

Senate Study Bill 3149 - Introduced

SENATE FILE _____
BY (PROPOSED COMMITTEE
ON JUDICIARY BILL BY
CHAIRPERSON ZAUN)

A BILL FOR

1 An Act relating to the administration of adult and minor
2 guardianships and conservatorships, and including effective
3 date and retroactive applicability provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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

3 **232D.103 Jurisdiction.**

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

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

9 1. A petition alleging that a minor is in need of a
10 conservatorship is not subject to **this chapter**. Such
11 proceedings shall be governed by **chapter 633** and may be
12 initiated pursuant to **section 633-627** 633.557.

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

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

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

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

27 Sec. 5. Section 232D.401, subsection 3, unnumbered
28 paragraph 1, Code 2020, is amended to read as follows:

29 An order by the court appointing a guardian for a minor shall
30 state the powers granted to the guardian. Except as otherwise
31 limited by court order, the court may grant the guardian the
32 following powers, ~~which may be exercised without prior court~~
33 ~~approval~~:

34 Sec. 6. Section 232D.501, subsection 1, paragraph a, Code
35 2020, is amended by adding the following new subparagraph:

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

4 Sec. 7. Section 633.556, subsections 4, 5, and 8, Code 2020,
5 are amended to read as follows:

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

9 a. The name and address of the respondent.

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

12 c. The name and address of the proposed guardian or
13 conservator and the reason the proposed guardian or conservator
14 should be selected.

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

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

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

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

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

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

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

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

34 ~~8. The petition shall provide a brief description of~~
35 ~~the respondent's alleged functional limitations that make~~

1 ~~the respondent unable to communicate or carry out important~~
2 ~~decisions concerning the respondent's financial affairs.~~

3 Sec. 8. Section 633.558, subsection 3, Code 2020, is amended
4 to read as follows:

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

10 Sec. 9. Section 633.561, subsection 4, paragraphs c and f,
11 Code 2020, are amended to read as follows:

12 c. Ensure that the respondent has been properly advised of
13 the respondent's rights in a guardianship or conservatorship
14 proceeding.

15 f. Ensure that the guardianship or conservatorship
16 procedures conform to the statutory and due process
17 requirements of Iowa law.

18 Sec. 10. Section 633.561, subsection 5, paragraphs a and b,
19 Code 2020, are amended to read as follows:

20 a. Inform the respondent of the effects of the order entered
21 for appointment of guardian or conservator.

22 b. Advise the respondent of the respondent's rights to
23 petition for modification or termination of the guardianship
24 or conservatorship.

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

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

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

34 Sec. 12. Section 633.562, Code 2020, is amended by adding
35 the following new subsection:

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

11 Sec. 13. Section 633.563, subsection 7, unnumbered
12 paragraph 1, Code 2020, is amended to read as follows:

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

16 Sec. 14. Section 633.569, subsections 1, 2, and 3, Code
17 2020, are amended to read as follows:

18 1. A person authorized to file a petition under section
19 ~~633.552, 633.553, or 633.554~~ 633.556 or 633.557 may file an
20 application for the emergency appointment of a temporary
21 guardian or conservator.

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

23 *a.* The name and address of the respondent.

24 *b.* The name and address of the petitioner.

25 ~~*b.*~~ *c.* The name and address of the proposed guardian or
26 conservator and the reason the proposed guardian or conservator
27 should be selected.

28 ~~*c.*~~ *d.* The reason the emergency appointment of a temporary
29 guardian or conservator is sought.

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

34 *a.* There is not sufficient time to file a petition and hold
35 a hearing pursuant to section 633.552, 633.553, or 633.554

1 633.556 or 633.557.

2 *b.* The appointment of a temporary guardian or conservator
3 is necessary to avoid immediate or irreparable harm to the
4 respondent.

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

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

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

17 2. In a proceeding for the appointment of a conservator,
18 the respondent shall be given written notice which advises the
19 respondent ~~of the powers that~~ the court may grant a conservator
20 ~~may exercise without court approval pursuant to~~ the powers set
21 out in section 633.646 and ~~the powers that the guardian may~~
22 ~~exercise only with court approval pursuant to section 633.647~~
23 633.642.

24 Sec. 16. Section 633.635, subsection 2, unnumbered
25 paragraph 1, Code 2020, is amended to read as follows:

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

30 Sec. 17. Section 633.635, subsection 3, unnumbered
31 paragraph 1, Code 2020, is amended to read as follows:

32 A Notwithstanding subsection 2, a guardian may be granted
33 the following powers which may only be exercised upon court
34 approval:

35 Sec. 18. Section 633.642, unnumbered paragraph 1, Code

1 2020, is amended to read as follows:

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

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

14 1. A guardian appointed by the court under this chapter
15 shall file with the court the following written verified
16 reports which shall not be waived by the court:

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

20 (01) The age of the protected person, the reasons for the
21 protected person's guardianship, and the highest educational
22 level attained by the protected person.

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

25 (2) The current sources of payment for the protected
26 person's living expenses and other expenses, and the guardian's
27 plan for payment of the protected person's living expenses and
28 other expenses.

