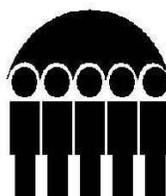


GUARDIAN AND CONSERVATOR HANDBOOK



Iowa
Department
of
Human Services

**In Partnership with
Polk County Attorney's Office
and the
Department of Human Services**

April 15, 2011



Introduction



The information in this Handbook primarily focuses on guardianships and conservatorships initiated by the Department of Human Services (DHS).

Further, this information has been compiled to assist guardians and conservators referred by DHS. However, this information may also be useful for any guardian or conservator.

Disclaimer

This Handbook is designed to provide information to guardians and conservators and is not intended to replace the advice of an attorney.



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Overview



Polk County Attorney's Office (PCAO):

Authority To Represent the Department of Human Services (DHS)

The PCAO represents the DHS in establishing guardianships and conservatorships for individuals referred for dependent adult abuse services.

“If, upon completion of the evaluation or upon referral from the department of inspections and appeals, the department determines that the best interests of the dependant adult require court action, the department shall initiate action for the appointment of a guardian or conservator or for the admission and commitment to an appropriate institution or facility pursuant to the applicable procedures under chapter 125, 222, 229 or 633 or shall pursue other remedies provided by the law. The appropriate county attorney shall assist the department in the preparation of the necessary papers to initiate the action and shall appear and represent the department at all district court proceedings.” *Iowa Code §235B.3(9)*.

Guardianship

A guardianship is a legal proceeding that appoints an individual (guardian) to manage another's (ward) care.

Conservatorship

A conservatorship is a legal proceeding that appoints an individual (conservator) to manage another's (ward) financial matters.

Volunteers and Training

The DHS is required to establish a volunteer program designed to enhance services provided by the department including roles for volunteers as guardians and conservators. *Iowa Code §217.13*.

In addition, the DHS is required to establish training programs designed to assist all duly appointed guardians and conservators in understanding their fiduciary duties and liabilities, the special needs of the ward and how best to serve the ward and the ward's interest. *Iowa Code §217.40.*

The Volunteer Program established by the DHS is run by a Volunteer Coordinator (VC). The VC may be contacted using the following information:

Department of Human Services
River Place
2309 Euclid Ave.
Des Moines, IA 50310
Telephone: (515) 725-2600
Facsimile: (515) 725-2899



Establishing Guardianships/Conservatorships



Guardianship Proceeding

A legal proceeding is required to protect the proposed ward's constitutional rights. The court must determine by clear and convincing evidence that a proposed ward is incompetent. *Iowa Code §633.551(1)*.

Incompetence

Iowa considers an individual incompetent if they meet at least one (1) of the following criteria:

- a) To have a decision-making capacity which is so impaired the person is unable to care for the person's personal safety or to attend to or provide for necessities for the person such as food, shelter, clothing, or medical care, without which physical injury or illness may occur;
- b) To have decision-making capacity which is so impaired the person is unable to make, communicate, or carry out important decisions concerning the person's financial affairs; and/or
- c) To have a decision-making capacity so impaired both paragraph "a" and "b" are applicable to the person.

Iowa Code §633.3(23).

Referral Process

As a result of a dependent adult abuse report, the DHS may be referred a case in which the subject of the dependent adult abuse is believed to need a guardian and/or conservator. The case worker will:

- 1) evaluate the case;
- 2) determine if a guardianship/conservatorship is needed; and
- 3) locate an appropriate guardian or conservator when required.

The case worker will then make a referral to the PCAO. The PCAO will prepare the appropriate legal forms to establish the guardianship and/or conservatorship. After the appropriate documents are filed, the Judge will set a hearing and find a guardian ad litem to represent the ward.

Court Hearing

During the hearing, the Judge will listen to testimony from the case worker, the proposed guardian and/or conservator, the guardian ad litem and any other interested parties. If there is clear and convincing evidence that the proposed ward does indeed need a guardian and/or conservator the judge will then determine the most suitable candidate.

At a guardianship/conservatorship proceeding the proposed guardian/conservator is placed under oath. The proposed guardian/conservator will be asked questions to determine if he or she is the most suitable candidate.



Liability of Guardians and Conservators



Iowa Code §633.633A Liability of Guardians and Conservators

Guardians and conservators shall not be held personally liable for actions or omissions taken or made in the official discharge of the guardian's or conservator's duty, EXCEPT for any of the following:

- 1) A breach of fiduciary duty imposed by probate code; and/or
- 2) Willful or wanton misconduct in the official discharge of the guardian's or conservator's duties.

All volunteers registered with the DHS and in compliance with the departmental rules are considered state employees for purposes of chapter 669. This section does not except a conservator or guardian from an action brought under Iowa Code §§658.1A or 658.3.

Iowa Code §669.24 State Volunteers

A person who performs services for the state government or any agency or subdivision of state government and who does not receive compensation is not personally liable for a claim based upon an act or omission of the person performed in the discharge of the person's duties, except for acts or omissions which involve intentional misconduct or knowing violation of the law, or for a transaction from which the person derives an improper personal benefit. For purposes of this section, "*compensation*" does not include payments to reimburse a person for expenses.



Responsibilities of a Guardian



Iowa
Department
of
Human Services

Iowa Code §633.635 allows the guardian to perform the following duties:

Without Court Approval

- 1) Providing for the care, comfort and maintenance of the ward, including the appropriate training and education to maximize the ward's potential.
- 2) Taking reasonable care of the ward's clothing, furniture, vehicle and other personal effects.
- 3) Assisting the ward in developing maximum self-reliance and independence.
- 4) Ensuring the ward receives professional care, counseling, treatment or services as needed. If necessitated by the physical or mental disability of the ward, the provision of professional care, counseling, treatment, or services limited to the routine physical and dental examinations and procedures under anesthesia is included, if the anesthesia is provided within the scope of the health care practitioner's scope of practice.
- 5) Any other powers or duties the court may specify.

** Routine dental examinations and procedures include preventative services, diagnostic services, restorative services, periodontal services, endodontic services, oral surgery, prosthetic services and orthodontic services.

** Routine physical examinations and procedures include examinations and procedures performed for the purpose of general treatment or diagnosis or for the purpose of treatment or diagnosis related to a specific illness, symptom, complaint or injury.

IMPORTANT POINTS TO REMEMBER

You must receive prior court approval for anything listed below.

With Court Approval

- 1) Changing, at the guardian's request, the ward's permanent residence if the proposed new residence is more restrictive of the ward's liberties than the current residence.
- 2) Arranging the provision of major elective surgery or other nonemergency major medical procedure. Major elective surgery and nonemergency medical procedures do not include the provision to the ward of professional care, counseling, treatment or services limited to the provision of routine physical and dental examinations and procedures under anesthesia, if the use of anesthesia is necessitated by the physical or mental disability of the ward, and if the anesthesia is provided within the scope of the health care practitioner's scope of practice.
- 3) Consent to the withholding or withdrawal of life-sustaining procedures in accordance with chapter 144A.

