follows:

A Notwithstanding [subsection 2](#), a guardian may be granted the following powers which may only be exercised upon court approval:

Sec. 28. [Section 633.641, subsection 3](#), Code 2024, is amended to read as follows:

3. If a protected person has executed a valid power of attorney under [chapter 633B](#), the conservator shall act in accordance with the applicable provisions of [chapter 633B section 633B.108](#).

Sec. 29. [Section 633.642](#), Code 2024, is amended by striking the section and inserting in lieu thereof the following:

633.642 Powers of conservator.

1. An order by the court appointing a conservator shall state the basis for the conservatorship pursuant to [section 633.553](#) or [section 633.554](#).

2. Upon appointment by the court, and until such time as the conservator files an initial financial management plan and such plan is approved by the court as required by [section 633.670, subsection 1](#), a conservator has the authority to exercise all powers applicable to fiduciaries pursuant to [sections 633.63 through 633.162](#), unless expressly modified by the court or as may be specifically expanded by the court for good cause shown.

3. In the order approving an initial financial management plan or an annual report, the court shall approve and set forth the specific powers of a conservator, which may be thereafter exercised by the conservator until further court order.

4. Upon the filing of an appropriate oath by the conservator, the clerk of court shall issue letters of appointment. Upon issuance by the court of an order approving an initial financial management plan, approving an annual report, or further order of the court granting, modifying, limiting, or terminating powers of the conservator, the clerk of court shall issue new letters of appointment and shall attach to the new letters of appointment such order of the court containing the conservator's powers.

Sec. 30. [Section 633.669, subsection 1](#), Code 2024, is amended to read as follows:

1. A guardian appointed by the court under [this chapter](#) shall file with the court the following ~~written~~ verified reports which shall not be waived by the court:

a. The reports must be based on the needs of the protected person and take into account the best interest of the protected person as well as the protected person's preference, values, and prior directions to the extent known to, or reasonably ascertainable by, the guardian.

a. b. An initial care plan filed within sixty days of appointment. The information in the initial care plan shall include but not be limited to the following information:

(1) The current residence of the protected person and the guardian's plan for the protected person's living arrangements.

(2) The guardian's plan for payment of the protected person's living expenses and other expenses.

(3) The If applicable, the protected person's health status and health care needs, and the guardian's plan for meeting the protected person's needs for medical, dental, and other health care needs.

(4) Whether the protected person has a living will or health care power of attorney.

~~(4)~~ (5) If applicable, the guardian's plan for other professional services needed by the protected person.

~~(5)~~ (6) If applicable, the guardian's plan for meeting the educational, training, and vocational needs of the protected person.

~~(6)~~ (7) If applicable, the guardian's plan for facilitating the participation of the protected person in social activities.

~~(7)~~ (8) The guardian's plan for facilitating contacts between the protected person and the protected person's family members and other ~~significant~~ significant persons significant in the life of the protected person.

~~(8)~~ (9) The guardian's plan for contact with, and activities on behalf of, the protected person.

(10) The powers that the guardian requests to carry out the initial care plan.

~~b. c.~~ An annual report, filed within sixty days of the close of the reporting period, unless the court otherwise orders on good cause shown. The information in the annual report shall include but not be limited to the following information:

(1) The current living arrangements of the protected person.

(2) The sources of payment for the protected person's living expenses and other expenses.

(3) A description, if applicable, of the following:

(a) The protected person's physical and mental health status and the health services including medical, dental, and other professional services provided to the protected person.

~~(b) If applicable, the~~ The protected person's employment status and the educational, training, and vocational services provided to the protected person.

(c) The guardian's facilitation of the participation of the protected person in social activities.

~~(e) (d)~~ The contact of the protected person with family members and other significant persons significant in the life of the protected person.

~~(4) (e)~~ The nature and extent of the guardian's visits with, and activities on behalf of, the protected person.

(4) The guardian's changes to the care plan for the protected person for the next annual reporting period.

(5) The powers that the guardian requests to carry out the care plan for the protected person for the next annual reporting period.

~~(4) (6)~~ The guardian's recommendation as to the need for continuation of the guardianship.

~~(5) (7)~~ The ability of the guardian to continue as guardian.

~~(6) (8)~~ The need of the guardian for assistance in providing or arranging for the provision of the care and protection of the protected person.

~~e. d.~~ A final report within thirty days of the termination of the guardianship under [section 633.675](#) unless that time is extended by the court.

Sec. 31. [Section 633.669](#), Code 2024, is amended by adding the following new subsection:

NEW SUBSECTION. 5. If the court finds that there are reasonable grounds to believe that the guardian has committed the offense of older individual assault under [section 708.2D](#), theft against an older individual under [section 714.2A](#), consumer fraud against an older individual under [section 714.16A](#), elder abuse under [section 726.24](#), financial exploitation of an older individual under [section 726.25](#), or dependent adult abuse under [section 726.26](#), the court shall refer the matter to the appropriate county attorney for consideration of the initiation of criminal charges.

