

Senate File 348 - Reprinted

SENATE FILE 348
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SF 31)

(As Amended and Passed by the Senate March 8, 2021)

A BILL FOR

1 An Act relating to the opening, 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 232.3, subsection 1, Code 2021, is
4 amended to read as follows:

5 1. During the pendency of an action under **this chapter**, a
6 party to the action is estopped from litigating concurrently
7 the custody, guardianship, or placement of a child who is the
8 subject of the action, in a court other than the juvenile court
9 with jurisdiction of the pending action under this chapter. A
10 district judge, district associate judge, juvenile court judge,
11 magistrate, or judicial hospitalization referee, upon notice
12 of the pendency of an action under **this chapter**, shall not
13 issue an order, finding, or decision relating to the custody,
14 guardianship, or placement of the child who is the subject of
15 the action, under any law, including but not limited to chapter
16 232D, 598, or 598B, ~~or 633~~.

17 Sec. 2. Section 232.3, Code 2021, is amended by adding the
18 following new subsection:

19 NEW SUBSECTION. 3. An action which is pending under chapter
20 232D prior to an action being brought under this chapter shall
21 be stayed by the court in the chapter 232D action unless the
22 court follows the procedures in subsection 2 and authorizes a
23 party to the action to litigate a specific issue under this
24 chapter.

25 Sec. 3. Section 232D.103, Code 2021, is amended to read as
26 follows:

27 **232D.103 Jurisdiction.**

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

31 Sec. 4. NEW SECTION. **232D.107 Confidentiality.**

32 Official juvenile court records in guardianship proceedings
33 shall be confidential and are not public records. Confidential
34 records may be inspected and their contents shall be disclosed
35 to the following without court order, provided that a person

1 or entity who inspects or receives a confidential record under
2 this section shall not disclose the confidential record or its
3 contents unless required by law:

- 4 1. The judge and professional court staff.
- 5 2. The minor and the minor's counsel.
- 6 3. The minor's parent, guardian or custodian, court
7 visitor, and any counsel representing such person.

8 Sec. 5. Section 232D.301, subsection 2, paragraph d,
9 subparagraph (3), Code 2021, is amended to read as follows:

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

14 Sec. 6. Section 232D.301, subsection 4, Code 2021, is
15 amended to read as follows:

16 4. The petition shall state whether a limited guardianship
17 is appropriate, and whether a conservatorship for the minor is
18 already in existence.

19 Sec. 7. Section 232D.302, subsection 2, Code 2021, is
20 amended to read as follows:

21 2. Notice shall be served upon the minor's known parents
22 listed in the petition in accordance with the rules of civil
23 procedure. If the parent has not filed a consent to the
24 appointment of a guardian, the notice shall inform any parent
25 named in the petition that the parent may be entitled to
26 representation under the conditions described in section
27 232D.304.

28 Sec. 8. Section 232D.305, subsection 1, Code 2021, is
29 amended to read as follows:

30 1. The court may appoint a court visitor for the minor. A
31 person is qualified to serve as a court visitor if the court
32 determines the person has demonstrated sufficient knowledge of
33 guardianships to adequately perform the duties in subsection 3.

34 Sec. 9. Section 232D.306, Code 2021, is amended by adding
35 the following new subsection:

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

3 Sec. 10. Section 232D.307, subsection 1, Code 2021, is
4 amended to read as follows:

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

13 Sec. 11. Section 232D.401, subsection 1, Code 2021, is
14 amended to read as follows:

15 1. The order by the court appointing a guardian for a minor
16 shall state the basis for the order and the date on which the
17 first reporting period for the guardianship will end.

18 Sec. 12. Section 232D.401, subsection 3, unnumbered
19 paragraph 1, Code 2021, is amended to read as follows:

20 An order by the court appointing a guardian for a minor shall
21 state the powers granted to the guardian until such time as the
22 guardian files an initial care plan and such plan is approved
23 by the court as required by section 232D.501, subsection 4.
24 Except as otherwise limited by ~~court~~ an order appointing a
25 guardian for a minor, the court may grant the guardian the
26 following powers, ~~which may be exercised without prior court~~
27 ~~approval:~~

28 Sec. 13. Section 232D.501, subsection 1, paragraph a, Code
29 2021, is amended by adding the following new subparagraph:

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

33 Sec. 14. Section 232D.501, subsection 1, paragraph b, Code
34 2021, is amended by adding the following new subparagraphs:

35 NEW SUBPARAGRAPH. (11) The results of the guardian's

1 efforts to apply for funds or benefits for the minor, and
2 an accounting for the use of such funds or benefits by the
3 guardian.