Iowa Code §633.669 Reporting Requirements

- 1) An appointed guardian shall file with the court the following written reports:
 - a) An initial report within 60 days of the guardian's appointment.
 - b) An annual report, within 90 days of the close of the reporting period unless the court otherwise orders on good cause shown.
 - c) A final report within 30 days of the termination of the guardianship under Iowa Code §633.675 unless otherwise extended.
- 2) Reports must include:
 - a) The current mental and physical condition of the ward.
 - b) The present living arrangement of the ward, including a description of each residence where the ward has resided during the reporting period.
 - c) A summary of the medical, educational, vocational and other services provided to the ward.
 - d) A description of the guardian's visits with and activities on behalf of the ward.

IMPORTANT POINTS TO REMEMBER

- 1) You must file an initial report.
- 2) You must file annual reports.
- 3) You must file a final report upon termination of your duties.
- 4) You must file your reports with the clerk of court.

Polk County District Court
Clerk of Court – Probate Court
500 Mulberry Street
Des Moines, IA 50131

For your convenience, report templates are available at:

<http://www.polkcountyiowa.gov/Attorney/Civil/guardianships.aspx>

Sample Reports can be found in the Appendices.



Responsibilities of a Conservator



Iowa
Department
of
Human Services

Iowa Code §633.646 allows the conservator to perform the following functions:

Without Prior Court Approval

- 1) Collect, receive, receipt for any principal or income, and to enforce, defend against or prosecute any claim by or against the ward or the conservator; to sue on and defend claims in favor of, or against, the ward or the conservator.
- 2) To sell and transfer personal property of a perishable nature and personal property for which there is a regularly established market.
- 3) To vote at corporate meetings in person or by proxy.
- 4) To receive additional property from any source.
- 5) Notwithstanding the provisions of chapter 633A, Subchapter IV, part 3, to continue to hold any investment or other property originally received by the conservator, and also any increase thereof, pending the timely filing of the first annual report.

IMPORTANT POINTS TO REMEMBER

You must receive prior court approval for anything listed below.

With Prior Court Approval

- 1) To invest the funds belonging to the ward.
- 2) To execute leases.
- 3) To make payments to, or for the benefit of, the ward in any of the following ways:
 - a) Directly to the ward;
 - b) Directly for the maintenance, welfare and education of the ward;
 - c) To the legal guardian of the person of the ward; or
 - d) To anyone who at the time shall have the custody and care of the person of the ward.

- 4) To apply any portion of the income or of the estate of the ward for the support of any person for whose support the ward is legally liable.
- 5) To compromise or settle any claim by or against the ward or the conservator; to adjust, arbitrate or compromise claims in favor of or against the ward or the conservator.
- 6) To make an election for the ward who is a surviving spouse as provided in Iowa Code §§633.236 and 633.240.
- 7) To exercise the right to disclaim on behalf of the ward as provided in Iowa Code §633E.5.
- 8) To do any other thing that the court determines to be to the best interests of the ward and the ward's estate.

Iowa Code §633.670 Reporting Requirements

Conservators shall file with the court the following reports:

- 1) An initial inventory within sixty (60) days of the appointment.
- 2) Written verified reports and accountings as follows:
 - a) An annual report, within (90) days of the close of the reporting period, unless the court otherwise orders on good cause shown;
 - b) Within thirty (30) days following the date of removal;
 - c) Upon filing resignation and before the resignation is accepted by the court; and
 - d) Within sixty (60) days following the date of termination.

Iowa Code §633.671 Requirements of Report and Accounting

The report and accounting shall account for all of the period since the close of the accounting contained in the next previous report, and shall include the following information as far as applicable:

- 1) The balance of funds on hand at the close of the last previous accounting, and all amounts received from whatever source during the period covered by the accounting.
- 2) All disbursements made during the period covered by the accounting.
- 3) Any changes in investments since the last previous report, including a list of all assets, and recommendations of the conservator for the retention or disposition of any property held by the conservator.
- 4) The amount of the bond and the name of the surety on it.
- 5) The residence or physical location of the ward.
- 6) The general physical and mental condition of the ward.

- 7) Such other information as shall be necessary to show the condition of the affairs of the conservatorship.

IMPORTANT POINTS TO REMEMBER

- 1) You must file an initial inventory and report of conservator.
- 2) You must file annual reports with accounting.
- 3) You must file a final report upon termination of your duties.
- 4) You must file your reports with the clerk of court.

Polk County District Court
Clerk of Court – Probate Court
500 Mulberry Street
Des Moines, IA 50131

For your convenience, report templates are available at:

<http://www.polkcountyiowa.gov/Attorney/Civil/guardianships.aspx>

Sample Reports can be found in the Appendices.



Helpful Resources



Department of Human Services (Dependent Adults):

http://www.dhs.state.ia.us/Consumers/Safety_and_Protection/Abuse_Reporting/DependentAdultAbuse.html

Department of Human Services Adult Abuse Hotline: 1-800-362-2178 or 515-725-2727

Department of Human Services Income Maintenance (Polk County):

http://www.dhs.state.ia.us/Consumers/Find_Help/County_Offices/Polk.html

Department of Human Services (Medicaid – Title19) (Polk County):

http://www.dhs.state.ia.us/Consumers/Health/Medical_Insurance/WhatsAvailable.html

- Field Office Support Unit: 515-281-6899 or 1-800-972-2017

Department of Human Services Volunteer Coordinator (Polk County): 515-725-2743

Drake Law Center: 515-271-3851

<http://www.law.drake.edu/centers/nealBeaSmith/>

Iowa Department on Aging:

<http://www.aging.iowa.gov/>

Iowa Department of Human Rights (Division of Community Action Agencies):

<http://www.dcaa.iowa.gov/>

Iowa Department of Human Rights (Division of Persons with Disabilities):

<http://www.humanrights.iowa.gov/pd/index.html>

Iowa Department of Inspections and Appeals: 515-281-7102

<http://dia.iowa.gov/>

Iowa Department of Veterans Administration: <https://va.iowa.gov/>

- Federal VA Regional Office (IA): 1-800-827-1000
- State of Iowa VA Office: 1-800-838-4692

Iowa Judicial Branch:

