

State of South Dakota

SEVENTY-THIRD SESSION
LEGISLATIVE ASSEMBLY, 1998

682B0770

HOUSE BILL NO. 1270

Introduced by: Representative Collier

1 FOR AN ACT ENTITLED, An Act to revise the items subject to an annual accounting of a
2 conservator under the Uniform Probate Code.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 29A-5-408 be amended to read as follows:

5 29A-5-408. A conservator shall file an accounting with the court within sixty days following
6 the first anniversary of the appointment and:

- 7 (1) At least annually thereafter;
- 8 (2) When the court orders additional accounts to be filed;
- 9 (3) When the conservator resigns or is removed; and
- 10 (4) When the conservatorship is terminated.

11 A conservator may elect to file a periodic accounting on a calendar-year basis. However, in
12 no event may such an accounting cover a period of more than one year. A calendar-year report
13 shall be filed with the court no later than April fifteenth of the succeeding year.

14 An accounting shall include:

- 15 (1) A listing of the receipts, disbursements and distributions from the estate under the
16 conservator's control during the period covered by the account;

- 1 (2) A listing of the estate;
- 2 (3) The services being provided to the protected person;
- 3 (4) The significant actions taken by the conservator during the reporting period;
- 4 (5) A recommendation as to the continued need for conservatorship and any
5 recommended changes in the scope of the conservatorship;
- 6 (6) Any other information requested by the court or useful in the opinion of the
7 conservator; ~~and~~
- 8 (7) The compensation requested and the reasonable and necessary expenses incurred by
9 the conservator; and
- 10 (8) An annual inventory of the real and personal property of the minor or protected
11 person which has come into the conservator's possession or knowledge.

12 A conservator shall mail a copy of the accounting to the individuals and entities specified in
13 § 29A-5-410 no later than fourteen days following its filing.

14 Any interested person may request a hearing on the accounting. The court may order the
15 conservator to attend the hearing on an account on the court's own motion or on the petition of
16 any interested person. An accounting by a conservator may be incorporated into and made a part
17 of the report of the guardian.

18 Subject to appeal or vacation within the time permitted, an order allowing an account of a
19 conservator adjudicates as to liabilities concerning all matters disclosed in the account.