

**EIGHTY-NINTH GENERAL ASSEMBLY
2021 REGULAR SESSION
DAILY
HOUSE CLIP SHEET**

April 7, 2021

Clip Sheet Summary

Displays all amendments, fiscal notes, and conference committee reports for previous day.

Bill	Amendment	Action	Sponsor
HJR 5	H-1357		RECEIVED FROM THE SENATE
HJR 5	H-1367		BOHANNAN of Johnson
HJR 5	H-1368		ANDERSON of Polk
HJR 5	H-1369		SUNDE of Polk
HJR 5	H-1370		WOLFE of Clinton
HF 196	H-1362		RECEIVED FROM THE SENATE
HF 228	H-1361		RECEIVED FROM THE SENATE
HF 311	H-1365		RECEIVED FROM THE SENATE
HF 390	H-1360		RECEIVED FROM THE SENATE
HF 744	H-1359		RECEIVED FROM THE SENATE
HF 746	H-1371		RECEIVED FROM THE SENATE
HF 775	H-1358		RECEIVED FROM THE SENATE
HF 836	H-1366		HITE of Mahaska

[HF 852](#) [H-1363](#)

[SF 568](#) [H-1364](#)

A. MEYER of
Webster

JACOBSEN of
Pottawattamie

**SENATE AMENDMENT TO
HOUSE JOINT RESOLUTION 5**

H-1357

1 Amend House Joint Resolution 5, as passed by the House, as
2 follows:

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

5 <Section 1. The following amendment to the Constitution of
6 the State of Iowa is proposed:

7 Article I of the Constitution of the State of Iowa is amended
8 by adding the following new section:

9 **Sec. 26. Protection of life.** To defend the dignity of all
10 human life, and to protect mothers and unborn children from
11 efforts to expand abortion even to the day of birth, we the
12 people of the State of Iowa declare that this Constitution
13 shall not be construed to recognize, grant, or secure a right
14 to abortion or to require the public funding of abortion.

15 **Sec. 2. REFERRAL AND PUBLICATION.** The foregoing amendment
16 to the Constitution of the State of Iowa is referred to the
17 general assembly to be chosen at the next general election for
18 members of the general assembly, and shall be published as
19 provided by law for three consecutive months previous to the
20 date of that election.>

21 2. Title page, by striking lines 1 through 4 and inserting
22 <A Joint Resolution proposing an amendment to the Constitution
23 of the State of Iowa to protect life by declaring that the
24 Constitution of the State of Iowa shall not be construed to
25 recognize, grant, or secure a right to abortion or to require
26 the public funding of abortion.>

H-1357 FILED APRIL 7, 2021

HOUSE JOINTRESOLUTION 5

H-1367

1 Amend the Senate amendment, H-1357, to House Joint

2 Resolution 5, as passed by the House, as follows:

3 1. Page 1, line 14, after <of abortion.> by inserting <This
4 section shall not be construed to prohibit the sale, use,
5 prescription, or administration of a measure, drug, or chemical
6 designed for the purposes of contraception.>

By BOHANNAN of Johnson

H-1367 FILED APRIL 7, 2021

HOUSE JOINTRESOLUTION 5

H-1368

1 Amend the Senate amendment, H-1357, to House Joint
2 Resolution 5, as passed by the House, as follows:
3 1. Page 1, line 14, after <of abortion> by inserting <,
4 unless the pregnancy is the result of rape or incest>

By ANDERSON of Polk

H-1368 FILED APRIL 7, 2021

HOUSE JOINTRESOLUTION 5

H-1369

1 Amend the Senate amendment, H-1357, to House Joint
2 Resolution 5, as passed by the House, as follows:
3 1. Page 1, line 14, after <of abortion.> by inserting
4 <This section shall not be construed to prohibit or affect the
5 disposition of unused embryos produced for the purposes of
6 in-vitro fertilization.>

By SUNDE of Polk

H-1369 FILED APRIL 7, 2021

HOUSE JOINTRESOLUTION 5

H-1370

1 Amend the Senate amendment, H-1357, to House Joint

2 Resolution 5, as passed by the House, as follows:

3 1. Page 1, line 14, after <of abortion> by inserting <
4 unless the woman is certified by a physician to be in danger of
5 death unless the abortion is performed>

By WOLFE of Clinton

H-1370 FILED APRIL 7, 2021

SENATE AMENDMENT TO
HOUSE FILE 196

H-1362

- 1 Amend House File 196, as passed by the House, as follows:
2 1. Page 1, after line 33 by inserting:
3 <Sec. ____ . Section 261.115, subsection 5, paragraph b, Code
4 2021, is amended to read as follows:
5 *b. "Health care professional" means a an athletic trainer,*
6 *occupational therapist, physician, physician assistant,*
7 *podiatrist, or physical therapist who is licensed, accredited,*
8 *registered, or certified to perform specified health care*
9 *services consistent with state law.>*
10 2. By renumbering as necessary.

