

2020 FAMILY LAW SEMINAR

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OUTLINE: STATUTORY FRAMEWORK FOR MINOR GUARDIANSHIPS CHAPTER 232D

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I. Jurisdiction, Venue and Proceedings Not Governed by Chapter 232D

A. Jurisdiction [§ 232D.103]

1. Section 232D.103 provides that the juvenile court shall have “exclusive jurisdiction in guardianship minor guardianship cases.”

B. Venue [§ 232D.104]

1. Under section 232D.104 guardianship proceedings shall be in the judicial district where the minor is found or the minor’s residence.
2. The court may transfer a proceeding to the juvenile court of any county having venue at any stage in the proceeding as follows:
 - When it appears that the best interests of the minor or the convenience of the proceedings shall be served by a transfer, the court may transfer the cases to the court of the county of the minor’s residence.
 - With the consent of the receiving court, the court may transfer the case to the court of the county of where the minor is found.

C. Proceedings Not Governed by Chapter 232D [§ 232D.105]

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1. Section 232D.105 provides that a petition alleging that a minor is in need of a conservatorship is not subject to chapter 232D. A proceeding of such a conservatorship petition is governed by Probate Code chapter 633 and may be initiated pursuant to Probate Code section 633.627.
2. A petition for appointment of a guardian for a minor and a petition for appointment of a conservator shall not be combined.
3. If a minor guardianship proceeding pertains to an Indian child as defined in section 232B.3 and if the proceeding is subject to the Iowa Indian Child Welfare Act under chapter 232D, the proceeding and other actions taken in connection with the proceeding shall comply with chapter 232B.

II. Statutory Criteria (Basis) for Establishment of Minor Guardianship [§§ 232D.201-204]

A. Termination of Parental Rights and CINA Cases [§ 232D.201]

1. The court may appoint guardian for minor if all parental rights have been terminated.
2. The court may appoint guardian in a child of need of assistance case (pursuant to §§ 232D.101A, 232D.103A or 232D.104).

B. Death of Parents [§ 232D.202]

1. The court may appoint a guardian for minor if both parents are deceased.
2. In appointing guardian for a minor, the court “*shall give preference to a person, if qualified and suitable, nominated as a guardian for a minor by a will that was executed by a parent or parents having legal custody of the minor at the time of the parent’s or parents’ death and that was admitted to probate under chapter 633.*”

C. Guardianship With Parental Consent [§ 232D.203]

1. The court may appoint a guardian for a minor with the consent of the parent(s) having legal custody of the minor.
2. The court is required to find:
 - the parent(s) understand the nature of the guardianship, and
 - the parental consent is knowing and voluntary.
3. The petition must contain an affidavit signed by the parent(s) verifying that the parental consent was knowing and voluntary. The Iowa Supreme Court has issued Rule 8.37, Form 3, a form for the affidavit of parental consent. See: <https://www.iowacourts.gov/collections/453/files/1005/embedDocument/>

4. The court may establish a guardianship with parental consent if the court finds that a minor is in need of guardianship for any one of the following reasons:
 - the parent with legal custody has a physical or mental illness that prevents the parent from providing care and supervision of the child;
 - the parent with legal custody is incarcerated or imprisoned;
 - the parent with legal custody is on active military duty; and
 - a “catch-all” provision that the minor is in need of a guardianship for some other good cause shown.
5. In addition to the foregoing, the court must find that appointment is in the best interest of the minor.
6. To ensure that parent(s) and proposed guardian understand what the effect of the guardianship will be, the following is required:
 - the filing of a guardianship agreement by the parent(s) and the proposed guardian stating their respective responsibilities, any arrangements for parent-child contact, and the duration of the agreement if known; and
 - the court’s approval of the agreement and its incorporation by reference into its order granting the petition.

D. Guardianship Without Parental Consent [§ 232D.204]

1. The court may establish a minor guardianship without parental consent if it is shown by clear and convincing evidence that the proposed guardian has been “serving as a de facto guardian for the minor” and “[t]here has been a demonstrated lack of consistent parental participation “in the child’s life and a guardianship is in the child’s best interests.
2. In determining whether there has been a demonstrated lack of consistent parental participation, the court may consider all of the following:
 - “[t]he intent of the parent in placing the custody, care, and supervision of the minor with the person petitioning as de facto guardians and the facts and circumstance regarding such placement,”
 - “[t]he amount of communication and visitation of the parent with the minor during the alleged de facto guardianship,” and
 - “[a]ny refusal of the parent to comply with the conditions for retaining custody set forth in any previous court orders.”
3. The court also may establish a nonconsensual guardianship if it is shown by clear and convincing evidence that “no parent having legal custody of the minor is willing or able to exercise the power the court will grant to the guardian” and if guardianship is in the best interests of the minor.