4 NEW SUBPARAGRAPH. (12) Any other information the guardian
5 deems necessary for the court to consider.

6 Sec. 15. Section 232D.501, Code 2021, is amended by adding
7 the following new subsections:

8 NEW SUBSECTION. 5. The guardian shall provide a copy of the
9 verified initial care plan and verified annual report required
10 by this section to the protected person, the protected person's
11 attorney, if any, and court visitor, if any.

12 NEW SUBSECTION. 6. The court, for good cause, may extend
13 the deadline for filing required reports. Required reports of
14 a guardian which are not timely filed and which are delinquent,
15 and for which no extension for filing has been granted by the
16 court, shall be administered in the same manner as provided in
17 section 633.32.

18 DIVISION II

19 ADULT GUARDIANSHIPS AND MINOR AND ADULT CONSERVATORSHIPS

20 Sec. 16. Section 235B.6, subsection 2, paragraph d, Code
21 2021, is amended by adding the following new subparagraph:

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

25 Sec. 17. Section 633.556, subsections 4 and 5, Code 2021,
26 are amended to read as follows:

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

30 a. The respondent.

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

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

35 5. The petition shall list the name and address, to the

1 extent known, of the following:

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

4 b. Any spouse of the respondent.

5 c. Any adult children of the respondent.

6 d. Any parents of the respondent.

7 e. Any adult, who has had the primary care of the respondent
8 or with whom the respondent has lived for ~~at least~~ any time
9 during the six months prior to immediately preceding the filing
10 of the petition, or any institution or facility where the
11 respondent has resided ~~for at least six months prior to any~~
12 time during the six months immediately preceding the filing of
13 the petition.

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

16 g. Any person designated as an attorney in fact in a durable
17 power of attorney for health care which is valid under chapter
18 144B, or any person designated as an agent in a durable power
19 of attorney which is valid under [chapter 633B](#).

20 Sec. 18. Section 633.560, subsection 3, Code 2021, is
21 amended to read as follows:

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

26 Sec. 19. Section 633.561, subsection 6, Code 2021, is
27 amended to read as follows:

28 6. If the court determines that it would be in the
29 respondent's best interest to have legal representation
30 with respect to any further proceedings in a guardianship
31 or conservatorship, the court may appoint an attorney to
32 represent the respondent at the expense of the respondent or
33 the respondent's estate, or if the respondent is indigent the
34 cost of the court appointed attorney shall be assessed against
35 the county in which the proceedings are pending.

1 Sec. 20. Section 633.562, subsection 1, Code 2021, is
2 amended to read as follows:

3 1. If the court determines that the appointment of a court
4 visitor would be in the best interest of the respondent, the
5 court shall appoint a court visitor at the expense of the
6 respondent or the respondent's estate, or, if the respondent
7 is indigent, the cost of the court visitor shall be assessed
8 against the county in which the proceedings are pending. The
9 court may appoint any qualified person as a court visitor in
10 a guardianship or conservatorship proceeding. A person is
11 qualified to serve in this capacity if the court determines the
12 person has demonstrated sufficient knowledge of guardianships
13 or conservatorships to adequately perform the duties in
14 subsection 3.

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

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

27 Sec. 22. Section 633.564, subsection 1, Code 2021, is
28 amended to read as follows:

29 1. The court shall request criminal record checks and
30 checks of the child abuse, dependent adult abuse, and sexual
31 offender registries in this state for all proposed guardians
32 and conservators, other than financial institutions with Iowa
33 trust powers, unless a proposed guardian or conservator has
34 undergone the required background checks required by this
35 section within the six months prior to the filing of a petition

1 and the background check has been provided to the court.

2 Sec. 23. Section 633.569, Code 2021, is amended to read as
3 follows:

4 **633.569 Emergency appointment of temporary guardian or**
5 **conservator.**

6 1. A person authorized to file a petition under section
7 ~~633.552, 633.553, or 633.554~~ 633.556 or 633.557 may file an
8 application for the emergency appointment of a temporary
9 guardian or conservator.

