

The Iowa State Bar Association

Young Lawyers Division



Guardianship and

Conservatorship

Handbook

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“Serving the Public and the Profession Since 1874”

PART ONE: GUARDIANSHIP

A “guardianship” is a court authorized relationship established under the provisions of the Iowa Probate Code. A guardian is appointed by the court and assumes responsibility for the physical custody of another person, the ward. A guardian is appointed to make decisions about the ward’s needs or affairs other than financial matters. These may include decisions about things like medical treatment, where the ward lives, and arrangements for services such as meals, personal care, training and education, to mention just a few.

COURT APPROVAL

After appointment, the guardian can exercise certain powers without prior court approval, while other powers require prior court approval. All areas of responsibility which are not delegated to the guardian are retained by the ward. From time to time, the court may alter the responsibilities of the guardian.ⁱ

Powers that a guardian can exercise without prior court approval include: providing for the care, comfort and maintenance of the ward, including appropriate training and education intended to maximize the ward’s potential; taking reasonable care of the ward’s clothing, furniture, vehicle and other personal effects; assisting the ward in developing maximum self-reliance and independence; ensuring that the ward receives necessary emergency medical services and routine medical care; ensuring that the ward receives professional care, counseling, treatment and services as needed; plus any other powers and duties that the court may specify.ⁱⁱ

Powers that a guardian can exercise only with prior court approval include: changing the ward’s permanent address if the proposed residence is more restrictive than the current residence; arranging the provision of major elective surgery or any non-emergency major medical procedure; and consenting to the withholding or withdrawal of life-sustaining procedures.ⁱⁱⁱ

TYPE OF GUARDIANSHIP

LIMITED OR GENERAL

Before any action is taken, it should be determined whether the guardianship is general or limited. A **limited guardianship** gives the guardian only those specific powers that are set out in the court order. By this, the court is saying that in all other matters, the ward can still make decisions for himself or herself. The court must, by law, only give the guardian the powers necessary for the guardian to meet the needs of the ward.^{iv}

STANDBY

A person may currently be able to handle their affairs but anticipate a time when they may not be able to do so. To pre-determine who will serve as guardian, if in the future a guardianship becomes necessary, a person of sound mind can establish a **standby guardianship**. The standby guardianship takes effect only upon the occurrence of an event specified in the document (petition). With a standby petition, a person can retain control over their personal and financial affairs until the event specified occurs. A person may file a petition for a standby guardianship under the same procedures and requirements as a standby conservatorship.^v

To establish a standby guardianship, a verified petition must be executed for the voluntary appointment of a guardian. The petition shall contain the express condition that the petition be acted upon by the court only upon the occurrence of an event specified or the existence of a described

condition of mental or physical health of the petitioner. The occurrence of the event, or the existence of such condition, shall be established in the manner directed by the petition.^{vi} The petition may be revoked by the petitioner, before the need for appointment, provided the petitioner is of sound mind.^{vii}

TEMPORARY

A temporary guardian may be appointed, subject to the court's conditions.^{viii} The court can restrict the use and powers of a temporary guardian. Temporary guardianships are often utilized during the pendency of involuntary proceedings or in custody disputes.

GUARDIANSHIP REPORTS

One of the guardian's most important responsibilities as a guardian is to make written reports to the court on the status and progress of their ward.

Reports must include information about the current mental and physical condition of the ward; his or her present living arrangements, including a description of each residence where the ward has resided during the reporting period; a summary of medical, educational, vocational and other professional services provided for the ward; a description of the guardian's visits with and activities on behalf of the ward; the guardian's recommendation as to the need for continuing guardianship; plus any other information requested by the court or, in the guardian's opinion, useful to the court.^{ix}

To facilitate accurate and timely reporting, the guardian will want to keep records which summarize the ward's physical and mental condition. These records should include a care plan for the ward, or summaries of the visits that the guardian had with the ward at his or her residence. Additionally, it is helpful to maintain a records of conversations the guardian has had with any health care professionals and family members regarding the ward's condition and any changes in his/her activities.

There are three different types of reports the guardian is responsible for filing. An **initial report** must be made within 60 days of the guardian's appointment. Every year thereafter the guardian must make an **annual report** on the anniversary date of the guardian's appointment. When the guardianship is terminated, the guardian must make a **final report** within 30 days of the termination.^x See also Appendix A for Reports of Guardian.