Sec. 32. [Section 633.670](#), Code 2024, is amended by striking the section and inserting in lieu thereof the following:

633.670 Reports by conservators.

1. Except as otherwise ordered by the court under [subsection 7](#), a conservator shall file a verified initial financial management plan for protecting, managing, investing, expending, and distributing the assets of the conservatorship estate within ninety days after appointment, which shall not be waived by the court.

a. The plan must be based on the needs of the protected person and take into account the best interest of the protected person as well as the protected person's preference, values, and prior directions to the extent known to, or reasonably ascertainable by, the conservator.

b. The plan must provide the protected person's age, residence, living arrangements, and sources of payment for living expenses.

c. When the conservator files the plan, the conservator shall file, if applicable, the protected person's will with the court clerk and the protected person's prepaid burial trust and powers of attorney shall be described.

d. The plan must include a proposed budget for the protected person and budget-related information for the next annual reporting period including the following:

(1) The protected person's receipts and income and the projected sources of income including, if applicable, wages, social security income, pension and retirement plan

distribution, veterans' benefits, rental income, interest earnings, and dividends, and the total estimated receipts and income.

(2) The protected person's liabilities and debts including, if applicable, mortgage, car loans, credit card debt, federal, state, and property taxes owed, and the total estimated liabilities and debts; a list and concise explanation of any liability or debt owed by the protected person to the conservator; and a list and concise explanation of the liability of any other person for a liability of the protected person.

(3) The protected person's estimated expenses on a monthly and annual basis including, if applicable, nursing home or facility charge, expenses for residence, food and household expenses, utilities, household help and caregiver expenses, health services and health insurance expenses, educational and vocational expenses, personal auto and other transportation expenses, clothing expenses, personal allowance and other personal expenses, liabilities and debts, attorney fees and other professional expenses, conservator fees, and other administrative expenses.

e. The plan must include a list of the protected person's assets and the conservator's plan for management of these assets including, if applicable, financial accounts including checking and certificates of deposit and cash, investments including stocks, bonds, mutual funds, exchange-traded funds, individual retirement accounts and other investment accounts, pension, profit-sharing, annuities, and retirement funds, personal property including household goods and vehicles, receivables including mortgages and liens payable to the protected person's estate or trust, life insurance, and other property.

f. The plan must include the authority that the conservator requests to carry out the plan in accordance with the proposed budget for the protected person and the plan for the management of the property of the protected person for the next annual reporting period.

g. The conservator shall provide notice of the filing of the plan and a copy of the plan to the protected person, the protected person's attorney, if any, and court visitor, if any, and others as directed by the court. The notice must state that any person entitled to a copy of the plan must file any objections to the plan not later than twenty days from the date of mailing notice of filing the initial plan.

h. At least twenty days after the plan has been filed, the court shall review and determine whether the plan should be approved or revised, after considering objections filed and whether the plan is consistent with the conservator's powers and duties.

i. After approval by the court, the conservator shall provide a copy of the approved plan and order approving the plan to the protected person, the protected person's attorney, if any, and court visitor, if any, and others as directed by the court.

2. A conservator shall attach to the initial financial management plan an inventory of the protected person's assets within ninety days after appointment which includes an oath or affirmation that the inventory is believed to be complete and accurate as far as information permits. The conservator shall provide copies of the inventory to the protected person, the protected person's attorney, if any, and court visitor, if any, and others as directed by the court. Any objections to the inventory shall be filed in the same manner and according to the same schedule as objections to the initial financial management plan. The court shall review the inventory and determine whether the inventory should be approved at the same time as the court reviews the initial financial management plan. When the conservator receives an additional property of the protected person, or becomes aware of its existence, a description of the property shall be included in the conservator's next annual report.

3. A conservator shall file a verified report on an annual basis for the period since the end of the preceding report period, which shall not be waived by the court.

a. The annual report must provide the age, the residence, the living arrangements of the protected person, and sources of payment for the protected person's living expenses during the reporting period.

b. The annual report must include the following income and expenditure information:

(1) If applicable, all income or funds received by the conservator on behalf of the protected person including the items specified in [subsection 1](#), paragraph "d", subparagraph (1).

(2) If applicable, all expenditures made by the conservator on behalf of the protected person including the items, if applicable, specified in [subsection 1](#), paragraph "d", subparagraph (3). If any of the expenditures were made to provide support for or pay

the debts of another person, the annual report shall include an explanation of these expenditures. If any of the expenditures were made to pay any liability or debt owed by the protected person to the conservator, the annual report shall include an explanation of these expenditures. If any of the expenditures were made to pay any liability or debt that is also owed by another person or entity, the annual report shall include an explanation of these expenditures. If any of the expenditures were paid with the use of cash or withdrawal of cash from an account of the protected person, the annual report shall include an explanation of the use of cash or withdrawal of cash.

c. The annual report shall include a proposed budget and budget-related information for the next reporting period containing the information specified in [subsection 1](#), paragraph “d”, and a request for approval of the proposed budget and authority to make expenditures in accordance with the proposed budget.

d. The annual report must include a proposed plan for management of the assets of the protected person for the next reporting period and a request for approval of the proposed plan for management of the assets of the protected person and the authority to carry out the plan.

e. The conservator may request court approval of fees provided by an attorney on behalf of the conservatorship or the protected person during the preceding reporting period.

f. The conservator may request court approval of fees provided to the conservator on behalf of the conservatorship or the protected person during the preceding reporting period.

