

**House File 836 - Introduced**

HOUSE FILE 836  
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HSB 38)

**A BILL FOR**

1 An Act relating to the opening, administration, and termination  
2 of adult guardianships and adult and minor conservatorships.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

DIVISION I

ADULT GUARDIANSHIPS AND MINOR AND ADULT CONSERVATORSHIPS

Section 1. Section 235B.6, subsection 2, paragraph d, Code 2021, is amended by adding the following new subparagraph:

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

Sec. 2. Section 633.556, subsections 4, 5, and 8, Code 2021, are amended to read as follows:

4. The petition shall list the name and address of all 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. Any spouse of the respondent.

c. Any adult children of the respondent.

d. Any parents of the respondent.

e. Any adult, who has had the primary care of the respondent or with whom the respondent has lived for at least any time during the 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 any~~ time during the six months immediately preceding the filing of the petition.

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

g. Any person designated as an attorney in fact in a durable power of attorney for health care which is valid under chapter

1 144B, or any person designated as an agent in a durable power  
2 of attorney which is valid under [chapter 633B](#).

3 8. The petition for conservator shall provide a brief  
4 description of the respondent's alleged functional limitations  
5 that make the respondent unable to communicate or carry out  
6 important decisions concerning the respondent's financial  
7 affairs. A petition for guardian shall provide a brief  
8 description of the respondent's alleged functional limitations  
9 that make the respondent unable to provide for the respondent's  
10 safety, or to provide for necessities.

11 Sec. 3. Section 633.560, subsection 3, Code 2021, is amended  
12 to read as follows:

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

17 Sec. 4. Section 633.561, subsection 6, Code 2021, is amended  
18 to read as follows:

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

27 Sec. 5. Section 633.562, subsections 1 and 3, Code 2021, are  
28 amended to read as follows:

29 1. If the court determines that the appointment of a court  
30 visitor would be in the best interest of the respondent, the  
31 court shall appoint a court visitor at the expense of the  
32 respondent or the respondent's estate, or, if the respondent  
33 is indigent, the cost of the court visitor shall be assessed  
34 against the county in which the proceedings are pending. The  
35 court may appoint any qualified person as a court visitor

1 in a guardianship or conservatorship proceeding. A person  
2 is qualified to serve as a court visitor if the court  
3 determines the person has demonstrated sufficient knowledge of  
4 guardianships or conservatorships to adequately perform the  
5 duties in subsection 3.

6 3. Unless otherwise enlarged or circumscribed by the court,  
7 the duties of a court visitor with respect to the respondent  
8 shall include all of the following:

9 a. Conducting an ~~initial~~ in-person interview with the  
10 respondent.

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

16 c. Determining, to the extent possible, the views of the  
17 respondent regarding the proposed guardian or conservator,  
18 ~~the proposed guardian's or conservator's powers and duties,~~  
19 and the scope and duration of the proposed guardianship or  
20 conservatorship.

21 Sec. 6. Section 633.562, Code 2021, is amended by adding the  
22 following new subsection:

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

33 Sec. 7. Section 633.563, subsection 1, Code 2021, is amended  
34 by adding the following new paragraph:

35 NEW PARAGRAPH. c. The petition is for opening a

1 conservatorship for a minor.

2 Sec. 8. Section 633.564, subsections 1 and 2, Code 2021, are  
3 amended to read as follows:

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

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

18 Sec. 9. Section 633.569, Code 2021, is amended to read as  
19 follows:

20 **633.569 Emergency appointment of temporary guardian or**  
21 **conservator.**

22 1. A person authorized to file a petition under section  
23 ~~633.552, 633.553, or 633.554~~ 633.556 or 633.557 may file an  
24 application for the emergency appointment of a temporary  
25 guardian or conservator.

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

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

28 *ob.* The name and address of the petitioner and the  
29 petitioner's relationship to the respondent.

30 *b.* The name and address of the proposed guardian or  
31 conservator and the reason the proposed guardian or conservator  
32 should be selected.

33 *oc.* The names and addresses, to the extent known, of any  
34 other persons who must be named in the petition for appointment  
35 of a guardian or conservator under section 633.556 or 633.557.

1 c. The reason the emergency appointment of a temporary  
2 guardian or conservator is sought.

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

7 a. There is not sufficient time to file a petition and hold  
8 a hearing pursuant to section ~~633.552, 633.553, or 633.554~~  
9 633.556, 633.557, 633.558, 633.559, or 633.560.

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

14 c. There is reason to believe that the basis for appointment  
15 of guardian or conservator exists under section ~~633.552,~~  
16 ~~633.553, or 633.554~~ 633.556 or 633.557.

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

22 5. Upon the issuance of an ex parte order, if the respondent  
23 is an adult, the respondent may file a request for a hearing.  
24 If the respondent is a minor, the respondent, a parent having  
25 legal custody of the respondent, or any other person having  
26 legal custody of the respondent may file a written request for  
27 a hearing. Such hearing shall be held no later than seven days  
28 after the filing of a written request.

29 6. The powers of the temporary guardian or conservator  
30 set forth in the order of the court shall be limited to those  
31 necessary to address the emergency situation requiring the  
32 appointment of a temporary guardian or conservator.

33 7. The temporary guardianship or conservatorship shall  
34 terminate within thirty days after the order is issued unless  
35 extended by the court.