GUARDIANSHIP TERMINATION OR CHANGE

A guardianship terminates if any of the following events occur: the ward, if a minor, reaches the age of 18, the ward is deceased, the court decides that the ward can make decisions for him or herself, or the court decides to terminate the proceeding for any other reason.^{xi}

The ward can petition the court to terminate the guardianship. To terminate a guardianship, it must be shown that the ward no longer meets the requirements to maintain the guardianship. If the ward wishes to terminate the guardianship, he/she must show some capacity for decision-making. The guardian may agree with the ward and join in the petition for termination. If the guardian does not agree, the guardian must show that the ward still meets the criteria for a guardianship. The court may decide to appoint an attorney to represent the ward.^{xii}

A guardianship may also be modified if circumstances change, either for better or worse. Any time a change or modification is proposed, the court must consider whether a limitation on the guardian's

powers is appropriate. As with termination, the court may decide to appoint an attorney to represent the ward.

If the guardian wishes to be removed as guardian, the guardian can ask the court to relieve the guardian of his/her responsibility. However, in the event that the guardian is removed, the guardian will need to serve until a replacement is found. The ward can also petition to have the guardian removed. In addition, the court can decide to remove the guardian.

PART TWO: CONSERVATORSHIP

A conservator is responsible for making decisions about the financial affairs of the ward. The ward's estate includes assets - such as stocks, bonds, bank accounts, cash and real estate - for which the conservator has assumed responsibility. Generally, the conservator controls all of the ward's income and property, takes care of paying bills, and handles other matters.

DUTIES OF THE CONSERVATOR

First, the conservator should take possession of all the real and personal property of the ward.^{xiii} Second, the conservator should immediately establish a conservatorship bank account for which they have signature authority. All of the ward's income, including Social Security and investment income should go into this account so the conservator can control it and render appropriate accounting when it is required.

Additionally, the conservator needs to preserve and protect the ward's property. At all times the conservator should exercise the same diligence that he/she would practice handling his/her own financial affairs. The conservator should invest prudently, keep records, and return the assets at the termination of the guardianship. The conservator must be careful not to mix his/her property with the ward's property.

The conservator also has a duty to search for the ward's will. If there is one, the conservator must deposit it in the Clerk of Court's office.^{xiv}

COURT APPROVAL

After appointment, the conservator can exercise certain powers without prior court approval, while other powers require court approval. **Powers that the conservator can exercise without prior court approval** include: collecting principal and income from any source; suing or defending claims in favor of, or against, the ward; selling or transferring perishable personal property - for example, selling grain for a ward who is a farmer; voting for the ward at corporate meetings; and receiving additional property from any source.^{xv}

The powers that the conservator can exercise only with the court's approval include: making payments to or for the benefit of the ward, including payments for nursing homes, medical expenses; investing the ward's funds; executing leases on behalf of the ward, for example, a nursing home or assisted living complex lease; applying any part of the ward's income or property for the support of anyone else, like a child or dependent parent; settling a legal claim; and selling any property of the ward's.^{xvi}

TYPE OF CONSERVATORSHIP

LIMITED OR GENERAL

A conservatorship may be limited or general in nature. A **limited conservatorship** gives only those specific powers that are set out in the court order. By doing this, the court says that in all other matters, the ward can still make his or her own decisions. By law, the court must attempt to give the conservator the fewest powers necessary to meet the needs of the ward.^{xvii} By contrast, a **general or full conservatorship** gives the conservator the authority to make all but a few decision on behalf of the ward.

STANDBY

A person may currently be able to hand his/her affairs but anticipate a time when he/she may not be able. To plan for any infirmities without giving up present control over property, a person of sound mind can establish a **standby conservatorship**.^{xviii}

To establish a standby conservatorship, a verified petition must be executed for the voluntary appointment of a conservator. The petition shall contain the express condition that the petition be acted upon by the court only upon the occurrence of an event specified or the existence of a described condition of mental or physical health of the petitioner. The occurrence of the event, or the existence of such condition, shall be established in the manner directed by the petition.^{xix} The petition may be revoked by the petitioner, before the appointment, provided the petitioner is of sound mind.^{xx}

TEMPORARY

A **temporary conservatorship** may be used to preserve the status quo during the pendency of an involuntary proceeding to appoint a conservator. A temporary conservator may be appointed, but only after notice and hearing.^{xxi} The conservator will be subject to conditions imposed by the court.