H-1362 FILED APRIL 7, 2021

SENATE AMENDMENT TO
HOUSE FILE 228

H-1361

- 1 Amend House File 228, as passed by the House, as follows:
- 2 1. Page 3, after line 12 by inserting:
- 3 <Sec. _____. OPEN ENROLLMENT DEADLINE FOR THE SCHOOL YEAR
- 4 BEGINNING JULY 1, 2021. Notwithstanding section 282.18, the
- 5 March 1 deadlines established under section 282.18 shall not
- 6 apply to an application submitted by a parent or guardian for
- 7 purposes of enrolling the parent's or guardian's child in a
- 8 school district for the school year beginning July 1, 2021,
- 9 and ending June 30, 2022, if a voluntary diversity plan was in
- 10 effect in the school district of residence during the school
- 11 year beginning July 1, 2020, and ending June 30, 2021.
- 12 Sec. _____. EFFECTIVE DATE. This Act, being deemed of
- 13 immediate importance, takes effect upon enactment.>
- 14 2. Title page, line 2, after <law> by inserting <and
- 15 including effective date provisions>
- 16 3. By renumbering as necessary.

H-1361 FILED APRIL 7, 2021

SENATE AMENDMENT TO
HOUSE FILE 311

H-1365

1 Amend House File 311, as amended, passed, and reprinted by
2 the House, as follows:

3 1. Page 1, line 3, by striking <each> and inserting <each
4 per>

5 2. Page 1, line 7, after <night> by inserting <per calendar
6 month>

7 3. Page 1, line 7, by striking <~~one-year~~ one-month> and
8 inserting <one-year>

H-1365 FILED APRIL 7, 2021

SENATE AMENDMENT TO
HOUSE FILE 390

H-1360

1 Amend House File 390, as amended, passed, and reprinted by
2 the House, as follows:

3 1. Page 1, after line 13 by inserting:

4 <3. Section 135.38 does not apply to violations of this
5 section.>

6 2. Title page, lines 2 and 3, by striking <system, and
7 making penalties applicable.> and inserting <system.>

H-1360 FILED APRIL 7, 2021

SENATE AMENDMENT TO
HOUSE FILE 744

H-1359

1 Amend House File 744, as amended, passed, and reprinted by
2 the House, as follows:

3 1. Page 3, after line 9 by inserting:

4 <Sec. _____. NEW SECTION. 261H.7 Student government
5 organizations — student fees — appeals — liability.

6 1. Each institution of higher education governed by
7 the state board of regents shall make a student government
8 organization's access to and authority over any moneys
9 disbursed to the student government organization by
10 the institution contingent upon the student government
11 organization's compliance with the first amendment to the
12 Constitution of the United States and the provisions of this
13 chapter.

14 2. If, after exhaustion of all administrative or
15 judicial appeals, it is determined that a student government
16 organization knowingly and intentionally violated the first
17 amendment rights of a member of the campus community or that
18 an action or decision of a student government organization is
19 in violation of this section, the institution shall suspend
20 the student government organization's authority to manage and
21 disburse student fees for a period of one year. During this
22 period of suspension, such student fees shall be managed and
23 disbursed by the institution.

24 Sec. _____. Section 262.9, Code 2021, is amended by adding the
25 following new subsection:

26 NEW SUBSECTION. 39. Appoint annually from among its
27 membership a three-member nonpartisan free speech committee
28 that shall receive complaints under section 261H.5 relating
29 to the institutions of higher learning governed by the state
30 board.

31 Sec. _____. Section 272.2, subsection 14, Code 2021, is
32 amended by adding the following new paragraph:

33 NEW PARAGRAPH. e. The board may deny a license to or
34 revoke the license of a person upon the board's finding by a
35 preponderance of evidence that the person discriminated against

1 a student in violation of section 261H.2, subsection 3, or
2 section 279.73.>

3 2. Page 3, after line 30 by inserting:

4 <Sec. _____. Section 280.22, subsections 4 and 5, Code 2021,
5 are amended to read as follows:

6 4. Each board of directors of a public school shall adopt
7 rules in the form of a written publications code, which shall
8 include reasonable provisions for the time, place, and manner
9 of conducting such activities within its jurisdiction. The
10 code shall incorporate all of the provisions of this section.

11 The board shall make the code available to the students and
12 their parents.

13 5. Student editors of official school publications shall
14 assign and edit the news, editorial, and feature content of
15 their publications subject to the limitations of this section.
16 Journalism advisers of students producing official school
17 publications shall supervise the production of the student
18 staff, in order to maintain professional standards of English
19 and journalism, and to comply with this section.

20 Sec. _____. Section 280.22, Code 2021, is amended by adding
21 the following new subsection:

22 NEW SUBSECTION. 6A. A public school employee or official,
23 acting within the scope of the person's professional ethics,
24 if any, shall not be dismissed, suspended, disciplined,
25 reassigned, transferred, subject to termination or nonrenewal
26 of a teaching contract issued under section 279.13 or an
27 extracurricular contract issued under section 279.19A, or
28 otherwise retaliated against for acting to protect a student
29 for engaging in conduct authorized under this section, or
30 refusing to infringe upon student conduct that is protected by
31 this section, the first amendment to the Constitution of the
32 United States, or Article I, section 7, of the Constitution of
33 the State of Iowa.