1     8. The temporary guardian or conservator shall submit any  
2 other report the court requires.

3     Sec. 10. Section 633.570, subsections 1 and 2, Code 2021,  
4 are amended to read as follows:

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

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

19     Sec. 11. Section 633.635, subsection 1, Code 2021, is  
20 amended to read as follows:

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

25     Sec. 12. Section 633.635, subsection 2, unnumbered  
26 paragraph 1, Code 2021, is amended to read as follows:

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

31     Sec. 13. NEW SECTION. 633.640A Powers of conservator upon  
32 appointment.

33     1. The order by the court appointing a conservator shall  
34 state the basis for the conservatorship pursuant to section  
35 633.553 or pursuant to section 633.554.

1     2. Upon appointment, the conservator may exercise the  
2 powers relating to all fiduciaries as set out in sections  
3 633.63 through 633.162, unless expressly modified by the court,  
4 without prior court approval.

5     3. Until such time as the conservator files an initial  
6 financial management plan and such plan is approved by the  
7 court as required by section 633.670, subsection 1, the  
8 conservator may exercise the following powers with respect to  
9 a protected person without court approval except as otherwise  
10 ordered by the court:

11     *a.* Collect, receive, and receipt for any principal or income  
12 of the protected person.

13     *b.* Receive property of the protected person from any source.

14     *c.* Continue to hold any investment or other property of the  
15 protected person.

16     *d.* Pay insurance premiums on existing policies, utilities,  
17 taxes, care costs, medical and dental expenses, and serve as  
18 representative payee for social security purposes.

19     *e.* Sell and transfer personal property of a perishable  
20 nature and personal property for which there is a regularly  
21 established market.

22     4. Powers conferred upon appointment of a conservator will  
23 continue only until the court has approved the conservator's  
24 initial financial plan. The continuation of any powers  
25 conferred upon appointment must be requested by a conservator  
26 in the initial financial plan and may be continued only if the  
27 initial financial plan is approved by the court.

28     Sec. 14. Section 633.641, Code 2021, is amended to read as  
29 follows:

30     **633.641 Duties of conservator.**

31     1. A conservator is a fiduciary and has duties of prudence  
32 and loyalty to the protected person.

33     2. In investing and selecting specific property for  
34 distribution, a conservator shall consider any estate plan or  
35 other donative, nominative, or appointive instrument of the



1 protected person, known to the conservator.

2 3. ~~If a protected person has executed a valid power of~~  
3 ~~attorney under chapter 633B, the conservator shall act in~~  
4 ~~accordance with the applicable provisions of chapter 633B~~  
5 If the court appoints a conservator for a protected person  
6 who has previously executed a valid power of attorney under  
7 chapter 633B, the power of attorney is suspended unless the  
8 power of attorney provides otherwise or the court appointing  
9 the conservator orders that the power of attorney should  
10 continue. If the power of attorney continues, the agent is  
11 accountable to the conservator as well as the principal. The  
12 power of attorney shall be reinstated upon termination of  
13 the conservatorship as a result of the principal regaining  
14 capacity.

15 4. The conservator shall report to the department of human  
16 services the protected person's assets and income, if the  
17 protected person is receiving medical assistance under chapter  
18 249A. Such reports shall be made upon establishment of a  
19 conservatorship for an individual applying for or receiving  
20 medical assistance, upon application for benefits on behalf  
21 of the protected person, upon annual or semiannual review of  
22 continued medical assistance eligibility, when any significant  
23 change in the protected person's assets or income occurs, or  
24 as otherwise requested by the department of human services.  
25 Written reports shall be provided to the department of human  
26 services office for the county in which the protected person  
27 resides or the office in which the protected person's medical  
28 assistance is administered.

29 5. When investing and selecting specific property for  
30 distribution, a conservator shall consider any estate plan or  
31 other donative, nominative, or appointive instrument of the  
32 protected person which is known to the conservator.

33 Sec. 15. Section 633.642, Code 2021, is amended to read as  
34 follows:

35 **633.642 Responsibilities of conservator.**

1     ~~1. Except as otherwise ordered by the court, a conservator~~  
2 ~~must give notice to persons entitled to notice and receive~~  
3 ~~specific prior authorization by the court before the~~  
4 ~~conservator may take any other action on behalf of the~~  
5 ~~protected person. These other powers~~ Powers requiring court  
6 approval include but are not limited to the authority of the  
7 conservator to:

8     ~~1.~~ a. Invest the protected person's assets consistent with  
9 section 633.123.

10    ~~2.~~ b. Make gifts on the protected person's behalf from  
11 conservatorship assets to persons or religious, educational,  
12 scientific, charitable, or other nonprofit organizations to  
13 whom or to which such gifts were regularly made prior to the  
14 conservator's appointment; or on a showing that such gifts  
15 would benefit the protected person from the perspective of  
16 gift, estate, inheritance, or other taxes. No gift shall be  
17 allowed which would foreseeably prevent adequate provision for  
18 the protected person's best interest.

19    ~~3.~~ c. Make payments consistent with the conservator's plan  
20 described above directly to the protected person or to others  
21 for the protected person's education and training needs.

22    ~~4.~~ d. Use the protected person's income or assets to  
23 provide for any person that the protected person is legally  
24 obligated to support.

25    ~~5.~~ e. Compromise, adjust, arbitrate, or settle any claim by  
26 or against the protected person or the conservator.