<http://www.iowacourts.gov/>

Iowa Legal Aid: 1-800-532-1275 or 515-243-1198

<http://www.iowalegalaid.org/ia/homepage.html>

Iowa State Bar Association: 515-243-3179

<http://iabar.net/>

Polk County Attorney's Office (Civil Division): 515-286-3341

<http://www.polkcountyiowa.gov/Attorney/Civil/guardianships.aspx>

Polk County Bar Association: 515-280-9571

<http://pcbaonline.org/>

Polk County Department of Human Services Contact Information:

http://www.dhs.state.ia.us/Consumers/Find_Help/County_Offices/polk.html

Polk County Probate Clerk of Court: 515-286-3773

Medicare Rights Center: <http://www.medicarerights.org/about-mrc/contact-us.php>

- Consumer Hotline: 1-800-333-4114

Social Security Administration: 1-800-772-1213

State of Iowa – Office of Citizens' Aide/Ombudsman: 515- 281-3592 or 1-888-426-6283

<http://www.legis.state.ia.us/Ombudsman/>

Taxpayer Service/Tax Counseling for the Elderly - Statewide: 1-800-829-1040



Frequently Asked Questions



What is a guardianship?

A guardianship is one form of substitute decision-making which is established through a legal proceeding. The court, after considering credible evidence, may appoint a guardian to manage the ward's care. *Iowa Code §633.3(20) and §633.551(4).*

What is a conservatorship?

A conservatorship is one form of substitute decision-making which is established through a legal proceeding. The court, after considering credible evidence, may appoint a conservator to have the custody and control of the property of a ward. *Iowa Code §633.3(20) and §633.551(4).*

Who is a ward?

A person who is under the protection of or in the custody of another.

Who is a guardian ad litem (GAL)?

A person appointed by a court as guardian of a person to act on his or her behalf in a particular action or proceeding.

What is the difference between a GAL and an attorney that is appointed to represent a proposed ward?

A GAL acts in the proposed ward's best interest whereas an attorney represents the wishes of the proposed ward.

What is the difference between a voluntary and involuntary guardianship?

A voluntary guardianship is a legal proceeding that occurs when the proposed ward files a petition to establish a guardianship. *Iowa Code §633.557.*

An involuntary guardianship is a legal proceeding in which someone other than the proposed ward files a petition to establish a guardianship. *Iowa Code §633.552.*

What is the difference between a voluntary and involuntary conservatorship?

A voluntary conservatorship is a legal proceeding that occurs when the proposed ward files a petition to establish a conservatorship. *Iowa Code §633.572.*

An involuntary conservatorship is a legal proceeding in which someone other than the proposed ward files a petition to establish a conservatorship. *Iowa Code §633.566.*

Why is a legal proceeding necessary?

A legal proceeding is required to protect the proposed ward's constitutional rights. The court must determine by clear and convincing evidence that a proposed ward is incompetent. *Iowa Code §633.551(1).*

What constitutes incompetence?

Iowa considers an individual incompetent if they meet at least one of the following criteria:

- a) To have a decision-making capacity which is so impaired that the person is unable to care for the person's personal safety or to attend to or provide for necessities for the person such as food, shelter, clothing, or medical care, without which physical injury or illness may occur.
- b) To have decision-making capacity which is so impaired that the person is unable to make, communicate, or carry out important decisions concerning the person's financial affairs.
- c) To have a decision-making capacity so impaired that both paragraph "a" and "b" are applicable to the person.

Iowa Code §633.3(23).

What forms of guardianships can be established?

- 1) Permanent Guardianship: A guardianship established until terminated by the court or upon death of the ward.
- 2) Stand-by Guardianship: A guardianship that becomes effective only when a certain event occurs. *Iowa Code §633.560.*
- 3) Temporary Guardianship: A guardianship typically established during the pendency of an involuntary guardianship proceeding. *Iowa Code §633.558.*
- 4) Limited Guardianship: A guardianship which is restricted to certain functions as identified in Iowa Code §633.635.

What forms of conservatorship can be established?

- 1) Permanent Conservatorship: A conservatorship established until terminated by court order or upon the death of the ward.
- 2) Stand-by Conservatorship: A conservatorship that becomes effective only when a certain event occurs. *Iowa Code §633.591.*
- 3) Temporary Conservatorship: A conservatorship that is typically established during the pendency of an involuntary conservatorship proceeding. *Iowa Code §633.573.*
- 4) Limited Conservatorship: A conservatorship that is restricted to certain functions as identified in Iowa Code §633.637.

Who can be a guardian and/or conservator?

Any natural person who is of full age, who is a *resident* of Iowa unless,

- a) That individual is incompetent, chronic alcoholic or a spendthrift.
- b) Any other person the court feels is unsuitable.

Is there a preference given to family members to be appointed as a guardian/conservator?

The parents of a minor child (one or either) if qualified and suitable, shall be given preference over all others. *Iowa Code §633.559.*

There is no requirement for family members to given preference as a guardian and/or conservator for dependent adults. However, when the DHS determines a guardianship and/or conservatorship is appropriate, family members are considered prior to anyone else as long as the family member is willing, qualified and suitable to fulfill one or both roles.

Can a guardian and/or conservator be appointed if *not a resident* of Iowa?

Any natural person who is a *nonresident* may be appointed as a guardian/conservator if a resident is also appointed. However, for good cause shown the court may appoint a nonresident to serve alone. *Iowa Code §§633.63 and 633.64.*

Are there any other requirements to be appointed as a guardian/conservator?

Every fiduciary shall execute and file with the clerk, a bond with sufficient surety or sureties in an amount equal to the value of the personal property of the ward's estate, plus estimated gross annual income of the estate during the period of administration. *Iowa Code §§633.63 and 633.64.*

What is a fiduciary?

A personal representative, executor, administrator, guardian, conservator, and the trustee of any trust, to include estates of decedents construction of wills, conservatorships and guardianships, trusts and trustees, and actions for accounting. *Iowa Code §633.3(17) and §633.10.*

What is a surety bond?

A surety bond is a promise to pay one party (*the obligee or ward*) a certain amount if a second party (*the principal or conservator*) fails to meet some obligation, such as fulfilling the terms of a contract. The surety bond protects the obligee against losses resulting from the principal's failure to meet the obligation.

Do I need to get a bond if I am only appointed as a guardian?

When a person is appointed as the guardian and not the conservator of the ward's property, no bond shall be required, unless the court for good cause finds it proper to require one. *Iowa Code §633.174.*

Who do I contact to apply for a surety bond?

You may contact any corporation/business that offers surety bonds as part of their business (i.e. an insurance company or bank). However, the corporation/business must have a current certificate of authority to transact the business of a surety in the state. *Iowa Code §§633.63 and 633.64.* You may contact the Clerk of Court to review the list of corporate sureties that have a current certificate of authority to transact the business of a surety in the state.