III. Petition for Appointment of Guardian and Notice of Petition [§ 232D.301]

A. Filing of Petition [§ 232D.301(1)]

1. Section 232D.301(1) authorizes “*any person with an interest in the welfare of the minor*” to file a petition.

B. Contents of Petition [§§ 232D.301(2)-(5)]

1. Petition must contain precise description of the *factual basis* for the petition.
2. Section 232D.301(2) provides that the petition must list, to the extent known, the name and address of the following:
 - the minor, who is the subject of the petition, and the minor’s age,
 - the petitioner and the petitioner’s relationship to the minor,
 - If the petitioner is not the proposed guardian, the proposed guardian and the reason the proposed guardian should be selected.
3. Section 232D.301(2) further provides that the petition must list, to the extent known and reasonably ascertainable, the name and address of the following:
 - any living parents of the minor,
 - any living custodian of the minor, and
 - any adult “who has had the primary care of the minor or with whom the minor has lived at least six months prior to the filing of the petition.”
4. Section 232D.301(3) provides that the petition must contain precise description of the “*factual basis*” for the petition.
5. Section 232D.301(4) provides that the petition must state whether a limited guardianship is appropriate. A limited guardianship is defined in section 232D.102(8) as “a guardianship that grants the guardian less than all powers available under this chapter [chapter 232D] or otherwise restricts the powers of the guardian.
6. Section 232D.301(5) provides that any additional information, to the extent known, and reasonably ascertainable, required by section 598B.209 (the Iowa Uniform Child-Custody Jurisdiction and Enforcement Act) shall be included in an affidavit attached to the petition.

C. Notice [§ 232D.302]

1. Section 232D.302 contains the following requirements requiring notice of the filing of the petition and service of notice:

- *“The filing of a petition shall be served upon the minor who is the subject of the petition in the manner of an original notice in accordance with the rules of civil procedure governing such notice. Notice to the attorney representing the minor, if any, is notice to the minor.”*
- *“Notice shall be served upon the minor's known parents listed in the petition in accordance with the rules of civil procedure.”*
- *“Notice shall be served upon other known persons listed in the petition in the manner prescribed by the court, which may be notice by mail. Failure of such persons to receive actual notice does not constitute a jurisdictional defect precluding the appointment of a guardian by the court.”*
- *“Notice of the filing of a petition given to a person under subsection 2 or 3 shall include a statement that the person may register to receive notice of the hearing on the petition and other proceedings and the manner of such registration.”*

IV. Appointment and Role of Counsel for Respondent Minor and Minor Parent(s) [§ 232D.303]

A. Respondent Minor

1. Upon the filing of a petition for the appointment of a guardian for a minor the court shall appoint an attorney for a minor, *“if the court determines that the interests of the minor are or may be inadequately represented.”*
2. The role of counsel representing a respondent minor is to *“advocate for the wishes of the respondent to the extent those wishes are reasonably ascertainable and advocate for the best interests of the minor if the wishes of the minor are not reasonably ascertainable.”*

B. Minor’s Parent(s)

1. Upon the filing of a petition for the appointment of a guardian for a minor, the court shall appoint an attorney for a parent *“if all of the following are true:”*
 - *“The parent objects to the appointment of a guardian for a minor.”*
 - *“The parent requests appointment of an attorney and the court determines that the parent is unable to pay for an attorney in accordance with section 232D.505.”*

V. Appointment and Role of Court Visitor (formerly known as guardian ad litem) [§ 232D.305]

A. Appointment of Court Visitor

1. Section 232D.305(1) authorizes the court to appoint a court visitor. The appointment of a court visitor is not mandatory; rather, the court has discretion as to whether to appoint a court visitor. The purpose of the court visitor provision is to ensure that if needed and appropriate, the court has an independent source of information about

whether to appoint a guardian or conservator, whom the court should appoint as guardian or conservator, and what authority and powers the court should grant the guardian or conservator.