27    ~~6.~~ f. Make elections for a protected person who is the  
28 surviving spouse as provided in sections 633.236 and 633.240.

29    ~~7.~~ g. Exercise the right to disclaim on behalf of the  
30 protected person as provided in section 633E.5.

31    ~~8.~~ h. Sell, mortgage, exchange, pledge, or lease the  
32 protected person's real and personal property consistent with  
33 subchapter VII, part 6 of this chapter regarding sale of  
34 property from a decedent's estate.

35    2. Before exercising any of the powers granted pursuant to

1 this section, the powers must be added to the conservator's  
2 initial or amended financial plan and approved by the court.

3 Sec. 16. Section 633.669, Code 2021, is amended to read as  
4 follows:

5 **633.669 ~~Reporting requirements — assistance~~ Reports by clerk**  
6 **guardians.**

7 1. A guardian appointed by the court under this chapter  
8 shall file with the court the following ~~written~~ verified  
9 reports which shall not be waived by the court:

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

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

15 (2) The guardian's plan for payment of the protected  
16 person's living expenses and other expenses.

17 (3) The protected person's health status and health care  
18 needs, and the guardian's plan for meeting the protected  
19 person's ~~needs for medical, dental, and other~~ health care  
20 needs.

21 (4) If applicable, the guardian's plan for the provision of  
22 other professional services needed by the protected person.

23 (5) If applicable, the guardian's plan for meeting  
24 the educational, training, and vocational needs of the  
25 protected person. If applicable, for protected persons with  
26 conservatorships, any action the guardian plans to take to  
27 develop or restore the ability of the protected person to  
28 manage the conservatorship estate.

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

31 (7) The guardian's plan for facilitating contacts between  
32 the protected person and the protected person's family members  
33 and other ~~significant~~ persons significant in the life of the  
34 protected person.

35 (8) The guardian's plan for contact with, and activities on

1 behalf of, the protected person.

2 (9) An estimate of the total amount and type of fees the  
3 guardian anticipates charging per year and a statement of  
4 justification for charging that fee.

5 Ob. The guardian shall file an amended care plan when there  
6 has been a significant change in the circumstances or the  
7 guardian seeks to deviate significantly from the plan. The  
8 guardian must obtain court approval of the amended plan before  
9 implementing any of its provisions.

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

14 (1) The current living arrangements of the protected  
15 person.

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

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

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

22 (b) If applicable, the protected person's employment status  
23 and the educational, training, and vocational services provided  
24 to the protected person.

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

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

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

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

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

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

1 the court to consider.

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

5 2. The court shall develop a simplified uniform reporting  
6 form ~~for use~~ which may be used in filing the required reports.

7 3. The clerk of the court shall notify the guardian in  
8 writing of the reporting requirements and shall provide  
9 information and assistance to the guardian in filing the  
10 reports.

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

13 5. The court, for good cause, may extend the deadline for  
14 filing required reports. Required reports of a guardian which  
15 are not timely filed and which are delinquent, and for which no  
16 extension for filing has been granted by the court, shall be  
17 administered as provided in section 633.65.

18 Sec. 17. Section 633.670, Code 2021, is amended to read as  
19 follows:

20 **633.670 Reports by conservators.**

21 1. A conservator shall file ~~an~~ a verified initial financial  
22 plan for protecting, managing, investing, expending, and  
23 distributing the assets of the conservatorship estate within  
24 ninety days after appointment. The plan must be based on the  
25 needs of the protected person and take into account the best  
26 interest of the protected person as well as the protected  
27 person's preference, values, and prior directions to the extent  
28 known to, or reasonably ascertainable by, the conservator.

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

33 (1) A budget containing projected expenses and resources,  
34 including an estimate of the total amount of fees the  
35 conservator anticipates charging per year and a statement or

1 list of the amount the conservator proposes to charge for each  
2 service the conservator anticipates providing to the protected  
3 person.

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

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

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

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

22 ~~c. At least~~ If no objections have been filed within twenty  
23 days after the plan has been filed, the court shall review  
24 and determine whether the plan should be approved or revised,  
25 after considering objections filed and whether the plan is  
26 consistent with the conservator's powers and duties mailing  
27 notice of the filing of the initial financial management plan,  
28 the conservator shall submit a proposed order to the court  
29 approving the initial financial management plan. The court  
30 shall review and determine whether the initial financial  
31 management plan should be approved or revised. Upon the  
32 court's approval of the initial financial management plan under  
33 this subsection, the conservator shall provide a copy of the  
34 approved plan and order approving the plan to the protected  
35 person, the protected person's attorney and court visitor, if

1 any, and others as directed by the court.

2 ~~d. After approval by the court, the conservator shall~~  
3 ~~provide a copy of the approved plan and order approving the~~  
4 ~~plan to the protected person, the protected person's attorney~~  
5 ~~and court visitor, if any, and others as directed by the~~  
6 ~~court. If any objection to the proposed plan is filed within~~  
7 ~~twenty days after the conservator has mailed notice of filing~~  
8 ~~the initial financial management plan, the conservator shall~~  
9 ~~request that the matter be set for hearing and provide notice~~  
10 ~~of the hearing date, time, and place to the same parties who~~  
11 ~~were sent copies of the initial financial management plan.~~  
12 ~~Following the hearing on the conservator's proposed initial~~  
13 ~~financial management plan, the conservator shall provide a~~  
14 ~~copy of the approved plan and order approving the plan to the~~  
15 ~~protected person, the protected person's attorney and court~~  
16 ~~visitor, if any, and others as directed by the court.~~

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

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

33 3. A conservator shall file a ~~written and~~ verified report  
34 for the period since the end of the preceding report period.  
35 The court shall not waive these reports.

