

Senate File 348

H-8308

1 Amend the amendment, H-8269, to Senate File 348, as amended,
2 passed, and reprinted by the Senate, as follows:

3 1. By striking page 1, line 5, through page 3, line 19, and
4 inserting:

5 <DIVISION I

6 MINOR GUARDIANSHIPS

7 Section 1. Section 232.3, subsection 1, Code 2022, 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 2022, 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 2022, 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. NEW SECTION. **232D.107 Confidentiality.**

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

8 1. The judge and professional court staff.

9 2. The minor and the minor's counsel.

10 3. The minor's parent, guardian or custodian, court
11 visitor, and any counsel representing such person.

12 Sec. 5. Section 232D.301, subsection 2, paragraph d,
13 subparagraph (3), Code 2022, is amended to read as follows:

14 (3) Any adult who has had the primary care of the minor or
15 with whom the minor has lived for ~~at least~~ any time during the
16 six months prior to immediately preceding the filing of the
17 petition.

18 Sec. 6. Section 232D.301, subsection 4, Code 2022, is
19 amended to read as follows:

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

23 Sec. 7. Section 232D.302, subsection 2, Code 2022, 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 the parent has not filed a consent to the
28 appointment of a guardian, the notice shall inform any parent
29 named in the petition that the parent may be entitled to
30 representation under the conditions described in section
31 232D.304.

32 Sec. 8. Section 232D.305, subsection 1, Code 2022, is
33 amended to read as follows:

34 1. The court may appoint a court visitor for the minor. A
35 person is qualified to serve as a court visitor if the court

1 determines the person has demonstrated sufficient knowledge of
2 guardianships to adequately perform the duties in subsection 3.

3 Sec. 9. Section 232D.305, subsection 3, paragraph b, Code
4 2022, is amended to read as follows:

5 b. Explaining to the minor, if the minor's age is
6 appropriate, the substance of the petition, the purpose and
7 effect of the guardianship proceeding, ~~the rights of the~~
8 ~~minor at the hearing,~~ and the general powers and duties of a
9 guardian.

10 Sec. 10. Section 232D.305, Code 2022, is amended by adding
11 the following new subsection:

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

21 Sec. 11. Section 232D.306, Code 2022, is amended by adding
22 the following new subsection:

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

25 Sec. 12. Section 232D.307, subsection 1, Code 2022, is
26 amended to read as follows:

27 1. The court shall request criminal record checks and checks
28 of the child abuse, dependent adult abuse, and sex offender
29 registries in this state for all proposed guardians other than
30 financial institutions with Iowa trust powers unless a proposed
31 guardian has undergone the required background checks in this
32 section within the ~~twelve~~ six months prior to the filing of
33 a petition and the background check has been provided to the
34 court.

35 Sec. 13. Section 232D.401, subsection 1, Code 2022, is

1 amended to read as follows:

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

5 Sec. 14. Section 232D.401, subsection 3, unnumbered
6 paragraph 1, Code 2022, is amended to read as follows:

7 An order by the court appointing a guardian for a minor shall
8 state the powers granted to the guardian until such time as the
9 guardian files an initial care plan and such plan is approved
10 by the court as required by section 232D.501, subsection 4.
11 Except as otherwise limited by ~~court~~ an order appointing a
12 guardian for a minor, the court may grant the guardian the
13 following powers, ~~which may be exercised without prior court~~
14 ~~approval~~:

15 Sec. 15. Section 232D.501, subsection 1, paragraph a, Code
16 2022, is amended by adding the following new subparagraph:

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

20 Sec. 16. Section 232D.501, subsection 1, paragraph b, Code
21 2022, is amended by adding the following new subparagraphs:

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

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

28 Sec. 17. Section 232D.501, Code 2022, is amended by adding
29 the following new subsections:

30 NEW SUBSECTION. 5. The guardian shall provide a copy of the
31 verified initial care plan and verified annual report required
32 by this section to the protected person, the protected person's
33 attorney, if any, and court visitor, if any.

