

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.

[2014 Acts, ch 1107, §2](#)

Referred to in [§235F.7](#)