

**Senate Study Bill 1146 - Introduced**

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

**A BILL FOR**

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

DIVISION I

MINOR GUARDIANSHIPS

1  
2  
3 Section 1. Section 232D.103, Code 2023, is amended to read  
4 as follows:

5 **232D.103 Jurisdiction.**

6 The juvenile court has exclusive jurisdiction in a  
7 guardianship proceeding ~~concerning a minor who is alleged to~~  
8 ~~be in need of a guardianship~~ for appointment of a guardian for  
9 a minor and in a proceeding concerning the guardianship of a  
10 minor.

11 Sec. 2. Section 232D.301, subsection 4, Code 2023, is  
12 amended to read as follows:

13 4. The petition shall state whether a limited guardianship  
14 is appropriate, and whether a conservatorship for the minor is  
15 already in existence.

16 Sec. 3. Section 232D.302, subsection 2, Code 2023, is  
17 amended to read as follows:

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

25 Sec. 4. Section 232D.305, subsection 1, Code 2023, is  
26 amended to read as follows:

27 1. The court may appoint a court visitor for the minor in a  
28 proceeding for the appointment of a guardian for a minor.

29 Sec. 5. Section 232D.305, Code 2023, is amended by adding  
30 the following new subsection:

31 NEW SUBSECTION. 6. The court may order a court visitor to  
32 continue to serve if the court determines continued service  
33 would be in the best interest of the minor. If the court  
34 continues the services of the court visitor, the court may  
35 limit the direct duties of the court visitor as the court deems

1 necessary in which case the court visitor shall thereafter  
2 continue to serve until discharged by the court. If the  
3 court does not order the court visitor to continue, the order  
4 appointing the guardian shall discharge the court visitor.

5 Sec. 6. Section 232D.306, Code 2023, is amended by adding  
6 the following new subsection:

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

9 Sec. 7. Section 232D.309, Code 2023, is amended by adding  
10 the following new subsections:

11 NEW SUBSECTION. 8. The court may order an extension of  
12 the temporary guardianship for thirty days for good cause  
13 shown, including a showing that a hearing on a petition for a  
14 guardianship under section 232D.301 cannot be scheduled within  
15 thirty days after the order for a temporary guardianship is  
16 issued. Prior to or contemporaneously with the filing for an  
17 application for the extension of time, the guardian shall file  
18 a report with the court setting forth all of the following:

19 a. All actions conducted by the guardian on behalf of the  
20 minor from the time of the initial appointment of the guardian  
21 up to the time of the report.

22 b. All actions that the guardian plans to conduct on behalf  
23 of the minor during the thirty-day extension period.

24 NEW SUBSECTION. 9. The temporary guardian shall submit any  
25 other report the court requires.

26 Sec. 8. Section 232D.401, subsection 3, unnumbered  
27 paragraph 1, Code 2023, is amended to read as follows:

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



1 court visitor as the court deems necessary. The court visitor  
2 shall thereafter continue to serve until discharged by the  
3 court.

4 Sec. 14. Section 633.564, subsection 1, Code 2023, is  
5 amended to read as follows:

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

14 Sec. 15. Section 633.569, subsections 1, 2, and 3, Code  
15 2023, are amended to read as follows:

16 1. A person authorized to file a petition under section  
17 ~~633.552, 633.553, or 633.554~~ 633.556 or 633.557 may file an  
18 application for the emergency appointment of a temporary  
19 guardian or conservator.

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

21 a. The name and address of the respondent.

22 b. The name and address of the petitioner and the  
23 petitioner's relationship to the respondent.

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

27 d. The names and addresses, to the extent known, of any  
28 other persons who must be named in the petition for the  
29 appointment of a guardian or conservator under section 633.556  
30 or 633.557.

31 ~~e.~~ e. The reason the emergency appointment of a temporary  
32 guardian or conservator is sought.

33 3. The court may enter an ex parte order appointing a  
34 temporary guardian or conservator on an emergency basis under  
35 this section if the court finds that all of the following

1 conditions are met:

2     *a.* There is not sufficient time to file a petition and hold  
3 a hearing pursuant to ~~section 633.552, 633.553, or 633.554~~  
4 633.556, 633.557, or 633.560.

5     *b.* The appointment of a temporary guardian or conservator  
6 is necessary to avoid immediate or irreparable harm to the  
7 respondent before a hearing with notice to the respondent can  
8 be held.

9     *c.* There is reason to believe that the basis for appointment  
10 of guardian or conservator exists under ~~section 633.552,~~  
11 ~~633.553, or 633.554~~ 633.556 or 633.557.

12     Sec. 16. Section 633.569, Code 2023, is amended by adding  
13 the following new subsections:

14     NEW SUBSECTION. 8. The court may order an extension of  
15 the temporary guardianship or conservatorship for thirty days  
16 for good cause shown, including a showing that a hearing on a  
17 petition for a guardianship or conservatorship under section  
18 633.556 or 633.557 cannot be scheduled within thirty days after  
19 the order for a temporary guardianship or conservatorship is  
20 issued. Prior to or contemporaneously with the filing for  
21 an application for the extension of time, the guardian or  
22 conservator shall file a report with the court setting forth  
23 all of the following:

24     *a.* All actions conducted by the guardian or conservator on  
25 behalf of the protected person from the time of the initial  
26 appointment of the guardian up to the time of the report.

27     *b.* All actions that the guardian or conservator plans to  
28 conduct on behalf of the protected person during the thirty-day  
29 extension period.

30     NEW SUBSECTION. 9. The temporary guardian or conservator  
31 shall submit any other report the court requires.

32     Sec. 17. Section 633.570, subsections 1 and 2, Code 2023,  
33 are amended to read as follows:

34     1. In a proceeding for the appointment of a guardian, the  
35 respondent shall be given written notice which advises the

1 respondent ~~of the powers that the court may grant~~ a guardian  
2 ~~may exercise without court approval pursuant to the powers set~~  
3 ~~out in section 633.635, subsection 2,~~ and the powers that the  
4 guardian may exercise only with court approval pursuant to set  
5 out in section 633.635, subsection 3.

6 2. In a proceeding for the appointment of a conservator,  
7 the respondent shall be given written notice which advises the  
8 respondent ~~of the powers that the court may grant~~ a conservator  
9 ~~may exercise without court approval pursuant to section 633.646~~  
10 ~~and the powers that the conservator may exercise only with~~  
11 ~~court approval pursuant to section 633.647~~ the powers set out  
12 in section 633.642.