4. The conservator shall file a verified final report with the court as follows:

a. Within thirty days following removal of the conservator.

b. Upon the conservator’s filing of a resignation and before the resignation is accepted by the court.

c. Within sixty days following the termination of the conservatorship.

d. Any other time as ordered by the court.

5. Reports required by [this section](#) shall be provided to the veterans administration if the protected person is receiving veterans’ benefits.

6. If the court finds that there are reasonable grounds to believe that the conservator has committed the offense of theft against an older individual under [section 714.2A](#), consumer fraud against an older individual under [section 714.16A](#), elder abuse under [section 726.16A](#), financial exploitation of an older individual under [section 726.25](#), or dependent adult abuse under [section 726.26](#), the court shall refer the matter to the appropriate county attorney for consideration of the initiation of criminal charges.

7. The court may terminate a conservatorship upon written request by the conservator if all the following are true:

a. The sole or nearly sole source of income of the respondent is social security benefits with a representative payee assigned.

b. The court finds there are no other assets that require oversight or protection.

Sec. 33. [Section 633.675, subsections 2 and 3](#), Code 2024, are amended to read as follows:

2. The court shall terminate a guardianship if it finds ~~by clear and convincing evidence~~ that the basis for appointing a guardian pursuant to [section 633.552](#) has not been established.

3. The court shall terminate a conservatorship if the court finds ~~by clear and convincing evidence~~ that the basis for appointing a conservator pursuant to [section 633.553](#) or [633.554](#) is not satisfied.

DIVISION III CONFORMING CHANGES

Sec. 34. [Section 10.1, subsection 7](#), Code 2024, is amended to read as follows:

7. “*Farm estate*” means the real and personal property of a decedent, a ~~ward~~ protected person, or a trust as provided in [chapters 633](#) and [633A](#), if at least sixty percent of the gross receipts from the estate comes from farming.

Sec. 35. [Section 217.40](#), Code 2024, is amended to read as follows:

217.40 Training for guardians and conservators.

The department, or a person designated by the director, shall establish training programs designed to assist all duly appointed guardians and conservators in understanding their fiduciary duties and liabilities, the special needs of the ward protected person, and how to best serve the ward protected person and the ward's protected person's interests.

Sec. 36. [Section 231E.2, subsection 2](#), paragraph b, Code 2024, is amended to read as follows:

b. It is also the intent of the general assembly that the state office of public guardian provide assistance to both public and private guardians, conservators, and representative payees throughout the state in securing necessary services for their wards protected persons and clients, and to assist guardians, conservators, representative payees, wards protected persons, clients, courts, and attorneys in the orderly and expeditious handling of guardianship, conservatorship, and representative payee proceedings.

Sec. 37. [Section 231E.3, subsection 17](#), Code 2024, is amended to read as follows:

17. "Ward" "Protected person" means the individual for whom a guardianship or conservatorship is established.

Sec. 38. [Section 231E.4, subsection 3](#), paragraphs f and h, Code 2024, are amended to read as follows:

f. Develop and maintain a current listing of public and private services and programs available to assist wards protected persons and clients, and their families, and establish and maintain relationships with public and private entities to assure the availability of effective guardianship, conservatorship, and representative payee services for wards protected persons and clients.

h. Maintain statistical data on the local offices including various methods of funding, the types of services provided, and the demographics of the wards protected persons and clients, and report to the general assembly on or before November 1, annually, regarding the local offices and recommend any appropriate legislative action.

Sec. 39. [Section 231E.4, subsection 6](#), paragraph e, Code 2024, is amended to read as follows:

e. A fee schedule. The department may establish by rule a schedule of reasonable fees for the costs of public guardianship services provided under [this chapter](#). The fee schedule established may be based upon the ability of the ward protected person or client to pay for the services but shall not exceed the actual cost of providing the services. The state office or a local office may waive collection of a fee upon a finding that collection is not economically feasible. The rules may provide that the state office or a local office may investigate the financial status of a ward protected person or client that requests guardianship, conservatorship, or representative payee services or for whom the state public guardian or a local public guardian has been appointed for the purpose of determining the fee to be charged by requiring the ward protected person or client to provide any written authorizations necessary to provide access to records of public or private sources, otherwise confidential, needed to evaluate the individual's financial eligibility. The rules may also provide that the state public guardian or a local public guardian may, upon request and without payment of fees otherwise required by law, obtain information necessary to evaluate the individual's financial eligibility from any office of the state or of a political subdivision or agency of the state that possesses public records.

Sec. 40. [Section 231E.5, subsection 2](#), paragraph g, unnumbered paragraph 1, Code 2024, is amended to read as follows:

With regard to a proposed ward protected person, the local office shall do all of the following:

Sec. 41. [Section 231E.5, subsection 2](#), paragraph g, subparagraphs (2), (3), and (4), Code 2024, are amended to read as follows:

(2) Determine whether the needs of the proposed ward protected person require the appointment of a guardian or conservator.

(3) Assess the financial resources of the proposed ward protected person based on the information supplied to the local office at the time of the determination.

