

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.

[2014 Acts, ch 1107, §1](#)

NEW section