



TERRY E. BRANSTAD
GOVERNOR

OFFICE OF THE GOVERNOR

KIM REYNOLDS
LT. GOVERNOR

May 23, 2014

The Honorable Matt Schultz
Secretary of State of Iowa
State Capitol Building
LOCAL

Dear Mr. Secretary:

I hereby transmit:

Senate File 2239, an Act relating to elder abuse and providing penalties.

The above Senate File is hereby approved this date.

Sincerely,


Terry E. Branstad
Governor

cc: Secretary of the Senate
Clerk of the House



Senate File 2239

AN ACT
RELATING TO ELDER ABUSE AND PROVIDING PENALTIES.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

DIVISION I
ELDER ABUSE RELIEF

Section 1. NEW SECTION. 235F.1 Definitions.

As used in this chapter, unless the context otherwise requires:

1. "Attorney in fact" means an agent under a power of attorney pursuant to chapter 633B or an attorney in fact under a durable power of attorney for health care pursuant to chapter 144B.

2. "Caretaker" means a related or nonrelated person who has the responsibility for the protection, care, or custody of a vulnerable elder as a result of assuming the responsibility voluntarily, by contract, through employment, or by order of the court. "Caretaker" does not include a caretaker as defined in section 235E.1.

3. "Coercion" means communication or conduct which unduly compels a vulnerable elder to act or refrain from acting against the vulnerable elder's will and against the vulnerable elder's best interests.

4. "Conservator" means the same as defined in section 633.3.

5. a. "Elder abuse" means any of the following:

(1) Physical injury to, or injury which is at a variance with the history given of the injury, or unreasonable confinement, unreasonable punishment, or assault of a vulnerable elder by a person not otherwise governed by chapter 235E.

(2) The commission of a sexual offense under chapter 709 or

section 726.2 with or against a vulnerable elder.

(3) Neglect which is the deprivation of the minimum food, shelter, clothing, supervision, or physical or mental health care, or other care necessary to maintain a vulnerable elder's life or health by a caretaker.

(4) Financial exploitation.

b. "Elder abuse" does not include any of the following:

(1) Circumstances in which the vulnerable elder declines medical treatment if the vulnerable elder holds a belief or is an adherent of a religion whose tenets and practices call for reliance on spiritual means in place of reliance on medical treatment.

(2) Circumstances in which the vulnerable elder's caretaker, acting in accordance with the vulnerable elder's stated or implied consent, declines medical treatment if the vulnerable elder holds a belief or is an adherent of a religion whose tenets and practices call for reliance on spiritual means in place of reliance on medical treatment.

(3) The withholding or withdrawing of health care from a vulnerable elder who is terminally ill in the opinion of a licensed physician, when the withholding or withdrawing of health care is done at the request of the vulnerable elder or at the request of the vulnerable elder's next of kin, attorney in fact, or guardian pursuant to the applicable procedures under chapter 125, 144A, 144B, 222, 229, or 633.

(4) Good faith assistance by a family or household member or other person in managing the financial affairs of a vulnerable elder at the request of the vulnerable elder or at the request of a family member, guardian, or conservator of the vulnerable elder.

6. "Family or household member" means a spouse, a person cohabiting with the vulnerable elder, a parent, or a person related to the vulnerable elder by consanguinity or affinity, but does not include children of the vulnerable elder who are less than eighteen years of age.

7. "Fiduciary" means a person or entity with the legal responsibility to make decisions on behalf of and for the benefit of a vulnerable elder and to act in good faith and with fairness. "Fiduciary" includes but is not limited to an attorney in fact, a guardian, or a conservator.

8. "Financial exploitation" relative to a vulnerable elder means when a person stands in a position of trust or confidence with the vulnerable elder and knowingly and by undue influence,

deception, coercion, fraud, or extortion, obtains control over or otherwise uses or diverts the benefits, property, resources, belongings, or assets of the vulnerable elder.

9. "*Guardian*" means the same as defined in section 633.3.

10. "*Peace officer*" means the same as defined in section 801.4.

11. "*Plaintiff*" means a vulnerable elder who files a petition under this chapter and includes a substitute petitioner who files a petition on behalf of a vulnerable elder under this chapter.