(4) Inquire and, if appropriate, search to determine whether any other person may be willing and able to serve as the proposed ward's protected person's guardian or conservator.

Sec. 42. [Section 231E.6, subsection 1](#), unnumbered paragraph 1, Code 2024, is amended to read as follows:

The court may appoint on its own motion or upon petition of any person, the state office or a local office, to serve as guardian or conservator for any proposed ward protected person in cases in which the court determines that the proceeding will establish the least restrictive form of guardianship or conservatorship services suitable for the proposed ward protected person and if the proposed ward protected person meets all of the following criteria:

Sec. 43. [Section 231E.7, subsection 3](#), Code 2024, is amended to read as follows:

3. The best interests of the ward protected person require the intervention.

Sec. 44. [Section 231E.8, subsections 2, 3, and 4](#), Code 2024, are amended to read as follows:

2. The state office or local office shall maintain reasonable personal contact with each ward protected person or client for whom the state office or local office is appointed or designated in order to monitor the ward's protected person's or client's care and progress.

3. Notwithstanding any provision of law to the contrary, the state office or local office appointed by the court may access all confidential records concerning the ward protected person for whom the state office or local office is appointed or designated, including medical records and abuse reports.

4. In any proceeding in which the state or a local office is appointed or is acting as guardian or conservator, the court shall waive court costs or filing fees, if the state office or local office certifies to the court that the state office or local office has waived its fees in their entirety based upon the ability of the ward protected person to pay for the services of the state office or local office.

Sec. 45. [Section 231E.8, subsection 6](#), paragraphs a, b, c, and d, Code 2024, are amended to read as follows:

a. The ward protected person displays assaultive or aggressive behavior that causes the public guardian to fear for their personal safety.

b. The ward protected person refuses the services of the public guardian.

c. The ward protected person refuses to have contact with the public guardian.

d. The ward protected person moves out of Iowa.

Sec. 46. [Section 252C.2, subsection 3](#), Code 2024, is amended to read as follows:

3. The provision of child support collection or paternity determination services under [chapter 252B](#) to an individual, even though the individual is ineligible for public assistance, creates a support debt due and owing to the individual or the individual's child or ward protected person by the responsible person in the amount of a support obligation established by court order or by the department. The department may establish a support debt in favor of the individual or the individual's child or ward protected person and against the responsible person, both as to amounts accrued and accruing, pursuant to [section 598.21B](#).

Sec. 47. [Section 282.2](#), Code 2024, is amended to read as follows:

282.2 Offsetting tax.

The parent or guardian whose child or ward protected person attends school in a district of which the parent or guardian is not a resident shall be allowed to deduct the amount of school tax paid by the parent or guardian in said district from the amount of tuition required to be paid.

Sec. 48. [Section 321.198, subsection 2](#), Code 2024, is amended to read as follows:

2. The provisions of [this section](#) shall also apply to the spouse and children, or ward protected person, of military personnel when such spouse, children, or ward protected

person are living with the military personnel described in [subsection 1](#) outside of the state of Iowa and provided that such extension of license does not exceed five years.

Sec. 49. [Section 321.219, subsection 1](#), Code 2024, is amended to read as follows:

1. A person shall not cause or knowingly permit the person's child or ward protected person under the age of eighteen years to drive a motor vehicle upon any highway when the minor is not authorized under [this chapter](#).

Sec. 50. [Section 563.12](#), Code 2024, is amended to read as follows:

563.12 Special agreements — evidence.

[This chapter](#) shall not prevent adjoining proprietors from entering into special agreements about walls on the lines between them, but no evidence thereof shall be competent unless in writing, signed by the parties thereto or their lawfully authorized agents, or the guardian of either, if a minor, who shall have full authority to act for the guardian's ward protected person in all matters relating to walls in common without an order of court therefor.

Sec. 51. [Section 587.4](#), Code 2024, is amended to read as follows:

587.4 Decrees for sale of real estate by guardian.

In all cases where decrees and orders of court have been obtained for the sale of real estate by a guardian prior to January 1, 1969, where the original notice shows that service of notice pertaining to the sale of such real estate was made on the minor or ward protected person outside of the state of Iowa, such services of notices are hereby legalized. All decrees so obtained as aforesaid are hereby legalized and held to have the same force and effect as though the service of such original notice had been made on the minor or ward protected person within the state of Iowa.

Sec. 52. [Section 595.3, subsection 5](#), Code 2024, is amended to read as follows:

5. Where either party is a ward protected person under a guardianship and the court has made a finding that the ward protected person lacks the capacity to contract a valid marriage.

Sec. 53. [Section 598.29, subsection 4](#), Code 2024, is amended to read as follows:

4. Where either party was a ward protected person under a guardianship and was found by the court to lack the capacity to contract a valid marriage.

Sec. 54. [Section 633.3, subsections 9, 17, 22, and 23](#), Code 2024, are amended to read as follows:

9. “*Conservator*” means a person appointed by the court to have the custody and control of the property of a ward protected person under the provisions of this probate code.

17. “*Estate*” means the real and personal property of either a decedent or a ward protected person, and may also refer to the real and personal property of a trust described in [section 633.10](#).