34 NEW SUBSECTION. 6. The court, for good cause, may extend
35 the deadline for filing required reports. Required reports of

1 a guardian which are not timely filed and which are delinquent,
2 and for which no extension for filing has been granted by the
3 court, shall be administered in the same manner as provided in
4 section 633.32.

5 DIVISION II

6 ADULT GUARDIANSHIPS AND MINOR AND ADULT CONSERVATORSHIPS

7 Sec. 18. Section 235B.6, subsection 2, paragraph d, Code
8 2022, is amended by adding the following new subparagraph:

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

12 Sec. 19. Section 633.556, subsections 4, 5, and 8, Code
13 2022, are amended to read as follows:

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

17 a. The respondent.

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

20 c. The proposed guardian or conservator and the reason the
21 proposed guardian or conservator 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 any time during the six months prior to immediately preceding
32 the filing of the petition, or any institution or facility
33 where the respondent has resided for at least six months prior
34 to any time during the six months immediately preceding the
35 filing of the petition.

1 ~~f.~~ e. Any legal representative or representative payee of
2 the respondent.

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

7 8. The petition shall provide a brief description of
8 the respondent's alleged functional limitations that make
9 the respondent unable to communicate or carry out important
10 decisions concerning the respondent's financial affairs if
11 the petition is for appointment of a conservator for an adult
12 respondent, or unable to care for the respondent's safety or
13 provide for necessities such as food, shelter, clothing, or
14 medical care without which physical injury or illness may occur
15 if the petition requests the appointment of a guardian.

16 Sec. 20. Section 633.560, subsection 3, Code 2022, is
17 amended to read as follows:

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

22 Sec. 21. Section 633.561, subsection 6, Code 2022, is
23 amended to read as follows:

24 6. If the court determines that it would be in the
25 respondent's best interest to have legal representation
26 with respect to any further proceedings in a guardianship
27 or conservatorship, the court may appoint an attorney to
28 represent the respondent at the expense of the respondent or
29 the respondent's estate, or if the respondent is indigent the
30 cost of the court appointed attorney shall be assessed against
31 the county in which the proceedings are pending.

32 Sec. 22. Section 633.562, subsection 1, Code 2022, is
33 amended to read as follows:

34 1. If the court determines that the appointment of a court
35 visitor would be in the best interest of the respondent, the

1 court shall appoint a court visitor at the expense of the
2 respondent or the respondent's estate, or, if the respondent
3 is indigent, the cost of the court visitor shall be assessed
4 against the county in which the proceedings are pending. The
5 court may appoint any qualified person as a court visitor in
6 a guardianship or conservatorship proceeding. A person is
7 qualified to serve in this capacity if the court determines the
8 person has demonstrated sufficient knowledge of guardianships
9 or conservatorships to adequately perform the duties in
10 subsection 3.

11 Sec. 23. Section 633.562, subsection 3, paragraph b, Code
12 2022, is amended to read as follows:

13 b. Explaining to the respondent the substance of the
14 petition, the purpose and effect of the guardianship or
15 conservatorship proceeding, ~~the rights of the respondent at~~
16 ~~the hearing,~~ and the general powers and duties of a guardian
17 or conservator.

18 Sec. 24. Section 633.562, Code 2022, is amended by adding
19 the following new subsection:

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

30 Sec. 25. Section 633.563, subsection 1, Code 2022, is
31 amended by adding the following new paragraph:

32 NEW PARAGRAPH. c. The petition is for opening a
33 conservatorship for a minor.

34 Sec. 26. Section 633.564, subsection 1, Code 2022, is
35 amended to read as follows:

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

9 Sec. 27. Section 633.569, Code 2022, is amended to read as
10 follows:

11 **633.569 Emergency appointment of temporary guardian or**
12 **conservator.**

13 1. A person authorized to file a petition under section
14 ~~633.552, 633.553, or 633.554~~ 633.556 or 633.557 may file an
15 application for the emergency appointment of a temporary
16 guardian or conservator.

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

18 a. The name and address of the respondent.

