

H-8169

1 Amend House File 2564 as follows:

2 1. By striking everything after the enacting clause and
3 inserting:

4 <DIVISION I

5 ADULT AND MINOR GUARDIANSHIPS AND CONSERVATORSHIPS

6 Section 1. Section 232D.103, Code 2020, is amended to read
7 as follows:

8 **232D.103 Jurisdiction.**

9 The juvenile court has exclusive jurisdiction in a
10 guardianship proceeding concerning a minor who is alleged to be
11 in need of a guardianship, and guardianships of minors.

12 Sec. 2. Section 232D.105, subsection 1, Code 2020, is
13 amended to read as follows:

14 1. A petition alleging that a minor is in need of a
15 conservatorship is not subject to **this chapter**. Such
16 proceedings shall be governed by **chapter 633** and may be
17 initiated pursuant to **section 633.627 633.557**.

18 Sec. 3. Section 232D.301, subsection 2, paragraph d,
19 subparagraph (3), Code 2020, is amended to read as follows:

20 (3) Any adult who has had the primary care of the minor or
21 with whom the minor has lived for at least six months ~~prior to~~
22 immediately preceding the filing of the petition.

23 Sec. 4. Section 232D.302, subsection 2, Code 2020, is
24 amended to read as follows:

25 2. Notice shall be served upon the minor's known parents
26 listed in the petition in accordance with the rules of civil
27 procedure. If a parent has not filed an affidavit consenting
28 to the appointment of a guardian, the notice shall inform
29 the minor's known parents listed in the petition that the
30 parents are entitled to representation if the parents meet the
31 conditions of section 232D.304.

32 Sec. 5. Section 232D.305, subsection 1, Code 2020, is
33 amended to read as follows:

34 1. The court may appoint any qualified person as a court
35 visitor for the minor who has demonstrated sufficient knowledge

1 to appropriately perform the duties that the court directs.

2 Sec. 6. Section 232D.305, Code 2020, is amended by adding
3 the following new subsection:

4 NEW SUBSECTION. 6. A court visitor shall be discharged
5 from all further duties upon the appointment of a guardian or
6 conservator, unless further ordered by the court. The court
7 may order a court visitor to continue to serve if the court
8 determines continued service would be in the best interest of
9 the protected person. If the court continues the service of
10 the court visitor, the court may limit the direct duties of the
11 court visitor as the court deems necessary. The court visitor
12 shall thereafter continue to serve until discharged by the
13 court.

14 Sec. 7. Section 232D.306, Code 2020, is amended by adding
15 the following new subsection:

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

18 Sec. 8. Section 232.309, Code 2020, is amended by adding the
19 following new subsection:

20 NEW SUBSECTION. 8. The court may order an extension of
21 the temporary guardianship for thirty days for good cause
22 shown, including a showing that a hearing on a petition for a
23 guardianship under section 232D.301 cannot be scheduled within
24 thirty days after the order for a temporary guardianship is
25 ordered. Prior to or contemporaneously with the filing for an
26 application for the extension of time, the guardian shall file
27 a report with the court setting forth all of the following:

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

31 b. All actions that the guardian plans to conduct on behalf
32 of the protected person during the thirty day extension period.

33 Sec. 9. Section 232D.401, subsection 1, Code 2020, is
34 amended to read as follows:

35 1. The order by the court appointing a guardian for a minor

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(amending this HF 2564 to CONFORM to SF 2321)

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1 shall state the basis for the order and the date on which the
2 first reporting period for the guardianship shall end.

3 Sec. 10. Section 232D.401, subsection 3, unnumbered
4 paragraph 1, Code 2020, is amended to read as follows:

5 An order by the court appointing a guardian for a minor shall
6 state the powers granted to the guardian. Except as otherwise
7 limited by court order, the court may grant the guardian the
8 following powers, ~~which may be exercised without prior court~~
9 ~~approval:~~

10 Sec. 11. Section 232D.501, subsection 1, paragraph a, Code
11 2020, is amended by adding the following new subparagraph:

12 NEW SUBPARAGRAPH. (2A) The guardian's plan, if any, for
13 applying for and receiving funds and benefits payable for the
14 support of the minor.

15 Sec. 12. Section 232D.501, subsection 1, paragraph b, Code
16 2020, is amended by adding the following new subparagraph:

17 NEW SUBPARAGRAPH. (11) The results of the guardian's
18 efforts to apply for funds or benefits on behalf of the
19 protected person.

20 Sec. 13. Section 232D.501, Code 2020, is amended by adding
21 the following new subsection:

22 NEW SUBSECTION. 5. The failure of a guardian to timely
23 make a report required under subsection 1 shall be reported by
24 the clerk of the court to the court for an order to enforce
25 compliance with the filing requirements.

26 Sec. 14. NEW SECTION. **232D.506 Confidentiality.**

27 1. Official juvenile court records in guardianship
28 proceedings shall be confidential and are not public records.

29 2. Confidential records may be inspected and their contents
30 shall be disclosed to the following without a court order,
31 provided that a person or entity who inspects or receives a
32 confidential record under this subsection shall not disclose
33 the confidential record or its contents unless required by law:

34 a. The judge and professional court staff.

35 b. The protected person and the protected person's attorney.

1 c. The protected person's parent, guardian, custodian, court
2 visitor, and any attorney representing such person.