1     a. The annual report shall state the age, the residence, and  
2 the living arrangements of the protected person, and sources  
3 of payment for the protected person's living expenses during  
4 the reporting period. These reports shall also include all of  
5 the following:

6     (1) Balance of funds on hand at the beginning and end of the  
7 period.

8     (2) Disbursements made.

9     (3) Changes in the conservator's plan.

10    (4) List of assets as of the end of the period.

11    (5) Bond amount and surety's name.

12    (6) Residence and physical location of the protected  
13 person.

14    (7) General physical and mental condition of the protected  
15 person.

16    (8) ~~Other information reflecting the condition of the~~  
17 ~~conservatorship estate~~ All amounts received from any source  
18 during the period.

19    (9) Any changes in investments.

20    (10) Recommendations of the conservator for retention or  
21 disposition of conservatorship property.

22    (11) Other information reflecting the condition of the  
23 conservatorship estate.

24     b. These reports shall be filed:

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

29     (2) Within thirty days following removal of the  
30 conservator.

31     (3) Upon the conservator's filing of a resignation and  
32 before the resignation is accepted by the court.

33     (4) Within sixty days following the termination of the  
34 conservatorship.

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



1 c. Reports required by [this section](#) shall be served on  
2 the protected person, the protected person's attorney and  
3 court visitor, if any, and the veterans administration if the  
4 protected person is receiving ~~veterans~~ veterans' benefits.

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

7 5. The conservator shall report to the department of human  
8 services the protected person's assets and income if the  
9 protected person is receiving medical assistance under chapter  
10 249A. Such reports shall be made upon establishment of a  
11 conservatorship for an individual applying for or receiving  
12 medical assistance, upon application for benefits on behalf  
13 of the protected person, upon annual or semiannual review of  
14 continued medical assistance eligibility, when any significant  
15 change in the protected person's assets or income occurs, or  
16 as otherwise requested by the department of human services.  
17 Written reports shall be provided to the department of human  
18 services office for the county in which the protected person  
19 resides or the office in which the protected person's medical  
20 assistance is administered.

21 Sec. 18. Section 633.675, subsections 2 and 3, Code 2021,  
22 are amended to read as follows:

23 2. The court shall terminate a guardianship if it finds ~~by~~  
24 ~~clear and convincing evidence~~ that the basis for appointing a  
25 guardian pursuant to [section 633.552](#) has not been established.

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

30 DIVISION II

31 CONFORMING CHANGES

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

34 9. *Conservator* — means a person appointed by the court  
35 to have the custody and control of the property of a ~~ward~~

1 protected person under the provisions of this probate code.

2 17. *Estate* — the real and personal property of either a  
3 decedent or a ward protected person, and may also refer to the  
4 real and personal property of a trust described in section  
5 633.10.

6 22. *Guardian* — means the person appointed by the court to  
7 have the custody of the person of the ward protected person  
8 under the provisions of this probate code.

9 23. *Guardian of the property* — at the election of the  
10 person appointed by the court to have the custody and care of  
11 the property of a ward protected person, the term “*guardian of*  
12 *the property*” may be used, which term shall be synonymous with  
13 the term “*conservator*”.

14 Sec. 20. Section 633.78, subsection 1, unnumbered paragraph  
15 1, Code 2021, is amended to read as follows:

16 A fiduciary under **this chapter** may present a written request  
17 to any person for the purpose of obtaining property owned by  
18 a decedent or by a ward protected person of a conservatorship  
19 for which the fiduciary has been appointed, or property to  
20 which a decedent or ward protected person is entitled, or  
21 for information about such property needed to perform the  
22 fiduciary’s duties. The request must contain statements  
23 confirming all of the following:

24 Sec. 21. Section 633.78, subsection 1, paragraph b, Code  
25 2021, is amended to read as follows:

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

28 Sec. 22. Section 633.78, subsection 4, paragraph a, Code  
29 2021, is amended to read as follows:

30 *a.* Damages sustained by the decedent’s or ward’s protected  
31 person’s estate.

32 Sec. 23. Section 633.80, Code 2021, is amended to read as  
33 follows:

34 **633.80 Fiduciary of a fiduciary.**

35 A fiduciary has no authority to act in a matter wherein the

1 fiduciary's decedent or ~~ward~~ protected person was merely a  
2 fiduciary, except that the fiduciary shall file a report and  
3 accounting on behalf of the decedent or ~~ward~~ protected person  
4 in said matter.

5 Sec. 24. Section 633.93, Code 2021, is amended to read as  
6 follows:

7 **633.93 Limitation on actions affecting deeds.**

8 No action for recovery of any real estate sold by any  
9 fiduciary can be maintained by any person claiming under the  
10 deceased, the ~~ward~~ protected person, or a beneficiary, unless  
11 brought within five years after the date of the recording of  
12 the conveyance.