Is the conservator personally responsible to pay for the surety bond?

The surety bond shall be procured at the expense of the estate, if an approved surety company bond is furnished. *Iowa Code §633.169.*

What are the responsibilities of a guardian?

The court may grant a guardian the following powers and duties which may be exercised without prior court approval:

- a) Providing for the care, comfort and maintenance of the ward, including the appropriate training and education to maximize the ward's potential.

- b) Taking reasonable care of the ward's clothing, furniture, vehicle and other personal effects.
- c) Assisting the ward in developing maximum self-reliance and independence.
- d) Ensuring the ward receives necessary emergency medical services.
- e) Ensuring the ward receives professional care, counseling, treatment or services as needed. If necessitated by the physical or mental disability of the ward, the provision of professional care, counseling, treatment or services limited to the provision of routine physical and dental examinations and procedures under anesthesia is included, if the anesthesia is provided within the scope of the health care practitioner's scope of practice.
- f) Any other powers or duties the court may specify.

The following duties and responsibilities can be exercised only on court order:

- a) Changing, at the guardian's request, the ward's permanent residence if the proposed new residence is more restrictive of the ward's liberties than the current residence.
- b) Arranging the provision of major elective surgery or any nonemergency major medical procedure. Does not include Iowa Code §633.635(1)(e).
- c) Consent to the withholding or withdrawal of life-sustaining procedures.

Iowa Code §633.635(1) and (2).

What are routine dental examinations and procedures?

Routine dental services include preventive services, diagnostic services, periodontal services, endodontic services, oral surgery, prosthetic services and orthodontic procedures. *Iowa Code §633.635(3)(a).*

What are routine physical examinations and procedures?

Routine physical examinations and procedures are performed for the purpose of general treatment or diagnosis or for the purpose of treatment or diagnosis related to a specific illness, symptom, complaint or injury. *Iowa Code §633.635(3)(b).*

Does a ward retain the right to vote?

All wards retain the right to vote unless it is determined by the court that they cannot retain that right. If the court appoints a guardian based on mental incapacity and the proposed ward meets the definition of Iowa Code §222.2(5), the court shall make a separate determination as to the

ward's competence to vote. The court must find that the proposed ward lacks sufficient mental capacity to comprehend and exercise the right to vote. *Iowa Code §633.556(1)*.

Does the ward retain the right to marry?

If a guardian withholds consent for a ward to marry, a judge upon application of a party to a proposed marriage shall determine if the consent has been unreasonably withheld. The marriage license must not be granted in a case where either party is a ward under a guardianship and the court has made a finding the ward lacks the capacity to contract a valid marriage. *Iowa Code §595.2, §595.3(a)(5), and §633.635(4)*.

What are the duties of the conservator?

The conservator has a duty to protect and preserve the estate, invest it prudently, to account for it and perform all other duties required by law, and at the termination of the conservatorship, to deliver the ward's assets to the person entitled. *Iowa Code §633.641*.

What are the powers of the conservator?

The court may grant a conservator the following powers and duties which may be exercised without prior court approval:

- a) To collect, receive, receipt for any principal or income, and to enforce, defend against or prosecute any claim by or against the ward or the conservator; to sue on and defend claims in favor of or against, the ward or the conservator.
- b) To sell and transfer personal property of a perishable nature and personal property for which there is a regularly established market.
- c) To vote at corporate meetings in person or by proxy.
- d) To receive additional property from any source.
- e) To continue to hold any investment or other property originally received by the conservator, and also any increase thereof, pending the timely filing of the first annual report.

The following powers of the conservator are subject to the approval of the court:

- 1) To invest the funds belonging to the ward.
- 2) To execute leases.
- 3) To make payments to, or for the benefit of, the ward in any of the following ways:
 - a. Directly to the ward;

- b. Directly for the maintenance, welfare and education of the ward;
 - c. To the legal guardian of the person of the ward; or
 - d. To anyone who at the time shall have the custody and care of the person of the ward.
- 4) To apply any portion of the income or of the estate of the ward for the support of any person for whose support the ward is legally liable.
 - 5) To compromise or settle any claim by or against the ward or the conservator; to adjust, arbitrate or compromise claims in favor of or against the ward or the conservator.
 - 6) To make an election for the ward who is the surviving spouse.
 - 7) To exercise the right to disclaim on behalf of the ward.
 - 8) To do any other thing that the court determines to be to the best interests of the ward and the ward's estate.

Iowa Code §633.646 and §633.647.

Can an individual be both a guardian and a conservator?

There is no restriction on being appointed as both a guardian and conservator for a ward as long as the other requirements are met to serve as each separately and the court believes it to be in the ward's best interest.

What reports need to be filed and when are they required to be completed?

Guardians shall file with the court the following reports:

- 1) An initial report within sixty (60) days of the appointment.
- 2) An annual report, within ninety (90) days of the close of the reporting period, unless the court otherwise orders on good cause shown.
- 3) A final report within thirty (30) days of the termination of the guardianship, unless that time is extended by the court.

Iowa Code §633.669.

Conservators shall file with the court the following reports:

- 1) An initial inventory within sixty (60) days of the appointment.
- 2) Written verified reports and accountings as follows:
 - a. An annual report, within (90) days of the close of the reporting period, unless the court otherwise orders on good cause shown.
 - b. Within thirty (30) days following the date of removal.

- c. Upon filing resignation and before the resignation is accepted by the court.
- d. Within sixty (60) days following the date of termination.

Iowa Code §633.670.

How do I obtain a copy of the report that needs to be filed?

The court shall develop a simplified uniform reporting form for use in filing the required guardianship reports. *Iowa Code §633.669(3).*

You may contact the court, clerk of court or your attorney for access to the reporting forms.

You may also obtain a copy of the forms at Iowa Courts at the following website:

http://www.iowacourts.gov/Court_Rules_and_Forms/Probate_Forms/

In addition, forms are available for you to use on the Polk County Attorney's Office website:

<http://www.polkcountyiowa.gov/Attorney/Civil/guardianships.aspx>

Where do I submit my reports?

If you have an attorney, contact him/her for assistance with filing the reports. Otherwise, you may submit the reports to the Probate Court.

How do I verify my report(s) have been received by the Court, approved and filed?

If you have an attorney, you should contact him/her. Otherwise, you may contact the Probate Court, Clerk of Court or you can access the information on Iowa Courts Online at the following website:

<http://www.iowacourts.state.ia.us/ESAWebApp/DefaultFrame>

- Click on "Start a Case Search Here"
- Under Trial Court, select "Case Search"
- Input Ward's name (as a minimum)
- To narrow the search, you may include the Ward's role as "Ward"; select the appropriate County; and Case Type "Civil"
- Click on Search button
- Select "Case ID" link
- Select "Filings"
- Scroll through filings to determine if your most recent report has been approved.