3 3. Confidential records may be inspected and their contents
4 shall be disclosed to the following with a court order,
5 provided that a person or entity who inspects or receives a
6 confidential record under this subsection shall not disclose
7 the confidential record or its contents unless required by law:

8 a. A person or entity conducting bona fide research on minor
9 guardianships.

10 b. A person or entity for good cause shown.

11 Sec. 15. Section 633.556, subsections 4, 5, and 8, Code
12 2020, are amended to read as follows:

13 4. The petition shall list the name and address of the
14 ~~petitioner and the petitioner's relationship to the respondent.~~
15 following:

16 a. The name and address of the respondent.

17 b. The petitioner and the petitioner's relationship to the
18 respondent.

19 c. The name and address of the proposed guardian or
20 conservator and the reason the proposed guardian or conservator
21 should be selected.

22 5. The petition shall list the name and address, to the
23 extent known, of the following:

24 ~~a. The name and address of the proposed guardian and the~~
25 ~~reason the proposed guardian should be selected.~~

26 ~~b.~~ a. Any spouse of the respondent.

27 ~~c.~~ b. Any adult children of the respondent.

28 ~~d.~~ c. Any parents of the respondent.

29 ~~e.~~ d. Any adult, who has had the primary care of the
30 respondent or with whom the respondent has lived for at least
31 six months ~~prior to~~ immediately preceding the filing of the
32 petition, or any institution or facility where the respondent
33 has resided for at least six months prior to the filing of the
34 petition.

35 ~~f.~~ e. Any legal representative or representative payee of

1 the respondent.

2 ~~g.~~ f. Any person designated as an attorney in fact in a
3 durable power of attorney for health care which is valid under
4 chapter 144B, or any person designated as an agent in a durable
5 power of attorney which is valid under chapter 633B.

6 ~~8. The petition shall provide a brief description of~~
7 ~~the respondent's alleged functional limitations that make~~
8 ~~the respondent unable to communicate or carry out important~~
9 ~~decisions concerning the respondent's financial affairs.~~

10 Sec. 16. Section 633.558, subsection 3, Code 2020, is
11 amended to read as follows:

12 3. Notice of the filing of a petition given to persons under
13 subsections subsection 2 and 3 shall include a statement that
14 such persons may register to receive notice of the hearing
15 on the petition and other proceedings and the manner of such
16 registration.

17 Sec. 17. Section 633.560, subsection 3, Code 2020, is
18 amended to read as follows:

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

23 Sec. 18. Section 633.561, subsection 4, paragraphs c and f,
24 Code 2020, are amended to read as follows:

25 c. Ensure that the respondent has been properly advised of
26 the respondent's rights in a guardianship or conservatorship
27 proceeding.

28 f. Ensure that the guardianship or conservatorship
29 procedures conform to the statutory and due process
30 requirements of Iowa law.

31 Sec. 19. Section 633.561, subsection 5, paragraphs a and b,
32 Code 2020, are amended to read as follows:

33 a. Inform the respondent of the effects of the order entered
34 for appointment of guardian or conservator.

35 b. Advise the respondent of the respondent's rights to

1 petition for modification or termination of the guardianship
2 or conservatorship.

3 Sec. 20. Section 633.561, subsection 6, Code 2020, is
4 amended to read as follows:

5 6. If the court determines that it would be in the
6 respondent's best interest to have legal representation
7 with respect to any further proceedings in a guardianship
8 or conservatorship, the court may appoint an attorney to
9 represent the respondent at the expense of the respondent or
10 the respondent's estate, or if the respondent is indigent the
11 cost of the court appointed attorney shall be assessed against
12 the county in which the proceedings are pending.

13 Sec. 21. Section 633.562, subsection 1, Code 2020, is
14 amended to read as follows:

15 1. If the court determines that the appointment of a court
16 visitor would be in the best interest of the respondent, the
17 court shall appoint a court visitor at the expense of the
18 respondent or the respondent's estate, or, if the respondent
19 is indigent, the cost of the court visitor shall be assessed
20 against the county in which the proceedings are pending. The
21 court may appoint any qualified person as a court visitor,
22 who has demonstrated sufficient knowledge to appropriately
23 perform the duties that the court directs, in a guardianship
24 or conservatorship proceeding.

25 Sec. 22. Section 633.562, subsection 5, paragraphs a and b,
26 Code 2020, are amended to read as follows:

27 a. A recommendation regarding the appropriateness of a
28 limited guardianship or conservatorship for the respondent,
29 including whether less restrictive alternatives are available.

30 b. A statement of the qualifications of the guardian or
31 conservator together with a statement of whether the respondent
32 has expressed agreement with the appointment of the proposed
33 guardian or conservator.

34 Sec. 23. Section 633.562, Code 2020, is amended by adding
35 the following new subsection:

1 NEW SUBSECTION. 7. A court visitor shall be discharged
2 from all further duties upon appointment of a guardian or
3 conservator, unless further ordered by the court. The court
4 may order a court visitor to continue to serve if the court
5 determines continued service would be in the best interest of
6 the protected person. If the court continues the service of
7 the court visitor, the court may limit the direct duties of the
8 court visitor as the court deems necessary. The court visitor
9 shall thereafter continue to serve until discharged by the
10 court.

11 Sec. 24. Section 633.563, subsection 7, unnumbered
12 paragraph 1, Code 2020, is amended to read as follows:

13 The results of the evaluation ordered by the court shall be
14 ~~made available to~~ filed with the court and made available to
15 the following:

16 Sec. 25. Section 633.564, subsection 1, Code 2020, is
17 amended to read as follows:

18 1. The court shall request criminal record checks and
19 checks of the child abuse, dependent adult abuse, and sexual
20 offender registries in this state for all proposed guardians
21 and conservators, other than financial institutions with Iowa
22 trust powers, unless a proposed guardian or conservator has
23 undergone the required background checks under this section
24 within the twelve months prior to the filing of a petition.

