

House Amendment to
Senate File 2321

S-5107

1 Amend Senate File 2321, as amended, passed, and reprinted by
2 the Senate, as follows:

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

5 <DIVISION I

6 MINOR GUARDIANSHIPS

7 Section 1. Section 232.3, subsection 1, Code 2020, is
8 amended to read as follows:

9 1. During the pendency of an action under **this chapter**, a
10 party to the action is estopped from litigating concurrently
11 the custody, guardianship, or placement of a child who is the
12 subject of the action, in a court other than the juvenile court
13 with jurisdiction of the pending action under this chapter. A
14 district judge, district associate judge, juvenile court judge,
15 magistrate, or judicial hospitalization referee, upon notice
16 of the pendency of an action under **this chapter**, shall not
17 issue an order, finding, or decision relating to the custody,
18 guardianship, or placement of the child who is the subject of
19 the action, under any law, including but not limited to chapter
20 232D, 598, ~~or 598B, or 633~~.

21 Sec. 2. Section 232.3, Code 2020, is amended by adding the
22 following new subsection:

23 NEW SUBSECTION. 3. An action which is pending under chapter
24 232D prior to an action being brought under this chapter shall
25 be stayed by the court in the chapter 232D action unless the
26 court follows the procedures in subsection 2 and authorizes a
27 party to the action to litigate a specific issue under this
28 chapter.

29 Sec. 3. Section 232D.103, Code 2020, is amended to read as
30 follows:

31 **232D.103 Jurisdiction.**

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

35 Sec. 4. Section 232D.105, subsection 1, Code 2020, is

1 amended to read as follows:

2 1. A petition alleging that a minor is in need of a
3 conservatorship is not subject to this chapter. Such
4 proceedings shall be governed by chapter 633 and may be
5 initiated pursuant to section 633.627 633.557.

6 Sec. 5. NEW SECTION. 232D.107 Confidentiality.

7 Official juvenile court records in guardianship proceedings
8 shall be confidential and are not public records. Confidential
9 records may be inspected and their contents shall be disclosed
10 to the following without court order, provided that a person
11 or entity who inspects or receives a confidential record under
12 this section shall not disclose the confidential record or its
13 contents unless required by law:

- 14 1. The judge and professional court staff.
- 15 2. The minor and the minor's counsel.
- 16 3. The minor's parent, guardian or custodian, court
17 visitor, and any counsel representing such person.

18 Sec. 6. 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 any time during the
22 six months prior to immediately preceding the filing of the
23 petition.

24 Sec. 7. Section 232D.301, subsection 4, Code 2020, is
25 amended to read as follows:

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

29 Sec. 8. Section 232D.302, subsection 2, Code 2020, is
30 amended to read as follows:

31 2. Notice shall be served upon the minor's known parents
32 listed in the petition in accordance with the rules of civil
33 procedure. If the parent has not filed a consent to the
34 appointment of a guardian, the notice shall inform any parent
35 named in the petition that the parent may be entitled to

1 representation under the conditions described in section
2 232D.304.

3 Sec. 9. Section 232D.305, subsection 1, Code 2020, is
4 amended to read as follows:

5 1. The court may appoint a court visitor for the minor. A
6 person is qualified to serve as a court visitor if the court
7 determines the person has demonstrated sufficient knowledge of
8 guardianships to adequately perform the duties in subsection 3.

9 Sec. 10. Section 232D.306, Code 2020, is amended by adding
10 the following new subsection:

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

13 Sec. 11. Section 232D.307, subsections 1 and 2, Code 2020,
14 are amended to read as follows:

15 1. The court shall request criminal record checks and checks
16 of the child abuse, dependent adult abuse, and sex offender
17 registries in this state for all proposed guardians other than
18 financial institutions with Iowa trust powers unless a proposed
19 guardian has undergone the required background checks in this
20 section within the ~~twelve~~ six months prior to the filing of
21 a petition and the background check has been provided to the
22 court.

23 2. The court shall review the results of background
24 checks in determining the suitability of a proposed guardian
25 for appointment, and may, for good cause, share with the
26 respondent, the respondent's attorney, and the protected
27 person's attorney, the results of background checks.

28 Sec. 12. Section 232D.401, subsection 1, Code 2020, is
29 amended to read as follows:

30 1. The order by the court appointing a guardian for a minor
31 shall state the basis for the order and the date on which the
32 first reporting period for the guardianship will end.

33 Sec. 13. Section 232D.401, subsection 3, unnumbered
34 paragraph 1, Code 2020, is amended to read as follows:

35 An order by the court appointing a guardian for a minor shall

1 state the powers granted to the guardian. Except as otherwise
2 limited by court order, the court may grant the guardian the
3 following powers, which may be exercised without ~~prior~~ further
4 court approval:

5 Sec. 14. Section 232D.401, subsection 3, paragraph e, Code
6 2020, is amended to read as follows:

7 e. Applying for and receiving funds and benefits payable
8 for the support of the minor if the minor does not have a
9 conservator. If the minor has a conservator, the guardian
10 shall notify the conservator at least ten days before applying
11 for funds or benefits for the support of the minor.