What happens if reports are not filed in a timely manner?

If a guardian/conservator fails to file a timely report the court may remove the guardian/conservator. *Iowa Code §633.65.*

What causes a guardianship and/or a conservatorship to cease (terminate)?

- 1) If the ward is a minor, when the ward reaches full age.
- 2) The death of the ward.
- 3) A determination by the court the ward is no longer a person whose decision-making capacity is so impaired as to need a guardian and/or conservator.
- 4) Upon the determination by the court that the conservatorship or guardianship is no longer necessary for any other reasons.
- 5) The court may direct the conservator to proceed to terminate the conservatorship at any time that the assets of the ward's estate do not exceed the amount of the charges and claims against it.

Iowa Code §§633.675 and 633-676.

Does the ward need to have a conservator if their only source of income is Social Security?

If the ward has no assets and his/her only source of income is social security, a conservator may not be needed if other substitute decision making options are available, such as a representative payee. Contact Social Security Administration for more information.

The ward has passed away, as conservator what do I do with the ward's assets?

Upon the death of the ward, the conservator shall deliver all assets of the conservatorship under the direction of the court, to the person or persons entitled to them.

Iowa Code §633.678.

Upon termination of the conservatorship, how do I get the bond discharged?

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

Iowa Code §633.682.

It is your responsibility to provide the bond company with the court documentation discharging the surety on the bond.

What if a decision needs to be made for the ward and I don't know what to do?

Work with the team involved in the care for the ward to get information to better help you make the decision that is in the *best interest* of ward. The best decision may not be the easiest and not necessarily what the ward wants.

What do I do about the guardianship if I am traveling and can't be reached?

As a guardian, you need to be able to be reached in an emergency, therefore, be sure to notify applicable parties with emergency contact information of how you can be reached.

I am getting older and am concerned about what will happen to the ward when I can no longer serve. Should I ask the Court to appoint a co-guardian?

Making an application to the court to add a co-guardian is certainly one option. However, as co-guardians, you both will have to make decisions together (“and” not “or”) during your appointment. If however, at the time you are no longer able to serve due to other commitments, health or death, the co-guardian will need to request the court remove you as a co-guardian and to continue to serve as sole guardian.

If you are concerned about your own health and ability to continue to serve as a guardian, you may also make an application to the court to be relieved of said duties and recommend another person named in the application to be appointed as successor guardian.

You may also set up a plan with family/friends on who will succeed you as guardian in the event you are no longer able to serve. This person will have to be approved by the judge and appointed the guardian.

What will happen to the ward if the guardian/conservator should pass away unexpectedly?

It is highly recommended that a plan is in place should such an event occur. Talk to family/friends to help identify who will be willing to serving as guardian/conservator in such an event. You can also contact the ward's case manager/service provider to discuss these options.

Can two or more people serve as co-guardians or co-conservators?

Yes. However, being appointed as co-guardians/co-conservators may not achieve your desired result. Both co-guardians/co-conservators need to be available at all times to make decisions

and act on those decisions together on behalf of the ward. In other words, one guardian cannot make decisions on behalf of the ward without having the co-guardian/co-conservator agree as well.

How do I resign as a guardian or conservator?

You must make an application to the court to request to be removed as guardian/conservator. The court would most likely have you remain as the guardian/conservator until such time you can make an application recommending someone by name to succeed you.

I don't believe the ward needs a guardian. How do I get the guardianship terminated?

The court may make a determination that the ward is no longer a person whose decision-making capacity is so impaired as to need a guardian/conservator. The ward shall make a prima facie showing that the ward has some decision-making capacity in a proceeding to terminate the guardianship/conservatorship.

Iowa Code §633.675(3).

The ward is noncompliant and refusing services and I am not able to be effective as a guardian, what do I do?

You must make an application to the court to request to be removed as guardian/conservator. The court would most likely have you remain as the guardian/conservator until such time you can make an application recommending someone by name to succeed you.

I have shown my Order of Appointment and Letter of Appointment to exercise my authority as guardian, but the agency will not accept it because it is too old. How do I get a new Order of Appointment and Letter of Appointment?

Contact the Clerk of Court and request a certified copy of the Order of Appointment and/or Letter of Appointment to show the guardianship is still current.

The ward needs to reside in a care facility, but cannot afford "private pay" and doesn't qualify for Title 19 benefits because the ward's income is too high. What can I do?

You need to contact the DHS Income Maintenance (Title 19) to discuss what other options are available.

As guardian can I do a mental health commitment for the ward?

Yes, anyone who is aware of facts that would allow for a commitment can pursue that course of action. As with all mental health commitments there must be two individuals attesting to the need for the commitment. All legal procedures pursuant to Iowa Code chapter 229 or other such related statutes must be followed.

I am a volunteer guardian and the ward's family is harassing/threatening the ward. What options do I have to protect the ward?

The best course of action would be to contact the local authorities. In addition, you should contact the DHS Adult Abuse Hotline (515-362-2178 or 1-800-362-2178).

I am a volunteer guardian and the ward's family is harassing/threatening me. What options do I have to protect myself?

The best course of action would be to contact the local authorities.

The ward is in the hospital and the doctor has indicated it is in the ward's best interest to have a Do Not Resuscitate Order. Can I authorize this?

In the absence of a declaration that was signed by the ward (prior to the ward's incapacity), the guardian may authorize the withholding or the withdrawal of life-sustaining procedures provided that court approval is obtained.

Iowa Code §633.635(2).

Can the ward's family authorize the withholding/withdrawal of life-sustaining procedures?

The order of priority for making this decision when the ward does not have a declaration is as follows:

- 1) The attorney in fact designated to make treatment decisions for the patient should such person be diagnosed as suffering from a terminal condition, if the designation is in writing and complies with Iowa Code chapter 144B or §633B.1.
- 2) The guardian of the person of the patient if one has been appointed, provided court approval is obtained.
- 3) The patient's spouse.
- 4) An adult child of the patient or, if the patient has more than one adult child, a majority of the adult children who are reasonably available for consultation.
- 5) A parent of the patient, or parents if both are reasonably available.

6) An adult sibling.

Iowa Code §144A.7.

The ward is receiving restitution, who do I notify for changes to my contact information as conservator?

Contact the Clerk of Court (515-286-3773) and Polk County Attorney's Office (Victim Liaison) (515-286-3737).

As conservator, do I need to file taxes on behalf of the ward?

If the ward would be required to file taxes, it is likely that you need to file the taxes on the ward's behalf. For more information contact a tax specialist or attorney.