34 Sec. _____. IMPLEMENTATION OF ACT. Section 25B.2, subsection
35 3, shall not apply to this Act.>

H-1359 (Continued)

1 3. By renumbering as necessary.

H-1359 FILED APRIL 7, 2021

SENATE AMENDMENT TO
HOUSE FILE 746

H-1371

- 1 Amend House File 746, as passed by the House, as follows:
- 2 1. Page 1, lines 2 through 4, by striking <An action for
- 3 professional negligence or malpractice for injuries to a person
- 4 or property against an individual licensed under this chapter>
- 5 and inserting <Any action for professional negligence against
- 6 an individual licensed under this chapter resulting in damage
- 7 to property>
- 8 2. Page 1, line 8, after <first.> by inserting <For purposes
- 9 of this section, "*property*" includes an animal.>
- 10 3. Title page, line 2, by striking <a person or>

H-1371 FILED APRIL 7, 2021

SENATE AMENDMENT TO
HOUSE FILE 775

H-1358

- 1 Amend House File 775, as amended, passed, and reprinted by
2 the House, as follows:
3 1. Page 1, line 17, by striking <not an> and inserting <an>

H-1358 FILED APRIL 7, 2021

HOUSE FILE 836

H-1366

1 Amend House File 836 as follows:

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

4 <DIVISION I

5 MINOR GUARDIANSHIPS

6 Section 1. Section 232.3, subsection 1, Code 2021, is
7 amended to read as follows:

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

20 Sec. 2. Section 232.3, Code 2021, is amended by adding the
21 following new subsection:

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

28 Sec. 3. Section 232D.103, Code 2021, is amended to read as
29 follows:

30 **232D.103 Jurisdiction.**

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

34 Sec. 4. NEW SECTION. **232D.107 Confidentiality.**

35 Official juvenile court records in guardianship proceedings

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

- 7 1. The judge and professional court staff.
- 8 2. The minor and the minor's counsel.
- 9 3. The minor's parent, guardian or custodian, court
10 visitor, and any counsel representing such person.

11 Sec. 5. Section 232D.301, subsection 2, paragraph d,
12 subparagraph (3), Code 2021, is amended to read as follows:

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

17 Sec. 6. Section 232D.301, subsection 4, Code 2021, is
18 amended to read as follows:

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

22 Sec. 7. Section 232D.302, subsection 2, Code 2021, is
23 amended to read as follows:

24 2. Notice shall be served upon the minor's known parents
25 listed in the petition in accordance with the rules of civil
26 procedure. If the parent has not filed a consent to the
27 appointment of a guardian, the notice shall inform any parent
28 named in the petition that the parent may be entitled to
29 representation under the conditions described in section
30 232D.304.

31 Sec. 8. Section 232D.305, subsection 1, Code 2021, is
32 amended to read as follows:

33 1. The court may appoint a court visitor for the minor. A
34 person is qualified to serve as a court visitor if the court
35 determines the person has demonstrated sufficient knowledge of

1 guardianships to adequately perform the duties in subsection 3.

2 Sec. 9. Section 232D.306, Code 2021, is amended by adding
3 the following new subsection:

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

6 Sec. 10. Section 232D.307, subsection 1, Code 2021, is
7 amended to read as follows:

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

16 Sec. 11. Section 232D.401, subsection 1, Code 2021, is
17 amended to read as follows:

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

21 Sec. 12. Section 232D.401, subsection 3, unnumbered
22 paragraph 1, Code 2021, is amended to read as follows:

23 An order by the court appointing a guardian for a minor shall
24 state the powers granted to the guardian until such time as the
25 guardian files an initial care plan and such plan is approved
26 by the court as required by section 232D.501, subsection 4.
27 Except as otherwise limited by ~~court~~ an order appointing a
28 guardian for a minor, the court may grant the guardian the
29 following powers, ~~which may be exercised without prior court~~
30 ~~approval:~~

31 Sec. 13. Section 232D.501, subsection 1, paragraph a, Code
32 2021, is amended by adding the following new subparagraph:

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

1 Sec. 14. Section 232D.501, subsection 1, paragraph b, Code
2 2021, is amended by adding the following new subparagraphs:

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

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

9 Sec. 15. Section 232D.501, Code 2021, is amended by adding
10 the following new subsections:

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

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

21 DIVISION II

22 ADULT GUARDIANSHIPS AND MINOR AND ADULT CONSERVATORSHIPS

23 Sec. 16. Section 235B.6, subsection 2, paragraph d, Code
24 2021, is amended by adding the following new subparagraph:

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

28 Sec. 17. Section 633.556, subsections 4 and 5, Code 2021,
29 are amended to read as follows:

30 4. The petition shall list the name and address of the
31 ~~petitioner and the petitioner's relationship to the respondent~~
32 following:

33 a. The respondent.

34 b. The petitioner and the petitioner's relationship to the
35 respondent.

1 c. The proposed guardian or conservator and the reason the
2 proposed guardian or conservator should be selected.

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

5 ~~a. The name and address of the proposed guardian and the~~
6 ~~reason the proposed guardian should be selected.~~

7 b. Any spouse of the respondent.