12. "*Present danger of elder abuse*" means a situation in which the defendant has recently threatened the vulnerable elder with initial or additional elder abuse, or the potential for misappropriation, misuse, or removal of the funds, benefits, property, resources, belongings, or assets of the vulnerable elder combined with reasonable grounds to believe that elder abuse is likely to occur.

13. "*Pro se*" means a person proceeding on the person's own behalf without legal representation.

14. "*Stands in a position of trust or confidence*" means the person has any of the following relationships relative to the vulnerable elder:

a. Is a parent, spouse, adult child, or other relative by consanguinity or affinity of the vulnerable elder.

b. Is a caretaker for the vulnerable elder.

c. Is a person who is in a confidential relationship with the vulnerable elder. For the purposes of this paragraph "c", a confidential relationship does not include a legal, fiduciary, or ordinary commercial or transactional relationship the vulnerable elder may have with a bank incorporated under the provisions of any state or federal law, any savings and loan association or savings bank incorporated under the provisions of any state or federal law, any credit union organized under the provisions of any state or federal law, any attorney licensed to practice law in this state, or any agent, agency, or company regulated under chapter 505, 508, 515, or 543B.

15. "*Substitute petitioner*" means a family or household member, guardian, conservator, attorney in fact, or guardian ad litem for a vulnerable elder, or other interested person who files a petition under this chapter.

16. "*Undue influence*" means taking advantage of a person's role, relationship, or authority to improperly change or obtain control over the actions or decision making of a vulnerable

elder against the vulnerable elder's best interests.

17. "*Vulnerable elder*" means a person sixty years of age or older who is unable to protect himself or herself from elder abuse as a result of age or a mental or physical condition.

Sec. 2. NEW SECTION. 235F.2 Commencement of actions — waiver to juvenile court.

1. A vulnerable elder or a substitute petitioner may seek relief from elder abuse by filing a verified petition in the district court. Venue shall lie where either party resides. The petition shall state all of the following:

a. The name of the vulnerable elder and the name and address of the vulnerable elder's attorney, if any. If the vulnerable elder is proceeding pro se, the petition shall state a mailing address for the vulnerable elder.

b. The name of the substitute petitioner if the petition is being filed on behalf of a vulnerable elder, and the name and address of the attorney of the substitute petitioner. If the substitute petitioner is proceeding pro se, the petition shall state a mailing address for the substitute petitioner.

c. The name and address, if known, of the defendant.

d. The relationship of the vulnerable elder to the defendant.

e. The nature of the alleged elder abuse.

f. The name and age of any other individual whose welfare may be affected.

g. The desired relief, including a request for temporary or emergency orders.

2. A temporary or emergency order may be based on a showing of a prima facie case of elder abuse. If the factual basis for the alleged elder abuse is contested, the court shall issue a protective order based upon a finding of elder abuse by a preponderance of the evidence.

3. *a.* The filing fee and court costs for an order for protection and in a contempt action resulting from an order granted under this chapter or chapter 664A shall be waived for the plaintiff.

b. The clerk of court, the sheriff of any county in this state, and other law enforcement and corrections officers shall perform their duties relating to service of process without charge to the plaintiff.

c. When a permanent order for protection is entered by the court, the court may direct the defendant to pay to the clerk of court the fees for the filing of the petition and

reasonable costs of service of process if the court determines the defendant has the ability to pay the plaintiff's fees and costs.

d. In lieu of personal service of an order for protection issued pursuant to this section, the sheriff of any county in the state, and any other law enforcement and corrections officers may serve a defendant with a short-form notification pursuant to section 664A.4A.

4. If the person against whom relief from elder abuse is being sought is seventeen years of age or younger, the district court shall waive its jurisdiction over the action to the juvenile court.

5. If a substitute petitioner files a petition under this section on behalf of a vulnerable elder, the vulnerable elder shall retain the right to all of the following:

- a. To contact and retain counsel.
- b. To have access to personal records.
- c. To file objections to the protective order.
- d. To request a hearing on the petition.
- e. To present evidence and cross-examine witnesses at the hearing.

Sec. 3. NEW SECTION. 235F.3 Plaintiffs proceeding pro se — provision of forms and assistance.