Can I be reimbursed for expenses incurred as part of my conservator duties?

You may make a request to the court to be reimbursed for such expenses and be reimbursed as the court so approves.

Can I pay for the ward's burial plan and funeral expenses from the conservatorship?

Yes. But for more information on what type of plan and how much can be spent on the burial plan and funeral expenses without jeopardizing current and/or future Title 19 entitlements, it is recommended that you contact the DHS - Income Maintenance prior to committing the ward's funds.

The ward has passed away without a will and has been receiving benefits from Title 19, what do I do with the money that remains in the estate?

You may contact an attorney for assistance with the final accounting of the conservatorship and opening an estate with Probate Court.

You may also contact Iowa Medicaid Estate Recovery (515-725-1042) for more information.

Who do I call if I believe a dependent adult is being abused or exploited?

The best course of action would be to contact the local authorities. In addition, you should contact the DHS Adult Abuse Hotline (515-362-2178 or 1-800-362-2178).

Who is considered to be a “dependent adult”?

A dependent adult is defined as “a person eighteen years of age or older who is unable to protect the person’s own interests or unable to adequately perform or obtain services necessary to meet essential human needs, as a result of a physical or mental condition which requires assistance from another.” *Iowa Code §633.235B.*



Sample Forms



| | Appendix |
|-------------------------------------------------------------------------------------------------------|----------|
| Guardianship Report Form | A |
| Conservatorship Report Forms | |
| • Initial Inventory/Report of Conservator | B |
| • Annual Conservatorship Report | C |
| • Final Conservatorship Report | D |
| Application for Appointment of Successor Guardian | E |
| Application to Remove Co-Guardian | F |
| Resignation Letter | G |
| Court Officer's Oath | H |
| Application for More Restrictive Placement of Permanent Residence | I |
| Application for Court Approval of Do Not Resuscitate/ Withdraw/Withhold Life Sustaining Procedures | J |

IN THE IOWA DISTRICT COURT FOR POLK COUNTY

IN THE MATTER OF THE
GUARDIANSHIP OF:

*
*
*
*
*

Probate No.: _____

____ INITIAL REPORT
____ ANNUAL REPORT
____ FINAL REPORT & ORDER

The undersigned duly appointed and qualified Guardian in the above-entitled matter states to the Court:

1. This report covers the period from _____ 20____ to _____ 20_____.
2. The current mental, physical and social condition of the Ward is: _____

3. The present living arrangement of the Ward, including the address and a description of each residence where the Ward has resided during the reporting period: _____

4. Summary of the medical, educational, vocational and other professional services provided for the Ward: _____

5. Description of the guardian's visits with and activities on behalf of the Ward: _____

6. (On Initial Report only) The Ward's date of birth is? _____
7. The Ward is: Single _____ Married _____ Divorced _____
8. If the Ward is a minor, names and addresses of parents: _____
9. It is recommended the guardianship be: Continued _____ Terminated _____.
If termination is recommended, give reason: _____

10. Other information believed useful to the court: _____

Under penalty or perjury and pursuant to the laws of the State of Iowa, the undersigned certifies that the preceding is true and correct.

Guardian's Signature

Print Name

Address (Street, City, State & Zip Code)

Telephone (home, work, and cell)

Date

Co-Guardian's signature (if applicable)

Print Name

Address (Street, City, State & Zip Code)

Telephone (home, work, and cell)

Date

ORDER

The above (Initial) (Annual) (Final) Report is approved and the Guardianship of said Ward shall be (continued) (terminated) (set for hearing on matter of termination).

Hearing date is: _____, 20____ at _____ o'clock ____ a.m., at _____.

Dated: _____, 20____.

Associate Probate Judge
Fifth Judicial District

IN THE IOWA DISTRICT COURT FOR POLK COUNTY

IN THE MATTER OF THE
CONSERVATORSHIP OF:

*
*
*
*
*

PROBATE NO. _____

INITIAL REPORT OF CONSERVATOR
AND INVENTORY

The undersigned duly appointed and qualified conservator states as follows:

1. This Ward's real and personal property as of the date the conservator was appointed and the valuation of each item is itemized on the schedules attached hereto, and a summary of such schedules is as follows:

Conservatorship Assets

(Attach Descriptions)

- A. Real Estate: \$ _____
- B. Stocks and Bonds: \$ _____
- C. Mortgages, Notes, Deposits and Cash: \$ _____
- D. Life Insurance: \$ _____
- E. Jointly Owned Property: \$ _____
- F. Miscellaneous Property: \$ _____

2. The Ward resides at (street, city, state, zip): _____

(Check One)

- A. The ward has no Guardian.
- B. The name of the ward's Guardian is: _____
and whose address is (street, city, state, zip): _____

3. Conservator (has) (has not) established a (non-interest bearing) (interest bearing) conservatorship checking account at (Name of Financial Institute) _____ located at (street, city, state, zip) _____.

4. Conservatorship savings account (has) (has not) been established at (Name of Financial Institute) _____ located at (street, city, state, zip) _____.

5. Other assets (have) (have not) been changed into conservatorship name.

(Note: Bank statements, checks, receipts, stubs and other items evidencing receipt of funds and payment must be available to the court on demand.)

6. The Ward's sources of income and monthly or annual amounts are: _____

I certify under penalty of perjury and pursuant to the laws of the State of Iowa that the preceding is true and correct.

Date: _____

Conservator Signature

Printed Name:

Address (street, city, state, zip):

Telephone Number(s):

IN THE IOWA DISTRICT COURT FOR POLK COUNTY

IN THE MATTER OF THE
CONSERVATORSHIP OF:

*
*
*
*
*

PROBATE NO. _____

ANNUAL CONSERVATORSHIP
REPORT AND ORDER

1. This report is for the period from _____, 20____ to _____, 20____.
(use ending date of last accounting where applicable.)
2. Total cash on hand at close of the last accounting was: \$_____.
3. Total sum of funds received during this report period was: \$_____.
(Attach as Exhibit "A" itemization showing date received, source of funds and amount.)
4. Total of sum of disbursements made during this report period was: \$_____.
(Attach as Exhibit "B" itemization showing date, who was paid and amount paid for item or service.)
5. The balance of cash on hand at the close of this report period is: \$_____.
6. The other assets of the ward at the close of this report are: \$_____.
(Attach listing of assets held and the value or remaining balances marked Exhibit "C".
If assets remained the same as of the last listing may be used.)
7. Changes (were)(were not) made in investment during this report period. (Attach as Exhibit "D" itemized list of changes when applicable.)
8. The total value of assets of the ward at the close of this report period is: \$_____.
9. Amount of conservators bond is \$_____. Surety is: _____.
Order approving final report and termination should discharge surety and release bond.
10. (Check One)
 The ward has no Guardian.
 The name of the ward's Guardian is: _____.
11. (Answer Number 11 only if ward has no guardian.)
 A. The residence and physical location of the ward is: _____
 B. The ward's general physical and mental condition is: _____
12. Other information relating to affairs of the Conservatorship: (If conservatorship has special circumstances which do not adapt to this form, add Exhibit "F" setting out special circumstances in detail.)
13. Fees for Conservator are (hereby applied for) (waived). (Attach Affidavit per Iowa Code section 633.202).