25 Sec. 26. Section 633.569, subsections 1, 2, and 3, Code
26 2020, are amended to read as follows:

27 1. A person authorized to file a petition under section
28 ~~633.552, 633.553, or 633.554~~ 633.556 or 633.557 may file an
29 application for the emergency appointment of a temporary
30 guardian or conservator.

31 2. Such application shall state all of the following:

32 a. The name and address of the respondent.

33 b. The name and address of the petitioner.

34 ~~b.~~ c. The name and address of the proposed guardian or
35 conservator and the reason the proposed guardian or conservator

1 should be selected.

2 d. The names and addresses, to the extent known, of any
3 other person who must be named in the petition for appointment
4 of a guardian or conservator under section 633.556 or 633.557.

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

7 3. The court may enter an ex parte order appointing a
8 temporary guardian or conservator on an emergency basis under
9 this section if the court finds that all of the following
10 conditions are met:

11 a. There is not sufficient time to file a petition and hold
12 a hearing pursuant to ~~section 633.552, 633.553, or 633.554~~
13 633.556 or 633.557.

14 b. The appointment of a temporary guardian or conservator
15 is necessary to avoid immediate or irreparable harm to the
16 respondent.

17 c. There is reason to believe that the basis for appointment
18 of guardian or conservator exists under ~~section 633.552,~~
19 ~~633.553, or 633.554~~ 633.556 or 633.557.

20 Sec. 27. Section 633.569, Code 2020, is amended by adding
21 the following new subsections:

22 NEW SUBSECTION. 8. The court may order an extension of
23 the temporary guardianship or conservatorship for thirty days
24 for good cause shown, including a showing that a hearing on a
25 petition for a guardianship or conservatorship under section
26 633.556 or 633.557 cannot be scheduled within thirty days after
27 the order for a temporary guardianship or conservatorship is
28 ordered. Prior to or contemporaneously with the filing for
29 an application for the extension of time, the guardian or
30 conservator shall file a report with the court setting forth
31 all of the following:

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

35 b. All actions that the guardian or conservator plans to

1 conduct on behalf of the protected person during the thirty-day
2 extension period.

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

5 Sec. 28. Section 633.570, subsections 1 and 2, Code 2020,
6 are amended to read as follows:

7 1. In a proceeding for the appointment of a guardian,
8 the respondent shall be given written notice which advises
9 the respondent ~~of the powers that~~ that the court may grant
10 ~~a guardian may exercise without court approval pursuant to~~
11 the powers set out in section 633.635, subsection 2, and the
12 ~~powers that the guardian may exercise only with court approval~~
13 ~~pursuant to set out in section 633.635, subsection 3.~~

14 2. In a proceeding for the appointment of a conservator,
15 the respondent shall be given written notice which advises the
16 respondent ~~of the powers that~~ the court may grant a conservator
17 ~~may exercise without court approval pursuant to the powers set~~
18 out in section 633.646 and the powers that the guardian may
19 ~~exercise only with court approval pursuant to section 633.647~~
20 633.642.

21 Sec. 29. Section 633.635, subsection 1, Code 2020, is
22 amended to read as follows:

23 1. The order by the court appointing a guardian shall state
24 the basis for the guardianship pursuant to section 633.552
25 and the date on which the first reporting period for the
26 guardianship shall end.

27 Sec. 30. Section 633.635, subsection 2, unnumbered
28 paragraph 1, Code 2020, is amended to read as follows:

29 Based upon the evidence produced at the hearing, the court
30 may grant a guardian the following powers and duties with
31 respect to a protected person ~~which may be exercised without~~
32 ~~prior court approval:~~

33 Sec. 31. Section 633.635, subsection 3, unnumbered
34 paragraph 1, Code 2020, is amended to read as follows:

35 A Notwithstanding subsection 2, a guardian may be granted

1 the following powers which may only be exercised upon court
2 approval:

3 Sec. 32. Section 633.641, subsection 3, Code 2020, is
4 amended to read as follows:

5 ~~3. If a protected person has executed a valid power of~~
6 ~~attorney under [chapter 633B](#), the conservator shall act in~~
7 ~~accordance with the applicable provisions of [chapter 633B](#)~~If
8 the court appoints a conservator for a protected person
9 who has previously executed a valid power of attorney under
10 chapter 633B, the power of attorney is suspended unless the
11 power of attorney provides otherwise or the court appointing
12 the conservator orders that the power of attorney should
13 continue. If the power of attorney continues, the agent is
14 accountable to the conservator as well as to the principal.
15 The power of attorney shall be reinstated upon termination of
16 the conservatorship as a result of the principal regaining
17 capacity.

18 Sec. 33. Section 633.642, unnumbered paragraph 1, Code
19 2020, is amended to read as follows:

20 Except as otherwise ordered by the court, and except
21 for those powers relating to all fiduciaries as set out in
22 sections 633.63 through 633.162 which may be exercised without
23 approval of the court unless expressly modified by the court,
24 a conservator must give notice to persons entitled to notice
25 and receive specific prior authorization by the court before
26 the conservator may take any other action on behalf of the
27 protected person. ~~These other powers~~ Powers requiring court
28 approval include but are not limited to the authority of the
29 conservator to:

30 Sec. 34. Section 633.669, Code 2020, is amended to read as
31 follows:

32 ~~633.669 Reporting requirements — assistance by clerk~~ Reports
33 by guardians.

