

Senate File 2321 - Reprinted

SENATE FILE 2321
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB 3149)

(As Amended and Passed by the Senate March 11, 2020)

A BILL FOR

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

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

DIVISION I

ADULT AND MINOR GUARDIANSHIPS AND CONSERVATORSHIPS

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

232D.103 Jurisdiction.

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

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

1. A petition alleging that a minor is in need of a conservatorship is not subject to this chapter. Such proceedings shall be governed by chapter 633 and may be initiated pursuant to section 633.627 633.557.

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

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

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

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

Sec. 5. Section 232D.305, subsection 1, Code 2020, is amended to read as follows:

1. The court may appoint any qualified person as a court visitor for the minor who has demonstrated sufficient knowledge to appropriately perform the duties that the court directs.

Sec. 6. Section 232D.305, Code 2020, is amended by adding the following new subsection:

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

11 Sec. 7. Section 232D.306, Code 2020, is amended by adding
12 the following new subsection:

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

15 Sec. 8. Section 232.309, Code 2020, is amended by adding the
16 following new subsection:

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

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

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

30 Sec. 9. Section 232D.401, subsection 1, Code 2020, is
31 amended to read as follows:

32 1. The order by the court appointing a guardian for a minor
33 shall state the basis for the order and the date on which the
34 first reporting period for the guardianship shall end.

35 Sec. 10. Section 232D.401, subsection 3, unnumbered

1 paragraph 1, Code 2020, is amended to read as follows:

2 An order by the court appointing a guardian for a minor shall
3 state the powers granted to the guardian. Except as otherwise
4 limited by court order, the court may grant the guardian the
5 following powers, ~~which may be exercised without prior court~~
6 ~~approval~~:

7 Sec. 11. Section 232D.501, subsection 1, paragraph a, Code
8 2020, is amended by adding the following new subparagraph:

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

12 Sec. 12. Section 232D.501, subsection 1, paragraph b, Code
13 2020, is amended by adding the following new subparagraph:

14 NEW SUBPARAGRAPH. (11) The results of the guardian's
15 efforts to apply for funds or benefits on behalf of the
16 protected person.

17 Sec. 13. Section 232D.501, Code 2020, is amended by adding
18 the following new subsection:

19 NEW SUBSECTION. 5. The failure of a guardian to timely
20 make a report required under subsection 1 shall be reported by
21 the clerk of the court to the court for an order to enforce
22 compliance with the filing requirements.

23 Sec. 14. NEW SECTION. **232D.506 Confidentiality.**

24 1. Official juvenile court records in guardianship
25 proceedings shall be confidential and are not public records.

26 2. Confidential records may be inspected and their contents
27 shall be disclosed to the following without a court order,
28 provided that a person or entity who inspects or receives a
29 confidential record under this subsection shall not disclose
30 the confidential record or its contents unless required by law:

31 a. The judge and professional court staff.

32 b. The protected person and the protected person's attorney.

33 c. The protected person's parent, guardian, custodian, court
34 visitor, and any attorney representing such person.

35 3. Confidential records may be inspected and their contents

1 shall be disclosed to the following with a court order,
2 provided that a person or entity who inspects or receives a
3 confidential record under this subsection shall not disclose
4 the confidential record or its contents unless required by law:

5 *a.* A person or entity conducting bona fide research on minor
6 guardianships.

7 *b.* A person or entity for good cause shown.

8 Sec. 15. Section 633.556, subsections 4, 5, and 8, Code
9 2020, are amended to read as follows:

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

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

14 *b.* The petitioner and the petitioner's relationship to the
15 respondent.

16 *c.* The name and address of the proposed guardian or
17 conservator and the reason the proposed guardian or conservator
18 should be selected.

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

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

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

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

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

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

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

34 ~~*g.*~~ *f.* Any person designated as an attorney in fact in a
35 durable power of attorney for health care which is valid under

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

3 ~~8. The petition shall provide a brief description of~~
4 ~~the respondent's alleged functional limitations that make~~
5 ~~the respondent unable to communicate or carry out important~~
6 ~~decisions concerning the respondent's financial affairs.~~

7 Sec. 16. Section 633.558, subsection 3, Code 2020, is
8 amended to read as follows:

9 3. Notice of the filing of a petition given to persons under
10 [subsections subsection 2 and 3](#) shall include a statement that
11 such persons may register to receive notice of the hearing
12 on the petition and other proceedings and the manner of such
13 registration.

