

House Study Bill 578 - Introduced

HOUSE FILE _____
BY (PROPOSED COMMITTEE
ON JUDICIARY BILL BY
CHAIRPERSON HOLT)

A BILL FOR

1 An Act relating to the opening, administration, and termination
2 of adult guardianships and conservatorships, including
3 conforming changes, and including effective date and
4 retroactive applicability provisions.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

DIVISION I

ADULT GUARDIANSHIPS AND CONSERVATORSHIPS

Section 1. Section 633.556, subsections 4, 5, and 8, Code 2020, are amended to read as follows:

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

a. The respondent.

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

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

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

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

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

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

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

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

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

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

8. The A petition for conservator shall provide a brief description of the respondent's alleged functional limitations that make the respondent unable to communicate or carry out important decisions concerning the respondent's financial

1 affairs. A petition for guardianship shall provide a brief
2 description of the respondent's alleged functional limitations
3 that make the respondent unable to provide for the respondent's
4 safety or to provide for necessities.

5 Sec. 2. Section 633.558, subsection 3, Code 2020, is amended
6 to read as follows:

7 3. Notice of the filing of a petition given to persons under
8 ~~subsections subsection 2 and 3~~ shall include a statement that
9 such persons may register to receive notice of the hearing
10 on the petition and other proceedings and the manner of such
11 registration.

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

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

18 Sec. 4. Section 633.561, subsection 1, paragraph a, Code
19 2020, is amended to read as follows:

20 a. If the respondent is an adult ~~and is not the petitioner,~~
21 the respondent is entitled to representation by an attorney.
22 Upon the filing of the petition, the court shall appoint an
23 attorney to represent the respondent, set a hearing on the
24 petition, and provide for notice of the appointment of counsel
25 and the date for hearing.

26 Sec. 5. Section 633.561, subsection 4, paragraphs c and f,
27 Code 2020, are amended to read as follows:

28 c. Ensure that the respondent has been properly advised of
29 the respondent's rights in a guardianship or conservatorship
30 proceeding.

31 f. Ensure that the guardianship or conservatorship
32 procedures conform to the statutory and due process
33 requirements of Iowa law.

34 Sec. 6. Section 633.561, subsection 5, paragraphs a and b,
35 Code 2020, are amended to read as follows:

1 *a.* Inform the respondent of the effects of the order entered
2 for appointment of guardian or conservator.

3 *b.* Advise the respondent of the respondent's rights to
4 petition for modification or termination of the guardianship
5 or conservatorship.

6 Sec. 7. Section 633.561, subsection 6, Code 2020, is amended
7 to read as follows:

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

16 Sec. 8. Section 633.562, subsection 1, Code 2020, is amended
17 to read as follows:

18 1. If the court determines that the appointment of a court
19 visitor would be in the best interest of the respondent,
20 the court shall appoint a court visitor at the expense
21 of the respondent or the respondent's estate, or, if the
22 respondent is indigent, the cost of the court visitor shall
23 be assessed against the county in which the proceedings are
24 pending. The court may appoint any qualified person as a court
25 visitor in a guardianship or conservatorship proceeding. A
26 person is qualified to serve in this capacity if the person
27 has demonstrated sufficient knowledge of guardianships or
28 conservatorships to adequately perform the duties in subsection
29 3.

30 Sec. 9. Section 633.562, subsection 5, paragraphs a and b,
31 Code 2020, are amended to read as follows:

32 *a.* A recommendation regarding the appropriateness of a
33 limited guardianship or conservatorship for the respondent,
34 including whether less restrictive alternatives are available.

35 *b.* A statement of the qualifications of the guardian or

1 conservator together with a statement of whether the respondent
2 has expressed agreement with the appointment of the proposed
3 guardian or conservator.

4 Sec. 10. Section 633.562, Code 2020, is amended by adding
5 the following new subsection:

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

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

18 The results of the evaluation ordered by the court shall be
19 ~~made available to~~ filed with the court and made available to
20 the following:

21 Sec. 12. Section 633.569, Code 2020, is amended to read as
22 follows:

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

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

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

30 a. The name and address of the respondent.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

12 8. The temporary guardian or conservator shall submit any
13 report the court requires.