1. By July 1, 2015, the judicial branch shall prescribe standard forms to be used by vulnerable elders or substitute petitioners seeking protective orders by proceeding pro se in actions under this chapter. Beginning July 1, 2015, the standard forms prescribed by the judicial branch shall be the exclusive forms used by plaintiffs proceeding pro se under this chapter. The judicial branch shall distribute the forms to the clerks of the district courts.

2. The clerk of the district court shall furnish the required forms to persons seeking protective orders through pro se proceedings pursuant to this chapter.

Sec. 4. NEW SECTION. 235F.4 Appointment of guardian ad litem.

The court may on its own motion or on the motion of a party appoint a guardian ad litem for a vulnerable elder if justice requires. The vulnerable elder's attorney shall not also serve as the guardian ad litem.

Sec. 5. NEW SECTION. 235F.5 Hearings — temporary orders.

1. Not less than five and not more than fifteen days after commencing a proceeding and upon notice to the other party, a

hearing shall be held at which the plaintiff must prove the allegation of elder abuse by a preponderance of the evidence.

2. The court may enter any temporary order it deems necessary to protect the vulnerable elder from elder abuse prior to the hearing, upon good cause shown in an ex parte proceeding. Present danger of elder abuse constitutes good cause for purposes of this subsection.

3. If a hearing is continued, the court may make or extend any temporary order under subsection 2 that it deems necessary.

4. Upon application of a party, the court shall issue subpoenas requiring attendance and testimony of witnesses and production of papers.

5. The court shall advise the defendant of a right to be represented by counsel of the defendant's choosing and to have a continuance to secure counsel.

6. The showing required under subsection 1 may be made by, but is not limited to the testimony at the hearing of, any of the following:

- a. The vulnerable elder.
- b. The guardian, conservator, attorney in fact, or guardian ad litem of the vulnerable elder.
- c. Witnesses to the elder abuse.
- d. Adult protective services workers who have conducted an investigation.

7. The court shall exercise its discretion in a manner that protects the vulnerable elder from traumatic confrontation with the defendant.

8. Hearings shall be recorded.

Sec. 6. NEW SECTION. 235F.6 Disposition.

1. Upon a finding that the defendant has engaged in elder abuse, the court may, if requested by the plaintiff, order any of the following:

a. That the defendant be required to move from the residence of the vulnerable elder if both the vulnerable elder and the defendant are titleholders or contract holders of record of the real property, are named as tenants in the rental agreement concerning the use and occupancy of the dwelling unit, are living in the same residence, or are married to each other.

b. That the defendant provide suitable alternative housing for the vulnerable elder.

c. That a peace officer accompany the party who is leaving or has left the party's residence to remove essential personal effects of the party.

d. That the defendant be restrained from abusing, harassing, intimidating, molesting, interfering with, or menacing the vulnerable elder, or attempting to abuse, harass, intimidate, molest, interfere with, or menace the vulnerable elder.

e. That the defendant be restrained from entering or attempting to enter on any premises when it appears to the court that such restraint is necessary to prevent the defendant from abusing, harassing, intimidating, molesting, interfering with, or menacing the vulnerable elder.

f. That the defendant be restrained from exercising any powers on behalf of the vulnerable elder through a court-appointed guardian, conservator, or guardian ad litem, an attorney in fact, or another third party.

g. In addition to the relief provided in subsection 2, other relief that the court considers necessary to provide for the safety and welfare of the vulnerable elder.

2. If the court finds that the vulnerable elder has been the victim of financial exploitation, the court may order the relief the court considers necessary to prevent or remedy the financial exploitation, including but not limited to any of the following:

a. Directing the defendant to refrain from exercising control over the funds, benefits, property, resources, belongings, or assets of the vulnerable elder.

b. Requiring the defendant to return custody or control of the funds, benefits, property, resources, belongings, or assets to the vulnerable elder.

c. Requiring the defendant to follow the instructions of the guardian, conservator, or attorney in fact of the vulnerable elder.

d. Prohibiting the defendant from transferring the funds, benefits, property, resources, belongings, or assets of the vulnerable elder to any person other than the vulnerable elder.