14 Sec. 17. Section 633.560, subsection 3, Code 2020, is
15 amended to read as follows:

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

20 Sec. 18. Section 633.561, subsection 4, paragraphs c and f,
21 Code 2020, are amended to read as follows:

22 *c.* Ensure that the respondent has been properly advised of
23 the respondent's rights in a guardianship or conservatorship
24 proceeding.

25 *f.* Ensure that the guardianship or conservatorship
26 procedures conform to the statutory and due process
27 requirements of Iowa law.

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

30 *a.* Inform the respondent of the effects of the order entered
31 for appointment of guardian or conservator.

32 *b.* Advise the respondent of the respondent's rights to
33 petition for modification or termination of the guardianship
34 or conservatorship.

35 Sec. 20. Section 633.561, subsection 6, Code 2020, is

1 amended to read as follows:

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

10 Sec. 21. Section 633.562, subsection 1, Code 2020, is
11 amended to read as follows:

12 1. If the court determines that the appointment of a court
13 visitor would be in the best interest of the respondent, the
14 court shall appoint a court visitor at the expense of the
15 respondent or the respondent's estate, or, if the respondent
16 is indigent, the cost of the court visitor shall be assessed
17 against the county in which the proceedings are pending. The
18 court may appoint any qualified person as a court visitor,
19 who has demonstrated sufficient knowledge to appropriately
20 perform the duties that the court directs, in a guardianship
21 or conservatorship proceeding.

22 Sec. 22. Section 633.562, subsection 5, paragraphs a and b,
23 Code 2020, are amended to read as follows:

24 a. A recommendation regarding the appropriateness of a
25 limited guardianship or conservatorship for the respondent,
26 including whether less restrictive alternatives are available.

27 b. A statement of the qualifications of the guardian or
28 conservator together with a statement of whether the respondent
29 has expressed agreement with the appointment of the proposed
30 guardian or conservator.

31 Sec. 23. Section 633.562, Code 2020, is amended by adding
32 the following new subsection:

33 NEW SUBSECTION. 7. A court visitor shall be discharged
34 from all further duties upon appointment of a guardian or
35 conservator, unless further ordered by the court. The court

1 may order a court visitor to continue to serve if the court
2 determines continued service would be in the best interest of
3 the protected person. If the court continues the service of
4 the court visitor, the court may limit the direct duties of the
5 court visitor as the court deems necessary. The court visitor
6 shall thereafter continue to serve until discharged by the
7 court.

8 Sec. 24. Section 633.563, subsection 7, unnumbered
9 paragraph 1, Code 2020, is amended to read as follows:

10 The results of the evaluation ordered by the court shall be
11 ~~made available to~~ filed with the court and made available to
12 the following:

13 Sec. 25. Section 633.564, subsection 1, Code 2020, is
14 amended to read as follows:

15 1. The court shall request criminal record checks and
16 checks of the child abuse, dependent adult abuse, and sexual
17 offender registries in this state for all proposed guardians
18 and conservators, other than financial institutions with Iowa
19 trust powers, unless a proposed guardian or conservator has
20 undergone the required background checks under this section
21 within the twelve months prior to the filing of a petition.

22 Sec. 26. Section 633.569, subsections 1, 2, and 3, Code
23 2020, are amended to read as follows:

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

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

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

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

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

34 *d.* The names and addresses, to the extent known, of any
35 other person who must be named in the petition for appointment

1 of a guardian or conservator under section 633.556 or 633.557.

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

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

8 a. There is not sufficient time to file a petition and hold
9 a hearing pursuant to section 633.552, 633.553, or 633.554
10 633.556 or 633.557.

11 b. The appointment of a temporary guardian or conservator
12 is necessary to avoid immediate or irreparable harm to the
13 respondent.