14 Sec. 13. Section 633.570, subsections 1 and 2, Code 2020,
15 are amended to read as follows:

16 1. In a proceeding for the appointment of a guardian,
17 the respondent shall be given written notice which advises
18 ~~the respondent of the powers that~~ that the court may grant
19 ~~a guardian may exercise without court approval pursuant to~~
20 the powers set out in section 633.635, subsection 2, and the
21 ~~powers that the guardian may exercise only with court approval~~
22 ~~pursuant to set out in section 633.635, subsection 3, and the~~
23 pertinent powers the guardian may exercise as a fiduciary.

24 2. In a proceeding for the appointment of a conservator,
25 the respondent shall be given written notice which advises the
26 ~~respondent of the powers that~~ the court may grant a conservator
27 ~~may exercise without court approval pursuant to the powers set~~
28 out in section 633.646 and the powers that the guardian may
29 ~~exercise only with court approval pursuant to section 633.647~~
30 633.642, and the pertinent powers the guardian may exercise as
31 a fiduciary.

32 Sec. 14. Section 633.635, subsection 1, Code 2020, is
33 amended to read as follows:

34 1. The order by the court appointing a guardian shall state
35 the basis for the guardianship pursuant to section 633.552

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

3 Sec. 15. Section 633.635, subsection 2, unnumbered
4 paragraph 1, Code 2020, is amended to read as follows:

5 Based upon the evidence produced at the hearing, the court
6 may grant a guardian the following powers and duties with
7 respect to a protected person ~~which may be exercised without~~
8 ~~prior court approval:~~

9 Sec. 16. Section 633.635, subsection 3, unnumbered
10 paragraph 1, Code 2020, is amended to read as follows:

11 A Notwithstanding subsection 2, a guardian may be granted
12 the following powers which may only be exercised upon court
13 approval:

14 Sec. 17. Section 633.635, subsection 3, paragraph b, Code
15 2020, is amended by adding the following new subparagraph:

16 NEW SUBPARAGRAPH. (4) Any major elective surgery or any
17 other nonemergency major medical procedure, unless advance
18 notice of the procedure was included in the guardian's initial
19 care plan that was approved by the court. For purposes of
20 this subparagraph, "*major elective surgery*" and "*nonemergency*
21 *major medical procedure*" do not include the provision of
22 routine physical and dental examinations and procedures under
23 anesthesia, if the use of anesthesia is necessitated by the
24 physical or mental disability of the protected person, and if
25 the anesthesia is provided within the scope of the health care
26 practitioner's scope of practice.

27 Sec. 18. Section 633.641, subsection 3, Code 2020, is
28 amended to read as follows:

29 ~~3. If a protected person has executed a valid power of~~
30 ~~attorney under [chapter 633B](#), the conservator shall act in~~
31 ~~accordance with the applicable provisions of [chapter 633B](#)~~
32 If the court appoints a conservator for a protected person
33 who has previously executed a valid power of attorney under
34 [chapter 633B](#), the power of attorney is suspended unless the
35 power of attorney provides otherwise or the court appointing

1 the conservator orders that the power of attorney should
2 continue. If the power of attorney continues, the agent is
3 accountable to the conservator as well as the principal. The
4 power of attorney shall be reinstated upon termination of
5 the conservatorship as a result of the principal regaining
6 capacity.

7 Sec. 19. Section 633.642, unnumbered paragraph 1, Code
8 2020, is amended to read as follows:

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

19 Sec. 20. Section 633.669, subsection 1, Code 2020, is
20 amended to read as follows:

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. In the case of guardianships established before
26 January 1, 2020, a guardian shall file the plan within sixty
27 days after the close of the next reporting period of the
28 guardianship following January 1, 2020. The information in
29 the initial care plan shall include but not be limited to the
30 following information:

31 (01) The age of the protected person, the reasons for the
32 protected person's guardianship, and the highest educational
33 level attained by the protected person.