2. Section 232D.305 does not set forth qualifications for persons who may be appointed as court visitor is not specified in section 232D.301. As a result, the court has discretion as to whom to appoint as a court visitor and may appoint persons with a variety of qualifications and backgrounds, depending upon the type of investigation needed by the court. Thus, a person appointed as a court visitor may include, but is not limited, to an attorney.
3. Section 232D.305(2) prohibits the same person from serving both as an attorney representing the minor and a court visitor. The rationale for this provision is that the court visitor and the attorney representing the minor respondent have different roles that may conflict.

B. Role of Court Visitor

1. Section 232D.305(3) specifies that the duties of the court visitor “*[u]nless otherwise enlarged or circumscribed*” include the following:
 - “*[c]onducting, if the minor’s age is appropriate, an initial in person interview with the minor.*”
 - “*[e]xplaining to the minor the substance of the petition, the purpose and effect of the guardianship proceeding, the rights of the minor at the hearing, and the general powers and duties of a guardian,*”
 - “*[d]etermining, if the minor’s age is appropriate, the views of the minor regarding the proposed guardian, the proposed guardian’s powers and duties, and the scope and duration of the proposed guardianship,*”
 - “*[i]nterviewing the parent or parents and any other person with legal responsibility for the custody, care, or both, of the minor,*”
 - “*[i]nterviewing the petitioner, and if the petitioner is not the proposed guardian, interviewing the proposed guardian,*”
 - “*[v]isiting, to the extent feasible, the residence where it is reasonably believed that the minor will live if the guardian is appointed,*” and
 - “*[m]aking any other investigation the court directs including but not limited to interviewing any persons providing medical, mental health, educational, social, or other services to the minor.*”
2. Section 232D.305(4) requires the court visitor to submit a written report to the court containing the following:
 - “*[a]recommendation regarding the appropriateness of a guardianship for the minor,*”

- “[a] statement of the qualifications of the guardian together with a statement of whether the minor has expressed agreement with the appointment of the proposed guardian,”
- “[a]ny other matters the court visitor deems relevant to the petition for guardianship or conservatorship and the best interests of the minor,” and
- “[a]ny other matters the court directs.”

VI. Hearing on Petition [§ 232D.306]

1. Section 232D.306(1) provides that the court shall set a hearing on the petition not less than 20 days after the notice is served unless the court finds there is good cause shown to shorten the time frame.
2. Section 232D.306(2) provides that a minor is entitled to attend the hearing on the petition if the minor is of “*an age appropriate*” to do so. and it states as a presumption that a minor fourteen years of age or older is of such an appropriate age.
3. Section 232D.306(3) further provides that the court shall not exclude a minor entitled to attend the hearing “*unless there is good cause shown for excluding the minor from attendance.*”

VII. Background Checks of Proposed Guardians [§ 232D.307]

A. Background Check Requirement

1. Section 232D.307 requires the court to conduct an Iowa criminal history check and checks of the Iowa dependent adult abuse, child abuse, and sex offender registries of a proposed guardian.
2. The background check requirement is directed at ensuring that judges have the information they need to determine the appropriateness of appointing a person as a guardian or conservator. Under 232D.307(2), the court is required to review the results of background checks, but the court has discretion as to whether to treat negative background check information as disqualifying for appointment of guardian or conservator.
3. The judicial branch is responsible, in conjunction with the Departments of Public Safety and Human Services and the State Chief Information Officer, to establish procedures for electronic access to the single contact repository, known as SING, for combined background checks, The Iowa Supreme Court has issued Rule 8.37, Form 2, background check information for a proposed guardian. The proposed guardian is required to pay \$15 for a SING combined background check.

VIII. Selection of Guardian [§ 232D.308]

A. Qualifications

1. Section 232D.308(1) authorizes the court to appoint “*any qualified and suitable person who is willing to serve*” subject to the two preferences.
2. Under this statutory standard, the court broad discretion as to who to appoint as a Guardian.

B. Preferences

1. In appointing a guardian for a minor, Section 232D.308(2) specifies that preference shall be given to a person “*if qualified and suitable nominated as guardian for a minor by a will that was executed by the parent or parents having legal custody at the time of the parent’s or parents’ death and that was admitted to probate under chapter 633.*”
2. Section 232D.308(3) specifies that preference shall be given to a person “*if qualified and suitable, requested by a minor fourteen years of age or older.*”
3. The “parental preference” that was formerly set forth in the Probate Code is not retained.