CONSERVATORSHIP REPORTS

An important part of the conservator's responsibility is making reports to the court to keep it apprised of his/her activities on behalf of the ward. This is done by filing an initial report and inventory, and periodic reports every year thereafter.^{xxii} Forms are available to assist the conservator in making reports or he/she may simply submit the information needed as set out in Appendices B and C.

The **initial report** includes an inventory of all the property that has come into the conservator's hands or of which the conservator has knowledge.^{xxiii} It is important to be as accurate as possible on the initial report because all future reports are based on this information. Property includes real estate; stocks and bonds; mortgages, notes, deposits and cash; life insurance policies; and any jointly-owned or miscellaneous property.

The initial report must be filed with the court within 60 days of the conservator's appointment as conservator. Plus, whenever additional property comes into the conservator's hands, supplemental inventory reports must be filed with the court within 30 days.^{xxiv}

Every year on the anniversary of the conservator's appointment, the conservator must file an **annual report** showing all receipts and disbursements from the conservatorship. The receipts are the money or property that comes in, and the disbursements are the money or property that goes out. In addition, the conservator must also show the balances on hand at the beginning of the last accounting period and the end of this accounting period. The balance on hand at the end of the accounting period must equal the balance on hand at the beginning of the period plus all income less all

disbursements. These annual reports are due approximately 60 days after the end of the reporting year.^{xxv}

When the conservatorship ends for any reason, the conservator must provide a **final report** with accompanying schedules. This final report includes receipts, disbursements, other assets, changes in investments and the reason for termination of the conservatorship. It must also include the conservator's accounting since the last annual report and a statement indicating to whom the assets of the conservatorship are being delivered. This final report is due within 60 days of the event causing the termination of the conservatorship.^{xxvi}

If the conservator fails to file reports when due, the conservator will probably receive a delinquency notice from the Clerk of Court's office. If the conservator receives such a notice, the conservator must take care of it within 60 days or the court may remove the conservator.

CONSERVATORSHIP TERMINATION OR CHANGE

A conservatorship terminates if any of the following events occur: the ward, if a minor, reaches the age of 18, the ward is deceased, the court decides that the ward is competent and capable of managing his or her property and affairs and that continuation would not be in the ward's best interest, or the court decides that it is no longer necessary for any other reason.^{xxvii} At any time that the assets of the ward do not exceed the amount of charges and claims against it, the court may direct the conservator to proceed to terminate the conservatorship.^{xxviii}

To terminate a conservatorship, it must be shown that the ward no longer meets the requirements to maintain the conservatorship. If the ward wishes to terminate the conservatorship, he/she needs to show some capacity for financial decision-making. The conservator may agree with the ward and join in asking for the termination. If the conservator does not agree, the conservator must show that the ward still meets the criteria for needing a conservatorship.^{xxix}

A conservatorship may be modified at any time if circumstances change, either for better or worse. Any time a change or modification is proposed, the court must consider whether a limitation on the conservator's powers is appropriate.

If the conservator wishes to be removed as conservator, he/she can ask the court to be relieved of his/her responsibility. However, in the event that the conservator is removed, the conservator will need to serve until a replacement is found. The ward can also petition to have the conservator removed, or the court can decide to remove the conservator.

PART THREE: FREQUENTLY ASKED QUESTIONS

Q. How will I know when to file a report?

A. In some cases you will be notified by the attorney or the county agency which helped to establish the guardianship/conservatorship, but the actual responsibility for knowing when to file the report is yours. The annual report will be due every year on the anniversary of your appointment, so it is a good idea to keep a calendar or record system to know when the reports are due. It is the guardian's/conservator's responsibility to ensure that these reports are filed on time.^{xxx}

Q. Where do I get report forms?

A. Not all counties in Iowa are alike, but generally if there is an attorney of record in the case, you must go to that attorney to obtain report forms. The attorney of record is designated by you at the beginning of the guardianship to assist you with all legal matters. If for some reason there is no attorney of record, then you can get the report forms from the Clerk of Court for your county. Guardians see Appendix A. Conservators see Appendices B, C, and D.

Q. What happens if the reports are not filed on time?

A. The Clerk of Court will send you a delinquency notice requiring that the report be filed within 60 days. Failure to comply with the notices will result in having the court remove you and appoint someone else.