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

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

12 *Ob.* The name and address of the petitioner and the
13 petitioner's relationship to the respondent.

14 *b.* The name and address of the proposed guardian or
15 conservator and the reason the proposed guardian or conservator
16 should be selected.

17 *Oc.* The names and addresses, to the extent known, of any
18 other persons who must be named in the petition for appointment
19 of a guardian or conservator under section 633.556 or 633.557.

20 *c.* The reason the emergency appointment of a temporary
21 guardian or conservator is sought.

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

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

29 *b.* The appointment of a temporary guardian or conservator
30 is necessary to avoid immediate or irreparable harm to the
31 respondent before a hearing with notice to the respondent can
32 be held.

33 *c.* There is reason to believe that the basis for appointment
34 of guardian or conservator exists under section ~~633.552,~~
35 ~~633.553, or 633.554~~ 633.556 or 633.557.

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

6 5. Upon the issuance of an ex parte order, if the respondent
7 is an adult, the respondent may file a request for a hearing.
8 If the respondent is a minor, the respondent, a parent having
9 legal custody of the respondent, or any other person having
10 legal custody of the respondent may file a written request for
11 a hearing. Such hearing shall be held no later than seven days
12 after the filing of a written request.

13 6. The powers of the temporary guardian or conservator
14 set forth in the order of the court shall be limited to those
15 necessary to address the emergency situation requiring the
16 appointment of a temporary guardian or conservator.

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

19 8. The court may order an extension of the temporary
20 guardianship or conservatorship for thirty days for good
21 cause shown, including a showing that a hearing on a petition
22 for a guardianship or conservatorship under section 633.556
23 or 633.557 cannot be scheduled within thirty days after the
24 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 9. The temporary guardian or conservator shall submit any

1 other report the court requires.

2 Sec. 24. Section 633.570, subsections 1 and 2, Code 2021,
3 are amended to read as follows:

4 1. In a proceeding for the appointment of a guardian, the
5 respondent shall be given written notice which advises the
6 respondent ~~of the powers that the court may grant a guardian~~
7 ~~may exercise without court approval pursuant to the powers set~~
8 out in section 633.635, subsection 2, and the powers that the
9 ~~guardian may exercise only with court approval pursuant to set~~
10 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
13 the respondent ~~of the powers that the court may grant a~~
14 ~~conservator may exercise without court approval pursuant to~~
15 the powers set out in section 633.646 and the powers that the
16 ~~guardian may exercise only with court approval pursuant to~~
17 section 633.647 633.642.

18 Sec. 25. Section 633.635, subsection 1, Code 2021, is
19 amended to read as follows:

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

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

26 ~~Based upon the evidence produced at the hearing~~ An order by
27 the court appointing a guardian for an adult shall state the
28 powers granted to the guardian until such time as the guardian
29 files an initial care plan and such plan is approved by the
30 court as required by section 633.669. Except as otherwise
31 limited by an order appointing a guardian for an adult, the
32 court may grant a guardian the following powers and duties with
33 ~~respect to a protected person which may be exercised without~~
34 ~~prior court approval:~~

35 Sec. 27. Section 633.635, subsection 3, unnumbered

1 paragraph 1, Code 2021, is amended to read as follows:

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

5 Sec. 28. Section 633.641, subsection 3, Code 2021, is
6 amended to read as follows:

7 ~~3. If a protected person has executed a valid power of~~
8 ~~attorney under chapter 633B, the conservator shall act in~~
9 ~~accordance with the applicable provisions of chapter 633B.~~
10 If the court appoints a conservator for a protected person
11 who has previously executed a valid power of attorney under
12 chapter 633B, the power of attorney is suspended unless the
13 power of attorney provides otherwise or the court appointing
14 the conservator orders that the power of attorney should
15 continue. If the power of attorney continues, the agent is
16 accountable to the conservator as well as the principal. The
17 power of attorney shall be reinstated upon termination of the
18 conservatorship for reasons other than the protected person's
19 death.

20 Sec. 29. Section 633.642, Code 2021, is amended by striking
21 the section and inserting in lieu thereof the following:

22 **633.642 Powers of conservator.**

23 1. An order by the court appointing a conservator shall
24 state the basis for the conservatorship pursuant to section
25 633.553 or section 633.554.