19 0b. The name and address of the petitioner and the
20 petitioner's relationship to the respondent.

21 b. The name and address of the proposed guardian or
22 conservator and the reason the proposed guardian or conservator
23 should be selected.

24 0c. The names and addresses, to the extent known, of any
25 other persons who must be named in the petition for appointment
26 of a guardian or conservator under section 633.556 or 633.557.

27 c. The reason the emergency appointment of a temporary
28 guardian or conservator is sought.

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

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

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

5 *c.* There is reason to believe that the basis for appointment
6 of guardian or conservator exists under section ~~633.552,~~
7 ~~633.553,~~ or ~~633.554~~ 633.556 or 633.557.

8 4. Notice of a petition for the appointment of a temporary
9 guardian or conservator and the issuance of an ex parte
10 order appointing a temporary guardian or conservator shall be
11 provided to the respondent, the respondent's attorney, and any
12 other person the court determines should receive notice.

13 5. Upon the issuance of an ex parte order, if the respondent
14 is an adult, the respondent may file a request for a hearing.
15 If the respondent is a minor, the respondent, a parent having
16 legal custody of the respondent, or any other person having
17 legal custody of the respondent may file a written request for
18 a hearing. Such hearing shall be held no later than seven days
19 after the filing of a written request.

20 6. The powers of the temporary guardian or conservator
21 set forth in the order of the court shall be limited to those
22 necessary to address the emergency situation requiring the
23 appointment of a temporary guardian or conservator.

24 7. The temporary guardianship or conservatorship shall
25 terminate within thirty days after the order is issued.

26 8. The court may order an extension of the temporary
27 guardianship or conservatorship for good cause shown. Prior
28 to or contemporaneously with the filing for an application for
29 the extension of time, the guardian or conservator shall file a
30 report with the court setting forth all of the following:

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

34 *b.* All actions that the guardian or conservator plans to
35 conduct on behalf of the protected person during the extension

1 period.

2 9. The temporary guardian or conservator shall submit any
3 other report the court requires.

4 Sec. 28. Section 633.570, subsections 1 and 2, Code 2022,
5 are amended to read as follows:

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

13 2. In a proceeding for the appointment of a conservator,
14 the respondent shall be given written notice which advises the
15 respondent ~~of the powers that~~ the court may grant a conservator
16 ~~may exercise without court approval pursuant to section 633.646~~
17 ~~and the powers that the guardian may exercise only with court~~
18 ~~approval pursuant to section 633.647~~ the powers set out in
19 sections 633.641 and 633.642.

20 Sec. 29. Section 633.635, subsection 1, Code 2022, is
21 amended to read as follows:

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

26 Sec. 30. Section 633.635, subsection 2, unnumbered
27 paragraph 1, Code 2022, is amended to read as follows:

28 ~~Based upon the evidence produced at the hearing~~ An order by
29 the court appointing a guardian for an adult shall state the
30 powers granted to the guardian until such time as the guardian
31 files an initial care plan and such plan is approved by the
32 court as required by section 633.669. Except as otherwise
33 limited by an order appointing a guardian for an adult, the
34 court may grant a guardian the following powers ~~and duties with~~
35 ~~respect to a protected person which may be exercised without~~

1 ~~prior court approval:~~

2 Sec. 31. Section 633.635, subsection 3, unnumbered
3 paragraph 1, Code 2022, is amended to read as follows:

4 A Notwithstanding subsection 2, a guardian may be granted
5 the following powers which may only be exercised upon court
6 approval:

7 Sec. 32. Section 633.641, subsection 3, Code 2022, is
8 amended to read as follows:

9 3. If the court appoints a conservator for a protected
10 person who has previously executed a valid power of attorney
11 under chapter 633B, the conservator shall act in accordance
12 with the applicable provisions of chapter 633B the power of
13 attorney is suspended unless the power of attorney provides
14 otherwise or unless the court determines the power of attorney
15 should continue. If the power of attorney continues, the agent
16 is accountable to the conservator as well as to the protected
17 person. The power of attorney shall be reinstated upon
18 termination of the conservatorship as a result of the protected
19 person regaining capacity.