Q. Can the ward vote, execute a will, or contract a valid marriage?

A. Yes, unless he or she has been found, in a separate proceeding, to have an unsound mind. A guardianship/conservatorship does not automatically stop a ward from voting, getting married or executing a will. However, you will want to find out if the court has restricted the ward's right to vote, execute a will, or contract a valid marriage.^{xxxii}

Q. Can a person be both a conservator and guardian?

A. Yes, this is often the case. But it is also possible for two different people to serve as guardian and conservator. Keep in mind that a guardian handles the ward's personal affairs and a conservator handles the ward's financial affairs.^{xxxiii}

Q. Is there a required amount of time to spend in performing my duties as conservator?

A. No. But good judgment should always be used and a personal relationship is encouraged so that you have a better understanding of the ward and the situation with which he/she is confronted. In order to understand the ward's needs, it is a good idea to visit him/her regularly.

Q. Can I be paid for my services as conservator?

A. That depends on the ward's resources. If they are sufficient to allow for your compensation, you may be able to receive an annual fee, but only by first making application to the court for approval. No fees can be paid to a guardian without a court order authorizing them first.^{xxxiii}

Q. Is a conservator legally liable if the ward destroys property? Will the conservator have to pay for it out of his/her own pocket?

A. No. The fact that a person is conservator does not make him or her personally liable for damages for the acts of the ward.^{xxxiv}

Q. Who should take over if something happens to me and I cannot continue to act as conservator?

A. It is recommended that you have an alternate selected to fill the position prior to the establishment of the conservatorship so that the needs of the ward will not be neglected. Any successor conservator must be approved and appointed by the court.

Q. What should I do if the ward dies?

A. The death of the ward terminates the conservatorship. However, as conservator you must safeguard the ward's assets until you are formally discharged by the court and the assets are turned over to the ward's estate. Do not turn over assets until you receive a court order allowing you to distribute. You must also file a final report and inventory with the court.^{xxxv}

Guardianships

Q. Can the ward sign powers of attorney forms or living wills?

A. No. In addition, the guardian cannot sign these forms on behalf of the ward.^{xxxvi}

Q. Can I sign a release of information or sign other documents that will enable the ward to obtain medical treatment?

A. It depends. As always, you should read the forms carefully and make certain that the information being requested is appropriate. If it is an emergency situation, you may sign documents or consent to treatment. For major elective surgery or any other non-emergency major medical procedure, you will need to receive court approval to sign any consent forms.

Q. Can I sign a consent form which allows hospital, home health or nursing facility staff to not resuscitate my ward in the event his/her heart and/or breathing stops?

A. Not without prior court approval. You may be requested to sign such a form but you as guardian do not have the authority to give this consent unless you have received court approval. When asked to sign such a form you may hear the words "Do Not Resuscitate" or "DNR." A Do Not Resuscitate order is not the same thing as having an advance directive, which is a durable power of attorney for health care or a living will. Hospitals and long term care facilities (nursing homes) will automatically attempt CPR on anyone whose heart and/or breathing stops, unless there is a Do Not Resuscitate order on file for the patient. A Do Not Resuscitate order, also known as a "No Code,"

can only be written by a doctor with permission of the patient, his/her family, or the guardian. However, as guardian, in order to give this permission, you will need to request this authority from the court.^{xxxvii}

Q. If I am unsure of what medical decisions to make, what should I do?

A. Remember that you are to act in the best interests of the ward. It is always a good idea to speak with medical staff so that you will be fully informed in your decision-making.

Q. If there is a durable power of attorney for health care and I am the guardian, who makes the health care decisions for the ward?

A. The law says that health care decisions made by the durable power of attorney for health care regarding care and treatment of the ward will take priority over the guardian's wishes.^{xxxviii}

Q. Do I have the ability to place the ward in a nursing facility if appropriate?

A. Yes. However, if the placement is a more restrictive setting than the one in which the ward is currently living, you will need to get the court's permission.^{xxxix}

Q. Am I responsible for providing information to complete a Medicaid application or Medicare claim?

A. Yes. As guardian, you may be the only individual with the information needed to fill out the forms or to appeal denials.^{xl}

Q. Are there community resources that can help provide services for the ward?

A. Yes. One way of obtaining information is to contact an information and assistance service in your area. For wards 60 and over, contact your local Area Agency on Aging or the Iowa Department of Elder Affairs. For wards under 60, contact your local Department of Human Services office.