34 1. A guardian appointed by the court under [this chapter](#)
35 shall file with the court the following written verified

1 reports which shall not be waived by the court:

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

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

7 (2) The current sources of payment for the protected
8 person's living expenses and other expenses, and the guardian's
9 plan for payment of the protected person's living expenses and
10 other expenses.

11 (3) The protected person's health status and health care
12 needs, and the guardian's plan for meeting the protected
13 ~~person's needs for medical, dental, and other~~ health care
14 needs.

15 (3A) Whether the protected person has a living will or
16 health care power of attorney.

17 (4) If applicable, the protected person's need for other
18 professional services for mental, behavioral, or emotional
19 health, and the guardian's plan for other professional services
20 needed by the protected person.

21 (5) If applicable, the protected person's employment
22 status, the protected person's need for educational, training,
23 or vocational services, and the guardian's plan for meeting the
24 educational, training, and vocational needs of the protected
25 person.

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

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

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

34 (9) The powers that the guardian requests to carry out the
35 initial care plan.

1 (10) The guardian shall file an amended plan when there
2 has been a significant change in the circumstances or the
3 guardian seeks to deviate significantly from the plan. The
4 guardian must obtain court approval of the amended plan before
5 implementing any of its provisions.

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

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

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

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

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

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

21 (0c) The guardian's facilitation of the participation of
22 the protected person in social activities.

23 (c) The contact of the protected person with family members
24 and other significant persons.

25 (d) The nature and extent of the guardian's visits with, and
26 activities on behalf of, the protected person.

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

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

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

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

35 (6) The need of the guardian for assistance in providing or

1 arranging for the provision of the care and protection of the
2 protected person.

3 c. A final report within thirty days of the termination
4 of the guardianship under [section 633.675](#) unless that time is
5 extended by the court.

6 2. The court shall develop a simplified uniform reporting
7 form for use in filing the required reports.

8 3. The clerk of the court shall notify the guardian in
9 writing of the reporting requirements and shall provide
10 information and assistance to the guardian in filing the
11 reports.

12 4. Reports of guardians shall be reviewed and approved by a
13 district court judge or referee.

14 5. Reports required by this section shall be served on the
15 protected person, the protected person's attorney, if any, and
16 the court visitor, if any.

17 Sec. 35. Section 633.670, Code 2020, is amended to read as
18 follows:

19 **633.670 Reports by conservators.**

20 1. A conservator appointed by the court under this chapter
21 shall file an with the court a written verified initial
22 financial management plan for protecting, managing, investing,
23 expending, and distributing the assets of the conservatorship
24 estate within ninety days after appointment which shall not be
25 waived by the court. The plan must be based on the needs of
26 the protected person and take into account the best interest
27 of the protected person as well as the protected person's
28 preference, values, and prior directions to the extent known
29 to, or reasonably ascertainable by, the conservator.

30 ~~a. The initial plan shall include all of the following: The~~
31 initial financial management plan shall state the protected
32 person's age, residence, living arrangements, and sources of
33 payment for living expenses.

34 ~~(1) A budget containing projected expenses and resources,~~
35 ~~including an estimate of the total amount of fees the~~

1 ~~conservator anticipates charging per year and a statement or~~
2 ~~list of the amount the conservator proposes to charge for each~~
3 ~~service the conservator anticipates providing to the protected~~
4 ~~person.~~

5 ~~(2) A statement as to how the conservator will involve~~
6 ~~the protected person in decisions about management of the~~
7 ~~conservatorship estate.~~

8 ~~(3) If ordered by the court, any step the conservator plans~~
9 ~~to take to develop or restore the ability of the protected~~
10 ~~person to manage the conservatorship estate.~~

11 ~~(4) An estimate of the duration of the conservatorship.~~

12 b. If applicable, the protected person's will shall be
13 attached to the plan or filed with the court and the protected
14 person's prepaid burial trust and powers of attorney shall be
15 described.

16 c. The conservator shall include a proposed budget for the
17 protected person and budget-related information for the next
18 annual reporting period including all of the following:

19 (1) The protected person's receipts and income and
20 the projected sources of income including, if applicable,
21 wages, social security income, pension and retirement plan
22 distribution, veterans' benefits, rental income, interest
23 earnings, and dividends, and the total estimated receipts and
24 income.

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

32 (3) The protected person's estimated expenses on a monthly
33 and annual basis including, if applicable, nursing home or
34 facility charge, real property expenses for residence, food and
35 household expenses, utilities, household help and caregiver

1 expenses, health services and health insurance expenses,
2 educational and vocational expenses, personal auto and other
3 transportation expenses, clothing expenses, personal allowance
4 and other personal expenses, liabilities and debts, attorney
5 fees and other professional expenses, conservator fees, and
6 other administrative expenses.

7 d. The conservator shall include a list of the protected
8 person's assets and the conservator's plan for management
9 of these assets including, if applicable, financial
10 accounts including checking and certificates of deposit and
11 cash, investments including stocks, bonds, mutual funds,
12 exchange-traded funds, individual retirement accounts and other
13 investment accounts, pension, profit-sharing, annuities, and
14 retirement fund, personal property including household goods
15 and vehicles, receivables including mortgages and liens payable
16 to the protected person's estate or trust, life insurance, and
17 other property.