20 Sec. 33. Section 633.642, Code 2022, is amended by striking
21 the section and inserting in lieu thereof the following:

22 **633.642 Powers of conservator.**

23 1. An order by the court appointing a conservator shall
24 state the basis for the conservatorship pursuant to section
25 633.553 or section 633.554.

26 2. Upon appointment by the court, and until such time as the
27 conservator files an initial financial management plan and such
28 plan is approved by the court as required by section 633.670,
29 subsection 1, a conservator has the authority to exercise all
30 powers applicable to fiduciaries pursuant to sections 633.63
31 through 633.162, unless expressly modified by the court.

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

1 as otherwise ordered by the court, a conservator must give
2 notice to persons entitled to notice and receive specific prior
3 authorization by the court before the conservator may take any
4 other action on behalf of the protected person.

5 4. Upon the filing of an appropriate oath by the
6 conservator, the clerk of court shall issue letters of
7 appointment. A copy of the initial order of the court shall be
8 attached to the letters of appointment.

9 Sec. 34. Section 633.669, Code 2022, is amended to read as
10 follows:

11 **633.669 ~~Reporting requirements — assistance~~ Reports by clerk**
12 **guardians.**

13 1. The court shall assign a guardianship created under
14 this chapter, and may reassign as necessary in the court's
15 discretion, to one of following reporting tiers:

16 a. Tier I: A guardian assigned a tier I guardianship shall
17 file with the court a verified annual report which shall not
18 be waived by the court. The annual report shall include all of
19 the following:

20 (1) The current mental and physical condition of the
21 protected person.

22 (2) The present living arrangement of the protected person,
23 including a description of each residence where the protected
24 person has resided during the reporting period.

25 (3) A summary of the medical, educational, vocational and
26 technical, and other professional services provided for the
27 protected person.

28 (4) A description of the guardian's visits with and
29 activities on behalf of the protected person.

30 (5) A recommendation as to the need for continued
31 guardianship.

32 (6) Other information requested by the court or useful in
33 the opinion of the guardian.

34 b. A guardian appointed by the court under this chapter
35 assigned a tier II guardianship shall file with the court the

1 following ~~written~~ verified reports which shall not be waived
2 by the court:

3 ~~a-~~ (1) An initial care plan filed within sixty days of
4 appointment. The information in the initial care plan shall
5 include but not be limited to the following information:

6 ~~{1}~~ (a) The current residence of the protected person
7 and the guardian's plan for the protected person's living
8 arrangements.

9 ~~{2}~~ (b) The guardian's plan for payment of the protected
10 person's living expenses and other expenses.

11 ~~{3}~~ (c) The protected person's health status and health
12 care 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}~~ (d) Whether the protected person has a living will or
16 health care power of attorney.

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

21 ~~{5}~~ (f) 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}~~ (g) If applicable, the guardian's plan for facilitating
27 the participation of the protected person in social activities.

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

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

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

1 (k) 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.~~ (2) An annual report, filed within sixty days of the
7 close of the reporting period, ~~unless the court otherwise~~
8 ~~orders on good cause shown.~~ The information in the annual
9 report shall include but not be limited to the following
10 information:

11 ~~(1)~~ (a) The current living arrangements of the protected
12 person.

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

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

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

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

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

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

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

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

30 ~~(5)~~ (e) The ability of the guardian to continue as
31 guardian.

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

35 (g) Any other information the guardian deems necessary for

1 the court to consider.

2 ~~e.~~ 1A. A The guardian under a tier I or II guardianship
3 shall file 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. The court, for good cause, may extend the deadline for
15 filing required reports. Required reports of a guardian which
16 are not timely filed and which are delinquent, and for which no
17 extension for filing has been granted by the court, shall be
18 administered as provided in section 633.32.

19 6. The guardian shall provide a copy of the reports required
20 by this section to the protected person, the protected person's
21 attorney, if any, and the court visitor, if any.