12 Sec. 15. Section 232D.501, subsection 1, paragraph a,
13 unnumbered paragraph 1, Code 2020, is amended to read as
14 follows:

15 A verified initial care plan filed within sixty days of
16 appointment. The information, to the extent known, in the
17 initial care plan shall include but not be limited to the
18 following information:

19 Sec. 16. Section 232D.501, subsection 1, paragraph a, Code
20 2020, is amended by adding the following new subparagraph:

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

24 Sec. 17. Section 232D.501, subsection 1, paragraph b,
25 unnumbered paragraph 1, Code 2020, is amended to read as
26 follows:

27 A verified annual report filed within thirty days of the
28 close of the reporting period. The information, to the extent
29 known, in the annual report shall include but not be limited
30 to the following information:

31 Sec. 18. Section 232D.501, subsection 1, paragraph b, Code
32 2020, is amended by adding the following new subparagraphs:

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

1 guardian.

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

4 Sec. 19. Section 232D.501, Code 2020, is amended by adding
5 the following new subsections:

6 NEW SUBSECTION. 5. A copy of the verified initial care plan
7 and verified annual report shall be served, annually, on the
8 protected person, the protected person's attorney, if any, and
9 court visitor, if any.

10 NEW SUBSECTION. 6. The court, for good cause, may extend
11 the deadline for filing required reports. Required reports of
12 a guardian which are not timely filed and which are delinquent,
13 and for which no extension for filing has been granted by the
14 court, shall be administered in the same manner as provided in
15 section 633.32.

16 DIVISION II

17 ADULT GUARDIANSHIPS AND MINOR AND ADULT CONSERVATORSHIPS

18 Sec. 20. Section 235B.6, subsection 2, paragraph d, Code
19 2020, is amended by adding the following new subparagraph:

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

23 Sec. 21. Section 633.556, subsections 4, 5, and 8, Code
24 2020, are amended to read as follows:

25 4. The petition shall list the name and address of the
26 ~~petitioner and the petitioner's relationship to the respondent.~~
27 following:

28 a. The respondent.

29 b. The petitioner and the petitioner's relationship to the
30 respondent.

31 c. The proposed guardian or conservator and the reason the
32 proposed guardian or conservator should be selected.

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

35 ~~a. The name and address of the proposed guardian and the~~

1 ~~reason the proposed guardian should be selected.~~

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

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

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

5 ~~e.~~ d. Any adult, who has had the primary care of the
6 respondent or with whom the respondent has lived for at least
7 any time during the six months prior to immediately preceding
8 the filing of the petition, or any institution or facility
9 where the respondent has resided for at least six months prior
10 to any time during the six months immediately preceding the
11 filing of the petition.

12 ~~f.~~ e. Any legal representative or representative payee of
13 the respondent.

14 ~~g.~~ f. Any person designated as an attorney in fact in a
15 durable power of attorney for health care which is valid under
16 chapter 144B, or any person designated as an agent in a durable
17 power of attorney which is valid under [chapter 633B](#).

18 8. The A petition for conservator shall provide a brief
19 description of the respondent's alleged functional limitations
20 that make the respondent unable to communicate or carry out
21 important decisions concerning the respondent's financial
22 affairs. A petition for guardianship shall provide a brief
23 description of the respondent's alleged functional limitations
24 that make the respondent unable to provide for the respondent's
25 safety, care, or necessities.

26 Sec. 22. Section 633.561, subsection 1, paragraph a, Code
27 2020, is amended to read as follows:

28 ~~a. If the respondent is an adult and is not the petitioner~~
29 Except as provided in paragraph "b", the respondent is entitled
30 to representation by an attorney. Upon the filing of the
31 petition, the court shall appoint an attorney to represent the
32 respondent, set a hearing on the petition, and provide for
33 notice of the appointment of counsel and the date for hearing.

34 Sec. 23. Section 633.561, subsection 6, Code 2020, is
35 amended to read as follows:

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

9 Sec. 24. Section 633.562, subsection 1, Code 2020, is
10 amended to read as follows:

11 1. If the court determines that the appointment of a court
12 visitor would be in the best interest of the respondent, the
13 court shall appoint a court visitor at the expense of the
14 respondent or the respondent's estate, or, if the respondent
15 is indigent, the cost of the court visitor shall be assessed
16 against the county in which the proceedings are pending. The
17 court may appoint any qualified person as a court visitor in
18 a guardianship or conservatorship proceeding. A person is
19 qualified to serve in this capacity if the court determines the
20 person has demonstrated sufficient knowledge of guardianships
21 or conservatorships to adequately perform the duties in
22 subsection 3.