18 e. The conservator shall include a statement as to how the
19 conservator will involve the protected person in decisions
20 about management of the conservatorship estate.

21 f. If ordered by the court, the conservator shall include
22 any action the conservator plans to take to develop or
23 restore the ability of the protected person to manage the
24 conservatorship estate.

25 g. The conservator shall include the authority that the
26 conservator requests to carry out the initial financial plan
27 including expenditures in accordance with the proposed budget
28 for the protected person and the plan for the management of the
29 assets of the protected person for the next annual reporting
30 period.

31 ~~b. h.~~ h. Within two days after filing the initial plan, the
32 The conservator shall give provide notice of the filing of
33 the initial plan with a copy of the plan to the protected
34 person, the protected person's attorney, if any, and court
35 ~~adviser~~ visitor, if any, and others as directed by the court.

1 The notice must state that any person entitled to a copy of
2 the plan must file any objections to the plan not later than
3 ~~fifteen days after it is filed~~ twenty days from the date of
4 mailing notice of filing the initial plan.

5 ~~e.~~ i. At least twenty days after the plan has been filed,
6 the court shall review and determine whether the plan should
7 be approved or revised, after considering objections filed and
8 whether the plan is consistent with the conservator's powers
9 and duties.

10 ~~d.~~ j. After approval by the court, the conservator shall
11 provide a copy of the approved plan and order approving the
12 plan to the protected person, the protected person's attorney,
13 if any, and court ~~advisor~~ visitor, if any, and others as
14 directed by the court.

15 ~~e.~~ k. The conservator shall file an amended plan when
16 there has been a significant change in circumstances or the
17 conservator seeks to deviate significantly from the plan.
18 Before the amended plan is implemented, the provisions for
19 court approval of the plan shall be followed as provided in
20 paragraphs ~~"b", "c", and "d"~~ "h", "i", and "j".

21 2. A conservator shall file an inventory of the protected
22 person's assets within ninety days after appointment which
23 includes an oath or affirmation that the inventory is believed
24 to be complete and accurate as far as information permits.
25 ~~Copies~~ After approval by the court, the conservator shall
26 provide a copy of the inventory shall be provided to the
27 protected person, the protected person's attorney, if any,
28 and court ~~advisor~~ visitor, if any, and others as directed by
29 the court. When the conservator receives additional property
30 of the protected person, or becomes aware of its existence,
31 a description of the property shall be included in the
32 conservator's next annual report.

33 3. A conservator shall file a written ~~and~~ verified report on
34 an annual basis for the period since the end of the preceding
35 report period. ~~The court which shall not waive these reports~~

1 be waived by the court.

2 ~~a. These reports shall include all of the following: The~~
3 annual report shall state the age, the residence and the living
4 arrangements of the protected person, and sources of payment
5 for the protected person's living expenses during the reporting
6 period.

7 ~~(1) Balance of funds on hand at the beginning and end of the~~
8 ~~period.~~

9 ~~(2) Disbursements made.~~

10 ~~(3) Changes in the conservator's plan.~~

11 ~~(4) List of assets as of the end of the period.~~

12 ~~(5) Bond amount and surety's name.~~

13 ~~(6) Residence and physical location of the protected~~
14 ~~person.~~

15 ~~(7) General physical and mental condition of the protected~~
16 ~~person.~~

17 ~~(8) Other information reflecting the condition of the~~
18 ~~conservatorship estate.~~

19 ~~b. These reports shall be filed: The conservator shall~~
20 submit with the annual report an inventory of the assets of the
21 protected person as of the last day of the reporting period
22 including the total value of assets at the beginning and end
23 of the reporting period.

24 ~~(1) On an annual basis within sixty days of the end of the~~
25 ~~reporting period unless the court orders an extension for good~~
26 ~~cause shown in accordance with the rules of probate procedure.~~

27 c. The annual report shall include an itemization of all
28 income or funds received and all expenditures made by the
29 conservator on behalf of the protected person. If any of
30 the expenditures were made to provide support for or pay the
31 debts of another person, the annual report shall include an
32 explanation of these expenditures. If any of the expenditures
33 were made to pay any liability or debt owed by the protected
34 person to the conservator, the annual report shall include an
35 explanation of these expenditures. If any of the expenditures

1 were made to pay any liability or debt that is also owed by
2 another person or entity, the annual report shall include an
3 explanation of these expenditures.

4 d. The annual report shall include the following budget and
5 information related to the budget for the protected person:

6 (1) A description of changes, if any, made in the budget
7 approved by the court for the preceding reporting period.

8 (2) A proposed budget and budget-related information for
9 the next reporting period containing the information set forth
10 in subsection 1, paragraph "c".

11 (3) A request for approval of the proposed budget and
12 authority to make expenditures in accordance with the proposed
13 budget.

14 e. The annual report shall include the following information
15 related to the management of the assets of the protected
16 person:

17 (1) A description of changes, if any, in the plan for
18 management of the assets of the protected person approved by
19 the court for the preceding reporting period.

20 (2) A proposed plan for management of the assets of the
21 protected person for the next reporting period.

22 (3) A request for approval of the proposed plan for
23 management of the assets of the protected person and the
24 authority to carry out the plan.

25 f. The annual report shall describe, if applicable, how the
26 protected person was involved and will be involved in decisions
27 about management of assets.

28 g. The annual report shall describe, if ordered by the
29 court, the actions that have been taken and that will be taken
30 by the conservator to develop or restore the ability of the
31 protected person to manage the conservatorship's assets.