22. “*Guardian*” means the person appointed by the court to have the custody of the person of the ward protected person under the provisions of this probate code.

23. “*Guardian of the property*” — at the election of the person appointed by the court to have the custody and care of the property of a ward protected person, the term “*guardian of the property*” may be used, which term shall be synonymous with the term “*conservator*”.

Sec. 55. [Section 633.80](#), Code 2024, is amended to read as follows:

633.80 Fiduciary of a fiduciary.

A fiduciary has no authority to act in a matter wherein the fiduciary's decedent or ward protected person was merely a fiduciary, except that the fiduciary shall file a report and accounting on behalf of the decedent or ward protected person in said matter.

Sec. 56. [Section 633.93](#), Code 2024, is amended to read as follows:

633.93 Limitation on actions affecting deeds.

No action for recovery of any real estate sold by any fiduciary can be maintained by any person claiming under the deceased, the ward protected person, or a beneficiary, unless brought within five years after the date of the recording of the conveyance.

Sec. 57. [Section 633.112](#), Code 2024, is amended to read as follows:

633.112 Discovery of property.

The court may require any person suspected of having possession of any property, including records and documents, of the decedent, ward protected person, or the estate, or of having had such property under the person's control, to appear and submit to an examination under oath touching such matters, and if on such examination it appears that the person has the wrongful possession of any such property, the court may order the delivery thereof to the fiduciary. Such a person shall be liable to the estate for all damages caused by the person's acts.

Sec. 58. [Section 633.123, subsection 1](#), paragraph b, subparagraph (3), Code 2024, is amended to read as follows:

(3) The needs and rights of the beneficiaries or the ward protected person.

Sec. 59. [Section 633.580, subsections 1 and 4](#), Code 2024, are amended to read as follows:

1. The name, age, and last known post office address of the proposed ward protected person.

4. A general description of the property of the proposed ward protected person within this state and of the proposed ward's protected person's right to receive property; also, the estimated present value of the real estate, the estimated value of the personal property, and the estimated gross annual income of the estate. If any money is payable, or to become payable, to the proposed ward protected person by the United States through the United States department of veterans affairs, the petition shall so state.

Sec. 60. [Section 633.591A](#), Code 2024, is amended to read as follows:

633.591A Voluntary petition for appointment of conservator for a minor — standby basis.

A person having physical and legal custody of a minor may execute a verified petition for the appointment of a standby conservator of the proposed ward's protected person's property, upon the express condition that the petition shall be acted upon by the court only upon the occurrence of an event specified or the existence of a described condition of the mental or physical health of the petitioner, the occurrence of which event, or the existence of which condition, shall be established in the manner directed in the petition.

Sec. 61. [Section 633.603](#), Code 2024, is amended to read as follows:

633.603 Appointment of foreign conservators.

When there is no conservatorship, nor any application therefor pending, in this state, the duly qualified foreign conservator or guardian of a nonresident ward protected person may, upon application, be appointed conservator of the property of such person in this state; provided that a resident conservator is appointed to serve with the foreign conservator; and provided further, that for good cause shown, the court may appoint the foreign conservator to act alone without the appointment of a resident conservator.

Sec. 62. [Section 633.604](#), Code 2024, is amended to read as follows:

633.604 Application.

The application for appointment of a foreign conservator or guardian as conservator in this state shall include the name and address of the nonresident ward protected person, and of the nonresident conservator or guardian, and the name and address of the resident conservator to be appointed. It shall be accompanied by a certified copy of the original letters or other authority conferring the power upon the foreign conservator or guardian to act as such. The application shall also state the cause for the appointment of the foreign conservator to act as sole conservator, if such be the case.

Sec. 63. [Section 633.605](#), Code 2024, is amended to read as follows:

633.605 Personal property.

A foreign conservator or guardian of a nonresident may be authorized by the court of the county wherein such ward protected person has personal property to receive the same upon compliance with the provisions of [sections 633.606](#), [633.607](#) and [633.608](#).

Sec. 64. [Section 633.607](#), Code 2024, is amended to read as follows:

633.607 Order for delivery.

Upon the filing of the bond as above provided, and the court being satisfied with the amount thereof, it shall order the personal property of the ward protected person delivered to such conservator or guardian.

Sec. 65. [Section 633.633](#), Code 2024, is amended to read as follows:

633.633 Provisions applicable to all fiduciaries shall govern.

The provisions of this probate code applicable to all fiduciaries shall govern the appointment, qualification, oath and bond of guardians and conservators, except that a guardian shall not be required to give bond unless the court, for good cause, finds that the best interests of the ward protected person require a bond. The court shall then fix the terms and conditions of such bond.

Sec. 66. [Section 633.633B](#), Code 2024, is amended to read as follows:

633.633B Tort liability of guardians and conservators.

The fact that a person is a guardian or conservator shall not in itself make the person personally liable for damages for the acts of the ward protected person.

Sec. 67. [Section 633.636](#), Code 2024, is amended to read as follows:

633.636 Effect of appointment of guardian or conservator.

The appointment of a guardian or conservator shall not constitute an adjudication that the ward protected person is of unsound mind.