Q. When talking to people to set up services, is there certain information that is confidential and should not be discussed?

A. While it is necessary to talk to service providers for the ward, it is also important to only disclose information that is related to the matter being discussed. Refrain from discussing the ward's care plan, finances, wishes or condition during casual talk with people who are not involved with the ward's care. In fact, you may need to actually withhold information from family or friends if it is not in the best interests of the ward.

Q. What rights does the guardian have to restrict the ward's ability to visit or associate with others?

A. Look at the powers specified in your appointment papers. It should be the ward's decision unless that decision is harmful. You should always remember to act in the best interests of the ward. The probate court has authority to resolve visitation issues.^{xli}

Q. Is the guardian's responsibility different regarding visitation for a minor ward?

A. The guardian's rights with respect to custody and control of a minor ward extends to refusing to permit other persons access to the ward, but this is subject to the power of the court to permit certain persons to have access.^{xlii} There is no reason to prevent visitation merely because a person seeking visitation is not entitled to it by right.^{xliii} The best interest of the child should determine visitation.^{xliiv} The probate court does have the authority to grant a grandparent access to a minor ward, subject to the best interest of the child.

Conservatorship

Q. As conservator, can I make gifts from conservatorship assets?

A. Gifts may be made, but only for good cause and under order of the court. Iowa law is very specific as to when gifts can be made, so if the conservator is considering a gift to a person or organization, you must first apply to the court for permission.^{xlv}

PART FOUR: FIDUCIARY

A person appointed by the court as a guardian or conservator is a fiduciary. A fiduciary can be a natural person and resident of the state who is at least 18 years old and not mentally retarded or ill, a chronic alcoholic, spendthrift or a person the court determines to be unsuitable. Banks and trust companies, and in some cases a private non-profit corporation, can also serve as a fiduciary.^{xlvi}

Once appointed, a fiduciary submits to the jurisdiction of the court making the appointment. In addition, the fiduciary agrees that all property coming into the fiduciary's hands is subject to the jurisdiction of the court and the fiduciary is subject to all orders entered by the court in the guardianship or conservatorship proceedings.^{xlvii}

The law specifies limitations on investments that can be made by the conservator.^{xlviii} A fiduciary is prohibited from self-dealing or engaging the conservator's estate in business with the fiduciary's personal business, without prior approval of the court.^{xlix} The fiduciary cannot personally profit from an increase in the value of the conservatorship.¹

A fiduciary is liable for the acts of agents and advisers the fiduciary employs if the agent or adviser engages in acts, in the place of the fiduciary, that would be considered a breach of duty by the fiduciary, if:

1. The fiduciary directed or permitted the breach;
2. The fiduciary did not use reasonable care in selecting and retaining the adviser or agent,
3. The fiduciary did not properly supervise the adviser or agent; or
4. The fiduciary approved, acquiesced or cooperated in the neglect, omission, misconduct or default by the adviser or specialist.ⁱⁱ

It is a breach of the fiduciary's duty and the fiduciary is liable and chargeable for neglect or unreasonable delay in collecting the credits or other assets of the conservatorship, or in selling,

mortgaging or leasing the property of the conservatorship; for neglect in paying over money or delivering property to the conservatorship; for failing to account for or to close the conservatorship when required; for loss to the conservatorship arising from the fiduciary's embezzlement or commingling of the assets of the conservatorship with other property; for loss to the estate for self-dealing; for loss to the estate arising from wrongful acts or omissions which could have been prevented by the exercise of ordinary care and for other negligent or willful acts or non-feasance by the fiduciary which cause loss to the estate.^{lii} Fiduciaries are also personally liable for willful or wanton misconduct in the official discharge of their duties.^{liii}

A fiduciary is not liable for damage caused by the ward's acts.^{liv}

A fiduciary is required to take an oath as an officer of the court that he/she will faithfully discharge the duties imposed by the law according to the best of the fiduciary's ability.^{lv} The conservator will also be required to post a bond at the expense of the conservatorship, in an amount equal to the value of the personal property of the conservatorship plus the gross annual income of the conservatorship.^{lvi} The bond will be conditioned upon the faithful discharge of all the duties of the fiduciary's office according to the law, including the duty to account.^{lvii} A guardian will normally not be requested to post a bond and there are circumstances where the requirement for a bond for a conservator may be waived.^{lviii}

It is important that the guardian and conservator, as fiduciaries and officers of the court, comply with the requirements of the law and the court and use their best efforts to assist the ward and protect the ward's property.