22 Sec. 35. Section 633.670, Code 2022, is amended to read as
23 follows:

24 **633.670 Reports by conservators.**

25 1. The court shall assign a conservatorship created under
26 this chapter, and may reassign as necessary in the court's
27 discretion, to one of following reporting tiers:

28 a. Tier I: A conservator assigned a tier I conservatorship
29 shall file with the court a verified annual report which shall
30 not be waived by the court. The annual report shall include
31 all of the following:

32 (1) The balance of funds on hand at the close of the last
33 previous accounting, and all amounts received from any source
34 during the period covered by the accounting.

35 (2) All disbursements made during the period covered by the

1 accounting.

2 (3) Any changes in investments since the last previous
3 report, including a list of all assets, and recommendations
4 of the conservator for the retention or disposition of any
5 property held by the conservator.

6 (4) The amount of the bond and the name of the surety on the
7 bond.

8 (5) The residence or physical location of the protected
9 person.

10 (6) The general physical and mental condition of the
11 protected person.

12 (7) Such other information as shall be necessary to show the
13 condition of the affairs of the conservatorship.

14 b. Tier II: A conservator assigned a tier II
15 conservatorship shall file an with the court a verified initial
16 financial management plan for protecting, managing, investing,
17 expending, and distributing the assets of the conservatorship
18 estate within ninety days after appointment which shall not be
19 waived by the court. The plan must be based on the needs of
20 the protected person and take into account the best interest
21 of the protected person as well as the protected person's
22 preference, values, and prior directions to the extent known
23 to, or reasonably ascertainable by, the conservator.

24 ~~a. c.~~ The initial plan shall include all of the following:
25 The initial financial management plan required pursuant
26 to paragraph "b" shall state the protected person's age,
27 residence, living arrangements, and sources of payment for
28 living expenses.

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

35 ~~(2) A statement as to how the conservator will involve~~

1 ~~the protected person in decisions about management of the~~
2 ~~conservatorship estate.~~

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

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

7 d. If applicable, the protected person's will shall be filed
8 with the court clerk and the protected person's prepaid burial
9 trust and powers of attorney shall be described.

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

20 ~~e. f.~~ At least twenty days after the initial plan required
21 pursuant to paragraph "b" has been filed, the court shall review
22 and determine whether the plan should be approved or revised,
23 after considering objections filed and whether the plan is
24 consistent with the conservator's powers and duties.

25 ~~d. g.~~ After approval of the initial plan required pursuant
26 to paragraph "b" by the court, the conservator shall provide a
27 copy of the approved plan and order approving the plan to the
28 protected person, the protected person's attorney, if any, and
29 court visitor, if any, and others as directed by the court.

30 ~~e. h.~~ The conservator assigned to a tier II conservatorship
31 shall file an amended plan when there has been a significant
32 change in circumstances or the conservator seeks to deviate
33 significantly from the plan. Before the amended plan is
34 implemented, the provisions for court approval of the plan
35 shall be followed as provided in paragraphs "b", "c", and "d"

1 the initial financial management plan.

2 2. ~~A conservator shall file an inventory of the protected~~
3 ~~person's assets within ninety days after appointment which~~
4 ~~includes an oath or affirmation that the inventory is believed~~
5 ~~to be complete and accurate as far as information permits.~~
6 ~~Copies of the inventory shall be provided to the protected~~
7 ~~person, the protected person's attorney and court visitor, if~~
8 ~~any, and others as directed by the court. When the conservator~~
9 ~~receives additional property of the protected person, or~~
10 ~~becomes aware of its existence, a description of the property~~
11 ~~shall be included in the conservator's next annual report. A~~
12 conservator assigned to a tier II conservatorship shall attach
13 to the initial financial management plan an inventory of the
14 protected person's assets and debts, which includes an oath or
15 affirmation that the inventory is believed to be complete and
16 accurate as far as information permits. The conservator shall
17 provide copies of the inventory to the protected person, the
18 protected person's attorney, if any, and the court visitor, if
19 any, and others as directed by the court. Any objections to
20 the inventory shall be filed in the same manner and according
21 to the same schedule as objections to the initial financial
22 management plan. The court shall review the inventory and
23 determine whether the inventory should be approved at the same
24 time as the court reviews the initial financial management
25 plan. When the conservator receives an additional asset of the
26 protected person or becomes aware of its existence, or becomes
27 aware of additional debt of the protected person, a description
28 of the asset or debt shall be included in the conservator's
29 next annual report.