Sec. 68. [Section 633.637](#), Code 2024, is amended to read as follows:

633.637 Powers of ward protected person.

1. A ward protected person for whom a conservator has been appointed shall not have the power to convey, encumber, or dispose of property in any manner, other than by will if the ward protected person possesses the requisite testamentary capacity, unless the court determines that the ward protected person has a limited ability to handle the ward's protected person's own funds. If the court makes such a finding, the court shall specify to what extent the ward protected person may possess and use the ward's protected person's own funds.

2. Any modification of the powers of the ward protected person that would be more restrictive of the ward's protected person's control over the ward's protected person's financial affairs shall be based upon clear and convincing evidence and the burden of persuasion is on the conservator. Any modification that would be less restrictive of the ward's protected person's control over the ward's protected person's financial affairs shall be based upon proof in accordance with the requirements of [section 633.675](#).

Sec. 69. [Section 633.637A](#), Code 2024, is amended to read as follows:

633.637A Rights of ward protected person under guardianship.

An adult ward protected person under a guardianship has the right of communication, visitation, or interaction with other persons upon the consent of the adult ward protected person, subject to [section 633.635, subsection 2](#), paragraph "i", and [section 633.635, subsection 3](#), paragraph "c". If an adult ward protected person is unable to give express consent to such communication, visitation, or interaction with a person due to a physical or mental condition, consent of an adult ward protected person may be presumed by a guardian or a court based on an adult ward's protected person's prior relationship with such person.

Sec. 70. [Section 633.638](#), Code 2024, is amended to read as follows:

633.638 Presumption of fraud.

If a conservator be appointed, all contracts, transfers and gifts made by the ward protected person after the filing of the petition shall be presumed to be a fraud against the rights and interest of the ward protected person except as otherwise directed by the court pursuant to [section 633.637](#).

Sec. 71. [Section 633.639](#), Code 2024, is amended to read as follows:

633.639 Title to ward's protected person's property.

The title to all property of the ward protected person is in the ward protected person and not the conservator subject, however, to the possession of the conservator and to the control of the court for the purposes of administration, sale or other disposition, under the provisions of the law. Any real property titled at any time in the name of a conservatorship shall be deemed to be titled in the ward's protected person's name subject to the conservator's right of possession.

Sec. 72. [Section 633.640](#), Code 2024, is amended to read as follows:

633.640 Conservator's right to possession.

Every conservator shall have a right to, and shall take, possession of all of the real and personal property of the ward protected person. The conservator shall pay the taxes and collect the income therefrom until the conservatorship is terminated. The conservator may maintain an action for the possession of the property, and to determine the title to the same.

Sec. 73. [Section 633.643](#), Code 2024, is amended to read as follows:

633.643 Disposal of will by conservator.

When an instrument purporting to be the will of the ward protected person comes into the hands of a conservator, the conservator shall immediately deliver it to the court.

Sec. 74. [Section 633.644](#), Code 2024, is amended to read as follows:

633.644 Court order to preserve testamentary intent of ward protected person.

Upon receiving an instrument purporting to be the will of a living ward protected person under the provisions of [section 633.643](#), the court may open said will and read it. The court with or without notice, as it may determine, may enter such orders in the conservatorship as it deems advisable for the proper administration of the conservatorship in light of the expressed testamentary intent of the ward protected person.

Sec. 75. [Section 633.645](#), Code 2024, is amended to read as follows:

633.645 Court to deliver will to clerk.

An instrument purporting to be the will of a ward protected person coming into the hands of the court under the provisions of [section 633.643](#), shall thereafter be resealed by the court and be deposited with the clerk to be held by said clerk as provided in [sections 633.286 through 633.289](#).

Sec. 76. [Section 633.653A](#), Code 2024, is amended to read as follows:

633.653A Claims for cost of medical care or services.

The provision of medical care or services to a ward protected person who is a recipient of medical assistance under [chapter 249A](#) creates a claim against the conservatorship for the amount owed to the provider under the medical assistance program for the care or services. The amount of the claim, after being allowed or established as provided in this part, shall be paid by the conservator from the assets of the conservatorship.

Sec. 77. [Section 633.654](#), Code 2024, is amended to read as follows:

633.654 Form and verification of claims — general requirements.

No claim shall be allowed against the estate of a ward protected person upon application of the claimant unless it shall be in writing, filed in duplicate with the clerk, stating the claimant's name and address, and describing the nature and the amount thereof, if ascertainable. It shall be accompanied by the affidavit of the claimant, or of someone for the claimant, that the amount is justly due, or if not due, when it will or may become due, that no payments have been made thereon which are not credited, and that there are no offsets to the same, to the knowledge of the affiant, except as therein stated. The duplicate of said claim shall be mailed by the clerk to the conservator or the conservator's attorney of record; however, valid contract claims arising in the ordinary course of the conduct of the business or affairs of the ward protected person by the conservator may be paid by the conservator without requiring affidavit or filing.

Sec. 78. [Section 633.656](#), Code 2024, is amended to read as follows:

633.656 How claim entitled.

All claims filed against the estate of the ward protected person shall be entitled in the name of the claimant against the conservator as such, naming the conservator, and in all further proceedings thereon, this title shall be preserved.