29 (3) The protected person's health status and health care
30 needs, and the guardian's plan for meeting the protected
31 ~~person's needs for medical, dental, and other~~ health care
32 needs.

33 (3A) A concise description of whether the protected person
34 has a living will or health care power of attorney, if any.

35 (4) If applicable, the protected person's need for other

1 professional services for mental, behavioral, or emotional
2 problems, or other problems, and the guardian's plan for other
3 professional services needed by the protected person.

4 (5) If applicable, a concise statement of the protected
5 person's employment status, the protected person's need
6 for educational, training, or vocational services, and the
7 guardian's plan for meeting the educational, training, and
8 vocational needs of the protected person.

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

11 (7) The guardian's plan for facilitating contacts between
12 the protected person and the protected person's family members
13 and other significant persons.

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

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

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

22 (1) The current living arrangements of the protected
23 person.

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

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

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

30 (0b) The protected person's mental, behavioral, or
31 emotional problems, or other problems, and the professional
32 services provided the protected person for mental, behavioral,
33 or emotional problems, or other problems.

34 (b) If applicable, the protected person's employment status
35 and the educational, training, and vocational services provided

1 to the protected person.

2 (0c) The guardian's facilitation of the participation of
3 the protected person in social activities.

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

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

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

10 (004) The powers that the guardian requests to carry out
11 the care plan for the protected person for the next annual
12 reporting period.

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

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

16 (6) The need of the guardian for assistance in providing or
17 arranging for the provision of the care and protection of the
18 protected person.

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

22 Sec. 20. Section 633.670, Code 2020, is amended to read as
23 follows:

24 **633.670 Reports by conservators.**

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

35 a. ~~The initial plan shall include all of the following: The~~

1 initial financial management plan shall state the protected
2 person's age, residence, living arrangements, and sources of
3 payment for living expenses.

4 ~~(1) A budget containing projected expenses and resources,~~
5 ~~including an estimate of the total amount of fees the~~
6 ~~conservator anticipates charging per year and a statement or~~
7 ~~list of the amount the conservator proposes to charge for each~~
8 ~~service the conservator anticipates providing to the protected~~
9 ~~person.~~

10 ~~(2) A statement as to how the conservator will involve~~
11 ~~the protected person in decisions about management of the~~
12 ~~conservatorship estate.~~

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

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

17 b. If applicable, the protected person's will shall be
18 attached to the plan or filed with the court and the protected
19 person's prepaid burial trust and powers of attorney shall be
20 described.

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

24 (1) The protected person's receipts and income and
25 the projected sources of income including, if applicable,
26 wages, social security income, pension and retirement plan
27 distribution, veterans' benefits, rental income, interest
28 earnings, and dividends, and the total estimated receipts and
29 income.

30 (2) The protected person's liabilities and debts including,
31 if applicable, mortgage, car loans, credit card debt, federal,
32 state, and property taxes owed and the total estimated
33 liabilities and debts; a list and concise explanation of
34 any liability or debt owed by the protected person to the
35 conservator; a list and concise explanation of the liability of

1 any other person for a liability of the protected person.

2 (3) The protected person's estimated expenses on a monthly
3 and annual basis including, if applicable, nursing home or
4 facility charge, real property expenses for residence, food and
5 household expenses, utilities, household help and caregiver
6 expenses, health services and health insurance expenses,
7 educational and vocational expenses, personal auto and other
8 transportation expenses, clothing expenses, personal allowance
9 and other personal expenses, liabilities and debts, attorney
10 fees and other professional expenses, conservator fees, and
11 other administrative expenses.

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

23 e. The conservator shall include a statement as to how the
24 conservator will involve the protected person in decisions
25 about management of the conservatorship estate.

26 f. If ordered by the court, the conservator shall include
27 any action the conservator plans to take to develop or
28 restore the ability of the protected person to manage the
29 conservatorship estate.

30 g. The conservator shall include the authority that the
31 guardian requests to carry out the initial financial plan
32 including expenditures in accordance with the proposed budget
33 for the protected person and the plan for the management of the
34 assets of the protected person for the next annual reporting
35 period.

1 ~~b.~~ h. Within two days after filing the initial plan, the
2 conservator shall give notice of the filing of the initial plan
3 with a copy of the plan to the protected person, the protected
4 person's attorney, if any, and court ~~adviser~~ visitor, if any,
5 and others as directed by the court. The notice must state
6 that any person entitled to a copy of the plan must file any
7 objections to the plan not later than fifteen days after it is
8 filed.

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

14 ~~d.~~ j. After approval by the court, the conservator shall
15 provide a copy of the approved plan and order approving the
16 plan to the protected person, the protected person's attorney,
17 if any, and court ~~adviser~~ visitor, if any, and others as
18 directed by the court.

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

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

1 conservator's next annual report.