(Note: Bank statements, checks, receipts, stubs and other items evidencing receipt of funds and payment must be available to the court on demand.)

14. Fees for Conservator's attorney (check one):

- should be set by the Court (Attach Affidavit per Iowa Code section 633.202, if fees requested);
- no fees requested;
- waived or not applicable.

I certify under penalty of perjury and pursuant to the laws of the State of Iowa that the preceding is true and correct.

Date

Conservator Signature

Printed Name

Address

Telephone Number(s)

ORDER

The above (Annual) Report is approved and the Conservatorship of said ward shall be (continued) (terminated) (set for hearing on matter of termination).

Hearing date is: _____, 20__ at _____ o'clock __.m., at _____

Dated: _____, 20__.

RUTH B. KLOTZ
Associate Probate Judge
Fifth Judicial District of Iowa

IN THE IOWA DISTRICT COURT FOR POLK COUNTY

IN THE MATTER OF THE
CONSERVATORSHIP OF:

* PROBATE NO. _____
*
*
* FINAL CONSERVATORSHIP REPORT
* AND ORDER
*

1. This report is for the period from _____, 20__ to _____, 20__.
(use ending date of last accounting where applicable.)
2. Total cash on hand at close of the last accounting was: \$_____.
3. Total sum of funds received during this report period was: \$_____.
(Attach as Exhibit "A" itemization showing date received, source of funds and amount.)
4. Total of sum of disbursements made during this report period was: \$_____.
(Attach as Exhibit "B" itemization showing date, who was paid and amount paid for item or service.)
5. The balance of cash on hand at the close of this report period is: \$_____.
6. The other assets of the ward at the close of this report are: \$_____.
(Attach listing of assets held and the value or remaining balances marked Exhibit "C".
If assets remained the same as of the last listing may be used.)
7. Changes (were)(were not) made in investment during this report period. (Attach as Exhibit "D" itemized list of changes when applicable.)
8. The total value of assets of the ward at the close of this report period is: \$_____.
9. (Check one) and (Attach as Exhibit "E" statement of reasons for termination.)
 The Court on the ____ day of _____, 20__ ordered termination.
 The termination is concurrently being sought along with approval of final report.
10. On termination funds and assets of this conservatorship will be distributed to _____

11. Notice of hearing on final report (has) (has not) been waived. (If waived attach copy of waiver.)
12. Amount of conservators bond is \$_____. Surety is: _____.
Order approving final report and termination should discharge surety and release bond.
13. (Check One)
 The conservator is also the guardian and has filed final guardians report on _____, 20__.
 The ward has no Guardian.
 The name of the ward's Guardian is: _____.
14. (Answer Number 14 only if ward has no guardian.)
 A. The residence and physical location of the ward is: _____
 B. The wards general physical and mental condition is: _____

15. Other information relating to affairs of the Conservatorship: (If conservatorship has special circumstances which do not adapt to this form, add Exhibit "F" setting out special circumstances in detail.)

16. Final court costs (have) (have not) been paid.

17. Fees for Conservator are (hereby applied for) (waived). (Attach Affidavit per Iowa Code section 633.202).

18. Fees for Conservator's attorney (check one):

___ should be set by the Court (Attach Affidavit per Iowa Code section 633.202, if fees requested);

___ no fees requested;

___ waived or not applicable.

19. Receipt(s) of the distributee(s) for the funds and assets of the conservatorship (check one):

___ Are attached.

___ Will be attached to supplement report after court approved final report.

(Note: Bank statements, checks, receipts, stubs and other items evidencing receipt of funds and payment must be available to the court on demand.)

I certify under penalty of perjury and pursuant to the laws of the State of Iowa that the preceding is true and correct.

Date

Conservator Signature

Print Name

Address

Telephone Number(s)

ORDER

The above (Final) Report is approved and the Conservatorship of said ward shall be (terminated) (set for hearing on matter of termination).

Hearing date is: _____, 20__ at _____ o'clock __.m., at _____

Dated: _____, 20__.

RUTH B. KLOTZ
Associate Probate Judge
Fifth Judicial District of Iowa

This is a sample Application for Appointment of Successor Guardian only and does NOT replace the advice of an attorney

IN THE IOWA DISTRICT COURT FOR POLK COUNTY

| | | |
|-----------------------------------|---|-----------------------------|
| IN THE MATTER OF THE |) | PROBATE NO. GC[Insert No.] |
| GUARDIANSHIP (if applicable – AND |) | |
| CONSERVATORSHIP) OF: |) | |
| |) | APPLICATION FOR APPOINTMENT |
| [Insert Ward’s Name] |) | OF SUCCESSOR GUARDIAN |

COMES NOW [Insert name of Guardian], and for Application for Appointment of Successor Guardian herein states, that:

1. [Insert name of Guardian] was appointed herein as Guardian of the person of [Insert Ward’s Name].

2. [Insert name of Guardian] is desirous of having said appointment terminated and be released from further Guardian's responsibilities and duties.

3. [Insert name of proposed Successor Guardian and address], is hereby proposed as Successor Guardian.

WHEREFORE, the Petitioner prays the Court discharge [Insert name of Guardian] as Guardian herein and appoint [Insert name of proposed Successor Guardian] as Guardian of the person of [Insert Ward’s Name] and for such other and further relief as the Court deems just and equitable in the premises.

Respectfully submitted,

By _____
[Guardian(s) signature;
Print name of Guardian(s), address, phone number]

This is a sample Application to Remove Co-Guardian only and does NOT replace the advice of an attorney

IN THE IOWA DISTRICT COURT FOR POLK COUNTY

| | | |
|-----------------------------------|---|----------------------------------------|
| IN THE MATTER OF THE |) | PROBATE NO. GC[Insert No.] |
| GUARDIANSHIP (if applicable – AND |) | |
| CONSERVATORSHIP) OF: |) | |
| |) | APPLICATION TO REMOVE |
| [Insert Ward’s Name] |) | CO-GUARDIAN [AND APPOINT |
| |) | SUCCESSOR CO-GUARDIAN (if applicable)] |

COMES NOW [Insert Guardian(s) name] for Application to Remove Co-Guardian and Appoint Successor Co-Guardian herein states that:

1. [Insert name of Guardian] and [Insert name of Co-Guardian] were appointed herein as Co-Guardians of the person of [Insert Ward’s Name].