Sec. 79. [Section 633.660](#), Code 2024, is amended to read as follows:

633.660 Execution and levy prohibited.

No execution shall issue upon, nor shall any levy be made against, any property of the estate of a ward protected person under any judgment against the ward protected person or a conservator, but the provisions of [this section](#) shall not be so construed as to prevent the enforcement of a mortgage, pledge, or other lien upon property in an appropriate proceeding.

Sec. 80. [Section 633.661](#), Code 2024, is amended to read as follows:

633.661 Claims of conservators.

If the conservator is a creditor of the ward protected person, the conservator shall file the claim as other creditors, and the court shall appoint some competent person as temporary conservator to represent the ward protected person at the hearing on the conservator's claim. The same procedure shall be followed in the case of coconservators where all such conservators are creditors of the ward protected person; but if one of the coconservators is not a creditor of the ward protected person, such disinterested conservator shall represent the ward protected person at the hearing on any claim against the ward protected person by a coconservator.

Sec. 81. [Section 633.662](#), Code 2024, is amended to read as follows:

633.662 Claims not filed.

The conservator may pay any valid claim against the estate of the ward protected person even though such claim has not been filed, but all such payments made by the conservator shall be at the conservator's own peril.

Sec. 82. [Section 633.664](#), Code 2024, is amended to read as follows:

633.664 Liens not affected by failure to file claim.

Nothing in [sections 633.654](#) and [633.658](#) shall affect or prevent an action or proceeding to enforce any mortgage, pledge, or other lien upon the property of the ward protected person.

Sec. 83. [Section 633.665](#), Code 2024, is amended to read as follows:

633.665 Separate actions and claims.

1. Any action pending against the ward protected person at the time the conservator is appointed shall also be considered a claim filed in the conservatorship if notice of substitution is served on the conservator as defendant and a duplicate of the proof of service of notice of such proceeding is filed in the conservatorship proceeding.

2. A separate action based on a debt or other liability of the ward protected person may be commenced against the conservator in lieu of filing a claim in the conservatorship. Such an action shall be commenced by serving an original notice on the conservator and filing a duplicate of the proof of service of notice of such proceeding in the conservatorship proceeding. Such an action shall also be considered a claim filed in the conservatorship. Such an action may be commenced only in a county where the venue would have been proper if there were no conservatorship and the action had been commenced against the ward protected person.

Sec. 84. [Section 633.667](#), Code 2024, is amended to read as follows:

633.667 Payment of claims in insolvent conservatorships.

When it appears that the assets in a conservatorship are insufficient to pay in full all the claims against such conservatorship, the conservator shall report such matter to the court, and the court shall, upon hearing, with notice to all persons who have filed claims in the conservatorship, make an order for the pro rata payment of claims giving claimants the same priority, if any, as they would have if the ward protected person were not under conservatorship.

Sec. 85. [Section 633.668](#), Code 2024, is amended to read as follows:

633.668 Conservator may make gifts.

For good cause shown and under order of court, a conservator may make gifts on behalf of the ward protected person out of the assets under a conservatorship to persons or religious, educational, scientific, charitable, or other nonprofit organizations to whom or to which such gifts were regularly made prior to the commencement of the conservatorship, or on a showing to the court that such gifts would benefit the ward protected person or the ward's protected person's estate from the standpoint of income, gift, estate or inheritance taxes. The making of gifts out of the assets must not foreseeably impair the ability to provide adequately for the best interests of the ward protected person.

Sec. 86. [Section 633.671, subsections 5 and 6](#), Code 2024, are amended to read as follows:

5. The residence or physical location of the ward protected person.
6. The general physical and mental condition of the ward protected person.

Sec. 87. [Section 633.673](#), Code 2024, is amended to read as follows:

633.673 Court costs in guardianships.

The ward protected person or the ward's protected person's estate shall be charged with the court costs of a ward's protected person's guardianship, including the guardian's fees and the fees of the attorney for the guardian. The court may, upon application, enter an order waiving payment of the court costs in indigent cases. However, if the ward protected person or ward's protected person's estate becomes financially capable of paying any waived costs, the costs shall be paid immediately.

Sec. 88. [Section 633.676](#), Code 2024, is amended to read as follows:

633.676 Assets exhausted.

At any time that the assets of the ward's protected person's estate do not exceed the amount of the charges and claims against it, the court may direct the conservator to proceed to terminate the conservatorship.

Sec. 89. [Section 633.677](#), Code 2024, is amended to read as follows:

633.677 Accounting to ward protected person — notice.

Upon the termination of a conservatorship, the conservator shall pay the costs of administration and shall render a full and complete accounting to the ward protected person or the ward's protected person's personal representative and to the court. Notice of the final report of a conservator shall be served on the ward protected person or the ward's protected person's personal representative, in accordance with [section 633.40](#), unless notice is waived. An order prescribing notice may be made before or after the filing of the final report.

Sec. 90. [Section 633.682](#), Code 2024, is amended to read as follows:

633.682 Discharge of conservator and release of bond.

Upon settlement of the final accounting of a conservator, and upon determining that the property of the ward protected person has been delivered to the person or persons lawfully entitled thereto, the court shall discharge the conservator and exonerate the surety on the conservator's bond.