13 Sec. 25. Section 633.112, Code 2021, is amended to read as  
14 follows:

15 **633.112 Discovery of property.**

16 The court may require any person suspected of having  
17 possession of any property, including records and documents,  
18 of the decedent, ~~ward~~ protected person, or the estate, or of  
19 having had such property under the person's control, to appear  
20 and submit to an examination under oath touching such matters,  
21 and if on such examination it appears that the person has the  
22 wrongful possession of any such property, the court may order  
23 the delivery thereof to the fiduciary. Such a person shall be  
24 liable to the estate for all damages caused by the person's  
25 acts.

26 Sec. 26. Section 633.123, subsection 1, paragraph b,  
27 subparagraph (3), Code 2021, is amended to read as follows:

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

30 Sec. 27. Section 633.580, subsections 1 and 4, Code 2021,  
31 are amended to read as follows:

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

34 4. A general description of the property of the proposed  
35 ~~ward~~ protected person within this state and of the proposed

1 ~~ward's~~ protected person's right to receive property; also, the  
2 estimated present value of the real estate, the estimated value  
3 of the personal property, and the estimated gross annual income  
4 of the estate. If any money is payable, or to become payable,  
5 to the proposed ~~ward~~ protected person by the United States  
6 through the United States department of veterans affairs, the  
7 petition shall so state.

8 Sec. 28. Section 633.591A, Code 2021, is amended to read as  
9 follows:

10 **633.591A Voluntary petition for appointment of conservator**  
11 **for a minor — standby basis.**

12 A person having physical and legal custody of a minor  
13 may execute a verified petition for the appointment of a  
14 standby conservator of the proposed ~~ward's~~ protected person's  
15 property, upon the express condition that the petition shall  
16 be acted upon by the court only upon the occurrence of an event  
17 specified or the existence of a described condition of the  
18 mental or physical health of the petitioner, the occurrence  
19 of which event, or the existence of which condition, shall be  
20 established in the manner directed in the petition.

21 Sec. 29. Section 633.603, Code 2021, is amended to read as  
22 follows:

23 **633.603 Appointment of foreign conservators.**

24 When there is no conservatorship, nor any application  
25 therefor pending, in this state, the duly qualified foreign  
26 conservator or guardian of a nonresident ~~ward~~ protected  
27 person may, upon application, be appointed conservator of the  
28 property of such person in this state; provided that a resident  
29 conservator is appointed to serve with the foreign conservator;  
30 and provided further, that for good cause shown, the court  
31 may appoint the foreign conservator to act alone without the  
32 appointment of a resident conservator.

33 Sec. 30. Section 633.604, Code 2021, is amended to read as  
34 follows:

35 **633.604 Application.**

1 The application for appointment of a foreign conservator  
2 or guardian as conservator in this state shall include the  
3 name and address of the nonresident ~~ward~~ protected person, and  
4 of the nonresident conservator or guardian, and the name and  
5 address of the resident conservator to be appointed. It shall  
6 be accompanied by a certified copy of the original letters  
7 or other authority conferring the power upon the foreign  
8 conservator or guardian to act as such. The application  
9 shall also state the cause for the appointment of the foreign  
10 conservator to act as sole conservator, if such be the case.

11 Sec. 31. Section 633.605, Code 2021, is amended to read as  
12 follows:

13 **633.605 Personal property.**

14 A foreign conservator or guardian of a nonresident may  
15 be authorized by the court of the county wherein such ~~ward~~  
16 protected person has personal property to receive the same upon  
17 compliance with the provisions of [sections 633.606, 633.607](#) and  
18 633.608.

19 Sec. 32. Section 633.607, Code 2021, is amended to read as  
20 follows:

21 **633.607 Order for delivery.**

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

26 Sec. 33. Section 633.633, Code 2021, is amended to read as  
27 follows:

28 **633.633 Provisions applicable to all fiduciaries shall**  
29 **govern.**

30 The provisions of this probate code applicable to all  
31 fiduciaries shall govern the appointment, qualification, oath  
32 and bond of guardians and conservators, except that a guardian  
33 shall not be required to give bond unless the court, for good  
34 cause, finds that the best interests of the ~~ward~~ protected  
35 person require a bond. The court shall then fix the terms and

1 conditions of such bond.

2 Sec. 34. Section 633.633B, Code 2021, is amended to read as  
3 follows:

4 **633.633B Tort liability of guardians and conservators.**

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

8 Sec. 35. Section 633.636, Code 2021, is amended to read as  
9 follows:

10 **633.636 Effect of appointment of guardian or conservator.**

11 The appointment of a guardian or conservator shall not  
12 constitute an adjudication that the ward protected person is of  
13 unsound mind.

14 Sec. 36. Section 633.637, Code 2021, is amended to read as  
15 follows:

16 **633.637 Powers of ward protected person.**

17 1. A ward protected person for whom a conservator has been  
18 appointed shall not have the power to convey, encumber, or  
19 dispose of property in any manner, other than by will if the  
20 ward protected person possesses the requisite testamentary  
21 capacity, unless the court determines that the ward protected  
22 person has a limited ability to handle the ward's protected  
23 person's own funds. If the court makes such a finding, the  
24 court shall specify to what extent the ward protected person  
25 may possess and use the ward's protected person's own funds.