26 2. Upon appointment by the court, and until such time as the
27 conservator files an initial financial management plan and such
28 plan is approved by the court as required by section 633.670,
29 subsection 1, a conservator has the authority to exercise all
30 powers applicable to fiduciaries pursuant to sections 633.63
31 through 633.162, unless expressly modified by the court.

32 3. In the order approving an initial financial management
33 plan or an annual report, the court shall approve and set forth
34 the specific powers of a conservator, which may be thereafter
35 exercised by the conservator until further court order. Except

1 as otherwise ordered by the court, a conservator must give
2 notice to persons entitled to notice and receive specific prior
3 authorization by the court before the conservator may take any
4 other action on behalf of the protected person.

5 4. Upon the filing of an appropriate oath by the
6 conservator, the clerk of court shall issue letters of
7 appointment. A copy of the initial order of the court shall
8 be attached to the letters of appointment. Upon approval of
9 an initial financial management plan, approval of an annual
10 report, or further order of the court granting, modifying,
11 limiting, or terminating powers of the conservator, the clerk
12 of court shall issue new letters of appointment which shall
13 reflect all powers thereafter held by the conservator.

14 Sec. 30. Section 633.669, Code 2021, is amended to read as
15 follows:

16 **633.669 ~~Reporting requirements — assistance~~ Reports by clerk**
17 **guardians.**

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

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

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

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

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

34 (3A) Whether the protected person has a living will or
35 health care power of attorney.

1 (4) If applicable, the protected person's need for other
2 professional services for mental, behavioral, or emotional
3 health, and the guardian's plan for other professional services
4 needed by the protected person.

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

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

12 (7) The guardian's plan for facilitating contacts between
13 the protected person and the protected person's family members
14 and other ~~significant~~ persons significant in the life of the
15 protected person.

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

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

20 (10) The guardian shall file an amended plan when there
21 has been a significant change in the circumstances or the
22 guardian seeks to deviate significantly from the plan. The
23 guardian must obtain court approval of the amended plan before
24 implementing any of its provisions.

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

29 (1) The current living arrangements of the protected
30 person.

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

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

34 (a) The protected person's ~~physical and mental~~ health
35 status and the ~~medical, dental, and other professional~~ health

1 services provided to the protected person.

2 (b) If applicable, the protected person's employment status
3 and the educational, training, and vocational services provided
4 to the protected person.

5 (0c) The guardian's facilitation of the participation of
6 the protected person in social activities.

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

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

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

13 (004) The powers that the guardian requests to carry out
14 the care plan for the protected person for the next annual
15 reporting period.

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

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

19 (6) The need of the guardian for assistance in providing or
20 arranging for the provision of the care and protection of the
21 protected person.

22 (7) Any other information the guardian deems necessary for
23 the court to consider.

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

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

29 3. The clerk of the court shall notify the guardian in
30 writing of the reporting requirements and shall provide
31 information and assistance to the guardian in filing the
32 reports.

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

35 5. The court, for good cause, may extend the deadline for

1 filing required reports. Required reports of a guardian which
2 are not timely filed and which are delinquent, and for which no
3 extension for filing has been granted by the court, shall be
4 administered as provided in section 633.32.

5 6. The guardian shall provide a copy of the reports required
6 by this section to the protected person, the protected person's
7 attorney, if any, and the court visitor, if any.

8 Sec. 31. Section 633.670, Code 2021, is amended to read as
9 follows:

10 **633.670 Reports by conservators.**

11 1. A conservator shall file ~~an~~ a verified initial financial
12 management plan for protecting, managing, investing, expending,
13 and distributing the assets of the conservatorship estate
14 within ninety days after appointment which shall not be waived
15 by the court. The plan must be based on the needs of the
16 protected person and take into account the best interest of the
17 protected person as well as the protected person's preference,
18 values, and prior directions to the extent known to, or
19 reasonably ascertainable by, the conservator.

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

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

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

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

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

2 b. If applicable, the protected person's will shall be filed
3 with the court clerk and the protected person's prepaid burial
4 trust and powers of attorney shall be described.