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

35 i. The conservator may request court approval of fees

1 provided the conservator on behalf of the conservatorship or
2 the protected person during the preceding reporting period.

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

5 (2) a. Within thirty days following removal of the
6 conservator.

7 (3) b. Upon the conservator's filing of a resignation and
8 before the resignation is accepted by the court.

9 (4) c. Within sixty days following the termination of the
10 conservatorship.

11 (5) d. At other times as ordered by the court.

12 ~~e.~~ 5. Reports required by this section shall be served on
13 the protected person, the protected person's attorney and court
14 advisor, if any, the court visitor, if any, and the veterans
15 administration if the protected person is receiving veterans
16 benefits.

17 Sec. 36. Section 633.675, subsections 2, 3, and 4, Code
18 2020, are amended to read as follows:

19 2. The court shall terminate a guardianship if ~~it~~ the
20 court finds ~~by clear and convincing evidence~~ that the basis
21 for appointing a guardian pursuant to section 633.552 is not
22 satisfied.

23 3. The court shall terminate a conservatorship if the court
24 finds ~~by clear and convincing evidence~~ that the basis for
25 appointing a conservator pursuant to section 633.553 or 633.554
26 is not satisfied.

27 4. The standard of proof and the burden of proof to be
28 applied in a termination proceeding to terminate a guardianship
29 or conservatorship for an adult shall be the same as set forth
30 in section 633.551, subsection 2.

31 Sec. 37. REPORTS AND POWERS OF GUARDIANS AND CONSERVATORS —
32 TRANSITION PROVISIONS.

33 1. Minor guardianships. Notwithstanding the provisions
34 of section 232D.501, subsection 1, paragraph "a", designating
35 a verified initial care plan be filed by the guardian within

1 sixty days of appointment, for all minor guardianship cases
2 wherein the guardianship was established and the guardian was
3 appointed prior to January 1, 2020, the initial care plan
4 required by section 232D.501, subsection 1, paragraph "a",
5 shall be filed with the previously scheduled annual report.
6 The annual report must comply with the requirements set forth
7 in section 232D.501, subsection 1, paragraph "a". Guardians
8 appointed prior to January 1, 2020, have continuing authority
9 to perform acts concerning the protected person that were
10 authorized prior to January 1, 2020, through the date of the
11 guardian's previously scheduled annual report.

12 2. Adult guardianships. Notwithstanding the provisions of
13 section 633.669, subsection 1, paragraph "a", designating an
14 initial care plan be filed by the guardian within sixty days
15 of appointment, for all adult guardianship cases wherein the
16 guardianship was established and the guardian was appointed
17 prior to January 1, 2020, the initial care plan required by
18 section 633.669, subsection 1, paragraph "a", shall be filed
19 with the previously scheduled annual report. The annual report
20 must comply with the requirements set forth in section 633.669,
21 subsection 1, paragraph "a". Guardians appointed prior to
22 January 1, 2020, have continuing authority to perform acts
23 concerning the protected person that were authorized prior to
24 January 1, 2020, through the date of the guardian's previously
25 scheduled annual report.

26 3. Conservatorships. Notwithstanding the provisions of
27 section 633.670, subsection 1, paragraph "a", and section
28 633.670, subsection 2, designating an initial plan and
29 inventory be filed within ninety days of appointment, for
30 all conservatorship cases wherein the conservatorship was
31 established and the conservator was appointed prior to
32 January 1, 2020, the initial plan required by section 633.670,
33 subsection 1, paragraph "a", and inventory required by section
34 633.670, subsection 2, shall be filed with the previously
35 scheduled annual report. The annual report must comply with

1 the requirements set forth in section 633.670, subsection 3,
2 paragraph "a". Conservators appointed prior to January 1,
3 2020, have continuing authority to perform acts concerning the
4 protected person that were authorized prior to January 1, 2020,
5 through the date of the conservator's previously scheduled
6 annual report.

7 Sec. 38. EFFECTIVE DATE. The following, being deemed of
8 immediate importance, takes effect upon enactment:

9 The section of this division of this Act relating to
10 transition provisions for reports and powers of guardians and
11 conservators.

12 Sec. 39. RETROACTIVE APPLICABILITY. The following applies
13 retroactively to January 1, 2020:

14 The section of this division of this Act relating to
15 transition provisions for reports and powers of guardians and
16 conservators.

17 DIVISION II

18 CONFORMING CHANGES

19 Sec. 40. Section 633.3, subsections 9, 17, 22, and 23, Code
20 2020, are amended to read as follows:

21 9. *Conservator* — a person appointed by the court to have
22 the custody and control of the property of a ~~ward~~ protected
23 person under the provisions of this probate code.

24 17. *Estate* — the real and personal property of either a
25 decedent or a ~~ward~~ protected person, and may also refer to the
26 real and personal property of a trust described in section
27 633.10.

28 22. *Guardian* — the person appointed by the court to have
29 the custody of the person of the ~~ward~~ protected person under
30 the provisions of this probate code.

31 23. *Guardian of the property* — at the election of the
32 person appointed by the court to have the custody and care of
33 the property of a ~~ward~~ protected person, the term "*guardian of*
34 *the property*" may be used, which term shall be synonymous with
35 the term "*conservator*".