23 Sec. 25. Section 633.562, Code 2020, is amended by adding
24 the following new subsection:

25 NEW SUBSECTION. 7. A court visitor shall be discharged
26 from all further duties upon appointment of a guardian or
27 conservator, unless otherwise ordered by the court. The court
28 may order a court visitor to continue to serve if the court
29 determines continued service would be in the best interest of
30 the protected person. If the court continues the service of
31 the court visitor, the court may limit the direct duties of the
32 court visitor as the court deems necessary. The court visitor
33 shall thereafter continue to serve until discharged by the
34 court.

35 Sec. 26. Section 633.563, subsection 7, unnumbered

1 paragraph 1, Code 2020, is amended to read as follows:

2 The results of the evaluation ordered by the court shall be
3 ~~made available to~~ filed with the court and made available to
4 the following:

5 Sec. 27. Section 633.564, subsections 1 and 2, Code 2020,
6 are amended to read as follows:

7 1. The court shall request criminal record checks and
8 checks of the child abuse, dependent adult abuse, and sexual
9 offender registries in this state for all proposed guardians
10 and conservators, other than financial institutions with Iowa
11 trust powers, unless a proposed guardian or conservator has
12 undergone the required background checks required by this
13 section within the six months prior to the filing of a petition
14 and the background check has been provided to the court.

15 2. The court shall review the results of background checks
16 in determining the suitability of a proposed guardian or
17 conservator for appointment, and may, for good cause, share
18 with the respondent, the respondent's attorney, and the
19 protected person's attorney, the results of the background
20 checks.

21 Sec. 28. Section 633.569, Code 2020, is amended to read as
22 follows:

23 **633.569 Emergency appointment of temporary guardian or**
24 **conservator.**

25 1. A person authorized to file a petition under section
26 ~~633.552, 633.553, or 633.554~~ 633.556 or 633.557 may file an
27 application for the emergency appointment of a temporary
28 guardian or conservator.

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

30 a. The name and address of the respondent.

31 Ob. The name and address of the petitioner and the
32 petitioner's relationship to the respondent.

33 b. The name and address of the proposed guardian or
34 conservator and the reason the proposed guardian or conservator
35 should be selected.

1 0c. The names and addresses, to the extent known, of any
2 other persons who must be named in the petition for appointment
3 of a guardian or conservator under section 633.556 or 633.557.

4 c. The reason the emergency appointment of a temporary
5 guardian or conservator is sought.

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

10 a. There is not sufficient time to file a petition and hold
11 a hearing pursuant to section ~~633.552, 633.553, or 633.554~~
12 633.556, 633.557, or 633.560.

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

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 04. Immediately on filing of an application for the
21 emergency appointment of a temporary guardian or conservator,
22 the court shall appoint an attorney to represent the respondent
23 in the proceeding.

24 4. Notice of a petition for the appointment of a temporary
25 guardian or conservator and the issuance of an ex parte
26 order appointing a temporary guardian or conservator shall be
27 provided not later than forty-eight hours after the issuance of
28 the order of appointment to the respondent, the respondent's
29 attorney, and any other person the court determines should
30 receive notice. Notice shall be provided by personal service
31 unless otherwise directed by the court.

32 ~~5. Upon the issuance of an ex parte order, if the respondent~~
33 ~~is an adult, the respondent may file a request for a hearing.~~
34 ~~If the respondent is a minor, the respondent, a parent having~~
35 ~~legal custody of the respondent, or any other person having~~

1 ~~legal custody of the respondent may file a written request for~~
2 ~~a hearing. Such hearing shall be held no later than seven days~~
3 ~~after the filing of a written request~~ A hearing shall be held
4 not more than seven days after the issuance of an ex parte
5 order appointing a temporary guardian or conservator.

6 6. The powers of the temporary guardian or conservator
7 set forth in the order of the court shall be limited to those
8 necessary to address the emergency situation requiring the
9 appointment of a temporary guardian or conservator.

10 7. The temporary guardianship or conservatorship shall
11 terminate within ~~thirty~~ sixty days after the order is issued.

12 8. The court may extend the duration of the temporary
13 guardianship or conservatorship for good cause beyond the sixty
14 days if the court determines after a hearing that the temporary
15 guardianship or conservatorship should continue. An extension
16 shall not be for more than sixty days at a time.

17 9. The temporary guardian or conservator shall submit any
18 report the court requires.

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

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

25 Sec. 30. Section 633.641, subsection 3, Code 2020, is
26 amended to read as follows:

27 ~~3. If a protected person has executed a valid power of~~
28 ~~attorney under ~~chapter 633B~~, the conservator shall act in~~
29 ~~accordance with the applicable provisions of chapter 633B~~
30 If the court appoints a conservator for a protected person
31 who has previously executed a valid power of attorney under
32 chapter 633B, the power of attorney is suspended unless the
33 power of attorney provides otherwise or the court appointing
34 the conservator orders that the power of attorney should
35 continue. If the power of attorney continues, the agent is

1 accountable to the conservator as well as the principal. The
2 power of attorney shall be reinstated upon termination of the
3 conservatorship for reasons other than the protected person's
4 death.