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

1 (2) The current sources of payment for the protected
2 person's living expenses and other expenses, and the guardian's
3 plan for payment of the protected person's living expenses and
4 other expenses.

5 (3) The protected person's health status and health care
6 needs, and the guardian's plan for meeting the protected
7 ~~person's needs for medical, dental, and other~~ health care
8 needs.

9 (3A) A concise description of whether the protected person
10 has a living will or health care power of attorney, if any.

11 (4) If applicable, the protected person's need for other
12 professional services for mental, behavioral, or emotional
13 problems, or other problems, and the guardian's plan for other
14 professional services needed by the protected person.

15 (5) If applicable, a concise statement of the protected
16 person's employment status, the protected person's need
17 for educational, training, or vocational services, and the
18 guardian's plan for meeting the educational, training, and
19 vocational needs of the protected person.

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

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

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

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

30 (10) The guardian shall file an amended plan when there
31 has been a significant change in the circumstances or the
32 guardian seeks to deviate significantly from the plan. The
33 guardian must obtain court approval of the amended plan before
34 implementing any of its provisions.

35 *b.* An annual report, filed within sixty days of the close

1 of the reporting period, ~~unless the court otherwise orders on~~
2 ~~good cause shown.~~ The information in the annual report shall
3 include but not be limited to the following information:

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

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

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

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

12 (0b) The protected person's mental, behavioral, or
13 emotional problems, or other problems, and the professional
14 services provided the protected person for mental, behavioral,
15 or emotional problems, or other problems.

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

19 (0c) The guardian's facilitation of the participation of
20 the protected person in social activities.

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

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

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

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

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

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

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

1 c. A final report within thirty days of the termination
2 of the guardianship under section 633.675 unless that time is
3 extended by the court.

4 Sec. 21. Section 633.670, Code 2020, is amended to read as
5 follows:

6 **633.670 Reports by conservators.**

7 1. A conservator appointed by the court under this chapter
8 shall file an with the court a written verified initial
9 financial management plan for protecting, managing, investing,
10 expending, and distributing the assets of the conservatorship
11 estate within ninety days after appointment which shall not
12 be waived by the court. In the case of conservatorships
13 established before January 1, 2020, a conservator shall file
14 the plan within ninety days after the close of the next
15 reporting period ending after January 1, 2020. The plan must
16 be based on the needs of the protected person and take into
17 account the best interest of the protected person as well as
18 the protected person's preference, values, and prior directions
19 to the extent known to, or reasonably ascertainable by, the
20 conservator.

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

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

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

34 ~~(3) If ordered by the court, any step the conservator plans~~
35 ~~to take to develop or restore the ability of the protected~~

1 ~~person to manage the conservatorship estate.~~

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

3 b. If applicable, the protected person's will shall be
4 attached to the plan or filed with the court and the protected
5 person's prepaid burial trust and powers of attorney shall be
6 described.

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

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

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

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

33 d. The conservator shall include a list of the protected
34 person's assets and the conservator's plan for management
35 of these assets including, if applicable, financial

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

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

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

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

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

31 ~~e. i.~~ At least If no objections have been filed within
32 twenty days after the plan has been filed, the court shall
33 review and determine whether the plan should be approved or
34 revised, after considering objections filed and whether the
35 plan is consistent with the conservator's powers and duties

1 mailing notice of filing the initial plan, the conservator
2 shall submit a proposed order to the court approving the
3 initial plan. Upon the court's approval of the plan under
4 this subsection, the conservator shall provide a copy of the
5 approved plan and order approving the plan to the protected
6 person, the protected person's attorney and court visitor, if
7 any, and others as directed by the court.

8 ~~d. j.~~ After approval by the court, the conservator shall
9 provide a copy of the approved plan and order approving the
10 plan to the protected person, the protected person's attorney
11 and court advisor, if any, and others as directed by the court
12 If any objections to the proposed plan are filed within twenty
13 days after the conservator has mailed notice of filing the
14 plan, the court shall set the matter for hearing and provide
15 notice of the hearing date, time, and place to the same parties
16 who were sent copies of the initial plan. Following the
17 hearing on the conservator's proposed plan, the conservator
18 shall provide a copy of the approved plan and order approving
19 the plan to the protected person, the protected person's
20 attorney and court visitor, if any, and others as directed by
21 the court.