IX. Emergency Appointment and Standby Appointment of Guardian [§§ 232D.309–232D.311]

A. Emergency Appointment of Temporary Guardian [§ 232D.309]

1. Section 232D.309 authorizes the court to appoint a temporary guardian on an emergency basis without the due process otherwise required for appointment of a guardian but spells out the requirements for such a temporary emergency guardianship.
2. This section provides that the court may issue an *ex parte* order appointing a temporary guardian (1) only to prevent immediate or irreparable harm to the respondent, (2) only when there is not sufficient time to file a petition and hold a hearing that otherwise would be required, and (3) if there is reason to believe that the basis for appointment of guardian exists in accordance with section 232D.301 pertaining to the filing of a petition for a minor guardianship.
3. While the court may establish a temporary emergency guardianship without due process that would otherwise be required, this section requires that notice of the appointment of a guardian must be given to the person required to be listed in a petition pursuant to section 232D.301.
4. This section further provides that the parents of the minor and other persons legally responsible for the custody or care of the minor may file a written request for a hearing which must be held on an expedited basis no later than seven days after the filing of the written request.

5. Under this section, the powers granted to the temporary guardian in the court's *ex parte* order must be limited to those necessary to address the emergency situation that necessitate the guardian's appointment, and the court's order expires within thirty days after the order is issued.

B. Appointment for Guardian of Minor on Standby Basis [§ 232D.310]

1. Section 232D.310 authorizes the court to appoint a guardian for a minor on a standby basis. This authorization is designed for situations where a parent or some other person with physical or legal custody of a child anticipates that they be unable to care for a child because of the occurrence of a situations such as a health problem or other specified event.
2. Under this section any person having physical and legal custody of a minor may file a petition for appointment of a minor on a standby basis. The petition is required to contain not only all the information required in a petition under section 232D.301, but also a statement that the petitioner understands the result of guardian being appointed for a minor.
3. This section provides that the court shall appoint the person(s) nominated by the petition unless the person(s) "*are not qualified or for some other good cause.*"
4. Under this section, a standby petition may be revoked by the petitioner at any time before the appointment of a guardian by the court if the petitioner is of "sound mind" at the time of revocation.
5. Under this section, a standby petition may be deposited with the clerk of the court in which the minor resides or with any person nominated by the petitioner to serve as guardian.
6. This section contains specific procedures for the filing of the petition with the court upon the occurrence of the event or condition provided for in the petition materializes.
7. This section provides that the appointment of a guardian for a minor is only effective until the minor reaches the age of majority.

C. Standby Appointment of Guardian of Minor Approaching Majority [§ 232D.311]

1. Section 232D.311 authorizes any adult "with an interest in the welfare of a minor who is at least seventeen years and six months of age" to file a verified petition for appointment of a guardian pursuant to § 633.553.
2. The petition for standby appointment of a minor approaching the age of majority must be filed in the **probate court**, and the probate court must find that the basis for opening a **guardianship for an adult** is satisfied in order to appoint a guardian on a

standby basis. The petition, if granted, then takes effect on the minor's eighteenth birthday.

X. Appointing of Guardian, Powers of Guardian, Duties and Responsibilities of Guardian, Letters of Appointment [§§ 232D.401-232D.403]

A. Order Appointing Guardian and Powers Granted to Guardian [§§ 232D.401(3) & (4)]

1. Section 232D.401(3) provides that: *“[a]n order by the court appointing a guardian for a minor shall state the powers granted to the guardian.”* This section specifically provides: *“Except as otherwise limited by court order, the court may grant the guardian the following powers, which may be exercised without prior court approval:*
 - *“[t]aking custody of the minor and establishing the minor’s permanent residence if otherwise consistent with the terms of any order of competent jurisdiction relating to the custody, placement, detention, or commitment of the minor within the state,”*
 - *“[c]onsenting to medical, dental and other health care treatment and services for the minor,”*
 - *“[p]roviding or arranging for the provision of education for the minor including but not limited to preschool education, primary education and secondary education, special education and related services, and vocational services,”*
 - *“[c]onsenting to professional services for the minor to ensure the safety and welfare of the minor,”* and
 - *“[a]pplying for and receiving funds and benefits payable for the support of the minor.”*

