

# State of South Dakota

SEVENTY-FIFTH SESSION  
LEGISLATIVE ASSEMBLY, 2000

718D0601

## SENATE BILL NO. 146

Introduced by: Senators Hainje, Daugaard, and Moore and Representatives Hunt and Wilson

1 FOR AN ACT ENTITLED, An Act to revise certain provisions of the Uniform Probate Code  
2 relating to the annual accounting of the conservator.

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;
- 17 (2) A listing of the estate;

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

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. A conservator shall notify all  
14 persons receiving the accounting that they must present written objections within fourteen days  
15 after receipt or be barred from thereafter objecting.

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

20 Subject to written objection, appeal or vacation within the time permitted, an order allowing  
21 an account of a conservator adjudicates as to liabilities concerning all matters disclosed in the  
22 account.