3. The court shall not use an order issued under this section to do any of the following:

a. To allow any person other than the vulnerable elder to assume responsibility for the funds, benefits, property, resources, belongings, or assets of the vulnerable elder.

b. For relief that is more appropriately obtained in a protective proceeding filed under chapter 633 including but not limited to giving control and management of the funds, benefits, property, resources, belongings, or assets of the vulnerable elder to a guardian, conservator, or attorney in

fact for any purpose other than the relief granted under subsection 2.

4. The court may approve a consent agreement between the parties entered to bring about the cessation of elder abuse. A consent agreement approved under this section shall not contain any of the following:

a. A provision that prohibits any party to the action from contacting or cooperating with any government agency including the department of human services, the department of inspections and appeals, the department on aging, the department of justice, law enforcement, and the office of long-term care ombudsman; a licensing or regulatory agency that has jurisdiction over any license or certification held by the defendant; a protection and advocacy agency recognized in section 135C.2; or the defendant's current employer if the defendant's professional responsibilities include contact with vulnerable elders, dependent adults, or minors, if the party contacting or cooperating has a good-faith belief that the information is relevant to the duties or responsibilities of the entity.

b. A provision that prohibits any party to the action from filing a complaint with or reporting a violation of law to any government agency including the department of human services, the department of inspections and appeals, the department on aging, the department of justice, law enforcement, and the office of long-term care ombudsman; a licensing or regulatory agency that has jurisdiction over any license or certification held by the defendant; a protection and advocacy agency recognized in section 135C.2; or the defendant's current employer.

c. A provision that requires any party to the action to withdraw a complaint filed with or a violation reported to any government agency including the department of human services, the department of inspections and appeals, the department on aging, the department of justice, law enforcement, and the office of long-term care ombudsman; a licensing or regulatory agency that has jurisdiction over any license or certification held by the defendant; a protection and advocacy agency recognized in section 135C.2; or the defendant's current employer.

5. A protective order or approved consent agreement shall be for a fixed period of time not to exceed one year. The court may amend or extend its order or a consent agreement at any

time upon a petition filed by either party and after notice and hearing. The court may extend the order if the court, after hearing at which the defendant has the opportunity to be heard, finds that the defendant continues to pose a threat to the safety of the vulnerable elder, persons residing with the vulnerable elder, or members of the vulnerable elder's immediate family, or continues to present a risk of financial exploitation of the vulnerable elder. The number of extensions that may be granted by the court is not limited.

6. The order shall state whether a person is to be taken into custody by a peace officer for a violation of the terms stated in the order.

7. The court may order that the defendant pay the attorney fees and court costs of the vulnerable elder or substitute petitioner.

8. An order or approved consent agreement under this section shall not affect title to real property.

9. A copy of any order or approved consent agreement shall be issued to the plaintiff, the defendant, the county sheriff of the county in which the order or consent decree is initially entered, and the twenty-four-hour dispatcher for the county sheriff. Any subsequent amendment or revocation of an order or consent agreement shall be forwarded by the clerk to all individuals previously notified.

10. The clerk shall notify the county sheriff and the twenty-four-hour dispatcher for the county sheriff in writing so that the county sheriff and the county sheriff's dispatcher receive written notice within six hours of filing the order, approved consent agreement, amendment, or revocation. The clerk may fulfill this requirement by sending the notice by facsimile or other electronic transmission which reproduces the notice in writing within six hours of filing the order.

11. The county sheriff's dispatcher shall notify all law enforcement agencies having jurisdiction over the matter and the twenty-four-hour dispatcher for the law enforcement agencies upon notification by the clerk.

Sec. 7. NEW SECTION. 235F.7 Emergency orders.

1. When the court is unavailable from the close of business at the end of the day or week to the resumption of business at the beginning of the day or week, a petition may be filed before a district judge, or district associate judge designated by the chief judge of the judicial district, who may grant emergency relief in accordance with section 235F.6, subsection

1 or 2, if the district judge or district associate judge deems it necessary to protect the vulnerable elder from elder abuse, upon good cause shown in an ex parte proceeding. Present danger of elder abuse constitutes good cause for purposes of this subsection.

2. An emergency order issued under subsection 1 shall expire seventy-two hours after issuance. When the order expires, the plaintiff may seek a temporary order from the court pursuant to section 235F.5.