13 Sec. 18. Section 633.635, subsection 1, Code 2023, is  
14 amended to read as follows:

15 1. The order by the court appointing a guardian shall state  
16 the factual basis for the guardianship pursuant to section  
17 633.552 and the date on which the first reporting period for  
18 the guardianship shall end.

19 Sec. 19. Section 633.635, subsection 2, unnumbered  
20 paragraph 1, Code 2023, is amended to read as follows:

21 ~~Based upon the evidence produced at the hearing~~ An order by  
22 the court appointing a guardian for an adult shall state the  
23 powers granted to the guardian until such time as the guardian  
24 files an initial care plan and such plan is approved by the  
25 court as required by section 633.669. Except as otherwise  
26 limited by an order appointing a guardian for an adult, the  
27 court 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. 20. Section 633.635, subsection 3, unnumbered  
31 paragraph 1, Code 2023, 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. 21. Section 633.641, subsection 3, Code 2023, is

1 amended to read as follows:

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 section 633B.108.

6 Sec. 22. Section 633.642, Code 2023, is amended by striking  
7 the section and inserting in lieu thereof the following:

8 **633.642 Powers of conservator.**

9 1. An order by the court appointing a conservator shall  
10 state the basis for the conservatorship pursuant to section  
11 633.553 or section 633.554.

12 2. Upon appointment by the court, and until such time as the  
13 conservator files an initial financial management plan and such  
14 plan is approved by the court as required by section 633.670,  
15 subsection 1, a conservator has the authority to exercise all  
16 powers applicable to fiduciaries pursuant to sections 633.63  
17 through 633.162, unless expressly modified by the court.

18 3. In the order approving an initial financial management  
19 plan or an annual report, the court shall approve and set forth  
20 the specific powers of a conservator, which may be thereafter  
21 exercised by the conservator until further court order.

22 4. Upon the filing of an appropriate oath by the  
23 conservator, the clerk of court shall issue letters of  
24 appointment. A copy of the initial order of the court shall  
25 be attached to the letters of appointment. Upon approval of  
26 an initial financial management plan, approval of an annual  
27 report, or further order of the court granting, modifying,  
28 limiting, or terminating powers of the conservator, the clerk  
29 of court shall issue new letters of appointment which shall  
30 reflect all powers thereafter held by the conservator.

31 Sec. 23. Section 633.669, subsection 1, Code 2023, is  
32 amended to read as follows:

33 1. A guardian appointed by the court under [this chapter](#)  
34 shall file with the court the following ~~written~~ verified  
35 reports which shall not be waived by the court:

1 a. The plan must be based on the needs of the protected  
2 person and take into account the best interest of the protected  
3 person as well as the protected person's preference, values,  
4 and prior directions to the extent known to, or reasonably  
5 ascertainable by, the guardian.

6 ~~a.~~ b. An initial care plan filed within sixty days of  
7 appointment. The information in the initial care plan shall  
8 include but not be limited to the following information:

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

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

13 (3) ~~The~~ If applicable, the protected person's health status  
14 and health care needs, and the guardian's plan for meeting the  
15 protected person's needs for medical, dental, and other health  
16 care needs.

17 (4) Whether the protected person has a living will or health  
18 care power of attorney.

19 ~~(4)~~ (5) If applicable, the guardian's plan for other  
20 professional services needed by the protected person.

21 ~~(5)~~ (6) If applicable, the guardian's plan for meeting the  
22 educational, training, and vocational needs of the protected  
23 person.

24 ~~(6)~~ (7) If applicable, the guardian's plan for facilitating  
25 the participation of the protected person in social activities.

26 ~~(7)~~ (8) The guardian's plan for facilitating contacts  
27 between the protected person and the protected person's family  
28 members and other ~~significant~~ persons significant in the life  
29 of the protected person.

30 ~~(8)~~ (9) The guardian's plan for contact with, and  
31 activities on behalf of, the protected person.

32 (10) The powers that the guardian requests to carry out the  
33 initial care plan.

34 ~~b.~~ c. An annual report, filed within sixty days of the  
35 close of the reporting period, unless the court otherwise

1 orders on good cause shown. The information in the annual  
2 report shall include but not be limited to the following  
3 information:

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

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

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

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

12 (b) ~~If applicable, the~~ The protected person's employment  
13 status and the educational, training, and vocational services  
14 provided to the protected person.

15 (c) The guardian's facilitation of the participation of the  
16 protected person in social activities.

17 ~~(e)~~ (d) The contact of the protected person with family  
18 members and other significant persons.

19 ~~(d)~~ (e) The nature and extent of the guardian's visits  
20 with, and activities on behalf of, the protected person.

21 (4) The guardian's changes to the care plan for the  
22 protected person for the next annual reporting period.

23 (5) The powers that the guardian requests to carry out  
24 the care plan for the protected person for the next annual  
25 reporting period.

26 ~~(4)~~ (6) The guardian's recommendation as to the need for  
27 continuation of the guardianship.

28 ~~(5)~~ (7) The ability of the guardian to continue as  
29 guardian.

30 ~~(6)~~ (8) The need of the guardian for assistance in  
31 providing or arranging for the provision of the care and  
32 protection of the protected person.

33 ~~e.~~ d. A final report within thirty days of the termination  
34 of the guardianship under [section 633.675](#) unless that time is  
35 extended by the court.

1     Sec. 24. Section 633.669, Code 2023, is amended by adding  
2 the following new subsection:

3     NEW SUBSECTION. 5. If the court finds that there are  
4 reasonable grounds to believe that the guardian has committed  
5 the offense of older individual assault under section  
6 708.2D, theft against an older individual under section  
7 714.2A, consumer fraud against an older individual under  
8 section 714.16A, elder abuse under section 726.24, financial  
9 exploitation of an older individual under section 726.25,  
10 or dependent adult abuse under section 726.26, the court  
11 shall refer the matter to the appropriate county attorney for  
12 consideration of the initiation of criminal charges.

13     Sec. 25. Section 633.670, Code 2023, is amended by striking  
14 the section and inserting in lieu thereof the following:

15     **633.670 Reports by conservators.**

16     1. A conservator shall file a verified initial financial  
17 management plan for protecting, managing, investing, expending,  
18 and distributing the assets of the conservatorship estate  
19 within ninety days after appointment, which shall not be waived  
20 by the court.

21     *a.* The plan must be based on the needs of the protected  
22 person and take into account the best interest of the protected  
23 person as well as the protected person's preference, values,  
24 and prior directions to the extent known to, or reasonably  
25 ascertainable by, the conservator.