1 Sec. 41. Section 633.78, subsection 1, unnumbered paragraph
2 1, Code 2020, is amended to read as follows:

3 A fiduciary under **this chapter** may present a written request
4 to any person for the purpose of obtaining property owned by
5 a decedent or by a ward protected person of a conservatorship
6 for which the fiduciary has been appointed, or property to
7 which a decedent or ward protected person is entitled, or
8 for information about such property needed to perform the
9 fiduciary's duties. The request must contain statements
10 confirming all of the following:

11 Sec. 42. Section 633.78, subsection 1, paragraph b, Code
12 2020, is amended to read as follows:

13 **b.** The request has been signed by all fiduciaries acting on
14 behalf of the decedent or ward protected person.

15 Sec. 43. Section 633.78, subsection 4, paragraph a, Code
16 2020, is amended to read as follows:

17 **a.** Damages sustained by the decedent's or ward's protected
18 person's estate.

19 Sec. 44. Section 633.80, Code 2020, is amended to read as
20 follows:

21 **633.80 Fiduciary of a fiduciary.**

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

27 Sec. 45. Section 633.93, Code 2020, is amended to read as
28 follows:

29 **633.93 Limitation on actions affecting deeds.**

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

35 Sec. 46. Section 633.112, Code 2020, is amended to read as

1 follows:

2 **633.112 Discovery of property.**

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

13 Sec. 47. Section 633.123, subsection 1, paragraph b,
14 subparagraph (3), Code 2020, is amended to read as follows:

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

17 Sec. 48. Section 633.558, subsection 3, Code 2020, is
18 amended to read as follows:

19 3. Notice of the filing of a petition given to persons under
20 subsections subsection 2 and 3 shall include a statement that
21 such persons may register to receive notice of the hearing
22 on the petition and other proceedings and the manner of such
23 registration.

24 Sec. 49. Section 633.560, subsection 3, Code 2020, is
25 amended to read as follows:

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

30 Sec. 50. Section 633.561, subsection 4, paragraphs c and f,
31 Code 2020, are amended to read as follows:

32 *c.* Ensure that the respondent has been properly advised of
33 the respondent's rights in a guardianship or conservatorship
34 proceeding.

35 *f.* Ensure that the guardianship or conservatorship

1 procedures conform to the statutory and due process
2 requirements of Iowa law.

3 Sec. 51. Section 633.561, subsection 5, paragraphs a and b,
4 Code 2020, are amended to read as follows:

5 a. Inform the respondent of the effects of the order entered
6 for appointment of guardian or conservator.

7 b. Advise the respondent of the respondent's rights to
8 petition for modification or termination of the guardianship
9 or conservatorship.

10 Sec. 52. Section 633.562, subsection 5, paragraphs a and b,
11 Code 2020, are amended to read as follows:

12 a. A recommendation regarding the appropriateness of a
13 limited guardianship or conservatorship for the respondent,
14 including whether less restrictive alternatives are available.

15 b. A statement of the qualifications of the guardian or
16 conservator together with a statement of whether the respondent
17 has expressed agreement with the appointment of the proposed
18 guardian or conservator.

19 Sec. 53. Section 633.580, subsections 1 and 4, Code 2020,
20 are amended to read as follows:

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

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

32 Sec. 54. Section 633.591A, Code 2020, is amended to read as
33 follows:

34 **633.591A Voluntary petition for appointment of conservator**
35 **for a minor — standby basis.**

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

10 Sec. 55. Section 633.603, Code 2020, is amended to read as
11 follows:

12 **633.603 Appointment of foreign conservators.**

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

22 Sec. 56. Section 633.604, Code 2020, is amended to read as
23 follows:

24 **633.604 Application.**

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

35 Sec. 57. Section 633.605, Code 2020, is amended to read as

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1 follows:

2 **633.605 Personal property.**

3 A foreign conservator or guardian of a nonresident may
4 be authorized by the court of the county wherein such ~~ward~~
5 protected person has personal property to receive the same upon
6 compliance with the provisions of [sections 633.606, 633.607](#) and
7 633.608.

8 Sec. 58. Section 633.607, Code 2020, is amended to read as
9 follows:

10 **633.607 Order for delivery.**

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

15 Sec. 59. Section 633.633, Code 2020, is amended to read as
16 follows:

17 **633.633 Provisions applicable to all fiduciaries shall**
18 **govern.**

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

26 Sec. 60. Section 633.633B, Code 2020, is amended to read as
27 follows:

28 **633.633B Tort liability of guardians and conservators.**

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

32 Sec. 61. Section 633.636, Code 2020, is amended to read as
33 follows:

34 **633.636 Effect of appointment of guardian or conservator.**

35 The appointment of a guardian or conservator shall not

1 constitute an adjudication that the ward protected person is of
2 unsound mind.

3 Sec. 62. Section 633.637, Code 2020, is amended to read as
4 follows:

5 **633.637 Powers of ward protected person.**

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

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

24 Sec. 63. Section 633.637A, Code 2020, is amended to read as
25 follows:

26 **633.637A Rights of ward protected person under guardianship.**

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

1 on an adult ~~ward's~~ protected person's prior relationship with
2 such person.