5 Sec. 31. Section 633.642, unnumbered paragraph 1, Code
6 2020, is amended to read as follows:

7 Except as otherwise ordered by the court, and except
8 for those powers relating to all fiduciaries as set out in
9 sections 633.63 through 633.162 which may be exercised without
10 approval of the court unless expressly modified by the court,
11 a conservator must give notice to persons entitled to notice
12 and receive specific prior authorization by the court before
13 the conservator may take any other action on behalf of the
14 protected person. ~~These other powers~~ Powers requiring court
15 approval include, but are not limited to the authority of the
16 conservator to:

17 Sec. 32. Section 633.669, Code 2020, is amended to read as
18 follows:

19 **633.669 ~~Reporting requirements — assistance by clerk~~ Reports**
20 **by guardians.**

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

24 a. An initial care plan filed within sixty days of
25 appointment. The information, to the extent known, in the
26 initial care plan shall include but not be limited to the
27 following information:

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

30 (2) The current sources of payment for the protected
31 person's living expenses and other expenses, and the guardian's
32 plan for payment of the protected person's living expenses and
33 other expenses.

34 (3) The protected person's health status and health care
35 needs, and the guardian's plan for meeting the protected

1 ~~person's needs for medical, dental, and other~~ health care
2 needs.

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

5 (4) If applicable, the protected person's need for other
6 professional services for mental, behavioral, or emotional
7 health, and the guardian's plan for other professional services
8 needed by the protected person.

9 (5) If applicable, the protected person's employment
10 status, the protected person's need for educational, training,
11 or vocational services, and the guardian's plan for meeting the
12 educational, training, and vocational needs of the protected
13 person.

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

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

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

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

24 (10) The guardian shall file an amended plan when there
25 has been a significant change in the circumstances or the
26 guardian seeks to deviate significantly from the plan. The
27 guardian must obtain court approval of the amended plan before
28 implementing any of its provisions.

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

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

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

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

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

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

10 (0c) The guardian's facilitation of the participation of
11 the protected person in social activities.

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

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

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

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

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

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

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

27 (7) Any other information the guardian deems necessary for
28 the court to consider.

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

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

34 3. The clerk of the court shall notify the guardian in
35 writing of the reporting requirements and shall provide

1 information and assistance to the guardian in filing the
2 reports.

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

5 5. The court, for good cause, may extend the deadline for
6 filing required reports. Required reports of a guardian which
7 are not timely filed and which are delinquent, and for which no
8 extension for filing has been granted by the court, shall be
9 administered as provided in section 633.32.

10 Sec. 33. Section 633.669, Code 2020, is amended by adding
11 the following new subsection:

12 NEW SUBSECTION. 5. A copy of the verified initial care plan
13 and verified annual report shall be served, annually, on the
14 protected person, the protected person's attorney, if any, and
15 court visitor, if any.

16 Sec. 34. Section 633.670, Code 2020, is amended to read as
17 follows:

18 **633.670 Reports by conservators.**

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

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

32 ~~(1) A budget containing projected expenses and resources,~~
33 ~~including an estimate of the total amount of fees the~~
34 ~~conservator anticipates charging per year and a statement or~~
35 ~~list of the amount the conservator proposes to charge for each~~

1 ~~service the conservator anticipates providing to the protected~~
2 ~~person.~~

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

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

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

10 b. If applicable, the protected person's will shall be filed
11 with the court clerk and the protected person's prepaid burial
12 trust and powers of attorney shall be described.

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

16 (1) The protected person's receipts and income and the
17 projected source of income, if applicable, and the total
18 estimated receipts and income.

19 (2) The protected person's liabilities and debts and the
20 total estimated liabilities and debts; a list and explanation
21 of any liability or debt owed by the protected person to the
22 conservator; a list and explanation of the liability of any
23 other person for a liability of the protected person.

24 (3) The protected person's estimated expenses on a
25 monthly and annual basis including conservator fees and other
26 administrative expenses.

27 d. The conservator shall include a list of the protected
28 person's assets and the conservator's plan for management of
29 these assets.

30 e. The conservator shall include a statement as to how the
31 conservator will involve the protected person in decisions
32 about management of the conservatorship estate.

33 f. If ordered by the court, the conservator shall include
34 any action the conservator plans to take to develop or
35 restore the ability of the protected person to manage the

1 conservatorship estate.

2 g. The conservator shall include the authority that the
3 conservator requests to carry out the initial financial plan
4 including expenditures in accordance with the proposed budget
5 for the protected person and the plan for the management of the
6 assets of the protected person for the next annual reporting
7 period.