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

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

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

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

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

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

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

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

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

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

30 ~~e. i.~~ At least twenty days after the plan has been filed,
31 the court shall review and determine whether the plan should
32 be approved or revised, after considering objections filed and
33 whether the plan is consistent with the conservator's powers
34 and duties.

35 ~~d. j.~~ After approval by the court, the conservator shall

1 provide a copy of the approved plan and order approving the
2 plan to the protected person, the protected person's attorney,
3 if any, and court visitor, if any, and others as directed by
4 the court.

5 ~~e.~~ k. The conservator shall file an amended plan when
6 there has been a significant change in circumstances or the
7 conservator seeks to deviate significantly from the plan.
8 Before the amended plan is implemented, the provisions for
9 court approval of the plan shall be followed as provided in
10 paragraphs "b", "c", and "d" the initial financial management
11 plan.

12 2. A conservator shall file attach an inventory of the
13 protected person's assets within ninety days after appointment
14 and debts to the initial financial management plan, which
15 includes an oath or affirmation that the inventory is believed
16 to be complete and accurate as far as information permits.
17 Copies After approval by the court, the conservator shall
18 provide copies of the inventory ~~shall be provided~~ to the
19 protected person, the protected person's attorney, if any,
20 and court visitor, if any, and others as directed by the
21 court. When the conservator receives additional property
22 of the protected person, or becomes aware of its existence,
23 a description of the property shall be included in the
24 conservator's next annual report.

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

1 whether the inventory should be approved at the same time as
2 the court reviews the initial financial management plan. When
3 the conservator receives an additional asset of the protected
4 person or becomes aware of its existence, or becomes aware
5 of additional debt of the protected person, a description of
6 the asset or debt shall be included in the conservator's next
7 annual report.

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

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

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

19 ~~(2) Disbursements made.~~

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

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

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

23 ~~(6) Residence and physical location of the protected~~
24 ~~person.~~

25 ~~(7) General physical and mental condition of the protected~~
26 ~~person.~~

27 ~~(8) Other information reflecting the condition of the~~
28 ~~conservatorship estate.~~

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

34 ~~(1) On an annual basis within sixty days of the end of the~~
35 ~~reporting period unless the court orders an extension for good~~

~~1 cause shown in accordance with the rules of probate procedure.~~

2 c. The annual report shall include an itemization of all
3 income or funds received and all expenditures made by the
4 conservator on behalf of the protected person. If any of
5 the expenditures were made to provide support for or pay the
6 debts of another person, the annual report shall include an
7 explanation of these expenditures. If any of the expenditures
8 were made to pay any liability or debt owed by the protected
9 person to the conservator, the annual report shall include an
10 explanation of these expenditures. If any of the expenditures
11 were made to pay any liability or debt that is also owed by
12 another person or entity, the annual report shall include an
13 explanation of these expenditures.

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

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

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

21 (3) A request for approval of the proposed budget and
22 authority to make expenditures in accordance with the proposed
23 budget.

24 e. The annual report shall include the following information
25 related to the management of the assets of the protected
26 person:

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

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

32 (3) A request for approval of the proposed plan for
33 management of the assets of the protected person and the
34 authority to carry out the plan.

35 f. The conservator shall include a statement as to how the

1 conservator will involve the protected person in decisions
2 about management of the conservatorship estate.

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

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

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

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

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

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

19 ~~(4)~~ c. Within sixty days following the termination of the
20 conservatorship.

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

22 ~~e.~~ 5. Reports required by ~~this section~~ The conservator
23 shall provide a copy of the initial financial management
24 plan, the inventory of the protected person's assets, and the
25 annual report shall be served on to the protected person, the
26 protected person's attorney, if any, and court visitor, if any,
27 and the veterans administration if the protected person is
28 receiving veterans' benefits.

29 6. The court, for good cause, may extend the deadline for
30 filing required reports. Required reports of a conservator
31 which are not timely filed and which are delinquent, and for
32 which no extension for filing has been granted by the court,
33 shall be administered as provided in section 633.32.