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

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

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

13 ~~(2) Disbursements made.~~

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

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

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

17 ~~(6) Residence and physical location of the protected~~
18 ~~person.~~

19 ~~(7) General physical and mental condition of the protected~~
20 ~~person.~~

21 ~~(8) Other information reflecting the condition of the~~
22 ~~conservatorship estate.~~

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

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

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

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

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

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

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

15 (3) A request for approval of the proposed budget and
16 authority to make expenditures in accordance with the proposed
17 budget.

18 e. The annual report shall include the following information
19 related to the management of the assets of the protected
20 person:

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

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

26 (3) A request for approval of the proposed plan for
27 management of the assets of the protected person and the
28 authority to carry out the plan.

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

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

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

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

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

9 ~~(2)~~ a. Within thirty days following removal of the
10 conservator.

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

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

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

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

20 Sec. 21. Section 633.675, subsections 2, 3, and 4, Code
21 2020, are amended to read as follows:

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

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

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

34 Sec. 22. REPORTS AND POWERS OF GUARDIANS AND CONSERVATORS —
35 TRANSITION PROVISIONS.

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

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

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

1 subsection 1, paragraph "a", and inventory required by section
2 633.670, subsection 2, shall be filed with the previously
3 scheduled annual report. The annual report must comply with
4 the requirements set forth in section 633.670, subsection 3,
5 paragraph "a". Conservators appointed prior to January 1,
6 2020, have continuing authority to perform acts concerning the
7 protected person that were authorized prior to January 1, 2020,
8 through the date of the conservator's previously scheduled
9 annual report.

10 Sec. 23. EFFECTIVE DATE. The following, being deemed of
11 immediate importance, takes effect upon enactment:

12 The section of this Act relating to transition provisions
13 for reports and powers of guardians and conservators.

14 Sec. 24. RETROACTIVE APPLICABILITY. The following applies
15 retroactively to January 1, 2020:

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

18 EXPLANATION

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

21 This bill relates to the administration of adult and minor
22 guardianships and conservatorships, and includes effective date
23 and retroactive applicability provisions.

24 Under current law, the juvenile court has exclusive
25 jurisdiction of guardianship proceedings. The bill provides
26 that the juvenile court also has exclusive jurisdiction over
27 guardianships of minors.

28 The bill changes a Code reference for a petition to appoint a
29 conservator for a minor.

30 The bill provides that notice of a guardianship proceeding
31 must be given to any adult with whom the minor has lived for the
32 six months immediately preceding the filing of the petition.

33 The bill further provides that if a minor's known parents
34 have not consented to the appointment of a guardian, the notice
35 of the filing of a guardianship petition shall inform the known

1 parents that they are entitled to representation if they meet
2 the conditions in Code section 232D.304.

3 The bill strikes a reference to "without prior court
4 approval" in a Code section listing powers a court may grant
5 to a guardian.

6 The bill also directs that the initial verified care plan
7 must include the guardian's plan for applying and receiving
8 funds and benefits for the support of the minor.

9 The bill amends current law to provide that Code sections
10 apply to both guardianships and conservatorships of adults.

11 The bill provides that a court visitor will be discharged
12 upon the appointment of a guardian or conservator unless
13 ordered by the court to continue.

14 The bill specifies that a court-ordered professional
15 evaluation conducted at or before a hearing on a petition for
16 the appointment of a guardian or conservator must be filed with
17 the court.

18 The bill amends language concerning powers which a guardian
19 or conservator may be granted that can be exercised without
20 further court approval. The bill also amends powers of a
21 conservator which require further court approval before being
22 exercised.

23 The bill amends the information required to be contained in
24 a guardian's written verified reports including the initial
25 care plan and annual reports, and information required to be
26 included in reports by conservators including the initial
27 financial management plan, the annual report, and the final
28 report.

29 2019 Iowa Acts, chapters 56 and 57, amended the laws
30 regarding guardianships and conservatorships, including
31 requirements relating to required reports.

32 The bill provides that for all guardianship cases wherein
33 the guardianship was established and the guardian was appointed
34 prior to January 1, 2020, the initial care plan for minors and
35 for adults shall be filed with the previously scheduled annual

1 report and not within 60 days of the initial appointment as
2 specified by 2019 Iowa Acts, chapters 56 and 57, respectively.
3 The annual report must comply with Code requirements and
4 guardians appointed prior to January 1, 2020, have continuing
5 authority to perform acts concerning the protected person
6 that were authorized prior to January 1, 2020, through the
7 date of the guardian's previously scheduled annual report.
8 This provision of the bill takes effect upon enactment and is
9 retroactively applicable to January 1, 2020.

10 The bill provides that for all conservatorship cases wherein
11 the conservatorship was established and the conservator was
12 appointed prior to January 1, 2020, the initial plan and
13 inventory shall be filed with the previously scheduled annual
14 report, and not within 90 days of appointment as specified by
15 2019 Iowa Acts, chapter 57. The annual report must comply
16 with Code requirements and conservators appointed prior to
17 January 1, 2020, have continuing authority to perform acts
18 concerning the protected person that were authorized prior
19 to January 1, 2020, through the date of the conservator's
20 previously scheduled annual report. This provision of the bill
21 takes effect upon enactment and is retroactively applicable to
22 January 1, 2020.