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

28 2. A conservator shall file an inventory of the protected
29 person's assets within ninety days after appointment which
30 includes an oath or affirmation that the inventory is believed
31 to be complete and accurate as far as information permits.
32 Copies After approval by the court, the conservator shall
33 provide a copy of the inventory shall be provided to the
34 protected person, the protected person's attorney, if any,
35 and court ~~advisor~~ visitor, if any, and others as directed by

1 the court. When the conservator receives additional property
2 of the protected person, or becomes aware of its existence,
3 a description of the property shall be included in the
4 conservator's next annual report.

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

9 a. ~~These reports shall include all of the following:~~ The
10 annual report shall state the age, the residence and the living
11 arrangements of the protected person, and sources of payment
12 for the protected person's living expenses during the reporting
13 period.

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

16 ~~(2) Disbursements made.~~

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

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

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

20 ~~(6) Residence and physical location of the protected~~
21 ~~person.~~

22 ~~(7) General physical and mental condition of the protected~~
23 ~~person.~~

24 ~~(8) Other information reflecting the condition of the~~
25 ~~conservatorship estate.~~

26 b. ~~These reports shall be filed:~~ The conservator shall
27 submit with the annual report an inventory of the assets of the
28 protected person as of the last day of the reporting period
29 including the total value of assets at the beginning and end
30 of the reporting period.

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

34 c. The annual report shall include an itemization of all
35 income or funds received and all expenditures made by the

1 conservator on behalf of the protected person. If any of
2 the expenditures were made to provide support for or pay the
3 debts of another person, the annual report shall include an
4 explanation of these expenditures. If any of the expenditures
5 were made to pay any liability or debt owed by the protected
6 person to the conservator, the annual report shall include an
7 explanation of these expenditures. If any of the expenditures
8 were made to pay any liability or debt that is also owed by
9 another person or entity, the annual report shall include an
10 explanation of these expenditures.

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

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

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

18 (3) A request for approval of the proposed budget and
19 authority to make expenditures in accordance with the proposed
20 budget.

21 e. The annual report shall include the following information
22 related to the management of the assets of the protected
23 person:

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

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

29 (3) A request for approval of the proposed plan for
30 management of the assets of the protected person and the
31 authority to carry out the plan.

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

35 g. The annual report shall describe, if ordered by the

1 court, the actions that have been taken and that will be taken
2 by the conservator to develop or restore the ability of the
3 protected person to manage the conservatorship's assets.

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

7 i. The conservator may request court approval of fees
8 provided the conservator on behalf of the conservatorship or
9 the protected person during the preceding reporting period.

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

12 ~~(2)~~ a. Within thirty days following removal of the
13 conservator.

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

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

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

19 ~~e.~~ 5. Reports required by [this section](#) shall be served on
20 the protected person, the protected person's attorney and court
21 advisor visitor, if any, and the veterans administration if the
22 protected person is receiving ~~veterans~~ veterans' benefits.

23 Sec. 22. Section 633.675, subsections 2, 3, and 4, Code
24 2020, are amended to read as follows:

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

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

33 4. The standard of proof and the burden of proof to be
34 applied in a termination proceeding to terminate a guardianship
35 or conservatorship for an adult shall be the same as set forth

1 in [section 633.551, subsection 2.](#)

2 Sec. 23. REPEAL. Section 633.671, Code 2020, is repealed.

3 Sec. 24. EFFECTIVE DATE. The following, being deemed of
4 immediate importance, take effect upon enactment:

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

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

9 Sec. 25. RETROACTIVE APPLICABILITY. The following apply
10 retroactively to January 1, 2020:

11 1. The section of this division of this Act amending section
12 633.669, subsection 1.

13 2. The section of this division of this Act amending section
14 633.670.