8 ~~b. h.~~ Within two days after filing the initial plan, the
9 The conservator shall give provide notice of the filing of
10 the initial plan with and a copy of the initial plan to the
11 protected person, the protected person's attorney, if any, and
12 court advisor visitor, if any, and others as directed by the
13 court. The notice must state that any person entitled to a
14 copy of the plan must file any objections to the plan not later
15 than fifteen days after it is filed twenty days from the date
16 of mailing notice of filing the initial plan.

17 ~~e. i.~~ At least If no objections have been filed within
18 twenty days after the plan has been filed, the court shall
19 review and determine whether the plan should be approved or
20 revised, after considering objections filed and whether the
21 plan is consistent with the conservator's powers and duties
22 mailing notice of filing the initial plan, the conservator
23 shall submit a proposed order to the court approving the
24 initial plan. Upon the court's approval of the plan under
25 this subsection, the conservator shall provide a copy of the
26 approved plan and order approving the plan to the protected
27 person, the protected person's attorney, if any, and court
28 visitor, if any, and others as directed by the court.

29 ~~d. j.~~ After approval by the court, the conservator shall
30 provide a copy of the approved plan and order approving the
31 plan to the protected person, the protected person's attorney
32 and court advisor, if any, and others as directed by the court
33 If any objections to the proposed plan are filed within twenty
34 days after the conservator has mailed notice of filing the
35 plan, the court shall set the matter for hearing and provide

1 notice of the hearing date, time, and place to the same parties
2 who were sent copies of the initial plan. Following the
3 hearing on the conservator's proposed plan, the conservator
4 shall provide a copy of the approved plan and order approving
5 the plan to the protected person, the protected person's
6 attorney, if any, and court visitor, if any, and others as
7 directed by the court.

8 ~~e.~~ k. The conservator shall file an amended plan when
9 there has been a significant change in circumstances or the
10 conservator seeks to deviate significantly from the plan.
11 Before the amended plan is implemented, the provisions for
12 court approval of the plan shall be followed as provided in
13 paragraphs "b", "c", and "d" the initial financial management
14 plan.

15 2. A conservator shall ~~file~~ attach an inventory of the
16 ~~protected person's assets within ninety days after appointment~~
17 and debts to the initial financial management plan, which
18 includes an oath or affirmation that the inventory is believed
19 to be complete and accurate as far as information permits.
20 Copies of the inventory shall be provided to the protected
21 person, the protected person's attorney, if any, and court
22 ~~advisor~~ visitor, if any, and others as directed by the
23 court. When the conservator receives additional property
24 of the protected person, or becomes aware of its existence,
25 a description of the property shall be included in the
26 conservator's next annual report.

27 3. A conservator shall file a ~~written and verified report on~~
28 an annual basis for the period since the end of the preceding
29 ~~report period. The court which shall not waive these reports~~
30 be waived by the court.

31 ~~a. These reports shall include all of the following: The~~
32 annual report shall state the age, the residence and the living
33 arrangements of the protected person, and sources of payment
34 for the protected person's living expenses during the reporting
35 period.

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

3 ~~(2) Disbursements made.~~

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

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

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

7 ~~(6) Residence and physical location of the protected~~
8 ~~person.~~

9 ~~(7) General physical and mental condition of the protected~~
10 ~~person.~~

11 ~~(8) Other information reflecting the condition of the~~
12 ~~conservatorship estate.~~

13 b. These reports shall be filed: The conservator shall
14 submit with the annual report an inventory of the assets of the
15 protected person as of the last day of the reporting period the
16 total value of assets at the beginning and end of the reporting
17 period.

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

21 c. The annual report shall include an itemization of all
22 income or funds received and all expenditures made by the
23 conservator on behalf of the protected person. If any of
24 the expenditures were made to provide support for or pay the
25 debts of another person, the annual report shall include an
26 explanation of these expenditures. If any of the expenditures
27 were made to pay any liability or debt owed by the protected
28 person to the conservator, the annual report shall include an
29 explanation of these expenditures. If any of the expenditures
30 were made to pay any liability or debt that is also owed by
31 another person or entity, the annual report shall include an
32 explanation of these expenditures.

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

35 (1) A description of changes, if any, made in the budget

1 approved by the court for the preceding reporting period.

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

5 (3) A request for approval of the proposed budget and
6 authority to make expenditures in accordance with the proposed
7 budget.

8 e. The annual report shall include the following information
9 related to the management of the assets of the protected
10 person:

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

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

16 (3) A request for approval of the proposed plan for
17 management of the assets of the protected person and the
18 authority to carry out the plan.

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

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

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

29 i. The conservator may request court approval of fees
30 provided the conservator on behalf of the conservatorship or
31 the protected person during the preceding reporting period.

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

34 ~~(2)~~ a. Within thirty days following removal of the
35 conservator.