26     *b.* The plan must provide the protected person's age,  
27 residence, living arrangements, and sources of payment for  
28 living expenses.

29     *c.* When the conservator files the plan, the conservator  
30 shall file, if applicable, the protected person's will with the  
31 court clerk and the protected person's prepaid burial trust and  
32 powers of attorney shall be described.

33     *d.* The plan must include a proposed budget for the protected  
34 person and budget-related information for the next annual  
35 reporting period including the following:

1 (1) The protected person's receipts and income and  
2 the projected sources of income including, if applicable,  
3 wages, social security income, pension and retirement plan  
4 distribution, veterans' benefits, rental income, interest  
5 earnings, and dividends, and the total estimated receipts and  
6 income.

7 (2) The protected person's liabilities and debts including,  
8 if applicable, mortgage, car loans, credit card debt, federal,  
9 state, and property taxes owed, and the total estimated  
10 liabilities and debts; a list and concise explanation of  
11 any liability or debt owed by the protected person to the  
12 conservator; and a list and concise explanation of the  
13 liability of any other person for a liability of the protected  
14 person.

15 (3) The protected person's estimated expenses on a monthly  
16 and annual basis including, if applicable, nursing home or  
17 facility charge, expenses for residence, food and household  
18 expenses, utilities, household help and caregiver expenses,  
19 health services and health insurance expenses, educational and  
20 vocational expenses, personal auto and other transportation  
21 expenses, clothing expenses, personal allowance and other  
22 personal expenses, liabilities and debts, attorney fees and  
23 other professional expenses, conservator fees, and other  
24 administrative expenses.

25 e. The plan must include a list of the protected person's  
26 assets and the conservator's plan for management of these  
27 assets including, if applicable, financial accounts including  
28 checking and certificates of deposit and cash, investments  
29 including stocks, bonds, mutual funds, exchange-traded funds,  
30 individual retirement accounts and other investment accounts,  
31 pension, profit-sharing, annuities, and retirement funds,  
32 personal property including household goods and vehicles,  
33 receivables including mortgages and liens payable to the  
34 protected person's estate or trust, life insurance, and other  
35 property.

1     *f.* The plan must include the authority that the conservator  
2 requests to carry out the plan in accordance with the proposed  
3 budget for the protected person and the plan for the management  
4 of the property of the protected person for the next annual  
5 reporting period.

6     *g.* The conservator shall provide notice of the filing of  
7 the plan and a copy of the plan to the protected person, the  
8 protected person's attorney, if any, and court visitor, if any,  
9 and others as directed by the court. The notice must state  
10 that any person entitled to a copy of the plan must file any  
11 objections to the plan not later than twenty days from the date  
12 of mailing notice of filing the initial plan.

13     *h.* At least twenty days after the plan has been filed, the  
14 court shall review and determine whether the plan should be  
15 approved or revised, after considering objections filed and  
16 whether the plan is consistent with the conservator's powers  
17 and duties.

18     *i.* After approval by the court, the conservator shall  
19 provide a copy of the approved plan and order approving the  
20 plan to the protected person, the protected person's attorney,  
21 if any, and court visitor, if any, and others as directed by  
22 the court.

23     2. A conservator shall attach to the initial financial  
24 management plan an inventory of the protected person's assets  
25 within ninety days after appointment which includes an oath  
26 or affirmation that the inventory is believed to be complete  
27 and accurate as far as information permits. The conservator  
28 shall provide copies of the inventory to the protected person,  
29 the protected person's attorney, if any, and court visitor, if  
30 any, and others as directed by the court. Any objections to  
31 the inventory shall be filed in the same manner and according  
32 to the same schedule as objections to the initial financial  
33 management plan. The court shall review the inventory and  
34 determine whether the inventory should be approved at the same  
35 time as the court reviews the initial financial management

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

5 3. A conservator shall file a verified report on an annual  
6 basis for the period since the end of the preceding report  
7 period, which shall not be waived by the court.

8 a. The annual report must provide the age, the residence,  
9 the living arrangements of the protected person, and sources of  
10 payment for the protected person's living expenses during the  
11 reporting period.

12 b. The annual report must include the following income and  
13 expenditure information:

14 (1) If applicable, all income or funds received by the  
15 conservator on behalf of the protected person including the  
16 items specified in subsection 1, paragraph "d", subparagraph  
17 (1).

18 (2) If applicable, all expenditures made by the conservator  
19 on behalf of the protected person including the items,  
20 if applicable, specified in subsection 1, paragraph "d",  
21 subparagraph (3). If any of the expenditures were made  
22 to provide support for or pay the debts of another person,  
23 the annual report shall include an explanation of these  
24 expenditures. If any of the expenditures were made to pay  
25 any liability or debt owed by the protected person to the  
26 conservator, the annual report shall include an explanation of  
27 these expenditures. If any of the expenditures were made to  
28 pay any liability or debt that is also owed by another person  
29 or entity, the annual report shall include an explanation of  
30 these expenditures. If any of the expenditures were paid  
31 with the use of cash or withdrawal of cash from an account  
32 of the protected person, the annual report shall include an  
33 explanation of the use of cash or withdrawal of cash.

34 c. The annual report shall include a proposed budget and  
35 budget-related information for the next reporting period

1 containing the information specified in subsection 1, paragraph  
2 "d", and a request for approval of the proposed budget and  
3 authority to make expenditures in accordance with the proposed  
4 budget.

5 d. The annual report must include a proposed plan for  
6 management of the assets of the protected person for the next  
7 reporting period and a request for approval of the proposed  
8 plan for management of the assets of the protected person and  
9 the authority to carry out the plan.

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

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

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

18 a. Within thirty days following removal of the conservator.

19 b. Upon the conservator's filing of a resignation and before  
20 the resignation is accepted by the court.

21 c. Within sixty days following the termination of the  
22 conservatorship.

23 d. Any other time as ordered by the court.

24 5. Reports required by this section shall be provided to the  
25 veterans administration if the protected person is receiving  
26 veterans' benefits.

27 6. If the court finds that there are reasonable grounds to  
28 believe that the conservator has committed the offense of theft  
29 against an older individual under section 714.2A, consumer  
30 fraud against an older individual under section 714.16A, elder  
31 abuse under section 726.16A, financial exploitation of an older  
32 individual under section 726.25, or dependent adult abuse  
33 under section 726.26, the court shall refer the matter to the  
34 appropriate county attorney for consideration of the initiation  
35 of criminal charges.



1 persons, clients, courts, and attorneys in the orderly and  
2 expeditious handling of guardianship, conservatorship, and  
3 representative payee proceedings.