15 DIVISION II

16 CONFORMING CHANGES

17 Sec. 26. Section 633.3, subsections 9, 17, 22, and 23, Code
18 2020, are amended to read as follows:

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

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

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

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

34 Sec. 27. Section 633.78, subsection 1, unnumbered paragraph
35 1, Code 2020, is amended to read as follows:

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

9 Sec. 28. Section 633.78, subsection 1, paragraph b, Code
10 2020, is amended to read as follows:

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

13 Sec. 29. Section 633.78, subsection 4, paragraph a, Code
14 2020, is amended to read as follows:

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

17 Sec. 30. Section 633.80, Code 2020, is amended to read as
18 follows:

19 **633.80 Fiduciary of a fiduciary.**

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

25 Sec. 31. Section 633.93, Code 2020, is amended to read as
26 follows:

27 **633.93 Limitation on actions affecting deeds.**

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

33 Sec. 32. Section 633.112, Code 2020, is amended to read as
34 follows:

35 **633.112 Discovery of property.**

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

11 Sec. 33. Section 633.123, subsection 1, paragraph b,
12 subparagraph (3), Code 2020, is amended to read as follows:

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

15 Sec. 34. Section 633.580, subsections 1 and 4, Code 2020,
16 are amended to read as follows:

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

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

28 Sec. 35. Section 633.591A, Code 2020, is amended to read as
29 follows:

30 **633.591A Voluntary petition for appointment of conservator**
31 **for a minor — standby basis.**

32 A person having physical and legal custody of a minor
33 may execute a verified petition for the appointment of a
34 standby conservator of the proposed ~~ward's~~ protected person's
35 property, upon the express condition that the petition shall

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

6 Sec. 36. Section 633.603, Code 2020, is amended to read as
7 follows:

8 **633.603 Appointment of foreign conservators.**

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

18 Sec. 37. Section 633.604, Code 2020, is amended to read as
19 follows:

20 **633.604 Application.**

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

31 Sec. 38. Section 633.605, Code 2020, is amended to read as
32 follows:

33 **633.605 Personal property.**

34 A foreign conservator or guardian of a nonresident may
35 be authorized by the court of the county wherein such ~~ward~~

1 protected person has personal property to receive the same upon
2 compliance with the provisions of [sections 633.606, 633.607](#) and
3 [633.608](#).

4 Sec. 39. Section 633.607, Code 2020, is amended to read as
5 follows:

6 **633.607 Order for delivery.**

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

11 Sec. 40. Section 633.633, Code 2020, is amended to read as
12 follows:

13 **633.633 Provisions applicable to all fiduciaries shall**
14 **govern.**

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

22 Sec. 41. Section 633.633B, Code 2020, is amended to read as
23 follows:

24 **633.633B Tort liability of guardians and conservators.**

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

28 Sec. 42. Section 633.636, Code 2020, is amended to read as
29 follows:

30 **633.636 Effect of appointment of guardian or conservator.**

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

34 Sec. 43. Section 633.637, Code 2020, is amended to read as
35 follows:

1 **633.637 Powers of ward protected person.**

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

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

20 Sec. 44. Section 633.637A, Code 2020, is amended to read as
21 follows:

22 **633.637A Rights of ward protected person under guardianship.**

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

34 Sec. 45. Section 633.638, Code 2020, is amended to read as
35 follows:

1 **633.638 Presumption of fraud.**

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

7 Sec. 46. Section 633.639, Code 2020, is amended to read as
8 follows:

9 **633.639 Title to ward's protected person's property.**

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

19 Sec. 47. Section 633.640, Code 2020, is amended to read as
20 follows:

21 **633.640 Conservator's right to possession.**

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

29 Sec. 48. Section 633.643, Code 2020, is amended to read as
30 follows:

31 **633.643 Disposal of will by conservator.**

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

35 Sec. 49. Section 633.644, Code 2020, is amended to read as

1 follows:

2 **633.644 Court order to preserve testamentary intent of ward**
3 **protected person.**