3. A petition filed and emergency order issued under this section and any documentation in support of the petition and order shall be immediately certified to the court. The certification shall commence a proceeding for purposes of section 235F.2.

Sec. 8. NEW SECTION. 235F.8 Procedure.

1. A proceeding under this chapter shall be held in accordance with the rules of civil procedure, except as otherwise set forth in this chapter and in chapter 664A, and is in addition to any other civil or criminal remedy.

2. The plaintiff's right to relief under this chapter is not affected by leaving the vulnerable elder's home to avoid elder abuse.

DIVISION II

ADDITIONAL PROVISIONS AND CONFORMING AMENDMENTS

Sec. 9. Section 13.2, subsection 1, Code 2014, is amended by adding the following new paragraph:

NEW PARAGRAPH. 0. Develop written procedures and policies to be followed by prosecuting attorneys in the prosecution of elder abuse of a vulnerable elder under chapter 235F.

Sec. 10. Section 135B.7, Code 2014, is amended by adding the following new subsection:

NEW SUBSECTION. 5. The department shall also adopt rules requiring hospitals to establish and implement protocols for responding to the needs of patients who are victims of elder abuse, as defined in section 235F.1.

Sec. 11. Section 235B.6, subsection 2, paragraph e, subparagraph (5), Code 2014, is amended to read as follows:

(5) The office of the attorney for the department ~~who is responsible for representing the department general.~~

Sec. 12. Section 235B.6, subsection 3, Code 2014, is amended to read as follows:

3. Access to unfounded dependent adult abuse information is authorized only to those persons identified in subsection 2,

paragraph "a", paragraph "b", subparagraphs (2), (5), and (6), and paragraph "e", subparagraphs (2), (5), and (10).

Sec. 13. Section 235B.7, subsection 3, Code 2014, is amended to read as follows:

3. Subsections 1 and 2 do not apply to dependent adult abuse information that is disseminated to an employee of the department or to the office of the attorney ~~representing the department general~~ as authorized by section 235B.6.

Sec. 14. Section 331.424, subsection 1, paragraph a, subparagraph (6), Code 2014, is amended to read as follows:

(6) The maintenance and operation of the courts, including but not limited to the salary and expenses of the clerk of the district court and other employees of the clerk's office, and bailiffs, court costs if the prosecution fails or if the costs cannot be collected from the person liable, costs and expenses of prosecution under section 189A.17, salaries and expenses of juvenile court officers under chapter 602, court-ordered costs in domestic abuse cases under section 236.5 and elder abuse cases under section 235F.6, the county's expense for confinement of prisoners under chapter 356A, temporary assistance to the county attorney, county contributions to a retirement system for bailiffs, reimbursement for judicial magistrates under section 602.6501, claims filed under section 622.93, interpreters' fees under section 622B.7, uniform citation and complaint supplies under section 805.6, and costs of prosecution under section 815.13.

Sec. 15. Section 562A.27A, subsection 3, paragraph a, subparagraph (1), Code 2014, is amended to read as follows:

(1) The tenant seeks a protective order, restraining order, order to vacate the homestead, or other similar relief pursuant to chapter 235F, 236, 598, 664A, or 915, or any other applicable provision which would apply to the person conducting the activities causing the clear and present danger.

Sec. 16. Section 562B.25A, subsection 3, paragraph a, subparagraph (1), Code 2014, is amended to read as follows:

(1) The tenant seeks a protective order, restraining order, order to vacate the homestead, or other similar relief pursuant to chapter 235F, 236, 598, 664A, or 915, or any other applicable provision which would apply to the person conducting the activities causing the clear and present danger.

Sec. 17. Section 598.7, subsection 1, Code 2014, is amended to read as follows:

1. The district court may, on its own motion or on the

motion of any party, order the parties to participate in mediation in any dissolution of marriage action or other domestic relations action. Mediation performed under this section shall comply with the provisions of chapter 679C. The provisions of this section shall not apply if the action involves a child support or medical support obligation enforced by the child support recovery unit. The provisions of this section shall not apply to actions which involve elder abuse as defined in section 235F.1 or domestic abuse pursuant to chapter 236. The provisions of this section shall not affect a judicial district's or court's authority to order settlement conferences pursuant to rules of civil procedure. The court shall, on application of a party, grant a waiver from any court-ordered mediation under this section if the party demonstrates that a history of domestic abuse exists as specified in section 598.41, subsection 3, paragraph "j".