Sec. 91. [Section 636.23, subsection 13](#), Code 2024, is amended to read as follows:

13. *Life, endowment or annuity contracts of legal reserve life insurance companies authorized to do business in Iowa.* The purchase of contracts authorized by [this subsection](#) shall be limited to executors or the successors to their powers when specifically authorized by will, and to guardians and trustees, in an amount not to exceed twenty-five percent of the value of the ward's protected person's property in possession of the fiduciary. Such contract may be issued on the life or lives of a ward protected person or wards protected persons or beneficiary or beneficiaries of a trust fund created by will or trust agreement, or upon the life or lives of persons in whose life or lives such ward protected person or beneficiary has an insurable interest. The proceeds or avails of such contract shall be the sole property of the person or persons whose funds are invested therein.

Sec. 92. [Section 638.2, subsections 5, 15, and 27](#), Code 2024, are amended to read as follows:

5. “*Conservator*” means the same as defined in [section 633.3](#). “*Conservator*” includes a person appointed to have the custody and control of the property of a ward protected person in a limited conservatorship unless otherwise provided by order of the court.

15. “*Guardian*” means the same as defined in [section 633.3](#). “*Guardian*” includes a person appointed to have the custody and care of the person of the ward protected person in a limited guardianship unless otherwise provided by order of the court.

27. “*Ward*” “*Protected person*” means an individual for whom a conservator or guardian has been appointed. “*Ward*” “*Protected person*” includes an individual for whom an application for the appointment of a conservator or guardian is pending and for which a court order authorizing access under [this chapter](#) has been granted.

Sec. 93. [Section 638.3, subsection 1](#), paragraph c, Code 2024, is amended to read as follows:

- c. A conservator or guardian acting for a ward protected person on or after July 1, 2017.

Sec. 94. [Section 638.14](#), Code 2024, is amended to read as follows:

638.14 Disclosure of digital assets to conservator or guardian of a ward protected person.

1. After an opportunity for a hearing to all interested parties, the court may grant a conservator or guardian access to the digital assets of a ward protected person.

2. Unless otherwise ordered by the court or directed by the user, a custodian shall disclose to a conservator or guardian the catalogue of electronic communications sent or received by a ward protected person and any digital assets, other than the content of electronic communications, in which the ward protected person has a right or interest if the conservator or guardian gives the custodian all of the following:

- a. A written request for disclosure in physical or electronic form.

- b. A file-stamped copy of the court order that gives the conservator or guardian authority over the digital assets of the ward protected person.

- c. If requested by the custodian, any of the following:

- (1) A number, username, address, or other unique subscriber or account identifier assigned by the custodian to identify the account of the ward protected person.

- (2) Evidence linking the account to the ward protected person.

3. If the conservatorship or guardianship is not limited, the conservator or guardian may request a custodian of the digital assets of the ward protected person to suspend or terminate an account of the ward protected person for good cause. A request made under [this section](#) must be accompanied by a file-stamped copy of the court order establishing the conservatorship or guardianship.

Sec. 95. [Section 638.15, subsections 3, 4, and 5](#), Code 2024, are amended to read as follows:

3. A fiduciary with authority over the property of a decedent, ward protected person, principal, or settlor has the right to access any digital asset in which the decedent, ward protected person, principal, or settlor had a right or interest and that is not held by a custodian or subject to a terms-of-service agreement.

4. A fiduciary acting within the scope of the fiduciary’s duties is an authorized user of the property of the decedent, ward protected person, principal, or settlor for the purpose of applicable computer-fraud and unauthorized-computer-access laws, including [section 716.6B](#).

5. A fiduciary with authority over the tangible, personal property of a decedent, ward protected person, principal, or settlor possesses all of the following authority:

- a. Has the right to access the property and any digital asset stored in the property.

- b. Is an authorized user for the purpose of computer-fraud and unauthorized-computer-access laws, including [section 716.6B](#).

Sec. 96. [Section 692A.113, subsection 2](#), paragraph b, Code 2024, is amended to read as follows:

b. Who is the parent or legal guardian of a minor shall not be in violation of [subsection 1](#) solely during the period of time reasonably necessary to transport the offender's own minor child or ward protected person to or from a place specified in [subsection 1](#).

Sec. 97. [Section 692A.114, subsection 3](#), paragraph f, Code 2024, is amended to read as follows:

f. The sex offender is a ward protected person in a guardianship, and a district judge or associate probate judge grants an exemption from the residency restriction.

Sec. 98. [Section 726.5, subsection 1](#), Code 2024, is amended to read as follows:

1. *a.* A person, who being able to do so, fails or refuses to provide support for the person's child or ward protected person under the age of eighteen years for a period longer than one year or in an amount greater than five thousand dollars commits the offense of nonsupport.

b. A person shall not be held to have violated [this section](#) if the person fails to support any child or ward protected person under the age of eighteen who has left the home of the parent or other person having legal custody of the child or ward protected person without the consent of that parent or person having legal custody of the child or ward protected person.

Approved April 10, 2024