8 c. Any adult children of the respondent.

9 d. Any parents of the respondent.

10 e. Any adult, who has had the primary care of the respondent
11 or with whom the respondent has lived for at least any time
12 during the six months prior to immediately preceding the filing
13 of the petition, or any institution or facility where the
14 respondent has resided ~~for at least six months prior to any~~
15 time during the six months immediately preceding the filing of
16 the petition.

17 f. Any legal representative or representative payee of the
18 respondent.

19 g. Any person designated as an attorney in fact in a durable
20 power of attorney for health care which is valid under chapter
21 144B, or any person designated as an agent in a durable power
22 of attorney which is valid under chapter 633B.

23 Sec. 18. Section 633.560, subsection 3, Code 2021, is
24 amended to read as follows:

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

29 Sec. 19. Section 633.561, subsection 6, Code 2021, is
30 amended to read as follows:

31 6. If the court determines that it would be in the
32 respondent's best interest to have legal representation
33 with respect to any further proceedings in a guardianship
34 or conservatorship, the court may appoint an attorney to
35 represent the respondent at the expense of the respondent or

1 the respondent's estate, or if the respondent is indigent the
2 cost of the court appointed attorney shall be assessed against
3 the county in which the proceedings are pending.

4 Sec. 20. Section 633.562, subsection 1, Code 2021, is
5 amended to read as follows:

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

18 Sec. 21. Section 633.562, Code 2021, 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. 22. Section 633.564, subsection 1, Code 2021, is
31 amended to read as follows:

32 1. The court shall request criminal record checks and
33 checks of the child abuse, dependent adult abuse, and sexual
34 offender registries in this state for all proposed guardians
35 and conservators, other than financial institutions with Iowa

1 trust powers, unless a proposed guardian or conservator has
2 undergone the required background checks required by this
3 section within the six months prior to the filing of a petition
4 and the background check has been provided to the court.

5 Sec. 23. Section 633.569, Code 2021, is amended to read as
6 follows:

7 **633.569 Emergency appointment of temporary guardian or**
8 **conservator.**

9 1. A person authorized to file a petition under section
10 ~~633.552, 633.553, or 633.554~~ 633.556 or 633.557 may file an
11 application for the emergency appointment of a temporary
12 guardian or conservator.

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

14 a. The name and address of the respondent.

15 Ob. The name and address of the petitioner and the
16 petitioner's relationship to the respondent.

17 b. The name and address of the proposed guardian or
18 conservator and the reason the proposed guardian or conservator
19 should be selected.

20 Oc. The names and addresses, to the extent known, of any
21 other persons who must be named in the petition for appointment
22 of a guardian or conservator under section 633.556 or 633.557.

23 c. The reason the emergency appointment of a temporary
24 guardian or conservator is sought.

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

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

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

1 c. There is reason to believe that the basis for appointment
2 of guardian or conservator exists under section ~~633.552,~~
3 ~~633.553, or 633.554~~ 633.556 or 633.557.

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

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

16 6. The powers of the temporary guardian or conservator
17 set forth in the order of the court shall be limited to those
18 necessary to address the emergency situation requiring the
19 appointment of a temporary guardian or conservator.

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

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

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

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

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

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

5 Sec. 24. Section 633.570, subsections 1 and 2, Code 2021,
6 are amended to read as follows:

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

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

21 Sec. 25. Section 633.635, subsection 1, Code 2021, is
22 amended to read as follows:

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

27 Sec. 26. Section 633.635, subsection 2, unnumbered
28 paragraph 1, Code 2021, is amended to read as follows:

29 ~~Based upon the evidence produced at the hearing~~ An order by
30 the court appointing a guardian for an adult shall state the
31 powers granted to the guardian until such time as the guardian
32 files an initial care plan and such plan is approved by the
33 court as required by section 633.669. Except as otherwise
34 limited by an order appointing a guardian for an adult, the
35 court may grant a guardian the following powers ~~and duties with~~

1 ~~respect to a protected person which may be exercised without~~
2 ~~prior court approval:~~

3 Sec. 27. Section 633.635, subsection 3, unnumbered
4 paragraph 1, Code 2021, is amended to read as follows:

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

8 Sec. 28. Section 633.641, subsection 3, Code 2021, is
9 amended to read as follows:

10 3. ~~If a protected person has executed a valid power of~~
11 ~~attorney under chapter 633B, the conservator shall act in~~
12 ~~accordance with the applicable provisions of chapter 633B.~~
13 If the court appoints a conservator for a protected person
14 who has previously executed a valid power of attorney under
15 chapter 633B, the power of attorney is suspended unless the
16 power of attorney provides otherwise or the court appointing
17 the conservator orders that the power of attorney should
18 continue. If the power of attorney continues, the agent is
19 accountable to the conservator as well as the principal. The
20 power of attorney shall be reinstated upon termination of the
21 conservatorship for reasons other than the protected person's
22 death.

23 Sec. 29. Section 633.642, Code 2021, is amended by striking
24 the section and inserting in lieu thereof the following:

25 **633.642 Powers of conservator.**

26 1. An order by the court appointing a conservator shall
27 state the basis for the conservatorship pursuant to section
28 633.553 or section 633.554.