IF YOU HAVE A LEGAL PROBLEM, DO NOT ATTEMPT TO SOLVE IT ON THE BASIS OF THE INFORMATION PROVIDED IN THIS BOOKLET. GET AN ATTORNEY'S ADVICE.

APPENDIX A

INITIAL/ANNUAL/FINAL REPORT OF GUARDIAN AND ORDER

The guardian must state:

- , The county of the guardianship;
- , Name of the ward;
- , Probate Number;
- , Which report is being submitted: initial, annual or final.

The guardian must address the following:

- , Time period the report covers;
- , Current mental and physical condition of the ward;
- , Present living arrangement of the ward, including a description of residence where the ward has resided during the reporting period;
- , Summary of the medical, educational, vocational and other professional services provided for the ward;
- , Description of the guardian's visits with and activities on behalf of the ward;
- , Ward's date of birth (initial report only);
- , Whether the ward is single, married or divorced;
- , Names and addresses of parents if the ward is a minor;
- , Recommend the guardianship to be continued or terminated (if termination is recommended, give reason);
- , Other pertinent information to the court;
- , Whether final court costs have or have not been paid; and
- , Name, address and telephone number of guardian.

The guardian must sign and give his/her address as well as date the report and certify under penalty of perjury and pursuant to the laws of the State of Iowa that the report is true and correct.

APPENDIX B

INITIAL REPORT OF CONSERVATOR AND INVENTORY

The conservator must state:

- , The county of the guardianship;
- , Name of the ward;
- , Probate Number;

List and describe the ward's real and personal property as of the date the conservator was appointed and the property's value:

- , Real Estate;
- , Stocks and Bonds;
- , Mortgages, Notes, Deposits and Cash;
- , Life Insurance;
- , Jointly Owned Property;
- , Miscellaneous Property;
- , Total Value.

The conservator must address the following:

- , The address of the ward;
- , Name and address of guardian, if any;
- , Name and address of financial institution where the conservatorship checking account has been established;
 - whether it is an interest bearing account
 - account number
- , Name and address of financial institution where the conservatorship savings account has been established;
 - account number
- , Whether all of the ward's assets have been changed to the conservatorship's name;
- , List source and amounts of the ward's income; and

Name, address and telephone number of conservator.

The conservator must sign and date the report and certify under penalty of perjury and pursuant to the laws of the State of Iowa that the report is true and correct.

APPENDIX C

ANNUAL REPORT OF CONSERVATOR

The conservator must state:

- , The county of the conservatorship;
- , Name of the ward;
- , Probate Number;

The conservator must address the following:

- , Time period the report covers;
- , Total cash on hand at the close of the last accounting period;
- , A list of total funds received during this report period;
- , A list of total disbursements (expenses) made during this report;
- , Balance of cash on hand at the close of this report period;
- , A list of other assets of the ward at the close of this report;
- , Changes that may have been made in investment during this report period;
- , Total value of assets of the ward at the close of this report period;
- , Amount of conservator's bond as well as surety;
- , Name and address of the guardian, if any;
- , Ward's address and general physical and mental condition;
- , Other pertinent information to the court;
- , Whether the fees for the conservatorship are applied for or waived;
- , Fees applied for by the conservator's attorney.

The conservator must sign, give his/her address, date the report and certify under penalty of perjury and pursuant to the laws of the State of Iowa that the report is true and correct.

APPENDIX D

FINAL REPORT OF CONSERVATOR

The conservator must state:

- , The county of the guardianship;
- , Name of the ward;
- , Probate number;

The conservator must address the following:

- , Time period the report covers;
- , Total cash on hand at the close of the last accounting period;
- , A list of total funds received during this report period;
- , A list of total disbursements made during this report period;
- , Balance of cash on hand at the close of this report period;
- , A list of other assets of the ward at the close of this report;
- , Changes that may have been made in investment during this report period;
- , Total value of assets of the ward at the close of this report period;
- , Status of the termination;
- , To whom the funds and assets of this conservatorship will be distributed upon termination;
- , Whether or not the notice of hearing on final report has been waived;
- , Amount of conservator's bond as well as surety;
- , Name and address of guardian, if any;
- , The ward's general physical and mental condition;
- , Residence of the ward;
- , Other pertinent information to the court;
- , Whether final court costs have been paid;
- , Whether the fees for the conservator are being applied for or waived;

, Fees applied for by the conservator's attorney;

, Receipt(s) of the distributee(s) for the funds and assets of the conservatorship.