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 Sec. 27. Section 633.569, Code 2020, is amended by adding
18 the following new subsections:

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

29 a. All actions conducted by the guardian or conservator on
30 behalf of the protected person from the time of the initial
31 appointment of the guardian up to the time of the report.

32 b. All actions that the guardian or conservator plans to
33 conduct on behalf of the protected person during the thirty-day
34 extension period.

35 NEW SUBSECTION. 9. The temporary guardian or conservator

1 shall submit any report the court requires.

2 Sec. 28. Section 633.570, subsections 1 and 2, Code 2020,
3 are amended to read as follows:

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

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

18 Sec. 29. Section 633.635, subsection 1, Code 2020, is
19 amended to read as follows:

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

24 Sec. 30. Section 633.635, subsection 2, unnumbered
25 paragraph 1, Code 2020, is amended to read as follows:

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

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

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

35 Sec. 32. Section 633.641, subsection 3, Code 2020, 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~~If
5 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 to the principal.
12 The power of attorney shall be reinstated upon termination of
13 the conservatorship as a result of the principal regaining
14 capacity.

15 Sec. 33. Section 633.642, unnumbered paragraph 1, Code
16 2020, is amended to read as follows:

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

27 Sec. 34. Section 633.669, Code 2020, is amended to read as
28 follows:

29 **633.669 ~~Reporting requirements — assistance by clerk~~ Reports**
30 **by guardians.**

31 1. A guardian appointed by the court under this chapter
32 shall file with the court the following written verified
33 reports which shall not be waived by the court:

34 a. An initial care plan filed within sixty days of
35 appointment. The information in the initial care plan shall

1 include but not be limited to the following information:

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

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

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

12 (3A) Whether the protected person has a living will or
13 health care power of attorney.

14 (4) If applicable, the protected person's need for other
15 professional services for mental, behavioral, or emotional
16 health, and the guardian's plan for other professional services
17 needed by the protected person.

18 (5) If applicable, the protected person's employment
19 status, the protected person's need for educational, training,
20 or vocational services, and the guardian's plan for meeting the
21 educational, training, and vocational needs of the protected
22 person.

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

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

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

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

33 (10) The guardian shall file an amended plan when there
34 has been a significant change in the circumstances or the
35 guardian seeks to deviate significantly from the plan. The

1 guardian must obtain court approval of the amended plan before
2 implementing any of its provisions.

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

7 (1) The current living arrangements of the protected
8 person.

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

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

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

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

18 (0c) The guardian's facilitation of the participation of
19 the protected person in social activities.

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

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

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

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

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 *c.* A final report within thirty days of the termination

1 of the guardianship under [section 633.675](#) unless that time is
2 extended by the court.

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

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

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

11 5. Reports required by this section shall be served on the
12 protected person, the protected person's attorney, if any, and
13 the court visitor, if any.

14 Sec. 35. Section 633.670, Code 2020, is amended to read as
15 follows:

16 **633.670 Reports by conservators.**

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

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

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

1 ~~person.~~

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

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

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

9 b. If applicable, the protected person's will shall be
10 attached to the plan or filed with the court and the protected
11 person's prepaid burial trust and powers of attorney shall be
12 described.

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

16 (1) The protected person's receipts and income and
17 the projected sources of income including, if applicable,
18 wages, social security income, pension and retirement plan
19 distribution, veterans' benefits, rental income, interest
20 earnings, and dividends, and the total estimated receipts and
21 income.

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

29 (3) The protected person's estimated expenses on a monthly
30 and annual basis including, if applicable, nursing home or
31 facility charge, real property expenses for residence, food and
32 household expenses, utilities, household help and caregiver
33 expenses, health services and health insurance expenses,
34 educational and vocational expenses, personal auto and other
35 transportation expenses, clothing expenses, personal allowance

1 and other personal expenses, liabilities and debts, attorney
2 fees and other professional expenses, conservator fees, and
3 other administrative expenses.

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

15 e. The conservator shall include a statement as to how the
16 conservator will involve the protected person in decisions
17 about management of the conservatorship estate.