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

35 3. In the order approving an initial financial management

1 plan or an annual report, the court shall approve and set forth
2 the specific powers of a conservator, which may be thereafter
3 exercised by the conservator until further court order. Except
4 as otherwise ordered by the court, a conservator must give
5 notice to persons entitled to notice and receive specific prior
6 authorization by the court before the conservator may take any
7 other action on behalf of the protected person.

8 4. Upon the filing of an appropriate oath by the
9 conservator, the clerk of court shall issue letters of
10 appointment. A copy of the initial order of the court shall
11 be attached to the letters of appointment. Upon approval of
12 an initial financial management plan, approval of an annual
13 report, or further order of the court granting, modifying,
14 limiting, or terminating powers of the conservator, the clerk
15 of court shall issue new letters of appointment which shall
16 reflect all powers thereafter held by the conservator.

17 Sec. 30. Section 633.669, Code 2021, is amended to read as
18 follows:

19 **633.669 ~~Reporting requirements — assistance~~ Reports by clerk**
20 **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 in the initial care plan shall
26 include but not be limited to the following information:

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

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

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

1 needs.

2 (3A) Whether the protected person has a living will or
3 health care power of attorney.

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

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

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

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

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

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

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

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

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

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

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

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

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

8 (0c) The guardian's facilitation of the participation of
9 the protected person in social activities.

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

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

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

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

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

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

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

25 (7) Any other information the guardian deems necessary for
26 the court to consider.

27 c. A final report within thirty days of the termination
28 of the guardianship under section 633.675 unless that time is
29 extended by the court.

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

32 3. The clerk of the court shall notify the guardian in
33 writing of the reporting requirements and shall provide
34 information and assistance to the guardian in filing the
35 reports.

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

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

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

11 Sec. 31. Section 633.670, Code 2021, is amended to read as
12 follows:

13 **633.670 Reports by conservators.**

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

23 ~~a. The initial plan shall include all of the following: The~~
24 initial financial management plan shall state the protected
25 person's age, residence, living arrangements, and sources of
26 payment for living expenses.

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

33 ~~(2) A statement as to how the conservator will involve~~
34 ~~the protected person in decisions about management of the~~
35 ~~conservatorship estate.~~

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

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

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

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

11 (1) The protected person's receipts and income and
12 the projected sources of income including, if applicable,
13 wages, social security income, pension and retirement plan
14 distribution, veterans' benefits, rental income, interest
15 earnings, and dividends, and the total estimated receipts and
16 income.

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

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

35 d. The conservator shall include a list of the protected

1 person's assets and the conservator's plan for management
2 of these assets including, if applicable, financial
3 accounts including checking and certificates of deposit and
4 cash, investments including stocks, bonds, mutual funds,
5 exchange-traded funds, individual retirement accounts and other
6 investment accounts, pension, profit-sharing, annuities, and
7 retirement funds, personal property including household goods
8 and vehicles, receivables including mortgages and liens payable
9 to the protected person's estate or trust, life insurance, and
10 other property.

11 e. The conservator shall include a statement as to how the
12 conservator will involve the protected person in decisions
13 about management of the conservatorship estate.

14 f. If ordered by the court, the conservator shall include
15 any action the conservator plans to take to develop or
16 restore the ability of the protected person to manage the
17 conservatorship estate.

18 g. The conservator shall include the authority that the
19 conservator requests to carry out the initial financial plan
20 including expenditures in accordance with the proposed budget
21 for the protected person and the plan for the management of the
22 assets of the protected person for the next annual reporting
23 period.

24 ~~b. h.~~ Within two days after filing the initial plan, the
25 The conservator shall give provide notice of the filing of
26 the initial plan with and a copy of the initial plan to the
27 protected person, the protected person's attorney, if any, and
28 court visitor, if any, and others as directed by the court.
29 The notice must state that any person entitled to a copy of
30 the plan must file any objections to the plan not later than
31 ~~fifteen days after it is filed~~ twenty days from the date of
32 mailing notice of filing the initial plan.

33 ~~e. i.~~ At least twenty days after the plan has been filed,
34 the court shall review and determine whether the plan should
35 be approved or revised, after considering objections filed and

1 whether the plan is consistent with the conservator's powers
2 and duties.

3 ~~d.~~ j. After approval by the court, the conservator shall
4 provide a copy of the approved plan and order approving the
5 plan to the protected person, the protected person's attorney,
6 if any, and court visitor, if any, and others as directed by
7 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~~ After approval by the court, the conservator shall
21 provide copies of the inventory ~~shall be provided~~ to the
22 protected person, the protected person's attorney, if any,
23 and court visitor, if any, and others as directed by the
24 court. When the conservator receives additional property
25 of the protected person, or becomes aware of its existence,
26 a description of the property shall be included in the
27 conservator's next annual report.