4 Sec. 30. Section 231E.3, subsection 17, Code 2023, is  
5 amended to read as follows:

6 17. ~~“Ward”~~ “Protected person” means the individual for whom  
7 a guardianship or conservatorship is established.

8 Sec. 31. Section 231E.4, subsection 3, paragraphs f and h,  
9 Code 2023, are amended to read as follows:

10 f. Develop and maintain a current listing of public and  
11 private services and programs available to assist ~~wards~~  
12 protected persons and clients, and their families, and  
13 establish and maintain relationships with public and private  
14 entities to assure the availability of effective guardianship,  
15 conservatorship, and representative payee services for ~~wards~~  
16 protected persons and clients.

17 h. Maintain statistical data on the local offices including  
18 various methods of funding, the types of services provided, and  
19 the demographics of the ~~wards~~ protected persons and clients,  
20 and report to the general assembly on or before November  
21 1, annually, regarding the local offices and recommend any  
22 appropriate legislative action.

23 Sec. 32. Section 231E.4, subsection 6, paragraph e, Code  
24 2023, is amended to read as follows:

25 e. A fee schedule. The department may establish by  
26 rule a schedule of reasonable fees for the costs of public  
27 guardianship services provided under [this chapter](#). The fee  
28 schedule established may be based upon the ability of the ~~ward~~  
29 protected person or client to pay for the services but shall  
30 not exceed the actual cost of providing the services. The  
31 state office or a local office may waive collection of a fee  
32 upon a finding that collection is not economically feasible.  
33 The rules may provide that the state office or a local office  
34 may investigate the financial status of a ~~ward~~ protected person  
35 or client that requests guardianship, conservatorship, or

1 representative payee services or for whom the state public  
2 guardian or a local public guardian has been appointed for  
3 the purpose of determining the fee to be charged by requiring  
4 the ~~ward~~ protected person or client to provide any written  
5 authorizations necessary to provide access to records of  
6 public or private sources, otherwise confidential, needed to  
7 evaluate the individual's financial eligibility. The rules  
8 may also provide that the state public guardian or a local  
9 public guardian may, upon request and without payment of fees  
10 otherwise required by law, obtain information necessary to  
11 evaluate the individual's financial eligibility from any office  
12 of the state or of a political subdivision or agency of the  
13 state that possesses public records.

14 Sec. 33. Section 231E.5, subsection 2, paragraph g,  
15 unnumbered paragraph 1, Code 2023, is amended to read as  
16 follows:

17 With regard to a proposed ~~ward~~ protected person, the local  
18 office shall do all of the following:

19 Sec. 34. Section 231E.5, subsection 2, paragraph g,  
20 subparagraphs (2), (3), and (4), Code 2023, are amended to read  
21 as follows:

22 (2) Determine whether the needs of the proposed ~~ward~~  
23 protected person require the appointment of a guardian or  
24 conservator.

25 (3) Assess the financial resources of the proposed ~~ward~~  
26 protected person based on the information supplied to the local  
27 office at the time of the determination.

28 (4) Inquire and, if appropriate, search to determine  
29 whether any other person may be willing and able to serve as  
30 the proposed ~~ward's~~ protected person's guardian or conservator.

31 Sec. 35. Section 231E.6, subsection 1, unnumbered paragraph  
32 1, Code 2023, is amended to read as follows:

33 The court may appoint on its own motion or upon petition of  
34 any person, the state office or a local office, to serve as  
35 guardian or conservator for any proposed ~~ward~~ protected person

1 in cases in which the court determines that the proceeding  
2 will establish the least restrictive form of guardianship  
3 or conservatorship services suitable for the proposed ward  
4 protected person and if the proposed ward protected person  
5 meets all of the following criteria:

6 Sec. 36. Section 231E.7, subsection 3, Code 2023, is amended  
7 to read as follows:

8 3. The best interests of the ward protected person require  
9 the intervention.

10 Sec. 37. Section 231E.8, subsections 2, 3, and 4, Code 2023,  
11 are amended to read as follows:

12 2. The state office or local office shall maintain  
13 reasonable personal contact with each ward protected person or  
14 client for whom the state office or local office is appointed  
15 or designated in order to monitor the ward's protected person's  
16 or client's care and progress.

17 3. Notwithstanding any provision of law to the contrary,  
18 the state office or local office appointed by the court may  
19 access all confidential records concerning the ward protected  
20 person for whom the state office or local office is appointed  
21 or designated, including medical records and abuse reports.

22 4. In any proceeding in which the state or a local office is  
23 appointed or is acting as guardian or conservator, the court  
24 shall waive court costs or filing fees, if the state office  
25 or local office certifies to the court that the state office  
26 or local office has waived its fees in their entirety based  
27 upon the ability of the ward protected person to pay for the  
28 services of the state office or local office.

29 Sec. 38. Section 231E.8, subsection 6, paragraphs a, b, c,  
30 and d, Code 2023, are amended to read as follows:

31 a. The ward protected person displays assaultive or  
32 aggressive behavior that causes the public guardian to fear for  
33 their personal safety.

34 b. The ward protected person refuses the services of the  
35 public guardian.

1 c. The ~~ward~~ protected person refuses to have contact with  
2 the public guardian.

3 d. The ~~ward~~ protected person moves out of Iowa.

4 Sec. 39. Section 252C.2, subsection 3, Code 2023, is amended  
5 to read as follows:

6 3. The provision of child support collection or paternity  
7 determination services under [chapter 252B](#) to an individual,  
8 even though the individual is ineligible for public assistance,  
9 creates a support debt due and owing to the individual or the  
10 individual's child or ~~ward~~ protected person by the responsible  
11 person in the amount of a support obligation established by  
12 court order or by the administrator. The administrator may  
13 establish a support debt in favor of the individual or the  
14 individual's child or ~~ward~~ protected person and against the  
15 responsible person, both as to amounts accrued and accruing,  
16 pursuant to [section 598.21B](#).

17 Sec. 40. Section 282.2, Code 2023, is amended to read as  
18 follows:

19 **282.2 Offsetting tax.**

20 The parent or guardian whose child or ~~ward~~ protected person  
21 attends school in a district of which the parent or guardian is  
22 not a resident shall be allowed to deduct the amount of school  
23 tax paid by the parent or guardian in said district from the  
24 amount of tuition required to be paid.

25 Sec. 41. Section 321.198, subsection 2, Code 2023, is  
26 amended to read as follows:

27 2. The provisions of [this section](#) shall also apply to the  
28 spouse and children, or ~~ward~~ protected person, of military  
29 personnel when such spouse, children, or ~~ward~~ protected person  
30 are living with the military personnel described in subsection  
31 1 outside of the state of Iowa and provided that such extension  
32 of license does not exceed five years.