18 f. If ordered by the court, the conservator shall include
19 any action the conservator plans to take to develop or
20 restore the ability of the protected person to manage the
21 conservatorship estate.

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

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

1 mailing notice of filing the initial plan.

2 ~~e.~~ i. At least twenty days after the plan has been filed,
3 the court shall review and determine whether the plan should
4 be approved or revised, after considering objections filed and
5 whether the plan is consistent with the conservator's powers
6 and duties.

7 ~~d.~~ j. After approval by the court, the conservator shall
8 provide a copy of the approved plan and order approving the
9 plan to the protected person, the protected person's attorney,
10 if any, and court ~~adviser~~ visitor, if any, and others as
11 directed by the court.

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

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

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

34 ~~a. These reports shall include all of the following: The~~
35 annual report shall state the age, the residence and the living

1 arrangements of the protected person, and sources of payment
2 for the protected person's living expenses during the reporting
3 period.

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

6 ~~(2) Disbursements made.~~

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

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

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

10 ~~(6) Residence and physical location of the protected~~
11 ~~person.~~

12 ~~(7) General physical and mental condition of the protected~~
13 ~~person.~~

14 ~~(8) Other information reflecting the condition of the~~
15 ~~conservatorship estate.~~

16 ~~b. These reports shall be filed:~~ The conservator shall
17 submit with the annual report an inventory of the assets of the
18 protected person as of the last day of the reporting period
19 including the total value of assets at the beginning and end
20 of the reporting period.

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

24 c. The annual report shall include an itemization of all
25 income or funds received and all expenditures made by the
26 conservator on behalf of the protected person. If any of
27 the expenditures were made to provide support for or pay the
28 debts of another person, the annual report shall include an
29 explanation of these expenditures. If any of the expenditures
30 were made to pay any liability or debt owed by the protected
31 person to the conservator, the annual report shall include an
32 explanation of these expenditures. If any of the expenditures
33 were made to pay any liability or debt that is also owed by
34 another person or entity, the annual report shall include an
35 explanation of these expenditures.

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

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

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

8 (3) A request for approval of the proposed budget and
9 authority to make expenditures in accordance with the proposed
10 budget.

11 e. The annual report shall include the following information
12 related to the management of the assets of the protected
13 person:

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

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

19 (3) A request for approval of the proposed plan for
20 management of the assets of the protected person and the
21 authority to carry out the plan.

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

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

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

32 i. The conservator may request court approval of fees
33 provided the conservator on behalf of the conservatorship or
34 the protected person during the preceding reporting period.

35 4. The conservator shall file a written verified final

1 report with the court as follows:

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

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

6 ~~(4)~~ c. Within sixty days following the termination of the
7 conservatorship.

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

9 ~~e.~~ 5. Reports required by [this section](#) shall be served on
10 the protected person, the protected person's attorney and court
11 adviser, if any, the court visitor, if any, and the veterans
12 administration if the protected person is receiving veterans
13 benefits.

14 Sec. 36. Section 633.675, subsections 2, 3, and 4, Code
15 2020, are amended to read as follows:

16 2. The court shall terminate a guardianship if ~~it~~ the
17 court finds ~~by clear and convincing evidence~~ that the basis
18 for appointing a guardian pursuant to [section 633.552](#) is not
19 satisfied.

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

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

28 Sec. 37. REPORTS AND POWERS OF GUARDIANS AND CONSERVATORS —
29 TRANSITION PROVISIONS.

30 1. Minor guardianships. Notwithstanding the provisions
31 of section 232D.501, subsection 1, paragraph "a", designating
32 a verified initial care plan be filed by the guardian within
33 sixty days of appointment, for all minor guardianship cases
34 wherein the guardianship was established and the guardian was
35 appointed prior to January 1, 2020, the initial care plan

1 required by section 232D.501, subsection 1, paragraph "a",
2 shall be filed with the previously scheduled annual report.
3 The annual report must comply with the requirements set forth
4 in section 232D.501, subsection 1, paragraph "a". Guardians
5 appointed prior to January 1, 2020, have continuing authority
6 to perform acts concerning the protected person that were
7 authorized prior to January 1, 2020, through the date of the
8 guardian's previously scheduled annual report.