28 2A. A conservator shall attach to the initial financial
29 management plan an inventory of the protected person's assets
30 and debts, which includes an oath or affirmation that the
31 inventory is believed to be complete and accurate as far as
32 information permits. The conservator shall provide copies of
33 the inventory to the protected person, the protected person's
34 attorney, if any, and the court visitor, if any, and others
35 as directed by the court. Any objections to the inventory

1 shall be filed in the same manner and according to the same
2 schedule as objections to the initial financial management
3 plan. The court shall review the inventory and determine
4 whether the inventory should be approved at the same time as
5 the court reviews the initial financial management plan. When
6 the conservator receives an additional asset of the protected
7 person or becomes aware of its existence, or becomes aware
8 of additional debt of the protected person, a description of
9 the asset or debt shall be included in the conservator's next
10 annual report.

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

15 a. ~~These reports shall include all of the following: The~~
16 annual report shall state the age, the residence, and the
17 living arrangements of the protected person, and sources of
18 payment for the protected person's living expenses during the
19 reporting period.

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

22 ~~(2) Disbursements made.~~

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

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

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

26 ~~(6) Residence and physical location of the protected~~
27 ~~person.~~

28 ~~(7) General physical and mental condition of the protected~~
29 ~~person.~~

30 ~~(8) Other information reflecting the condition of the~~
31 ~~conservatorship estate.~~

32 b. ~~These reports shall be filed: The conservator shall~~
33 submit with the annual report an inventory of the assets of the
34 protected person as of the last day of the reporting period the
35 total value of assets at the beginning and end of the reporting

1 period.

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

5 c. The annual report shall include an itemization of all
6 income or funds received and all expenditures made by the
7 conservator on behalf of the protected person. If any of
8 the expenditures were made to provide support for or pay the
9 debts of another person, the annual report shall include an
10 explanation of these expenditures. If any of the expenditures
11 were made to pay any liability or debt owed by the protected
12 person to the conservator, the annual report shall include an
13 explanation of these expenditures. If any of the expenditures
14 were made to pay any liability or debt that is also owed by
15 another person or entity, the annual report shall include an
16 explanation of these expenditures.

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

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

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

24 (3) A request for approval of the proposed budget and
25 authority to make expenditures in accordance with the proposed
26 budget.

27 e. The annual report shall include the following information
28 related to the management of the assets of the protected
29 person:

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

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

35 (3) A request for approval of the proposed plan for

1 management of the assets of the protected person and the
2 authority to carry out the plan.

3 f. The conservator shall include a statement as to how the
4 conservator will involve the protected person in decisions
5 about management of the conservatorship estate.

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

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

13 i. The conservator may request court approval of fees
14 provided the conservator on behalf of the conservatorship or
15 the protected person during the preceding reporting period.

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

18 ~~(2)~~ a. Within thirty days following removal of the
19 conservator.

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

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

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

25 ~~e.~~ 5. Reports required by this section The conservator
26 shall provide a copy of the initial financial management
27 plan, the inventory of the protected person's assets, and the
28 annual report shall be served on to the protected person, the
29 protected person's attorney, if any, and court visitor, if any,
30 and the veterans administration if the protected person is
31 receiving veterans' benefits.

32 6. The court, for good cause, may extend the deadline for
33 filing required reports. Required reports of a conservator
34 which are not timely filed and which are delinquent, and for
35 which no extension for filing has been granted by the court,

1 shall be administered as provided in section 633.32.

2 Sec. 32. Section 633.675, subsections 2, 3, and 4, Code
3 2021, are amended to read as follows:

4 2. The court shall terminate a guardianship for an adult if
5 it the court finds by clear and convincing evidence that the
6 basis for appointing a guardian pursuant to section 633.552 has
7 not been established.

8 3. The court shall terminate a conservatorship if the court
9 finds by clear and convincing evidence that the basis for
10 appointing a conservator pursuant to section 633.553 or 633.554
11 is not satisfied.

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

16 DIVISION III

17 CONFORMING CHANGES

18 Sec. 33. Section 633.3, subsections 9, 17, 22, and 23, Code
19 2021, are amended to read as follows:

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

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

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

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

35 Sec. 34. Section 633.78, subsection 1, unnumbered paragraph

1 1, Code 2021, is amended to read as follows:

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

10 Sec. 35. Section 633.78, subsection 1, paragraph b, Code
11 2021, is amended to read as follows:

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

14 Sec. 36. Section 633.78, subsection 4, paragraph a, Code
15 2021, is amended to read as follows:

16 a. Damages sustained by the decedent's or ~~ward's~~ protected
17 person's estate.

18 Sec. 37. Section 633.80, Code 2021, is amended to read as
19 follows:

20 **633.80 Fiduciary of a fiduciary.**

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

26 Sec. 38. Section 633.93, Code 2021, is amended to read as
27 follows:

28 **633.93 Limitation on actions affecting deeds.**

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

34 Sec. 39. Section 633.112, Code 2021, is amended to read as
35 follows:

1 **633.112 Discovery of property.**

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

12 Sec. 40. Section 633.123, subsection 1, paragraph b,
13 subparagraph (3), Code 2021, is amended to read as follows:

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

16 Sec. 41. Section 633.580, subsections 1 and 4, Code 2021,
17 are amended to read as follows:

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

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

29 Sec. 42. Section 633.591A, Code 2021, is amended to read as
30 follows:

31 **633.591A Voluntary petition for appointment of conservator**
32 **for a minor — standby basis.**

33 A person having physical and legal custody of a minor
34 may execute a verified petition for the appointment of a
35 standby conservator of the proposed ~~ward's~~ protected person's

1 property, upon the express condition that the petition shall
2 be acted upon by the court only upon the occurrence of an event
3 specified or the existence of a described condition of the
4 mental or physical health of the petitioner, the occurrence
5 of which event, or the existence of which condition, shall be
6 established in the manner directed in the petition.