33 Sec. 42. Section 321.219, subsection 1, Code 2023, is  
34 amended to read as follows:

35 1. A person shall not cause or knowingly permit the person's

1 child or ~~ward~~ protected person under the age of eighteen years  
2 to drive a motor vehicle upon any highway when the minor is not  
3 authorized under [this chapter](#).

4 Sec. 43. Section 563.12, Code 2023, is amended to read as  
5 follows:

6 **563.12 Special agreements — evidence.**

7 This chapter shall not prevent adjoining proprietors from  
8 entering into special agreements about walls on the lines  
9 between them, but no evidence thereof shall be competent unless  
10 in writing, signed by the parties thereto or their lawfully  
11 authorized agents, or the guardian of either, if a minor,  
12 who shall have full authority to act for the guardian's ~~ward~~  
13 protected person in all matters relating to walls in common  
14 without an order of court therefor.

15 Sec. 44. Section 587.4, Code 2023, is amended to read as  
16 follows:

17 **587.4 Decrees for sale of real estate by guardian.**

18 In all cases where decrees and orders of court have been  
19 obtained for the sale of real estate by a guardian prior to  
20 January 1, 1969, where the original notice shows that service  
21 of notice pertaining to the sale of such real estate was made  
22 on the minor or ~~ward~~ protected person outside of the state  
23 of Iowa, such services of notices are hereby legalized. All  
24 decrees so obtained as aforesaid are hereby legalized and held  
25 to have the same force and effect as though the service of such  
26 original notice had been made on the minor or ~~ward~~ protected  
27 person within the state of Iowa.

28 Sec. 45. Section 595.3, subsection 5, Code 2023, is amended  
29 to read as follows:

30 5. Where either party is a ~~ward~~ protected person under  
31 a guardianship and the court has made a finding that the  
32 ~~ward~~ protected person lacks the capacity to contract a valid  
33 marriage.

34 Sec. 46. Section 598.29, subsection 4, Code 2023, is amended  
35 to read as follows:

1 4. Where either party was a ward protected person under a  
2 guardianship and was found by the court to lack the capacity  
3 to contract a valid marriage.

4 Sec. 47. Section 633.3, subsections 9, 17, 22, and 23, Code  
5 2023, are amended to read as follows:

6 9. "*Conservator*" means a person appointed by the court  
7 to have the custody and control of the property of a ward  
8 protected person under the provisions of this probate code.

9 17. "*Estate*" means the real and personal property of either  
10 a decedent or a ward protected person, and may also refer to  
11 the real and personal property of a trust described in section  
12 633.10.

13 22. "*Guardian*" means the person appointed by the court to  
14 have the custody of the person of the ward protected person  
15 under the provisions of this probate code.

16 23. "*Guardian of the property*" — at the election of the  
17 person appointed by the court to have the custody and care of  
18 the property of a ward protected person, the term "*guardian of*  
19 *the property*" may be used, which term shall be synonymous with  
20 the term "*conservator*".

21 Sec. 48. Section 633.78, subsection 1, unnumbered paragraph  
22 1, Code 2023, is amended to read as follows:

23 A fiduciary under [this chapter](#) may present a written request  
24 to any person for the purpose of obtaining property owned by  
25 a decedent or by a ward protected person of a conservatorship  
26 for which the fiduciary has been appointed, or property to  
27 which a decedent or ward protected person is entitled, or  
28 for information about such property needed to perform the  
29 fiduciary's duties. The request must contain statements  
30 confirming all of the following:

31 Sec. 49. Section 633.78, subsection 1, paragraph b, Code  
32 2023, is amended to read as follows:

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

35 Sec. 50. Section 633.78, subsection 4, paragraph a, Code

1 2023, is amended to read as follows:

2 a. Damages sustained by the decedent's or ~~ward's~~ protected  
3 person's estate.

4 Sec. 51. Section 633.80, Code 2023, is amended to read as  
5 follows:

6 **633.80 Fiduciary of a fiduciary.**

7 A fiduciary has no authority to act in a matter wherein the  
8 fiduciary's decedent or ~~ward~~ protected person was merely a  
9 fiduciary, except that the fiduciary shall file a report and  
10 accounting on behalf of the decedent or ~~ward~~ protected person  
11 in said matter.

12 Sec. 52. Section 633.93, Code 2023, is amended to read as  
13 follows:

14 **633.93 Limitation on actions affecting deeds.**

15 No action for recovery of any real estate sold by any  
16 fiduciary can be maintained by any person claiming under the  
17 deceased, the ~~ward~~ protected person, or a beneficiary, unless  
18 brought within five years after the date of the recording of  
19 the conveyance.

20 Sec. 53. Section 633.112, Code 2023, is amended to read as  
21 follows:

22 **633.112 Discovery of property.**

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

33 Sec. 54. Section 633.123, subsection 1, paragraph b,  
34 subparagraph (3), Code 2023, is amended to read as follows:

35 (3) The needs and rights of the beneficiaries or the ~~ward~~

1 protected person.

2 Sec. 55. Section 633.580, subsections 1 and 4, Code 2023,  
3 are amended to read as follows:

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

6 4. A general description of the property of the proposed  
7 ~~ward~~ protected person within this state and of the proposed  
8 ~~ward's~~ protected person's right to receive property; also, the  
9 estimated present value of the real estate, the estimated value  
10 of the personal property, and the estimated gross annual income  
11 of the estate. If any money is payable, or to become payable,  
12 to the proposed ~~ward~~ protected person by the United States  
13 through the United States department of veterans affairs, the  
14 petition shall so state.

15 Sec. 56. Section 633.591A, Code 2023, is amended to read as  
16 follows:

17 **633.591A Voluntary petition for appointment of conservator**  
18 **for a minor — standby basis.**

19 A person having physical and legal custody of a minor  
20 may execute a verified petition for the appointment of a  
21 standby conservator of the proposed ~~ward's~~ protected person's  
22 property, upon the express condition that the petition shall  
23 be acted upon by the court only upon the occurrence of an event  
24 specified or the existence of a described condition of the  
25 mental or physical health of the petitioner, the occurrence  
26 of which event, or the existence of which condition, shall be  
27 established in the manner directed in the petition.