Sec. 18. Section 598.16, subsection 7, Code 2014, is amended to read as follows:

7. Upon application, the court shall grant a waiver from the requirements of this section if a party demonstrates that a history of elder abuse, as defined in section 235F.1, or domestic abuse, as defined in section 236.2, exists.

a. In determining whether a history of elder abuse exists, the court's consideration shall include but is not limited to commencement of an action pursuant to section 235F.2, the issuance of a court order or consent agreement pursuant to section 235F.6, the issuance of an emergency order pursuant to section 235F.7, the holding of a party in contempt pursuant to section 664A.7, the response of a peace officer to the scene of alleged elder abuse, or the arrest of a party following response to a report of alleged elder abuse.

b. In determining whether a history of domestic abuse exists, the court's consideration shall include but is not limited to commencement of an action pursuant to section 236.3, the issuance of a protective order against a party or the issuance of a court order or consent agreement pursuant to section 236.5, the issuance of an emergency order pursuant to section 236.6, the holding of a party in contempt pursuant to section 664A.7, the response of a peace officer to the scene of alleged domestic abuse or the arrest of a party following response to a report of alleged domestic abuse, or a conviction for domestic abuse assault pursuant to section 708.2A.

Sec. 19. Section 598.42, Code 2014, is amended to read as

follows:

598.42 Notice of certain orders by clerk of court.

The clerk of the district court shall provide notice and copies of temporary or permanent protective orders and orders to vacate the homestead entered pursuant to this chapter to the applicable law enforcement agencies and the twenty-four hour dispatcher for the law enforcement agencies, in the manner provided for protective orders under section 235F.6 or 236.5. The clerk shall provide notice and copies of modifications or vacations of these orders in the same manner.

Sec. 20. Section 602.6306, subsection 2, Code 2014, is amended to read as follows:

2. District associate judges also have jurisdiction in civil actions for money judgment where the amount in controversy does not exceed ten thousand dollars; jurisdiction over involuntary commitment, treatment, or hospitalization proceedings under chapters 125 and 229; jurisdiction of indictable misdemeanors, class "D" felony violations, and other felony arraignments; jurisdiction to enter a temporary or emergency order of protection under chapter 235F or 236, and to make court appointments and set hearings in criminal matters; jurisdiction to enter orders in probate which do not require notice and hearing and to set hearings in actions under chapter 633 or 633A; and the jurisdiction provided in section 602.7101 when designated as a judge of the juvenile court. While presiding in these subject matters a district associate judge shall employ district judges' practice and procedure.

Sec. 21. Section 611.23, Code 2014, is amended to read as follows:

611.23 Civil actions involving allegations of elder abuse, sexual abuse, or domestic abuse — counseling.

In a civil case in which a plaintiff is seeking relief or damages for alleged elder abuse as defined in section 235F.1, sexual abuse as defined in section 709.1, or domestic abuse as defined in section 236.2, the plaintiff may seek, and the court may grant, an order requiring the defendant to receive professional counseling, in addition to any other appropriate relief or damages.

Sec. 22. Section 664A.1, subsection 2, Code 2014, is amended to read as follows:

2. "*Protective order*" means a protective order issued pursuant to chapter 232, a court order or court-approved consent agreement entered pursuant to this chapter or chapter

235F, a court order or court-approved consent agreement entered pursuant to chapter 236, including a valid foreign protective order under section 236.19, subsection 3, a temporary or permanent protective order or order to vacate the homestead under chapter 598, or an order that establishes conditions of release or is a protective order or sentencing order in a criminal prosecution arising from a domestic abuse assault under section 708.2A, or a civil injunction issued pursuant to section 915.22.

Sec. 23. Section 664A.2, subsection 2, Code 2014, is amended to read as follows:

2. A protective order issued in a civil proceeding shall be issued pursuant to chapter 232, 235F, 236, 598, or 915. Punishment for a violation of a protective order shall be imposed pursuant to section 664A.7.