30 3. a. A conservator assigned to a tier II conservatorship
31 shall file a written and verified report on an annual basis
32 for the period since the end of the preceding report period.
33 ~~The court which shall not waive these reports be waived by the~~
34 court.

35 a. b. ~~These reports shall include all of the following:~~

1 The annual report required by this paragraph shall state
2 the age, the residence, and the living arrangements of the
3 protected person, and sources of payment for the protected
4 person's living expenses during the reporting period.
5 ~~(1) Balance of funds on hand at the beginning and end of the~~
6 ~~period.~~
7 ~~(2) Disbursements made.~~
8 ~~(3) Changes in the conservator's plan.~~
9 ~~(4) List of assets as of the end of the period.~~
10 ~~(5) Bond amount and surety's name.~~
11 ~~(6) Residence and physical location of the protected~~
12 ~~person.~~
13 ~~(7) General physical and mental condition of the protected~~
14 ~~person.~~
15 ~~(8) Other information reflecting the condition of the~~
16 ~~conservatorship estate.~~
17 ~~b. c. These reports shall be filed: The conservator shall~~
18 ~~submit with the annual report required by this paragraph an~~
19 ~~inventory of the assets of the protected person as of the last~~
20 ~~day of the reporting period the total value of assets at the~~
21 ~~beginning and end of the reporting period.~~
22 ~~(1) On an annual basis within sixty days of the end of the~~
23 ~~reporting period unless the court orders an extension for good~~
24 ~~cause shown in accordance with the rules of probate procedure.~~
25 4. The conservator assigned a tier I or II conservatorship
26 shall file a verified final report with the court as follows:
27 ~~(2) a. Within thirty days following removal of the~~
28 ~~conservator.~~
29 ~~(3) b. Upon the conservator's filing of a resignation and~~
30 ~~before the resignation is accepted by the court.~~
31 ~~(4) c. Within sixty days following the termination of the~~
32 ~~conservatorship.~~
33 ~~(5) d. At other times as ordered by the court.~~
34 ~~e. 5. Reports required by this section shall be served on~~
35 The conservator shall provide a copy of the initial financial

1 management plan, if applicable, the inventory of the protected
2 person's assets, if applicable, and the annual report to the
3 protected person, the protected person's attorney, if any, and
4 court visitor, if any, and the veterans administration if the
5 protected person is receiving veterans' benefits.
6 6. The court, for good cause, may extend the deadline for
7 filing required reports. Required reports of a conservator
8 which are not timely filed and which are delinquent, and for
9 which no extension for filing has been granted by the court,
10 shall be administered as provided in section 633.32.
11 7. Reports of conservators shall be reviewed and approved by
12 a district court judge or referee.
13 Sec. 36. Section 633.675, subsections 2, 3, and 5, Code
14 2022, are amended to read as follows:
15 2. The court shall terminate a guardianship for an adult if
16 ~~it the court finds by clear and convincing evidence~~ that the
17 basis for appointing a guardian pursuant to [section 633.552](#) has
18 not been established.
19 3. The court shall terminate a conservatorship if the court
20 ~~finds by clear and convincing evidence~~ that the basis for
21 appointing a conservator pursuant to [section 633.553](#) or [633.554](#)
22 is not satisfied.
23 5. The standard of proof and the burden of proof to be
24 applied in a termination proceeding to terminate a guardianship
25 or conservatorship for an adult shall be the same as set forth
26 in [section 633.551, subsection 2.](#)>
27 2. Page 15, by striking lines 7 through 9.
28 3. By renumbering as necessary.

HITE of Mahaska