7 Sec. 43. Section 633.603, Code 2021, is amended to read as
8 follows:

9 **633.603 Appointment of foreign conservators.**

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

19 Sec. 44. Section 633.604, Code 2021, is amended to read as
20 follows:

21 **633.604 Application.**

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

32 Sec. 45. Section 633.605, Code 2021, is amended to read as
33 follows:

34 **633.605 Personal property.**

35 A foreign conservator or guardian of a nonresident may

1 be authorized by the court of the county wherein such ward
2 protected person has personal property to receive the same upon
3 compliance with the provisions of sections 633.606, 633.607 and
4 633.608.

5 Sec. 46. Section 633.607, Code 2021, is amended to read as
6 follows:

7 **633.607 Order for delivery.**

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

12 Sec. 47. Section 633.633, Code 2021, is amended to read as
13 follows:

14 **633.633 Provisions applicable to all fiduciaries shall**
15 **govern.**

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

23 Sec. 48. Section 633.633B, Code 2021, is amended to read as
24 follows:

25 **633.633B Tort liability of guardians and conservators.**

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

29 Sec. 49. Section 633.636, Code 2021, is amended to read as
30 follows:

31 **633.636 Effect of appointment of guardian or conservator.**

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

35 Sec. 50. Section 633.637, Code 2021, is amended to read as

1 follows:

2 **633.637 Powers of ward protected person.**

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

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

21 Sec. 51. Section 633.637A, Code 2021, is amended to read as
22 follows:

23 **633.637A Rights of ward protected person under guardianship.**

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

35 Sec. 52. Section 633.638, Code 2021, is amended to read as

1 follows:

2 **633.638 Presumption of fraud.**

3 If a conservator be appointed, all contracts, transfers and
4 gifts made by the ward protected person after the filing of the
5 petition shall be presumed to be a fraud against the rights
6 and interest of the ward protected person except as otherwise
7 directed by the court pursuant to section 633.637.

8 Sec. 53. Section 633.639, Code 2021, is amended to read as
9 follows:

10 **633.639 Title to ward's protected person's property.**

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

20 Sec. 54. Section 633.640, Code 2021, is amended to read as
21 follows:

22 **633.640 Conservator's right to possession.**

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

30 Sec. 55. Section 633.643, Code 2021, is amended to read as
31 follows:

32 **633.643 Disposal of will by conservator.**

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

1 Sec. 56. Section 633.644, Code 2021, is amended to read as
2 follows:

3 **633.644 Court order to preserve testamentary intent of ward**
4 **protected person.**

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

12 Sec. 57. Section 633.645, Code 2021, is amended to read as
13 follows:

14 **633.645 Court to deliver will to clerk.**

15 An instrument purporting to be the will of a ward protected
16 person coming into the hands of the court under the provisions
17 of section 633.643, shall thereafter be resealed by the court
18 and be deposited with the clerk to be held by said clerk as
19 provided in sections 633.286 through 633.289.

20 Sec. 58. Section 633.653A, Code 2021, is amended to read as
21 follows:

22 **633.653A Claims for cost of medical care or services.**

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

30 Sec. 59. Section 633.654, Code 2021, is amended to read as
31 follows:

32 **633.654 Form and verification of claims — general**
33 **requirements.**

34 No claim shall be allowed against the estate of a ward
35 protected person upon application of the claimant unless

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

15 Sec. 60. Section 633.656, Code 2021, is amended to read as
16 follows:

17 **633.656 How claim entitled.**

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

22 Sec. 61. Section 633.660, Code 2021, is amended to read as
23 follows:

24 **633.660 Execution and levy prohibited.**

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

31 Sec. 62. Section 633.661, Code 2021, is amended to read as
32 follows:

33 **633.661 Claims of conservators.**

34 If the conservator is a creditor of the ward, the conservator
35 shall file the claim as other creditors, and the court shall

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

10 Sec. 63. Section 633.662, Code 2021, is amended to read as
11 follows:

12 **633.662 Claims not filed.**

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

17 Sec. 64. Section 633.664, Code 2021, is amended to read as
18 follows:

19 **633.664 Liens not affected by failure to file claim.**

20 Nothing in sections 633.654 and 633.658 shall affect or
21 prevent an action or proceeding to enforce any mortgage,
22 pledge, or other lien upon the property of the ward protected
23 person.

24 Sec. 65. Section 633.665, Code 2021, is amended to read as
25 follows:

26 **633.665 Separate actions and claims.**

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

33 2. A separate action based on a debt or other liability
34 of the ward protected person may be commenced against the
35 conservator in lieu of filing a claim in the conservatorship.