34 Sec. 32. Section 633.675, subsections 2, 3, and 4, Code
35 2021, are amended to read as follows:

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

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

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

13 DIVISION III

14 CONFORMING CHANGES

15 Sec. 33. Section 633.3, subsections 9, 17, 22, and 23, Code
16 2021, are amended to read as follows:

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

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

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

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

32 Sec. 34. Section 633.78, subsection 1, unnumbered paragraph
33 1, Code 2021, is amended to read as follows:

34 A fiduciary under [this chapter](#) may present a written request
35 to any person for the purpose of obtaining property owned by

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

7 Sec. 35. Section 633.78, subsection 1, paragraph b, Code
8 2021, is amended to read as follows:

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

11 Sec. 36. Section 633.78, subsection 4, paragraph a, Code
12 2021, is amended to read as follows:

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

15 Sec. 37. Section 633.80, Code 2021, is amended to read as
16 follows:

17 **633.80 Fiduciary of a fiduciary.**

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

23 Sec. 38. Section 633.93, Code 2021, is amended to read as
24 follows:

25 **633.93 Limitation on actions affecting deeds.**

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

31 Sec. 39. Section 633.112, Code 2021, is amended to read as
32 follows:

33 **633.112 Discovery of property.**

34 The court may require any person suspected of having
35 possession of any property, including records and documents,

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

9 Sec. 40. Section 633.123, subsection 1, paragraph b,
10 subparagraph (3), Code 2021, is amended to read as follows:

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

13 Sec. 41. Section 633.580, subsections 1 and 4, Code 2021,
14 are amended to read as follows:

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

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

26 Sec. 42. Section 633.591A, Code 2021, is amended to read as
27 follows:

28 **633.591A Voluntary petition for appointment of conservator**
29 **for a minor — standby basis.**

30 A person having physical and legal custody of a minor
31 may execute a verified petition for the appointment of a
32 standby conservator of the proposed ~~ward's~~ protected person's
33 property, upon the express condition that the petition shall
34 be acted upon by the court only upon the occurrence of an event
35 specified or the existence of a described condition of the

1 mental or physical health of the petitioner, the occurrence
2 of which event, or the existence of which condition, shall be
3 established in the manner directed in the petition.

4 Sec. 43. Section 633.603, Code 2021, is amended to read as
5 follows:

6 **633.603 Appointment of foreign conservators.**

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

16 Sec. 44. Section 633.604, Code 2021, is amended to read as
17 follows:

18 **633.604 Application.**

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

29 Sec. 45. Section 633.605, Code 2021, is amended to read as
30 follows:

31 **633.605 Personal property.**

32 A foreign conservator or guardian of a nonresident may
33 be authorized by the court of the county wherein such ~~ward~~
34 protected person has personal property to receive the same upon
35 compliance with the provisions of [sections 633.606](#), [633.607](#) and

1 633.608.

2 Sec. 46. Section 633.607, Code 2021, is amended to read as
3 follows:

4 **633.607 Order for delivery.**

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

9 Sec. 47. Section 633.633, Code 2021, is amended to read as
10 follows:

11 **633.633 Provisions applicable to all fiduciaries shall**
12 **govern.**

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

20 Sec. 48. Section 633.633B, Code 2021, is amended to read as
21 follows:

22 **633.633B Tort liability of guardians and conservators.**

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

26 Sec. 49. Section 633.636, Code 2021, is amended to read as
27 follows:

28 **633.636 Effect of appointment of guardian or conservator.**

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

32 Sec. 50. Section 633.637, Code 2021, is amended to read as
33 follows:

34 **633.637 Powers of ward protected person.**

35 1. A ward protected person for whom a conservator has been

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

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

18 Sec. 51. Section 633.637A, Code 2021, is amended to read as
19 follows:

20 **633.637A Rights of ward protected person under guardianship.**

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

32 Sec. 52. Section 633.638, Code 2021, is amended to read as
33 follows:

34 **633.638 Presumption of fraud.**

35 If a conservator be appointed, all contracts, transfers and

1 gifts made by the ~~ward~~ protected person after the filing of the
2 petition shall be presumed to be a fraud against the rights
3 and interest of the ~~ward~~ protected person except as otherwise
4 directed by the court pursuant to [section 633.637](#).