2. Section 232D.401(4) specifically provides that a court may grant the guardian *“the following powers, which shall only be exercised with prior court approval:”*
 - *“[c]onsenting to the withholding or withdrawal of life-sustaining procedures, as defined in section 144A.2, from the minor, the performance of an abortion on the minor, or the sterilization of the minor,”*
 - *“[e]stablishing the residence of the minor outside of the state,”*
 - *“[c]onsenting to the marriage of the minor,”*
 - *“[c]onsenting to the emancipation of the minor,”* and
 - *“[d]enial of all visitation, communication, or interaction between the minor and the parents of the minor. The court shall approve such denial of visitation, communication, or interaction upon a showing by the guardian that significant physical or emotional harm to the minor has resulted or is likely to result to the minor from parental contact. The guardian may place reasonable time, place, or manner restrictions on visitation, communication, or interaction between the minor and the minor’s parents without prior court approval.”*

B. Duties and Responsibilities of Guardian [§ 232D.402]

1. Section 232D.402 states that the guardian of a minor is a fiduciary and that as such the guardian has the obligations of a fiduciary while serving as guardian. It should be noted, this section expressly provides that “[t]he fiduciary duties of a guardian for an adult set forth in Chapter 633 are applicable to a guardian under this chapter.” These Probate Code provisions are titled “*General Provisions Related to Fiduciaries*,” and are set forth in §§ 633.63-633.162.
2. Section 232D.402 specifies that the duties and responsibilities “except as otherwise limited by the court” are as follows:
 - to “*ensure the minor’s health, education, safety, welfare and support,*”
 - to “*maintain regular contact with the minor if the minor is not living with the guardian,*”
 - to “*make reasonable efforts to facilitate the continuation of the relationship of the minor and the minor’s parents subject to section 232D.401, subsection 5,*”
 - to “*file the reports with the court required under section 232D.501,*”
 - to “*promptly inform the court of any change in the residence of the minor and the minor’s new address,*” and
 - to “*promptly inform the court of any change in the minor’s school or school district.*”

C. Guardian’s Acceptance of Appointment and Oath and Issuance of Letters of Appointment [§ 232D.403]

1. Section 232D.403 provides that if the guardian accepts appointment, the court shall issue letters of appointment to the guardian.
2. This section provides that letters of appointment shall be issuance “upon the guardian’s subscription of an oath, or certification ... that the guardian will faithfully discharge the duties imposed by law, according to the best of the guardian’s ability.”

XI. Court Monitoring of Guardianships: Guardian’s Reporting Requirements [§ 232D.501]

A. Initial Care Plan [§§ 232D.501(1)(a) & (4)]

1. Sections 232D.501(1)(a) & (4) contain the new requirement that upon appointment, a guardian for a minor must submit a verified initial care plan within 60 days of appointment for court review and approval.
2. The purpose of the initial care plan requirement is as follows:
 - to encourage a newly appointed guardian to determine the needs of the minor to identify the resources and services available to meet those needs, and then to develop a prospective plan to meet those needs,

- to enable the court to determine at an early stage whether the guardian has developed an appropriate plan; and
 - to increase the ability of the court to prevent problems before they occur or before they have negative consequences.
3. Section 232D.501(1)(a) specifies that the initial care plan “*shall include but not be limited*” to the following:
- “[t]he minor’s current residence and guardian’s plan for the minor’s living arrangements.”
 - “[t]he guardian’s plan for payment of the minor’s living expenses and other expenses.”
 - “[t]he minor’s health status and the guardian’s plan for meeting the minor’s health needs,
 - “[t]he minor’s educational training and vocational needs and the guardian’s plan for meeting the minor’s educational training and vocational needs,
 - “[t]he guardian’s plan for facilitating contacts of the minor with the minor’s parents, and
 - “[t]he guardian’s plan for contact with and activities on behalf of the minor.”

B. Annual Reports [§ 232D.501(1)(b) & (4)]

1. Sections 232D.501(1)(b) & (4) retain the former Probate Code requirement that a guardian must submit annual reports for court review and approval. It requires that a guardian must file a verified annual report “*within thirty days of the close of the reporting period.*”
2. These sections specify that the contents of the annual report “*shall include but not be limited*” to the following:
 - “[t]he current residence and living arrangements of the minor,”
 - “[t]he sources of payment for the minor’s living expenses and other expenses,”
 - “[t]he minor’s health status and health services provided to the minor,”
 - “[t]he minor’s mental, behavioral, or emotional problems, if any, and professional services provided the minor for such problems,”
 - “[t]he minor’s educational status and educational training and vocational services provided the minor,”
 - “[t]he nature and extent of parental visits and communication with the minor,”
 - “[t]he nature and extent of the guardian’s visits with and activities on behalf of the minor,”
 - “[t]he need for continuation of the guardianship,”
 - “[t]he ability of the guardian to continue as guardian,”
 - “[t]he need of the guardian for assistance in providing or arranging for the provision of care for the minor.”