26 2. Any modification of the powers of the ward protected  
27 person that would be more restrictive of the ward's protected  
28 person's control over the ward's protected person's financial  
29 affairs shall be based upon clear and convincing evidence  
30 and the burden of persuasion is on the conservator. Any  
31 modification that would be less restrictive of the ward's  
32 protected person's control over the ward's protected person's  
33 financial affairs shall be based upon proof in accordance with  
34 the requirements of [section 633.675](#).

35 Sec. 37. Section 633.637A, Code 2021, is amended to read as

1 follows:

2 **633.637A Rights of ward protected person under guardianship.**

3 An adult ward protected person under a guardianship has the  
4 right of communication, visitation, or interaction with other  
5 persons upon the consent of the adult ward protected person,  
6 subject to [section 633.635, subsection 2](#), paragraph "i", and  
7 [section 633.635, subsection 3, paragraph "c"](#). If an adult ward  
8 protected person is unable to give express consent to such  
9 communication, visitation, or interaction with a person due  
10 to a physical or mental condition, consent of an adult ward  
11 protected person may be presumed by a guardian or a court based  
12 on an adult ward's protected person's prior relationship with  
13 such person.

14 Sec. 38. Section 633.638, Code 2021, is amended to read as  
15 follows:

16 **633.638 Presumption of fraud.**

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

22 Sec. 39. Section 633.639, Code 2021, is amended to read as  
23 follows:

24 **633.639 Title to ward's protected person's property.**

25 The title to all property of the ward protected person is  
26 in the ward protected person and not the conservator subject,  
27 however, to the possession of the conservator and to the  
28 control of the court for the purposes of administration,  
29 sale or other disposition, under the provisions of the  
30 law. Any real property titled at any time in the name of a  
31 conservatorship shall be deemed to be titled in the ward's  
32 protected person's name subject to the conservator's right of  
33 possession.

34 Sec. 40. Section 633.640, Code 2021, is amended to read as  
35 follows:

1       **633.640 Conservator's right to possession.**

2       Every conservator shall have a right to, and shall take,  
3 possession of all of the real and personal property of the  
4 ~~ward~~ protected person. The conservator shall pay the taxes  
5 and collect the income therefrom until the conservatorship is  
6 terminated. The conservator may maintain an action for the  
7 possession of the property, and to determine the title to the  
8 same.

9       Sec. 41. Section 633.643, Code 2021, is amended to read as  
10 follows:

11       **633.643 Disposal of will by conservator.**

12       When an instrument purporting to be the will of the ~~ward~~  
13 protected person comes into the hands of a conservator, the  
14 conservator shall immediately deliver it to the court.

15       Sec. 42. Section 633.644, Code 2021, is amended to read as  
16 follows:

17       **633.644 Court order to preserve testamentary intent of ~~ward~~**  
18 **protected person.**

19       Upon receiving an instrument purporting to be the will of a  
20 living ~~ward~~ protected person under the provisions of section  
21 633.643, the court may open said will and read it. The court  
22 with or without notice, as it may determine, may enter such  
23 orders in the conservatorship as it deems advisable for the  
24 proper administration of the conservatorship in light of the  
25 expressed testamentary intent of the ~~ward~~ protected person.

26       Sec. 43. Section 633.645, Code 2021, is amended to read as  
27 follows:

28       **633.645 Court to deliver will to clerk.**

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

34       Sec. 44. Section 633.653A, Code 2021, is amended to read as  
35 follows:



1       **633.653A Claims for cost of medical care or services.**

2       The provision of medical care or services to a ward protected  
3 person who is a recipient of medical assistance under chapter  
4 249A creates a claim against the conservatorship for the amount  
5 owed to the provider under the medical assistance program for  
6 the care or services. The amount of the claim, after being  
7 allowed or established as provided in this part, shall be paid  
8 by the conservator from the assets of the conservatorship.

9       Sec. 45. Section 633.654, Code 2021, is amended to read as  
10 follows:

11       **633.654 Form and verification of claims — general**  
12 **requirements.**

13       No claim shall be allowed against the estate of a ward  
14 protected person upon application of the claimant unless  
15 it shall be in writing, filed in duplicate with the clerk,  
16 stating the claimant's name and address, and describing the  
17 nature and the amount thereof, if ascertainable. It shall be  
18 accompanied by the affidavit of the claimant, or of someone for  
19 the claimant, that the amount is justly due, or if not due,  
20 when it will or may become due, that no payments have been  
21 made thereon which are not credited, and that there are no  
22 offsets to the same, to the knowledge of the affiant, except as  
23 therein stated. The duplicate of said claim shall be mailed  
24 by the clerk to the conservator or the conservator's attorney  
25 of record; however, valid contract claims arising in the  
26 ordinary course of the conduct of the business or affairs of  
27 the ward protected person by the conservator may be paid by the  
28 conservator without requiring affidavit or filing.

29       Sec. 46. Section 633.656, Code 2021, is amended to read as  
30 follows:

31       **633.656 How claim entitled.**

32       All claims filed against the estate of the ward protected  
33 person shall be entitled in the name of the claimant against  
34 the conservator as such, naming the conservator, and in all  
35 further proceedings thereon, this title shall be preserved.

1     Sec. 47. Section 633.660, Code 2021, is amended to read as  
2 follows:

3     **633.660 Execution and levy prohibited.**

4     No execution shall issue upon, nor shall any levy be made  
5 against, any property of the estate of a ward protected person  
6 under any judgment against the ward protected person or a  
7 conservator, but the provisions of **this section** shall not be so  
8 construed as to prevent the enforcement of a mortgage, pledge,  
9 or other lien upon property in an appropriate proceeding.