5 Sec. 53. Section 633.639, Code 2021, is amended to read as
6 follows:

7 **633.639 Title to ~~ward's~~ protected person's property.**

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

17 Sec. 54. Section 633.640, Code 2021, is amended to read as
18 follows:

19 **633.640 Conservator's right to possession.**

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

27 Sec. 55. Section 633.643, Code 2021, is amended to read as
28 follows:

29 **633.643 Disposal of will by conservator.**

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

33 Sec. 56. Section 633.644, Code 2021, is amended to read as
34 follows:

35 **633.644 Court order to preserve testamentary intent of ~~ward~~**

1 protected person.

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

9 Sec. 57. Section 633.645, Code 2021, is amended to read as
10 follows:

11 **633.645 Court to deliver will to clerk.**

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

17 Sec. 58. Section 633.653A, Code 2021, is amended to read as
18 follows:

19 **633.653A Claims for cost of medical care or services.**

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

27 Sec. 59. Section 633.654, Code 2021, is amended to read as
28 follows:

29 **633.654 Form and verification of claims — general**
30 **requirements.**

31 No claim shall be allowed against the estate of a ~~ward~~
32 protected person upon application of the claimant unless
33 it shall be in writing, filed in duplicate with the clerk,
34 stating the claimant's name and address, and describing the
35 nature and the amount thereof, if ascertainable. It shall be

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

12 Sec. 60. Section 633.656, Code 2021, is amended to read as
13 follows:

14 **633.656 How claim entitled.**

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

19 Sec. 61. Section 633.660, Code 2021, is amended to read as
20 follows:

21 **633.660 Execution and levy prohibited.**

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

28 Sec. 62. Section 633.661, Code 2021, is amended to read as
29 follows:

30 **633.661 Claims of conservators.**

31 If the conservator is a creditor of the ward, the conservator
32 shall file the claim as other creditors, and the court shall
33 appoint some competent person as temporary conservator to
34 represent the ~~ward~~ protected person at the hearing on the
35 conservator's claim. The same procedure shall be followed in

1 the case of coconservators where all such conservators are
2 creditors of the ward protected person; but if one of the
3 coconservators is not a creditor of the ward protected person,
4 such disinterested conservator shall represent the ward at the
5 hearing on any claim against the ward protected person by a
6 coconservator.

7 Sec. 63. Section 633.662, Code 2021, is amended to read as
8 follows:

9 **633.662 Claims not filed.**

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

14 Sec. 64. Section 633.664, Code 2021, is amended to read as
15 follows:

16 **633.664 Liens not affected by failure to file claim.**

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

21 Sec. 65. Section 633.665, Code 2021, is amended to read as
22 follows:

23 **633.665 Separate actions and claims.**

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

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

1 proceeding. Such an action shall also be considered a claim
2 filed in the conservatorship. Such an action may be commenced
3 only in a county where the venue would have been proper if
4 there were no conservatorship and the action had been commenced
5 against the ward protected person.

6 Sec. 66. Section 633.667, Code 2021, is amended to read as
7 follows:

8 **633.667 Payment of claims in insolvent conservatorships.**

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

17 Sec. 67. Section 633.668, Code 2021, is amended to read as
18 follows:

19 **633.668 Conservator may make gifts.**

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

32 Sec. 68. Section 633.673, Code 2021, is amended to read as
33 follows:

34 **633.673 Court costs in guardianships.**

35 The ward protected person or the ward's protected person's

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

8 Sec. 69. Section 633.676, Code 2021, is amended to read as
9 follows:

10 **633.676 Assets exhausted.**

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

15 Sec. 70. Section 633.677, Code 2021, is amended to read as
16 follows:

17 **633.677 Accounting to ward protected person — notice.**

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

27 Sec. 71. Section 633.681, Code 2021, is amended to read as
28 follows:

29 **633.681 Assets of minor ward protected person exhausted.**

30 When the assets of a minor ward's protected person's
31 conservatorship are exhausted or consist of personal property
32 only of an aggregate value not in excess of twenty-five
33 thousand dollars, the court, upon application or upon its
34 own motion, may terminate the conservatorship. The order
35 for termination shall direct the conservator to deliver any

1 property remaining after the payment of allowed claims and
2 expenses of administration to a custodian under any uniform
3 transfers to minors Act. Such delivery shall have the same
4 force and effect as if delivery had been made to the ~~ward~~
5 protected person after attaining majority.

6 Sec. 72. Section 633.682, Code 2021, is amended to read as
7 follows:

8 **633.682 Discharge of conservator and release of bond.**

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