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

3 ~~(4)~~ c. Within sixty days following the termination of the
4 conservatorship.

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

6 ~~e.~~ 5. Reports required by this section The initial
7 financial management plan, the inventory of the protected
8 person's assets, and the annual report shall be served,
9 annually, on the protected person, the protected person's
10 attorney, if any, and court adviser visitor, if any, and the
11 veterans administration if the protected person is receiving
12 veterans veterans' benefits.

13 6. The court, for good cause, may extend the deadline for
14 filing required reports. Required reports of a conservator
15 which are not timely filed and which are delinquent, and for
16 which no extension for filing has been granted by the court,
17 shall be administered as provided in section 633.32.

18 Sec. 35. Section 633.675, subsections 2, 3, and 4, Code
19 2020, are amended to read as follows:

20 2. The court shall terminate a guardianship for an adult if
21 ~~it~~ the court finds ~~by clear and convincing evidence~~ that the
22 basis for appointing a guardian pursuant to [section 633.552](#) is
23 not satisfied.

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

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

32 Sec. 36. REPEAL. Section 633.671, Code 2020, is repealed.

33 Sec. 37. EFFECTIVE DATE. The following, being deemed of
34 immediate importance, take effect upon enactment:

35 1. The section of this division of this Act amending section

1 633.669, subsection 1.

2 2. The section of this division of this Act amending section
3 633.670.

4 Sec. 38. RETROACTIVE APPLICABILITY. The following apply
5 retroactively to January 1, 2020:

6 1. The section of this division of this Act amending section
7 633.669, subsection 1.

8 2. The section of this division of this Act amending section
9 633.670.

10

DIVISION III

11

CONFORMING CHANGES

12 Sec. 39. Section 633.3, subsections 9, 17, 22, and 23, Code
13 2020, are amended to read as follows:

14 9. *Conservator* — a person appointed by the court to have
15 the custody and control of the property of a ward protected
16 person under the provisions of this probate code.

17 17. *Estate* — the real and personal property of either a
18 decedent or a ward protected person, and may also refer to the
19 real and personal property of a trust described in section
20 633.10.

21 22. *Guardian* — the person appointed by the court to have
22 the custody of the person of the ward protected person under
23 the provisions of this probate code.

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

29 Sec. 40. Section 633.78, subsection 1, unnumbered paragraph
30 1, Code 2020, is amended to read as follows:

31 A fiduciary under [this chapter](#) may present a written request
32 to any person for the purpose of obtaining property owned by
33 a decedent or by a ward protected person of a conservatorship
34 for which the fiduciary has been appointed, or property to
35 which a decedent or ward protected person is entitled, or

1 for information about such property needed to perform the
2 fiduciary's duties. The request must contain statements
3 confirming all of the following:

4 Sec. 41. Section 633.78, subsection 1, paragraph b, Code
5 2020, is amended to read as follows:

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

8 Sec. 42. Section 633.78, subsection 4, paragraph a, Code
9 2020, is amended to read as follows:

10 a. Damages sustained by the decedent's or ward's protected
11 person's estate.

12 Sec. 43. Section 633.80, Code 2020, is amended to read as
13 follows:

14 **633.80 Fiduciary of a fiduciary.**

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

20 Sec. 44. Section 633.93, Code 2020, is amended to read as
21 follows:

22 **633.93 Limitation on actions affecting deeds.**

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

28 Sec. 45. Section 633.112, Code 2020, is amended to read as
29 follows:

30 **633.112 Discovery of property.**

31 The court may require any person suspected of having
32 possession of any property, including records and documents,
33 of the decedent, ward protected person, or the estate, or of
34 having had such property under the person's control, to appear
35 and submit to an examination under oath touching such matters,

1 and if on such examination it appears that the person has the
2 wrongful possession of any such property, the court may order
3 the delivery thereof to the fiduciary. Such a person shall be
4 liable to the estate for all damages caused by the person's
5 acts.

6 Sec. 46. Section 633.123, subsection 1, paragraph b,
7 subparagraph (3), Code 2020, is amended to read as follows:

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

10 Sec. 47. 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. 48. 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. 49. 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. 50. 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. 51. Section 633.562, subsection 5, paragraphs a and b,
4 Code 2020, are amended to read as follows:

5 a. A recommendation regarding the appropriateness of a
6 limited guardianship or conservatorship for the respondent,
7 including whether less restrictive alternatives are available.

8 b. A statement of the qualifications of the guardian or
9 conservator together with a statement of whether the respondent
10 has expressed agreement with the appointment of the proposed
11 guardian or conservator.