2. Co-Guardian, [Insert name of Co-Guardian], [state why Co-Guardian should be removed, i.e Co-Guardian passed away; is requesting to resign, etc...].

3. (If applicable) [Insert Name and address of proposed new Co-Guardian], of [Insert Ward’s Name], is hereby proposed as successor Co-Guardian.)

WHEREFORE, the Guardian prays the Court discharge [Insert name of Co-Guardian to remove] as Co-Guardian herein (if applicable - and appoint [Insert name of Guardian(s) name] as Co-Guardian) of the person of [Insert Ward’s Name].

Respectfully submitted,

By _____
[Guardian(s) signature;
Print name of Guardian(s), address, phone number]

*****This is a sample Resignation Letter only and does NOT replace the advice of an attorney*****

IN THE MATTER OF THE
GUARDIANSHIP *(if applicable – AND*
CONSERVATORSHIP) OF:

PROBATE NO. GC[*Insert No.*]

Resignation Letter

[*Insert Ward's Name*]

RE: Request to Resign

The undersigned was appointed Guardian of [*Insert Ward's Name*] on [*Insert date of appointment*] and have served in that capacity since the day of appointment.

I am now desirous of having my appointment as Guardian terminated and upon appointment of a Successor Guardian being discharged and released from further duties and responsibilities as such and therefore respectfully submit my resignation as Guardian.

[*Guardian signature;*
Print name of Guardian, address, phone number]

Date

*****This is a sample Court Officer's Oath only and does NOT replace the advice of an attorney*****

IN THE IOWA DISTRICT COURT FOR POLK COUNTY

| | | |
|-----------------------------------|---|----------------------------|
| IN THE MATTER OF THE |) | PROBATE NO. GC[Insert No.] |
| GUARDIANSHIP (if applicable – AND |) | |
| CONSERVATORSHIP) OF: |) | |
| |) | COURT OFFICER'S OATH |
| [Insert Ward's Name] |) | |
| |) | |

STATE OF IOWA)
) SS:
 COUNTY OF POLK)

I, the undersigned, do solemnly swear (or affirm) that as a Court Officer and as a Fiduciary in the above-entitled matter, I will faithfully discharge the duties imposed by law, including the duty to account, to the best of my ability.

I certify under penalties of perjury and pursuant to the laws of the State of Iowa that the preceding is true and correct.

Dated this _____ day of _____.

[Signature of Guardian/Conservator;
 Print name of Guardian/Conservator, address, phone number]

*****This is a sample Application for More Restrictive Placement of Permanent Residence only and does NOT replace the advice of an attorney*****

IN THE IOWA DISTRICT COURT FOR POLK COUNTY

| | | |
|-----------------------------------|---|-----------------------------------|
| IN THE MATTER OF THE |) | PROBATE NO. GC[Insert No.] |
| GUARDIANSHIP (if applicable – AND |) | |
| CONSERVATORSHIP) OF: |) | |
| |) | APPLICATION FOR COURT APPROVAL |
| [Insert Ward’s Name] |) | OF MORE RESTRICTIVE AND PERMANENT |
| |) | RESIDENCE |

COMES NOW [Insert Guardian(s) name] for Application of Court Approval of a More Restrictive and Permanent Placement of the Ward, [Insert Ward’s Name], states that:

1. The Ward, [Insert Ward’s Name], [Indicate residence where Ward is/was living (less restrictive placement) and where the Ward is/will be living upon move to more restrictive placement].
2. The proposed new permanent placement, [Insert new more restrictive placement] is a/an [Indicate type of facility such as Intermediate Care Facility, Skilled Nursing Care Facility, etc... (as defined by Iowa Code Section 135C.1)].
3. [Provide information indicating why the Ward needs to moved to the more restrictive placement.]

WHEREFORE, the Guardian, pursuant to Iowa Code Section 633.635(2)(a), pray(s) the Court approve(s) a permanent change in the residence of [Insert Ward’s Name] ; set a time and place for hearing on this Application and prescribe Notice thereof; determine if an attorney to represent the Ward should be appointed; appoint a Guardian Ad Litem; and for such other and further relief which may be just and equitable in the premises.

Respectfully submitted,

By _____
[Guardian(s) signature;
Print name of Guardian(s), address, phone number]

*****This is a sample Application for Court Approval of Do Not Resuscitate/Withdraw/Withhold Life Sustaining Procedures only and does NOT replace the advice of an attorney*****

IN THE IOWA DISTRICT COURT FOR POLK COUNTY

| | | |
|-----------------------------------|---|----------------------------------------------|
| IN THE MATTER OF THE |) | PROBATE NO. GC[Insert No.] |
| GUARDIANSHIP (if applicable – AND |) | |
| CONSERVATORSHIP) OF: |) | |
| |) | APPLICATION FOR COURT APPROVAL OF |
| [Insert Ward’s Name] |) | [Indicate action requested; i.e. Do Not |
| |) | Resuscitate Order, Withdraw or Withhold Life |
| |) | Sustaining Procedures, or both] |

COMES NOW [Insert Guardian(s) name] for Application of a [Indicate action requested; i.e. Do Not Resuscitate Order, Withdraw or Withhold Life Sustaining Procedures, or both] herein states that:

1. The Ward, [Insert Ward’s Name], has been the subject of this Guardianship since [Insert date of original appointment] and [Insert name of Guardian(s)] was/were appointed on [Insert date of guardian(s) appointment].

2. [Describe why the guardian(s) is requesting a Do Not Resuscitate Order, Withdraw or Withhold Life Sustaining procedures, etc...].

3. The Guardian(s), [Insert Name of Guardian(s)], believe(s) that it is in the Ward’s best interest to approve the [indicate action requested; i.e. Do Not Resuscitate Order, Withdraw or Withhold Life Sustaining procedures, etc...] in accordance with Iowa Code Section 633.635(2)(c) and Chapter 144a.

WHEREFORE, the Guardian(s) pray(s) the Court grant the Guardian(s) the power to consent to [indicate action requested; i.e. Do Not Resuscitate Order, Withdraw or Withhold Life Sustaining procedures, etc...] for the Ward; set a time and place for hearing on this Application; prescribe Notice thereof; determine if an attorney to represent the Ward should be appointed; and appoint a Guardian Ad Litem; and for such other and further relief which may be just and equitable in the premises.

Respectfully submitted,

By _____
[Guardian(s) signature;
Print name of Guardian(s), address, phone number]