Sec. 24. Section 664A.4, subsection 2, Code 2014, is amended to read as follows:

2. The clerk of the district court shall provide a notice and copy of the no-contact order to the appropriate law enforcement agencies and the twenty-four-hour dispatcher for the law enforcement agencies in the same manner as provided in section 235F.6 or 236.5, as applicable. The clerk of the district court shall provide a notice and copy of a modification or vacation of a no-contact order in the same manner.

Sec. 25. Section 664A.5, Code 2014, is amended to read as follows:

664A.5 Modification — entry of permanent no-contact order.

If a defendant is convicted of, receives a deferred judgment for, or pleads guilty to a public offense referred to in section 664A.2, subsection 1, or is held in contempt for a violation of a no-contact order issued under section 664A.3 or for a violation of a protective order issued pursuant to chapter 232, 235F, 236, 598, or 915, the court shall either terminate or modify the temporary no-contact order issued by the magistrate. The court may enter a no-contact order or continue the no-contact order already in effect for a period of five years from the date the judgment is entered or the deferred judgment is granted, regardless of whether the defendant is placed on probation.

Sec. 26. Section 664A.7, subsections 1 and 5, Code 2014, are amended to read as follows:

1. Violation of a no-contact order issued under this chapter

or a protective order issued pursuant to chapter 232, 235F, 236, or 598, including a modified no-contact order, is punishable by summary contempt proceedings.

5. Violation of a no-contact order entered for the offense or alleged offense of domestic abuse assault in violation of section 708.2A or a violation of a protective order issued pursuant to chapter 232, 235F, 236, 598, or 915 constitutes a public offense and is punishable as a simple misdemeanor. Alternatively, the court may hold a person in contempt of court for such a violation, as provided in subsection 3.

Sec. 27. Section 915.23, subsection 1, Code 2014, is amended to read as follows:

1. An employer shall not discharge an employee, or take or fail to take action regarding an employee's promotion or proposed promotion, or take action to reduce an employee's wages or benefits for actual time worked, due to the service of an employee as a witness in a criminal proceeding or as a plaintiff, defendant, or witness in a civil proceeding pursuant to chapter 235F or 236.

Sec. 28. NEW SECTION. 915.50A General rights of elder abuse victims.

In addition to other victim rights provided in this chapter, victims of elder abuse shall have the following rights:

1. The right to file a pro se petition for relief from elder abuse in the district court, pursuant to chapter 235F.

2. The right to receive a criminal no-contact order upon a finding of probable cause, pursuant to section 664A.3.

Sec. 29. CODE EDITOR DIRECTIVE. The Code editor shall revise the subchapter VI heading under chapter 915 to read "Victims of domestic abuse, elder abuse, and human trafficking".

DIVISION III

AGENCY COLLABORATION AND REPORT

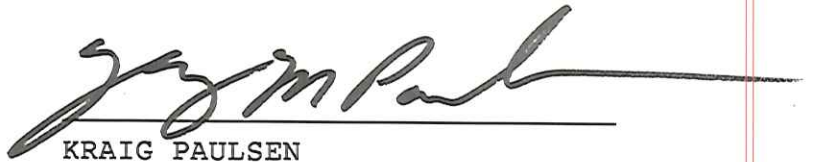
Sec. 30. AGENCY COLLABORATION AND REPORT. The department on aging, department of human services, department of inspections and appeals, department of public health, and the office of the attorney general shall collaborate and provide written recommendations on strengthening Iowa's elder abuse prevention, detection, and intervention efforts. To the extent possible, the departments and the office shall also include relevant budgetary considerations including staff and system needs, in their recommendations. If the departments and the office cannot reach consensus to develop a unified recommendation,

the director of each department and the attorney general shall each provide a separate written report and an explanation of the differences in the proposed recommendations. The written recommendations and reports shall be submitted to the general assembly, the governor, and the department of management on or before August 15, 2014.



PAM JOCHUM

President of the Senate



KRAIG PAULSEN

Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 2239, Eighty-fifth General Assembly.



MICHAEL E. MARSHALL

Secretary of the Senate

Approved May 23, 2014



TERRY E. BRANSTAD

Governor