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

23 3. Conservatorships. Notwithstanding the provisions of
24 section 633.670, subsection 1, paragraph "a", and section
25 633.670, subsection 2, designating an initial plan and
26 inventory be filed within ninety days of appointment, for
27 all conservatorship cases wherein the conservatorship was
28 established and the conservator was appointed prior to
29 January 1, 2020, the initial plan required by section 633.670,
30 subsection 1, paragraph "a", and inventory required by section
31 633.670, subsection 2, shall be filed with the previously
32 scheduled annual report. The annual report must comply with
33 the requirements set forth in section 633.670, subsection 3,
34 paragraph "a". Conservators appointed prior to January 1,
35 2020, have continuing authority to perform acts concerning the

1 protected person that were authorized prior to January 1, 2020,
2 through the date of the conservator's previously scheduled
3 annual report.

4 Sec. 38. EFFECTIVE DATE. The following, being deemed of
5 immediate importance, takes effect upon enactment:

6 The section of this division of this Act relating to
7 transition provisions for reports and powers of guardians and
8 conservators.

9 Sec. 39. RETROACTIVE APPLICABILITY. The following applies
10 retroactively to January 1, 2020:

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

14 DIVISION II

15 CONFORMING CHANGES

16 Sec. 40. Section 633.3, subsections 9, 17, 22, and 23, Code
17 2020, are amended to read as follows:

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

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

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

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

33 Sec. 41. Section 633.78, subsection 1, unnumbered paragraph
34 1, Code 2020, is amended to read as follows:

35 A fiduciary under **this chapter** may present a written request

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

8 Sec. 42. Section 633.78, subsection 1, paragraph b, Code
9 2020, is amended to read as follows:

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

12 Sec. 43. Section 633.78, subsection 4, paragraph a, Code
13 2020, is amended to read as follows:

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

16 Sec. 44. Section 633.80, Code 2020, is amended to read as
17 follows:

18 **633.80 Fiduciary of a fiduciary.**

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

24 Sec. 45. Section 633.93, Code 2020, is amended to read as
25 follows:

26 **633.93 Limitation on actions affecting deeds.**

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

32 Sec. 46. Section 633.112, Code 2020, is amended to read as
33 follows:

34 **633.112 Discovery of property.**

35 The court may require any person suspected of having

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

10 Sec. 47. Section 633.123, subsection 1, paragraph b,
11 subparagraph (3), Code 2020, is amended to read as follows:

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

14 Sec. 48. Section 633.558, subsection 3, Code 2020, is
15 amended to read as follows:

16 3. Notice of the filing of a petition given to persons under
17 ~~subsections~~ subsection 2 and 3 shall include a statement that
18 such persons may register to receive notice of the hearing
19 on the petition and other proceedings and the manner of such
20 registration.

21 Sec. 49. Section 633.560, subsection 3, Code 2020, is
22 amended to read as follows:

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

27 Sec. 50. Section 633.561, subsection 4, paragraphs c and f,
28 Code 2020, are amended to read as follows:

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

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

35 Sec. 51. Section 633.561, subsection 5, paragraphs a and b,

1 Code 2020, are amended to read as follows:

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

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

7 Sec. 52. Section 633.562, subsection 5, paragraphs a and b,
8 Code 2020, are amended to read as follows:

9 *a.* A recommendation regarding the appropriateness of a
10 limited guardianship or conservatorship for the respondent,
11 including whether less restrictive alternatives are available.

12 *b.* A statement of the qualifications of the guardian or
13 conservator together with a statement of whether the respondent
14 has expressed agreement with the appointment of the proposed
15 guardian or conservator.