12 Sec. 52. Section 633.580, subsections 1 and 4, Code 2020,
13 are amended to read as follows:

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

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

25 Sec. 53. Section 633.591A, Code 2020, is amended to read as
26 follows:

27 **633.591A Voluntary petition for appointment of conservator**
28 **for a minor — standby basis.**

29 A person having physical and legal custody of a minor
30 may execute a verified petition for the appointment of a
31 standby conservator of the proposed ~~ward's~~ protected person's
32 property, upon the express condition that the petition shall
33 be acted upon by the court only upon the occurrence of an event
34 specified or the existence of a described condition of the
35 mental or physical health of the petitioner, the occurrence

1 of which event, or the existence of which condition, shall be
2 established in the manner directed in the petition.

3 Sec. 54. Section 633.603, Code 2020, is amended to read as
4 follows:

5 **633.603 Appointment of foreign conservators.**

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

15 Sec. 55. Section 633.604, Code 2020, is amended to read as
16 follows:

17 **633.604 Application.**

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

28 Sec. 56. Section 633.605, Code 2020, is amended to read as
29 follows:

30 **633.605 Personal property.**

31 A foreign conservator or guardian of a nonresident may
32 be authorized by the court of the county wherein such ~~ward~~
33 protected person has personal property to receive the same upon
34 compliance with the provisions of [sections 633.606](#), [633.607](#) and
35 [633.608](#).

1 Sec. 57. Section 633.607, Code 2020, is amended to read as
2 follows:

3 **633.607 Order for delivery.**

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

8 Sec. 58. Section 633.633, Code 2020, is amended to read as
9 follows:

10 **633.633 Provisions applicable to all fiduciaries shall**
11 **govern.**

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

19 Sec. 59. Section 633.633B, Code 2020, is amended to read as
20 follows:

21 **633.633B Tort liability of guardians and conservators.**

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

25 Sec. 60. Section 633.636, Code 2020, is amended to read as
26 follows:

27 **633.636 Effect of appointment of guardian or conservator.**

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

31 Sec. 61. Section 633.637, Code 2020, is amended to read as
32 follows:

33 **633.637 Powers of ~~ward~~ protected person.**

34 1. A ~~ward~~ protected person for whom a conservator has been
35 appointed shall not have the power to convey, encumber, or

1 dispose of property in any manner, other than by will if the
2 ward protected person possesses the requisite testamentary
3 capacity, unless the court determines that the ward protected
4 person has a limited ability to handle the ward's protected
5 person's own funds. If the court makes such a finding, the
6 court shall specify to what extent the ward protected person
7 may possess and use the ward's protected person's own funds.

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

17 Sec. 62. Section 633.637A, Code 2020, is amended to read as
18 follows:

19 **633.637A Rights of ward protected person under guardianship.**

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

31 Sec. 63. Section 633.638, Code 2020, is amended to read as
32 follows:

33 **633.638 Presumption of fraud.**

34 If a conservator be appointed, all contracts, transfers and
35 gifts made by the ward protected person after the filing of the

1 petition shall be presumed to be a fraud against the rights
2 and interest of the ward protected person except as otherwise
3 directed by the court pursuant to [section 633.637](#).

4 Sec. 64. Section 633.639, Code 2020, is amended to read as
5 follows:

6 **633.639 Title to ward's protected person's property.**

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

16 Sec. 65. Section 633.640, Code 2020, is amended to read as
17 follows:

18 **633.640 Conservator's right to possession.**

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

26 Sec. 66. Section 633.643, Code 2020, is amended to read as
27 follows:

28 **633.643 Disposal of will by conservator.**

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

32 Sec. 67. Section 633.644, Code 2020, is amended to read as
33 follows:

34 **633.644 Court order to preserve testamentary intent of ward**
35 **protected person.**

1 Upon receiving an instrument purporting to be the will of a
2 living ward protected person under the provisions of section
3 633.643, the court may open said will and read it. The court
4 with or without notice, as it may determine, may enter such
5 orders in the conservatorship as it deems advisable for the
6 proper administration of the conservatorship in light of the
7 expressed testamentary intent of the ward protected person.

8 Sec. 68. Section 633.645, Code 2020, is amended to read as
9 follows:

10 **633.645 Court to deliver will to clerk.**

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

16 Sec. 69. Section 633.653A, Code 2020, is amended to read as
17 follows:

18 **633.653A Claims for cost of medical care or services.**

19 The provision of medical care or services to a ward protected
20 person who is a recipient of medical assistance under chapter
21 249A creates a claim against the conservatorship for the amount
22 owed to the provider under the medical assistance program for
23 the care or services. The amount of the claim, after being
24 allowed or established as provided in this part, shall be paid
25 by the conservator from the assets of the conservatorship.