10    Sec. 48. Section 633.661, Code 2021, is amended to read as  
11 follows:

12    **633.661 Claims of conservators.**

13    If the conservator is a creditor of the ward, the conservator  
14 shall file the claim as other creditors, and the court shall  
15 appoint some competent person as temporary conservator to  
16 represent the ward protected person at the hearing on the  
17 conservator's claim. The same procedure shall be followed in  
18 the case of coconservators where all such conservators are  
19 creditors of the ward protected person; but if one of the  
20 coconservators is not a creditor of the ward protected person,  
21 such disinterested conservator shall represent the ward at the  
22 hearing on any claim against the ward protected person by a  
23 coconservator.

24    Sec. 49. Section 633.662, Code 2021, is amended to read as  
25 follows:

26    **633.662 Claims not filed.**

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

31    Sec. 50. Section 633.664, Code 2021, is amended to read as  
32 follows:

33    **633.664 Liens not affected by failure to file claim.**

34    Nothing in **sections 633.654** and **633.658** shall affect or  
35 prevent an action or proceeding to enforce any mortgage,

1 pledge, or other lien upon the property of the ~~ward~~ protected  
2 person.

3 Sec. 51. Section 633.665, Code 2021, is amended to read as  
4 follows:

5 **633.665 Separate actions and claims.**

6 1. Any action pending against the ~~ward~~ protected person at  
7 the time the conservator is appointed shall also be considered  
8 a claim filed in the conservatorship if notice of substitution  
9 is served on the conservator as defendant and a duplicate of  
10 the proof of service of notice of such proceeding is filed in  
11 the conservatorship proceeding.

12 2. A separate action based on a debt or other liability  
13 of the ~~ward~~ protected person may be commenced against the  
14 conservator in lieu of filing a claim in the conservatorship.  
15 Such an action shall be commenced by serving an original notice  
16 on the conservator and filing a duplicate of the proof of  
17 service of notice of such proceeding in the conservatorship  
18 proceeding. Such an action shall also be considered a claim  
19 filed in the conservatorship. Such an action may be commenced  
20 only in a county where the venue would have been proper if  
21 there were no conservatorship and the action had been commenced  
22 against the ~~ward~~ protected person.

23 Sec. 52. Section 633.667, Code 2021, is amended to read as  
24 follows:

25 **633.667 Payment of claims in insolvent conservatorships.**

26 When it appears that the assets in a conservatorship are  
27 insufficient to pay in full all the claims against such  
28 conservatorship, the conservator shall report such matter to  
29 the court, and the court shall, upon hearing, with notice to  
30 all persons who have filed claims in the conservatorship, make  
31 an order for the pro rata payment of claims giving claimants  
32 the same priority, if any, as they would have if the ~~ward~~  
33 protected person were not under conservatorship.

34 Sec. 53. Section 633.668, Code 2021, is amended to read as  
35 follows:

1       **633.668 Conservator may make gifts.**

2       For good cause shown and under order of court, a conservator  
3 may make gifts on behalf of the ward protected person out of  
4 the assets under a conservatorship to persons or religious,  
5 educational, scientific, charitable, or other nonprofit  
6 organizations to whom or to which such gifts were regularly  
7 made prior to the commencement of the conservatorship, or on  
8 a showing to the court that such gifts would benefit the ward  
9 protected person or the ward's protected person's estate from  
10 the standpoint of income, gift, estate or inheritance taxes.  
11 The making of gifts out of the assets must not foreseeably  
12 impair the ability to provide adequately for the best interests  
13 of the ward protected person.

14       Sec. 54. Section 633.673, Code 2021, is amended to read as  
15 follows:

16       **633.673 Court costs in guardianships.**

17       The ward protected person or the ward's protected person's  
18 estate shall be charged with the court costs of a ward's  
19 guardianship, including the guardian's fees and the fees of the  
20 attorney for the guardian. The court may, upon application,  
21 enter an order waiving payment of the court costs in indigent  
22 cases. However, if the ward protected person or ward's  
23 protected person's estate becomes financially capable of paying  
24 any waived costs, the costs shall be paid immediately.

25       Sec. 55. Section 633.676, Code 2021, is amended to read as  
26 follows:

27       **633.676 Assets exhausted.**

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

32       Sec. 56. Section 633.677, Code 2021, is amended to read as  
33 follows:

34       **633.677 Accounting to ward protected person — notice.**

35       Upon the termination of a conservatorship, the conservator

1 shall pay the costs of administration and shall render a full  
2 and complete accounting to the ward protected person or the  
3 ward's protected person's personal representative and to the  
4 court. Notice of the final report of a conservator shall be  
5 served on the ward protected person or the ward's protected  
6 person's personal representative, in accordance with section  
7 633.40, unless notice is waived. An order prescribing notice  
8 may be made before or after the filing of the final report.

9 Sec. 57. Section 633.681, Code 2021, is amended to read as  
10 follows:

11 **633.681 Assets of minor ward protected person exhausted.**

12 When the assets of a minor ward's protected person's  
13 conservatorship are exhausted or consist of personal property  
14 only of an aggregate value not in excess of twenty-five  
15 thousand dollars, the court, upon application or upon its  
16 own motion, may terminate the conservatorship. The order  
17 for termination shall direct the conservator to deliver any  
18 property remaining after the payment of allowed claims and  
19 expenses of administration to a custodian under any uniform  
20 transfers to minors Act. Such delivery shall have the same  
21 force and effect as if delivery had been made to the ward  
22 protected person after attaining majority.