3 Sec. 64. Section 633.638, Code 2020, is amended to read as
4 follows:

5 **633.638 Presumption of fraud.**

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

11 Sec. 65. Section 633.639, Code 2020, is amended to read as
12 follows:

13 **633.639 Title to ~~ward's~~ protected person's property.**

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

23 Sec. 66. Section 633.640, Code 2020, is amended to read as
24 follows:

25 **633.640 Conservator's right to possession.**

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

33 Sec. 67. Section 633.643, Code 2020, is amended to read as
34 follows:

35 **633.643 Disposal of will by conservator.**

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

4 Sec. 68. Section 633.644, Code 2020, is amended to read as
5 follows:

6 **633.644 Court order to preserve testamentary intent of ward**
7 **protected person.**

8 Upon receiving an instrument purporting to be the will of a
9 living ward protected person under the provisions of section
10 633.643, the court may open said will and read it. The court
11 with or without notice, as it may determine, may enter such
12 orders in the conservatorship as it deems advisable for the
13 proper administration of the conservatorship in light of the
14 expressed testamentary intent of the ward protected person.

15 Sec. 69. Section 633.645, Code 2020, is amended to read as
16 follows:

17 **633.645 Court to deliver will to clerk.**

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

23 Sec. 70. Section 633.653A, Code 2020, is amended to read as
24 follows:

25 **633.653A Claims for cost of medical care or services.**

26 The provision of medical care or services to a ward protected
27 person who is a recipient of medical assistance under chapter
28 249A creates a claim against the conservatorship for the amount
29 owed to the provider under the medical assistance program for
30 the care or services. The amount of the claim, after being
31 allowed or established as provided in this part, shall be paid
32 by the conservator from the assets of the conservatorship.

33 Sec. 71. Section 633.654, Code 2020, is amended to read as
34 follows:

35 **633.654 Form and verification of claims — general**

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1 requirements.

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

18 Sec. 72. Section 633.656, Code 2020, is amended to read as
19 follows:

20 **633.656 How claim entitled.**

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

25 Sec. 73. Section 633.660, Code 2020, is amended to read as
26 follows:

27 **633.660 Execution and levy prohibited.**

28 No execution shall issue upon, nor shall any levy be made
29 against, any property of the estate of a ward protected person
30 under any judgment against the ward protected person or a
31 conservator, but the provisions of **this section** shall not be so
32 construed as to prevent the enforcement of a mortgage, pledge,
33 or other lien upon property in an appropriate proceeding.

34 Sec. 74. Section 633.661, Code 2020, is amended to read as
35 follows:

1 **633.661 Claims of conservators.**

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

13 Sec. 75. Section 633.662, Code 2020, is amended to read as
14 follows:

15 **633.662 Claims not filed.**

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

20 Sec. 76. Section 633.664, Code 2020, is amended to read as
21 follows:

22 **633.664 Liens not affected by failure to file claim.**

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

27 Sec. 77. Section 633.665, Code 2020, is amended to read as
28 follows:

29 **633.665 Separate actions and claims.**

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

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

12 Sec. 78. Section 633.667, Code 2020, is amended to read as
13 follows:

14 **633.667 Payment of claims in insolvent conservatorships.**

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

23 Sec. 79. Section 633.668, Code 2020, is amended to read as
24 follows:

25 **633.668 Conservator may make gifts.**

26 For good cause shown and under order of court, a conservator
27 may make gifts on behalf of the ~~ward~~ protected person out of
28 the assets under a conservatorship to persons or religious,
29 educational, scientific, charitable, or other nonprofit
30 organizations to whom or to which such gifts were regularly
31 made prior to the commencement of the conservatorship, or on
32 a showing to the court that such gifts would benefit the ~~ward~~
33 protected person or the ~~ward's~~ protected person's estate from
34 the standpoint of income, gift, estate or inheritance taxes.
35 The making of gifts out of the assets must not foreseeably

1 impair the ability to provide adequately for the best interests
2 of the ward protected person.

3 Sec. 80. Section 633.673, Code 2020, is amended to read as
4 follows:

5 **633.673 Court costs in guardianships.**

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

15 Sec. 81. Section 633.676, Code 2020, is amended to read as
16 follows:

17 **633.676 Assets exhausted.**

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

22 Sec. 82. Section 633.677, Code 2020, is amended to read as
23 follows:

24 **633.677 Accounting to ward protected person — notice.**

25 Upon the termination of a conservatorship, the conservator
26 shall pay the costs of administration and shall render a full
27 and complete accounting to the ward protected person or the
28 ward's protected person's personal representative and to the
29 court. Notice of the final report of a conservator shall be
30 served on the ward protected person or the ward's protected
31 person's personal representative, in accordance with section
32 633.40, unless notice is waived. An order prescribing notice
33 may be made before or after the filing of the final report.

34 Sec. 83. Section 633.681, Code 2020, is amended to read as
35 follows:

1 **633.681 Assets of minor ward protected person exhausted.**

2 When the assets of a minor ~~ward's~~ protected person's
3 conservatorship are exhausted or consist of personal property
4 only of an aggregate value not in excess of twenty-five
5 thousand dollars, the court, upon application or upon its
6 own motion, may terminate the conservatorship. The order
7 for termination shall direct the conservator to deliver any
8 property remaining after the payment of allowed claims and
9 expenses of administration to a custodian under any uniform
10 transfers to minors Act. Such delivery shall have the same
11 force and effect as if delivery had been made to the ~~ward~~
12 protected person after attaining majority.

13 Sec. 84. Section 633.682, Code 2020, is amended to read as
14 follows:

15 **633.682 Discharge of conservator and release of bond.**

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

21 2. Title page, by striking lines 1 through 4 and
22 inserting <An Act relating to the opening, administration,
23 and termination of adult and minor guardianships and
24 conservatorships, and including effective date and retroactive
25 applicability provisions.>

HITE of Mahaska