28 Sec. 57. Section 633.603, Code 2023, is amended to read as  
29 follows:

30 **633.603 Appointment of foreign conservators.**

31 When there is no conservatorship, nor any application  
32 therefor pending, in this state, the duly qualified foreign  
33 conservator or guardian of a nonresident ~~ward~~ protected  
34 person may, upon application, be appointed conservator of the  
35 property of such person in this state; provided that a resident

1 conservator is appointed to serve with the foreign conservator;  
2 and provided further, that for good cause shown, the court  
3 may appoint the foreign conservator to act alone without the  
4 appointment of a resident conservator.

5 Sec. 58. Section 633.604, Code 2023, is amended to read as  
6 follows:

7 **633.604 Application.**

8 The application for appointment of a foreign conservator  
9 or guardian as conservator in this state shall include the  
10 name and address of the nonresident ~~ward~~ protected person, and  
11 of the nonresident conservator or guardian, and the name and  
12 address of the resident conservator to be appointed. It shall  
13 be accompanied by a certified copy of the original letters  
14 or other authority conferring the power upon the foreign  
15 conservator or guardian to act as such. The application  
16 shall also state the cause for the appointment of the foreign  
17 conservator to act as sole conservator, if such be the case.

18 Sec. 59. Section 633.605, Code 2023, is amended to read as  
19 follows:

20 **633.605 Personal property.**

21 A foreign conservator or guardian of a nonresident may  
22 be authorized by the court of the county wherein such ~~ward~~  
23 protected person has personal property to receive the same upon  
24 compliance with the provisions of [sections 633.606](#), [633.607](#) and  
25 [633.608](#).

26 Sec. 60. Section 633.607, Code 2023, is amended to read as  
27 follows:

28 **633.607 Order for delivery.**

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

33 Sec. 61. Section 633.633, Code 2023, is amended to read as  
34 follows:

35 **633.633 Provisions applicable to all fiduciaries shall**

1 **govern.**

2 The provisions of this probate code applicable to all  
3 fiduciaries shall govern the appointment, qualification, oath  
4 and bond of guardians and conservators, except that a guardian  
5 shall not be required to give bond unless the court, for good  
6 cause, finds that the best interests of the ward protected  
7 person require a bond. The court shall then fix the terms and  
8 conditions of such bond.

9 Sec. 62. Section 633.633B, Code 2023, is amended to read as  
10 follows:

11 **633.633B Tort liability of guardians and conservators.**

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

15 Sec. 63. Section 633.636, Code 2023, is amended to read as  
16 follows:

17 **633.636 Effect of appointment of guardian or conservator.**

18 The appointment of a guardian or conservator shall not  
19 constitute an adjudication that the ward protected person is of  
20 unsound mind.

21 Sec. 64. Section 633.637, Code 2023, is amended to read as  
22 follows:

23 **633.637 Powers of ward protected person.**

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

33 2. Any modification of the powers of the ward protected  
34 person that would be more restrictive of the ward's protected  
35 person's control over the ward's protected person's financial

1 affairs shall be based upon clear and convincing evidence  
2 and the burden of persuasion is on the conservator. Any  
3 modification that would be less restrictive of the ~~ward's~~  
4 protected person's control over the ~~ward's~~ protected person's  
5 financial affairs shall be based upon proof in accordance with  
6 the requirements of [section 633.675](#).

7 Sec. 65. Section 633.637A, Code 2023, is amended to read as  
8 follows:

9 **633.637A Rights of ward protected person under guardianship.**

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

21 Sec. 66. Section 633.638, Code 2023, is amended to read as  
22 follows:

23 **633.638 Presumption of fraud.**

24 If a conservator be appointed, all contracts, transfers and  
25 gifts made by the ~~ward~~ protected person after the filing of the  
26 petition shall be presumed to be a fraud against the rights  
27 and interest of the ~~ward~~ protected person except as otherwise  
28 directed by the court pursuant to [section 633.637](#).

29 Sec. 67. Section 633.639, Code 2023, is amended to read as  
30 follows:

31 **633.639 Title to ~~ward's~~ protected person's property.**

32 The title to all property of the ~~ward~~ protected person is  
33 in the ~~ward~~ protected person and not the conservator subject,  
34 however, to the possession of the conservator and to the  
35 control of the court for the purposes of administration,

1 sale or other disposition, under the provisions of the  
2 law. Any real property titled at any time in the name of a  
3 conservatorship shall be deemed to be titled in the ~~ward's~~  
4 protected person's name subject to the conservator's right of  
5 possession.

6 Sec. 68. Section 633.640, Code 2023, is amended to read as  
7 follows:

8 **633.640 Conservator's right to possession.**

9 Every conservator shall have a right to, and shall take,  
10 possession of all of the real and personal property of the  
11 ~~ward~~ protected person. The conservator shall pay the taxes  
12 and collect the income therefrom until the conservatorship is  
13 terminated. The conservator may maintain an action for the  
14 possession of the property, and to determine the title to the  
15 same.

16 Sec. 69. Section 633.643, Code 2023, is amended to read as  
17 follows:

18 **633.643 Disposal of will by conservator.**

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

22 Sec. 70. Section 633.644, Code 2023, is amended to read as  
23 follows:

24 **633.644 Court order to preserve testamentary intent of ~~ward~~**  
25 **protected person.**

26 Upon receiving an instrument purporting to be the will of a  
27 living ~~ward~~ protected person under the provisions of section  
28 633.643, the court may open said will and read it. The court  
29 with or without notice, as it may determine, may enter such  
30 orders in the conservatorship as it deems advisable for the  
31 proper administration of the conservatorship in light of the  
32 expressed testamentary intent of the ~~ward~~ protected person.

33 Sec. 71. Section 633.645, Code 2023, is amended to read as  
34 follows:

35 **633.645 Court to deliver will to clerk.**

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

6 Sec. 72. Section 633.653A, Code 2023, is amended to read as  
7 follows:

8 **633.653A Claims for cost of medical care or services.**

9 The provision of medical care or services to a ~~ward~~ protected  
10 person who is a recipient of medical assistance under chapter  
11 249A creates a claim against the conservatorship for the amount  
12 owed to the provider under the medical assistance program for  
13 the care or services. The amount of the claim, after being  
14 allowed or established as provided in this part, shall be paid  
15 by the conservator from the assets of the conservatorship.

16 Sec. 73. Section 633.654, Code 2023, is amended to read as  
17 follows:

18 **633.654 Form and verification of claims — general**  
19 **requirements.**

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

1     Sec. 74. Section 633.656, Code 2023, is amended to read as  
2 follows:

3     **633.656 How claim entitled.**

4     All claims filed against the estate of the ~~ward~~ protected  
5 person shall be entitled in the name of the claimant against  
6 the conservator as such, naming the conservator, and in all  
7 further proceedings thereon, this title shall be preserved.