The conservator must sign, give his/her address, date the report and certify under penalty of perjury and pursuant to the laws of the State of Iowa that the report is true and correct.

ENDNOTES

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- i. Iowa Code § 633.635(5) (2002).
 - ii. Iowa Code § 633.635(1) (2002).
 - iii. Iowa Code § 633.635(2) (2002).
 - iv. Iowa Code § 633.635(4) (2002), *In re Guardianship of Hedin*, 528 N.W.2d 567 (Iowa 1995).
 - v. Iowa Code § 633.560 (2002).
 - vi. Iowa Code § 633.591 (2002).
 - vii. Iowa Code § 633.594 (2002).
 - viii. Iowa Code § 633.558 (2002).
 - ix. Iowa Code § 633.669 (2002).
 - x. *Id.*
 - xi. Iowa Code § 633.675 (2002).
 - xii. *Id.*
 - xiii. Iowa Code §§ 633.639, 633.640, 633.641 (2002); *In re Stude's Estate*, 179 Iowa 785, 162 N.W. 10 (1917).
 - xiv. Iowa Code §§ 633.643, 633.645 (2002).
 - xv. Iowa Code § 633.646 (2002).
 - xvi. Iowa Code § 633.647 (2002).
 - xvii. Iowa Code § 633.637 (2002).
 - xviii. Iowa Code § 633.591 (2002).
 - xix. *Id.*
 - xx. Iowa Code § 633.594 (2002).
 - xxi. Iowa Code § 633.585 (2002).
 - xxii. Iowa Code § 633.670 (2002).
 - xxiii. Iowa Code §§ 633.670, 633.671 (2002).
 - xxiv. *Id.*
 - xxv. Iowa Code §§ 633.670, 633.671 (2002).

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- xxvi. Iowa Code §§ 633.670, 633.671 (2002).
- xxvii. Iowa Code § 633.675 (2002).
- xxviii. Iowa Code § 633.676 (2002).
- xxix. Iowa Code § 633.675 (2002).
- xxx. Iowa Code §§ 633.669, 633.670, 633.671 (2002).
- xxxi. Iowa Code §§ 595.3(3) and (5), 633.264, 633.635(4), 633.636, 633.556, 633.679 (2002); Iowa Const. Art. II, § 5; *In re Hawk's Guardianship*, 227 Iowa 232, 288 N.W. 114 (1939).
- xxxii. Iowa Code § 633.628 (2002).
- xxxiii. Iowa Code §§ 633.200, 633.673 (2002).
- xxxiv. Iowa Code § 633.633B (2002).
- xxxv. Iowa Code §§ 633.670, 633.675 (2002).
- xxxvi. Iowa Code §§ 144A.3, 633.635(2) (2002).
- xxxvii. Iowa Code §§ 633.562, 633.635 (2002).
- xxxviii. Iowa Code § 144B.6 (2002).
- xxxix. Iowa Code §§ 633.562, 633.635 (2002).
- xl. Iowa Code § 633.635 (2002).
- xli. *Id.*
- xlii. *In re Guardianship and Conservatorship of Ankeney*, 360 N.W.2d 733 (Iowa 1985).
- xliii. *Id.*
- xliv. *Id.*
- xlv. Iowa Code § 633.668 (2002).
- xlvi. Iowa Code § 633.63 (2002).
- xlvii. Iowa Code § 633.71 (2002).
- xlviii. Iowa Code § 633.123A (2002).
- xlix. Iowa Code § 633.155 (2002).
- l. Iowa Code § 633.157 (2002).

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- li. Iowa Code § 633.85 (2002).

 - lii. Iowa Code § 633.160 (2002).

 - liii. Iowa Code § 633.633A (2002).

 - liv. Iowa Code § 633.633B (2002).

 - lv. Iowa Code § 633.168 (2002).

 - lvi. Iowa Code §§ 633.169, 633.170(1) (2002).

 - lvii. Iowa Code § 633.169 (2002).

 - lviii. Iowa Code §§ 633.172, 633.174, 633.175, 633.176, 633.177 (2002).