16 Sec. 53. Section 633.580, subsections 1 and 4, Code 2020,
17 are amended to read as follows:

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

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

29 Sec. 54. Section 633.591A, Code 2020, is amended to read as
30 follows:

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

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

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

7 Sec. 55. Section 633.603, Code 2020, is amended to read as
8 follows:

9 **633.603 Appointment of foreign conservators.**

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

19 Sec. 56. Section 633.604, Code 2020, is amended to read as
20 follows:

21 **633.604 Application.**

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

32 Sec. 57. Section 633.605, Code 2020, is amended to read as
33 follows:

34 **633.605 Personal property.**

35 A foreign conservator or guardian of a nonresident may

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

5 Sec. 58. Section 633.607, Code 2020, is amended to read as
6 follows:

7 **633.607 Order for delivery.**

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

12 Sec. 59. Section 633.633, Code 2020, is amended to read as
13 follows:

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

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

23 Sec. 60. Section 633.633B, Code 2020, is amended to read as
24 follows:

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

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

29 Sec. 61. Section 633.636, Code 2020, is amended to read as
30 follows:

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

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

35 Sec. 62. Section 633.637, Code 2020, is amended to read as

1 follows:

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

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

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

21 Sec. 63. Section 633.637A, Code 2020, is amended to read as
22 follows:

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

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

35 Sec. 64. Section 633.638, Code 2020, is amended to read as

1 follows:

2 **633.638 Presumption of fraud.**

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

8 Sec. 65. Section 633.639, Code 2020, is amended to read as
9 follows:

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

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

20 Sec. 66. Section 633.640, Code 2020, is amended to read as
21 follows:

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

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

30 Sec. 67. Section 633.643, Code 2020, is amended to read as
31 follows:

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

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

1 Sec. 68. Section 633.644, Code 2020, is amended to read as
2 follows:

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

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

12 Sec. 69. Section 633.645, Code 2020, is amended to read as
13 follows:

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

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

20 Sec. 70. Section 633.653A, Code 2020, is amended to read as
21 follows:

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

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

30 Sec. 71. Section 633.654, Code 2020, is amended to read as
31 follows:

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

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

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

15 Sec. 72. Section 633.656, Code 2020, is amended to read as
16 follows:

17 **633.656 How claim entitled.**

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

22 Sec. 73. Section 633.660, Code 2020, is amended to read as
23 follows:

24 **633.660 Execution and levy prohibited.**

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

31 Sec. 74. Section 633.661, Code 2020, is amended to read as
32 follows:

33 **633.661 Claims of conservators.**

34 If the conservator is a creditor of the ward protected
35 person, the conservator shall file the claim as other

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

10 Sec. 75. Section 633.662, Code 2020, is amended to read as
11 follows:

12 **633.662 Claims not filed.**

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

17 Sec. 76. Section 633.664, Code 2020, is amended to read as
18 follows:

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

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

24 Sec. 77. Section 633.665, Code 2020, is amended to read as
25 follows:

26 **633.665 Separate actions and claims.**

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

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

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

9 Sec. 78. Section 633.667, Code 2020, is amended to read as
10 follows:

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

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

20 Sec. 79. Section 633.668, Code 2020, is amended to read as
21 follows:

22 **633.668 Conservator may make gifts.**

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

35 Sec. 80. Section 633.673, Code 2020, is amended to read as

1 follows:

2 **633.673 Court costs in guardianships.**

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

12 Sec. 81. Section 633.676, Code 2020, is amended to read as
13 follows:

14 **633.676 Assets exhausted.**

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

19 Sec. 82. Section 633.677, Code 2020, is amended to read as
20 follows:

21 **633.677 Accounting to ward protected person — notice.**

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

31 Sec. 83. Section 633.681, Code 2020, is amended to read as
32 follows:

33 **633.681 Assets of minor ward protected person exhausted.**

34 When the assets of a minor ward's protected person's
35 conservatorship are exhausted or consist of personal property

1 only of an aggregate value not in excess of twenty-five
2 thousand dollars, the court, upon application or upon its
3 own motion, may terminate the conservatorship. The order
4 for termination shall direct the conservator to deliver any
5 property remaining after the payment of allowed claims and
6 expenses of administration to a custodian under any uniform
7 transfers to minors Act. Such delivery shall have the same
8 force and effect as if delivery had been made to the ~~ward~~
9 protected person after attaining majority.

10 Sec. 84. Section 633.682, Code 2020, is amended to read as
11 follows:

12 **633.682 Discharge of conservator and release of bond.**

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