26 Sec. 70. Section 633.654, Code 2020, is amended to read as
27 follows:

28 **633.654 Form and verification of claims — general**
29 **requirements.**

30 No claim shall be allowed against the estate of a ward
31 protected person upon application of the claimant unless
32 it shall be in writing, filed in duplicate with the clerk,
33 stating the claimant's name and address, and describing the
34 nature and the amount thereof, if ascertainable. It shall be
35 accompanied by the affidavit of the claimant, or of someone for

1 the claimant, that the amount is justly due, or if not due,
2 when it will or may become due, that no payments have been
3 made thereon which are not credited, and that there are no
4 offsets to the same, to the knowledge of the affiant, except as
5 therein stated. The duplicate of said claim shall be mailed
6 by the clerk to the conservator or the conservator's attorney
7 of record; however, valid contract claims arising in the
8 ordinary course of the conduct of the business or affairs of
9 the ward protected person by the conservator may be paid by the
10 conservator without requiring affidavit or filing.

11 Sec. 71. Section 633.656, Code 2020, is amended to read as
12 follows:

13 **633.656 How claim entitled.**

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

18 Sec. 72. Section 633.660, Code 2020, is amended to read as
19 follows:

20 **633.660 Execution and levy prohibited.**

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

27 Sec. 73. Section 633.661, Code 2020, is amended to read as
28 follows:

29 **633.661 Claims of conservators.**

30 If the conservator is a creditor of the ward protected
31 person, the conservator shall file the claim as other
32 creditors, and the court shall appoint some competent person as
33 temporary conservator to represent the ward protected person
34 at the hearing on the conservator's claim. The same procedure
35 shall be followed in the case of coconservators where all

1 such conservators are creditors of the ~~ward~~ protected person;
2 but if one of the coconservators is not a creditor of the
3 ~~ward~~ protected person, such disinterested conservator shall
4 represent the ~~ward~~ protected person at the hearing on any claim
5 against the ~~ward~~ protected person by a coconservator.

6 Sec. 74. Section 633.662, Code 2020, is amended to read as
7 follows:

8 **633.662 Claims not filed.**

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

13 Sec. 75. Section 633.664, Code 2020, is amended to read as
14 follows:

15 **633.664 Liens not affected by failure to file claim.**

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

20 Sec. 76. Section 633.665, Code 2020, is amended to read as
21 follows:

22 **633.665 Separate actions and claims.**

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

29 2. A separate action based on a debt or other liability
30 of the ~~ward~~ protected person may be commenced against the
31 conservator in lieu of filing a claim in the conservatorship.
32 Such an action shall be commenced by serving an original notice
33 on the conservator and filing a duplicate of the proof of
34 service of notice of such proceeding in the conservatorship
35 proceeding. Such an action shall also be considered a claim

1 filed in the conservatorship. Such an action may be commenced
2 only in a county where the venue would have been proper if
3 there were no conservatorship and the action had been commenced
4 against the ~~ward~~ protected person.

5 Sec. 77. Section 633.667, Code 2020, is amended to read as
6 follows:

7 **633.667 Payment of claims in insolvent conservatorships.**

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

16 Sec. 78. Section 633.668, Code 2020, is amended to read as
17 follows:

18 **633.668 Conservator may make gifts.**

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

31 Sec. 79. Section 633.673, Code 2020, is amended to read as
32 follows:

33 **633.673 Court costs in guardianships.**

34 The ~~ward~~ protected person or the ~~ward's~~ protected person's
35 estate shall be charged with the court costs of a ~~ward's~~

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

8 Sec. 80. Section 633.676, Code 2020, is amended to read as
9 follows:

10 **633.676 Assets exhausted.**

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

15 Sec. 81. Section 633.677, Code 2020, is amended to read as
16 follows:

17 **633.677 Accounting to ward protected person — notice.**

18 Upon the termination of a conservatorship, the conservator
19 shall pay the costs of administration and shall render a full
20 and complete accounting to the ward protected person or the
21 ward's protected person's personal representative and to the
22 court. Notice of the final report of a conservator shall be
23 served on the ward protected person or the ward's protected
24 person's personal representative, in accordance with section
25 633.40, unless notice is waived. An order prescribing notice
26 may be made before or after the filing of the final report.

27 Sec. 82. Section 633.681, Code 2020, is amended to read as
28 follows:

29 **633.681 Assets of minor ward protected person exhausted.**

30 When the assets of a minor ward's protected person's
31 conservatorship are exhausted or consist of personal property
32 only of an aggregate value not in excess of twenty-five
33 thousand dollars, the court, upon application or upon its
34 own motion, may terminate the conservatorship. The order
35 for termination shall direct the conservator to deliver any

1 property remaining after the payment of allowed claims and
2 expenses of administration to a custodian under any uniform
3 transfers to minors Act. Such delivery shall have the same
4 force and effect as if delivery had been made to the ~~ward~~
5 protected person after attaining majority.

6 Sec. 83. Section 633.682, Code 2020, is amended to read as
7 follows:

8 **633.682 Discharge of conservator and release of bond.**

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

14 2. Title page, by striking lines 1 through 4 and
15 inserting <An Act relating to the opening, administration,
16 and termination of adult and minor guardianships and
17 conservatorships, including conforming changes, and including
18 effective date and retroactive applicability provisions.>