C. Final Report. [§§ 232D.501(1)(c) & (4)]

1. Sections 232D.501(1)(c) & (4) require the filing of a final report by the guardian for within 30 days of the termination of the guardianship for court review and approval.

D. Supreme Court Reporting Forms

1. The Iowa Supreme Court issued Rule 8.37, Form 4, for the Guardian's initial care plan and Rule 8.37, Form 5 for the guardian's annual reports and Rule 8.37, Form 6 for the guardian's final report. See: <https://www.iowacourts.gov/iowa-courts/supreme-court/orders/archive/2019/12>.
2. The website of the Iowa Guardianship and Conservatorship Association (IGCA) contains fillable pdf forms for the Supreme Court initial care plan form, for the annual report form, and the final report form. See: <http://www.iowagca.org/>.

E. Waiver of Reporting Requirements [§ 232D.501(1)]

1. Section 232D.501(1) prohibits the court's waiver of the guardian's reporting requirements.

XII. Removal of Guardian and Termination and Modification of Guardianship [§§ 232D.502 & 232D.503]

A. Removal of Guardian and Appointment of Successor Guardian [§ 232D.502]

1. Section 232D.502 provides that the court may remove a guardian if the guardian fails to perform his/her guardianship or for other good cause shown.
2. Under this section the court shall conduct a hearing to determine whether a guardian should be removed if a minor subject to guardianship, fourteen years of age, the minor's parent or other person "*with an interest in the welfare of minor*" files a petition requesting removal and if the court determines that there are reasonable grounds for believing that removal is appropriate.
3. Under this section the court may hold a hearing upon receipt of a written communication rather than a petition from a minor subject to guardianship, fourteen years of age or older, the minor's parent, or other person "*with an interest in the welfare of minor*" if the court determines that a hearing would be in the best interest of the minor.
4. However, the court need not hold a hearing upon the receiving a petition or written communication from the aforementioned persons if the same or substantially similar facts were alleged in the preceding six months.

5. The court may appoint a successor guardian upon the removal of a guardian, the resignation of a guardian or the death of a guardian.

B. Termination and Modification of Guardianship

1. Section 232D.503 provides that the court shall terminate the guardianship of a minor on the minor's death, adoption, emancipation, or attainment of majority.
2. Under this section the court shall terminate the guardianship established pursuant to section 232D.203 (with parental consent) if the court finds that the basis or guardianship set forth in section 232D.203 *"is not currently satisfied unless the court finds that the termination of the guardianship would be harmful to the minor and the minor's interest in the continuation of the guardianship outweighs the interest of a parent of the minor in the termination of the guardianship."*
3. Under this section the court shall terminate a guardianship established pursuant to section 232D.204 (without parental consent) if the court finds that the basis for the guardianship set forth in section 232D.204 *"is not currently satisfied."* The person seeking termination has the burden of making prima facie showing that the guardianship should be terminated. If such a showing is made, the guardian has the burden of going forward to prove by clear and convincing evidence that the guardianship should not be terminated.
4. Section 232D.503 provides that the court shall modify the powers granted to the guardian if the court finds such powers *"no longer meet the needs of the minor or are no longer in the minor's best interests."*
5. The court may conduct a hearing to determine whether termination or modification of a guardianship is appropriate upon the filing of a petition or receipt of a written communication from a minor subject to guardianship, fourteen years of age or older, the minor's parent, or other person with an interest in the welfare of minor.

XIII. Expenses [232D.505]

A. Payment of Costs by Minor's Parents

1. Section 232D.505 provides that the court shall inquire into the ability of the minor or the minor's parent to pay expenses incurred in connection with guardianship proceedings.
2. After giving the minor and the minor's parents a reasonable opportunity to be heard, the court may order the minor, or the parent to pay all or part of the expenses for the following:
 - costs of legal expenses of the minor and the parent,

- expenses of the court visitor,
- filing fees and other court costs unless the costs are waived for good cause shown.

B. Payment of Costs by County

1. If the court finds a minor's parents to be indigent, or if the minor has no parent, costs shall be assessed against the county in which the proceeding is pending.
2. The court shall find a minor's parents to be indigent if the minor's or the parent's income and resources do not exceed 150% of the federal poverty line, or the minor's parents would be unable to pay such costs without prejudicing the parent's ability to provide economic necessities for the parent.