23 Sec. 58. Section 633.682, Code 2021, is amended to read as  
24 follows:

25 **633.682 Discharge of conservator and release of bond.**

26 Upon settlement of the final accounting of a conservator,  
27 and upon determining that the property of the ward protected  
28 person has been delivered to the person or persons lawfully  
29 entitled thereto, the court shall discharge the conservator and  
30 exonerate the surety on the conservator's bond.

31 **EXPLANATION**

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

34 This bill relates to the administration of adult  
35 guardianships and adult and minor conservatorships.

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

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

7 The bill allows a district court conducting checks of the  
8 dependent adult abuse registry for all proposed guardians and  
9 conservators pursuant to Code section 633.564 to have access  
10 to dependent adult abuse information other than unfounded  
11 dependent adult abuse information.

12 The bill provides that the petition for guardianship shall  
13 list the name and address of the following: the respondent,  
14 the petitioner and the petitioner's relationship to the  
15 respondent, the proposed guardian or conservator and the  
16 reason why the person should be selected, and any adult who  
17 has had primary care of the respondent or any institution or  
18 facility where the respondent resided any time during the six  
19 months immediately preceding the filing of the petition. The  
20 petition for guardianship shall provide a brief description of  
21 the respondent's alleged functional limitations that make a  
22 guardianship necessary.

23 The bill provides that a court visitor will be discharged  
24 upon the appointment of a guardian or conservator unless  
25 ordered by the court to continue.

26 The bill provides that the court shall not order a  
27 professional evaluation of the respondent if the petition is  
28 for opening a conservatorship for a minor.

29 The bill changes the requirements of the background checks  
30 for a proposed guardian. Previously, the proposed guardian  
31 could use background checks from the past 12 months prior to  
32 filing the petition. The bill changes that time frame to six  
33 months and adds that the background check needs to have been  
34 provided to the court.

35 The court may share the results of the background checks

1 with the respondent, the respondent's attorney, the protected  
2 person's attorney, and the proposed guardian or conservator.

3 The bill provides that a person authorized under Code  
4 section 633.556 (petition for appointment of guardian or  
5 conservator for an adult) or Code section 633.557 (petition for  
6 appointment of a conservator for a minor) file an emergency  
7 appointment of temporary guardian or conservatorship petition.  
8 The application shall include the name and address of the  
9 respondent, the petitioner and the petitioner's relationship  
10 to the respondent, the name and address of the proposed  
11 guardian or conservator and the reason the proposed guardian  
12 or conservator should be selected, and the names and addresses  
13 of any other person who must be named in the petition for  
14 appointment pursuant to Code section 633.556 or Code section  
15 633.557. The bill provides that an ex parte order may be  
16 entered if the court finds that it is necessary to avoid  
17 immediate or irreparable harm to the respondent before a  
18 hearing with notice to the respondent can be held.

19 The bill enacts new Code section 633.640A, which provides  
20 the powers of a conservator upon appointment. The bill  
21 provides that an order appointing a conservator shall state  
22 the basis for the conservatorship, and upon appointment  
23 the conservator may exercise the powers relating to all  
24 fiduciaries, unless expressly modified by the court, without  
25 prior court approval. These powers include but are not  
26 limited to the following: making written requests for the  
27 purpose of obtaining the property of the protected person or  
28 obtaining information about the property of the protected  
29 person; designating and employing an attorney to assist in  
30 the administration of the estate of the protected person;  
31 holding investments in the name of a bank or trustee company;  
32 and requiring a bank to show ownership of investments held in  
33 nominee name and keep them separate from the assets of the  
34 bank. The bill further provides that until the conservator  
35 files and the court approves an initial financial management

1 plan, the conservator may exercise the following powers without  
2 court approval except as otherwise ordered by the court:  
3 collect, receive, and receipt for any principal or income of  
4 the protected person; receive property of the protected person  
5 from any source; and continue to hold any investment or other  
6 property of the protected person. The bill also provides that  
7 the clerk of the court shall issue letters of appointment upon  
8 the filing of an appropriate oath by the conservator and a  
9 copy of the initial order of the court and any future order,  
10 granting or limiting the authority of the conservator to act  
11 on behalf of the protected person, shall be attached to the  
12 letters of appointment.

13 The bill amends the information required to be contained in  
14 a guardian's written verified reports including the initial  
15 care plan and annual reports, and information required to be  
16 included in reports by conservators including the initial  
17 financial management plan, including an inventory of the  
18 protected person's assets and debts, the annual report, and the  
19 final report.

20 The bill amends reporting requirements for guardians, and  
21 requires that guardians must obtain court approval prior to any  
22 significant deviation from the initial care plan filed with the  
23 court.

24 The bill amends reporting requirements for conservators.  
25 The conservator must give notice of filing a plan, and if no  
26 objection is made within 20 days, the conservator must submit  
27 a proposed order to the court approving the initial plan. If  
28 there are objections to the plan, the court must set the matter  
29 for hearing.

30 The bill makes conforming changes to the probate code by  
31 changing the term "ward" to "protected person".