8     Sec. 75. Section 633.660, Code 2023, is amended to read as  
9 follows:

10    **633.660 Execution and levy prohibited.**

11    No execution shall issue upon, nor shall any levy be made  
12 against, any property of the estate of a ~~ward~~ protected person  
13 under any judgment against the ~~ward~~ protected person or a  
14 conservator, but the provisions of **this section** shall not be so  
15 construed as to prevent the enforcement of a mortgage, pledge,  
16 or other lien upon property in an appropriate proceeding.

17    Sec. 76. Section 633.661, Code 2023, is amended to read as  
18 follows:

19    **633.661 Claims of conservators.**

20    If the conservator is a creditor of the ~~ward~~ protected  
21 person, the conservator shall file the claim as other  
22 creditors, and the court shall appoint some competent person as  
23 temporary conservator to represent the ~~ward~~ protected person  
24 at the hearing on the conservator's claim. The same procedure  
25 shall be followed in the case of coconservators where all  
26 such conservators are creditors of the ~~ward~~ protected person;  
27 but if one of the coconservators is not a creditor of the  
28 ~~ward~~ protected person, such disinterested conservator shall  
29 represent the ~~ward~~ protected person at the hearing on any claim  
30 against the ~~ward~~ protected person by a coconservator.

31    Sec. 77. Section 633.662, Code 2023, is amended to read as  
32 follows:

33    **633.662 Claims not filed.**

34    The conservator may pay any valid claim against the estate of  
35 the ~~ward~~ protected person even though such claim has not been

1 filed, but all such payments made by the conservator shall be  
2 at the conservator's own peril.

3 Sec. 78. Section 633.664, Code 2023, is amended to read as  
4 follows:

5 **633.664 Liens not affected by failure to file claim.**

6 Nothing in [sections 633.654](#) and [633.658](#) shall affect or  
7 prevent an action or proceeding to enforce any mortgage,  
8 pledge, or other lien upon the property of the ward protected  
9 person.

10 Sec. 79. Section 633.665, Code 2023, is amended to read as  
11 follows:

12 **633.665 Separate actions and claims.**

13 1. Any action pending against the ward protected person at  
14 the time the conservator is appointed shall also be considered  
15 a claim filed in the conservatorship if notice of substitution  
16 is served on the conservator as defendant and a duplicate of  
17 the proof of service of notice of such proceeding is filed in  
18 the conservatorship proceeding.

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

30 Sec. 80. Section 633.667, Code 2023, is amended to read as  
31 follows:

32 **633.667 Payment of claims in insolvent conservatorships.**

33 When it appears that the assets in a conservatorship are  
34 insufficient to pay in full all the claims against such  
35 conservatorship, the conservator shall report such matter to

1 the court, and the court shall, upon hearing, with notice to  
2 all persons who have filed claims in the conservatorship, make  
3 an order for the pro rata payment of claims giving claimants  
4 the same priority, if any, as they would have if the ~~ward~~  
5 protected person were not under conservatorship.

6 Sec. 81. Section 633.668, Code 2023, is amended to read as  
7 follows:

8 **633.668 Conservator may make gifts.**

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

21 Sec. 82. Section 633.671, subsections 5 and 6, Code 2023,  
22 are amended to read as follows:

23 5. The residence or physical location of the ~~ward~~ protected  
24 person.

25 6. The general physical and mental condition of the ~~ward~~  
26 protected person.

27 Sec. 83. Section 633.673, Code 2023, is amended to read as  
28 follows:

29 **633.673 Court costs in guardianships.**

30 The ~~ward~~ protected person or the ~~ward's~~ protected person's  
31 estate shall be charged with the court costs of a ~~ward's~~  
32 protected person's guardianship, including the guardian's fees  
33 and the fees of the attorney for the guardian. The court  
34 may, upon application, enter an order waiving payment of the  
35 court costs in indigent cases. However, if the ~~ward~~ protected

1 person or ward's protected person's estate becomes financially  
2 capable of paying any waived costs, the costs shall be paid  
3 immediately.

4 Sec. 84. Section 633.676, Code 2023, is amended to read as  
5 follows:

6 **633.676 Assets exhausted.**

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

11 Sec. 85. Section 633.677, Code 2023, is amended to read as  
12 follows:

13 **633.677 Accounting to ward protected person — notice.**

14 Upon the termination of a conservatorship, the conservator  
15 shall pay the costs of administration and shall render a full  
16 and complete accounting to the ward protected person or the  
17 ward's protected person's personal representative and to the  
18 court. Notice of the final report of a conservator shall be  
19 served on the ward protected person or the ward's protected  
20 person's personal representative, in accordance with section  
21 633.40, unless notice is waived. An order prescribing notice  
22 may be made before or after the filing of the final report.

23 Sec. 86. Section 633.682, Code 2023, 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 Sec. 87. Section 636.23, subsection 13, Code 2023, is  
32 amended to read as follows:

33 13. *Life, endowment or annuity contracts of legal reserve*  
34 *life insurance companies authorized to do business in Iowa.* The  
35 purchase of contracts authorized by **this subsection** shall be

1 limited to executors or the successors to their powers when  
2 specifically authorized by will, and to guardians and trustees,  
3 in an amount not to exceed twenty-five percent of the value  
4 of the ~~ward's~~ protected person's property in possession of  
5 the fiduciary. Such contract may be issued on the life or  
6 lives of a ~~ward~~ protected person or ~~wards~~ protected persons or  
7 beneficiary or beneficiaries of a trust fund created by will or  
8 trust agreement, or upon the life or lives of persons in whose  
9 life or lives such ~~ward~~ protected person or beneficiary has an  
10 insurable interest. The proceeds or avails of such contract  
11 shall be the sole property of the person or persons whose funds  
12 are invested therein.

13 Sec. 88. Section 638.2, subsections 5, 15, and 27, Code  
14 2023, are amended to read as follows:

15 5. "*Conservator*" means the same as defined in [section 633.3](#).  
16 "*Conservator*" includes a person appointed to have the custody  
17 and control of the property of a ~~ward~~ protected person in a  
18 limited conservatorship unless otherwise provided by order of  
19 the court.

20 15. "*Guardian*" means the same as defined in [section 633.3](#).  
21 "*Guardian*" includes a person appointed to have the custody and  
22 care of the person of the ~~ward~~ protected person in a limited  
23 guardianship unless otherwise provided by order of the court.

