

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. At the hearing, the allegation of elder abuse may be proven as required under [subsection 1](#) by but is not limited to the testimony from 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.

[2014 Acts, ch 1107, §5](#); [2015 Acts, ch 30, §82](#)

Referred to in [§235F.7](#)