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

9 Sec. 66. Section 633.667, Code 2021, is amended to read as
10 follows:

11 **633.667 Payment of claims in insolvent conservatorships.**

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

20 Sec. 67. Section 633.668, Code 2021, is amended to read as
21 follows:

22 **633.668 Conservator may make gifts.**

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

35 Sec. 68. Section 633.673, Code 2021, is amended to read as

1 follows:

2 **633.673 Court costs in guardianships.**

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

11 Sec. 69. Section 633.676, Code 2021, is amended to read as
12 follows:

13 **633.676 Assets exhausted.**

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

18 Sec. 70. Section 633.677, Code 2021, is amended to read as
19 follows:

20 **633.677 Accounting to ward protected person — notice.**

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

30 Sec. 71. Section 633.681, Code 2021, is amended to read as
31 follows:

32 **633.681 Assets of minor ward protected person exhausted.**

33 When the assets of a minor ward's protected person's
34 conservatorship are exhausted or consist of personal property
35 only of an aggregate value not in excess of twenty-five

H-1366 (Continued)

1 thousand dollars, the court, upon application or upon its
2 own motion, may terminate the conservatorship. The order
3 for termination shall direct the conservator to deliver any
4 property remaining after the payment of allowed claims and
5 expenses of administration to a custodian under any uniform
6 transfers to minors Act. Such delivery shall have the same
7 force and effect as if delivery had been made to the ~~ward~~
8 protected person after attaining majority.

9 Sec. 72. Section 633.682, Code 2021, is amended to read as
10 follows:

11 **633.682 Discharge of conservator and release of bond.**

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

17 2. Title page, by striking lines 1 and 2 and inserting <An
18 Act relating to the opening, administration, and termination of
19 adult and minor guardianships and conservatorships.>

By HITE of Mahaska

H-1366 FILED APRIL 7, 2021

HOUSE FILE 852

H-1363

1 Amend House File 852 as follows:

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

4 <Section 1. Section 135.176, subsection 1, Code 2021, is
5 amended by adding the following new paragraph:

6 NEW PARAGRAPH. *d.* For the period beginning July 1, 2021,
7 and ending June 30, 2026, the payment by the sponsor of medical
8 residency program liability costs subject to provision by the
9 sponsor of dollar-for-dollar matching funds used for payment
10 of such costs. This paragraph shall not apply to medical
11 residency programs to which chapter 669 applies.

12 Sec. 2. Section 135.176, subsection 2, paragraphs e and f,
13 Code 2021, are amended to read as follows:

14 *e.* The maximum award of grant funds to a particular
15 individual sponsor per year. An individual sponsor that
16 establishes a new or alternative campus accredited medical
17 residency training program as defined in subsection 1,
18 paragraph "a", shall not receive more than fifty percent
19 of the state matching funds available each year to support
20 the program. An individual sponsor proposing the provision
21 of a new residency position within an existing accredited
22 medical residency or fellowship training program as specified
23 in subsection 1, paragraph "b", ~~or~~ the funding of residency
24 positions which are in excess of the federal residency cap as
25 defined in subsection 1, paragraph "c", or the funding of the
26 payment by the sponsor of medical residency program liability
27 costs subject to provision by the sponsor of dollar-for-dollar
28 matching funds used for payment of such costs as specified
29 in subsection 1, paragraph "d", shall not receive more than
30 twenty-five percent of the state matching funds available each
31 year to support the program.

32 *f.* Use of the funds awarded. Funds may be used to pay the
33 costs of establishing, expanding, or supporting an accredited
34 graduate medical education program as specified in this
35 section, including but not limited to the costs associated

H-1363 (Continued)

1 with residency stipends and physician faculty stipends. For
2 the period beginning July 1, 2021, and ending June 30, 2026,
3 use of the funds awarded may include payment by the sponsor of
4 medical residency program liability costs in accordance with
5 subsection 1, paragraph "d", and subject to provision by the
6 sponsor of dollar-for-dollar matching funds used for payment
7 of such costs.>

8 2. Title page, by striking lines 1 through 3 and inserting
9 <An Act relating to the payment of resident physician medical
10 liability insurance premiums for accredited graduate medical
11 education programs.>

By A. MEYER of Webster

[H-1363](#) FILED APRIL 7, 2021

SENATE FILE 568

H-1364

1 Amend Senate File 568, as amended, passed, and reprinted by
2 the Senate, as follows:

3 1. Page 7, before line 6 by inserting:

4 <Sec. ____ . Section 45.1, subsection 2, as amended by 2021
5 Iowa Acts, Senate File 413, section 16, is amended to read as
6 follows:

7 2. Nominations for candidates for a representative in
8 the United States house of representatives may be made by
9 nomination petitions signed by not less than ~~one thousand seven~~
10 ~~hundred twenty-six~~ eight hundred eligible electors who are
11 residents of the congressional district, ~~including at least~~
12 ~~forty-seven eligible electors each from at least one-half of~~
13 ~~the counties in the congressional district.~~>

14 2. By renumbering as necessary.

By JACOBSEN of Pottawattamie

H-1364 FILED APRIL 7, 2021