24 27. "~~Ward~~" "Protected person" means an individual for whom a  
25 conservator or guardian has been appointed. "~~Ward~~" "Protected  
26 person" includes an individual for whom an application for the  
27 appointment of a conservator or guardian is pending and for  
28 which a court order authorizing access under [this chapter](#) has  
29 been granted.

30 Sec. 89. Section 638.3, subsection 1, paragraph c, Code  
31 2023, is amended to read as follows:

32 c. A conservator or guardian acting for a ~~ward~~ protected  
33 person on or after July 1, 2017.

34 Sec. 90. Section 638.14, Code 2023, is amended to read as  
35 follows:

1     **638.14 Disclosure of digital assets to conservator or**  
2 **guardian of a ward protected person.**

3     1. After an opportunity for a hearing to all interested  
4 parties, the court may grant a conservator or guardian access  
5 to the digital assets of a ward protected person.

6     2. Unless otherwise ordered by the court or directed by the  
7 user, a custodian shall disclose to a conservator or guardian  
8 the catalogue of electronic communications sent or received  
9 by a ward protected person and any digital assets, other than  
10 the content of electronic communications, in which the ward  
11 protected person has a right or interest if the conservator or  
12 guardian gives the custodian all of the following:

13     a. A written request for disclosure in physical or  
14 electronic form.

15     b. A file-stamped copy of the court order that gives the  
16 conservator or guardian authority over the digital assets of  
17 the ward protected person.

18     c. If requested by the custodian, any of the following:

19         (1) A number, username, address, or other unique subscriber  
20 or account identifier assigned by the custodian to identify the  
21 account of the ward protected person.

22         (2) Evidence linking the account to the ward protected  
23 person.

24     3. If the conservatorship or guardianship is not limited,  
25 the conservator or guardian may request a custodian of the  
26 digital assets of the ward protected person to suspend or  
27 terminate an account of the ward protected person for good  
28 cause. A request made under [this section](#) must be accompanied  
29 by a file-stamped copy of the court order establishing the  
30 conservatorship or guardianship.

31     Sec. 91. Section 638.15, subsections 3, 4, and 5, Code 2023,  
32 are amended to read as follows:

33     3. A fiduciary with authority over the property of a  
34 decedent, ward protected person, principal, or settlor has  
35 the right to access any digital asset in which the decedent,

1 ~~ward~~ protected person, principal, or settlor had a right or  
2 interest and that is not held by a custodian or subject to a  
3 terms-of-service agreement.

4 4. A fiduciary acting within the scope of the fiduciary's  
5 duties is an authorized user of the property of the decedent,  
6 ~~ward~~ protected person, principal, or settlor for the purpose  
7 of applicable computer-fraud and unauthorized-computer-access  
8 laws, including [section 716.6B](#).

9 5. A fiduciary with authority over the tangible, personal  
10 property of a decedent, ~~ward~~ protected person, principal, or  
11 settlor possesses all of the following authority:

12 a. Has the right to access the property and any digital  
13 asset stored in the property.

14 b. Is an authorized user for the purpose of computer-fraud  
15 and unauthorized-computer-access laws, including [section](#)  
16 [716.6B](#).

17 Sec. 92. Section 692A.113, subsection 2, paragraph b, Code  
18 2023, is amended to read as follows:

19 b. Who is the parent or legal guardian of a minor shall not  
20 be in violation of [subsection 1](#) solely during the period of  
21 time reasonably necessary to transport the offender's own minor  
22 child or ~~ward~~ protected person to or from a place specified in  
23 subsection 1.

24 Sec. 93. Section 692A.114, subsection 3, paragraph f, Code  
25 2023, is amended to read as follows:

26 f. The sex offender is a ~~ward~~ protected person in a  
27 guardianship, and a district judge or associate probate judge  
28 grants an exemption from the residency restriction.

29 Sec. 94. Section 726.5, subsection 1, Code 2023, is amended  
30 to read as follows:

31 1. a. A person, who being able to do so, fails or refuses  
32 to provide support for the person's child or ~~ward~~ protected  
33 person under the age of eighteen years for a period longer than  
34 one year or in an amount greater than five thousand dollars  
35 commits the offense of nonsupport.



1 cause shown. A guardian or conservator shall file either prior  
2 to or along with the application for an extension of time a  
3 report with the court providing all the actions conducted on  
4 behalf of the minor or protected person and all future actions  
5 the guardian or conservator plans to conduct on behalf of the  
6 minor or protected person during the extension period.

7 The bill requires a temporary guardian to submit any report  
8 required by the court. The bill provides that a court order  
9 appointing a guardian for a minor shall state powers granted  
10 to the guardian until the guardian files the initial care plan  
11 and the plan is approved by the court. The bill strikes a  
12 reference to "without prior court approval" in a Code section  
13 listing powers a court may grant to a guardian. The bill also  
14 directs that the initial care plan must include the guardian's  
15 plan for applying for and receiving funds and benefits for the  
16 support of the minor.

17 The bill allows a district court conducting checks of the  
18 dependent adult abuse registry for all proposed guardians  
19 and conservators to have access to dependent adult abuse  
20 information other than unfounded dependent adult abuse  
21 information. Under the bill, a court need not perform a  
22 background check on a proposed guardian or conservator if the  
23 person provides a background check from the past six months to  
24 the court.

25 The bill provides that an order appointing a conservator  
26 shall state the basis for the conservatorship, and upon  
27 appointment, the conservator may exercise the powers relating  
28 to all fiduciaries, unless expressly modified by the court,  
29 without prior court approval. These powers include but are  
30 not limited to the following: making written requests for the  
31 purpose of obtaining the property of the protected person,  
32 or obtaining information about the property of the protected  
33 person; designating and employing an attorney to assist in  
34 the administration of the estate of the protected person;  
35 holding investments in the name of a bank or trustee company;

1 and requiring a bank to show ownership of investments held in  
2 nominee name and keep them separate from the assets of the  
3 bank. The bill further provides that until the conservator  
4 files and the court approves an initial financial management  
5 plan, the conservator may exercise the following powers without  
6 court approval except as otherwise ordered by the court:  
7 collect, receive, and receipt for any principal or income of  
8 the protected person; receive property of the protected person  
9 from any source; and continue to hold any investment or other  
10 property of the protected person. The bill also provides that  
11 upon the conservator filing the appropriate oath, the clerk of  
12 court shall issue letters of appointment attached to the order  
13 granting or limiting powers of the conservator.

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

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

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

31 The bill makes conforming changes throughout the Code by  
32 changing the term "ward" to "protected person".