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

11 Sec. 50. Section 633.645, Code 2020, is amended to read as
12 follows:

13 **633.645 Court to deliver will to clerk.**

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

19 Sec. 51. Section 633.653A, Code 2020, is amended to read as
20 follows:

21 **633.653A Claims for cost of medical care or services.**

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

29 Sec. 52. Section 633.654, Code 2020, is amended to read as
30 follows:

31 **633.654 Form and verification of claims — general**
32 **requirements.**

33 No claim shall be allowed against the estate of a ward
34 protected person upon application of the claimant unless
35 it shall be in writing, filed in duplicate with the clerk,

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

14 Sec. 53. Section 633.656, Code 2020, is amended to read as
15 follows:

16 **633.656 How claim entitled.**

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

21 Sec. 54. Section 633.660, Code 2020, is amended to read as
22 follows:

23 **633.660 Execution and levy prohibited.**

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

30 Sec. 55. Section 633.661, Code 2020, is amended to read as
31 follows:

32 **633.661 Claims of conservators.**

33 If the conservator is a creditor of the ward protected
34 person, the conservator shall file the claim as other
35 creditors, and the court shall appoint some competent person as

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

9 Sec. 56. Section 633.662, Code 2020, is amended to read as
10 follows:

11 **633.662 Claims not filed.**

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

16 Sec. 57. Section 633.664, Code 2020, is amended to read as
17 follows:

18 **633.664 Liens not affected by failure to file claim.**

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

23 Sec. 58. Section 633.665, Code 2020, is amended to read as
24 follows:

25 **633.665 Separate actions and claims.**

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

32 2. A separate action based on a debt or other liability
33 of the ~~ward~~ protected person may be commenced against the
34 conservator in lieu of filing a claim in the conservatorship.
35 Such an action shall be commenced by serving an original notice

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

8 Sec. 59. Section 633.667, Code 2020, is amended to read as
9 follows:

10 **633.667 Payment of claims in insolvent conservatorships.**

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

19 Sec. 60. Section 633.668, Code 2020, is amended to read as
20 follows:

21 **633.668 Conservator may make gifts.**

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

34 Sec. 61. Section 633.673, Code 2020, is amended to read as
35 follows:

1 **633.673 Court costs in guardianships.**

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

11 Sec. 62. Section 633.676, Code 2020, 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. 63. Section 633.677, Code 2020, 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. 64. Section 633.681, Code 2020, 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

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. 65. Section 633.682, Code 2020, 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 EXPLANATION

18 The inclusion of this explanation does not constitute agreement with
19 the explanation's substance by the members of the general assembly.

20 This bill relates to the opening, administration, and
21 termination of adult guardianships and conservatorships and
22 includes effective date and applicability provisions.

23 DIVISION I — ADULT GUARDIANSHIPS AND CONSERVATORSHIPS. The
24 bill amends current law to provide that Code sections apply to
25 both guardianships and conservatorships of adults.

26 The bill provides that a court visitor will be discharged
27 upon the appointment of a guardian or conservator unless
28 ordered by the court to continue.

29 The bill specifies that a court-ordered professional
30 evaluation conducted at or before a hearing on a petition for
31 the appointment of a guardian or conservator must be filed with
32 the court.

33 The bill amends language concerning powers which a guardian
34 or conservator may be granted that can be exercised without
35 further court approval. The bill also amends powers of a

1 conservator which require further court approval before being
2 exercised.

3 The bill amends the information required to be contained in
4 a guardian's written verified reports including the initial
5 care plan and annual reports, and information required to be
6 included in reports by conservators including the initial
7 financial management plan, the annual report, and the final
8 report.

9 The bill amends reporting requirements for guardians, and
10 requires that guardians must obtain court approval prior to any
11 significant deviation from the initial care plan filed with the
12 court. These changes are immediately effective and retroactive
13 to January 1, 2020.

14 The bill amends reporting requirements for conservators.
15 The conservator must give notice of filing a plan, and if no
16 objection is made within 20 days, the conservator must submit
17 a proposed order to the court approving the initial plan. If
18 there are objections to the plan, the court must set the matter
19 for hearing. These changes are immediately effective and
20 retroactive to January 1, 2020.

21 DIVISION II — CONFORMING CHANGES. The bill makes
22 conforming changes to the probate code by changing the term
23 "ward" to "protected person".