

House Amendment to  
Senate File 2239

S-5092

1 Amend Senate File 2239, as amended, passed, and  
2 reprinted by the Senate, as follows:

3 1. By striking everything after the enacting clause  
4 and inserting:

5 <DIVISION I

6 ELDER ABUSE RELIEF

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

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

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

14 2. "*Caretaker*" means a related or nonrelated  
15 person who has the responsibility for all or a  
16 substantial portion of the protection, care, or custody  
17 of a vulnerable elder as a result of assuming the  
18 responsibility voluntarily, by contract, through  
19 employment, or by order of the court. "*Caretaker*" does  
20 not include a caretaker as defined in section 235E.1.

21 3. "*Conservator*" means the same as defined in  
22 section 633.3.

23 4. *a.* "*Elder abuse*" means any of the following:

24 (1) The nonaccidental infliction of bodily injury  
25 on a vulnerable elder by a caretaker.

26 (2) The commission of a sexual offense under  
27 chapter 709 or section 726.2 with or against a  
28 vulnerable elder.

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

34 (4) Financial exploitation as provided in section  
35 726.24.

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

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

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

50 (3) The withholding or withdrawing of health care

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

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

13 5. "*Family or household member*" means a spouse,  
14 a person cohabiting with the vulnerable elder, a  
15 parent, or a person related to the vulnerable elder  
16 by consanguinity or affinity, but does not include  
17 children of the vulnerable elder who are less than  
18 eighteen years of age.

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

25 7. "*Financial exploitation*" means financial  
26 exploitation as provided in section 726.24.

27 8. "*Guardian*" means the same as defined in section  
28 633.3.

29 9. "*Peace officer*" means the same as defined in  
30 section 801.4.

31 10. "*Plaintiff*" means a vulnerable elder who  
32 files a petition under this chapter and includes a  
33 substitute petitioner who files a petition on behalf of  
34 a vulnerable elder under this chapter.

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

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

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

50 14. "*Vulnerable elder*" means a person sixty-five

1 years of age or older who is unable to protect himself  
2 or herself from elder abuse as a result of a mental or  
3 physical condition or advanced age.

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

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

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

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

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

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

26 e. The nature of the alleged elder abuse.

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

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

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

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

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

45 c. When a permanent order for protection is entered  
46 by the court, the court may direct the defendant to pay  
47 to the clerk of court the fees for the filing of the  
48 petition and reasonable costs of service of process if  
49 the court determines the defendant has the ability to  
50 pay the plaintiff's fees and costs.

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

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

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

15 a. To contact and retain counsel.

16 b. To have access to personal records.

17 c. To file objections to the protective order.

18 d. To request a hearing on the petition.

19 e. To present evidence and cross-examine witnesses  
20 at the hearing.

21 6. The relief provided under this chapter shall  
22 not be available if the action involves a guardian  
23 or conservator of the vulnerable elder and the relief  
24 sought is more appropriately obtained in a protective  
25 proceeding filed under chapter 633.

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

28 1. The judicial branch shall prescribe standard  
29 forms to be used by vulnerable elders or substitute  
30 petitioners seeking protective orders by proceeding pro  
31 se in actions under this chapter. The standard forms  
32 shall include language in fourteen point boldface type.  
33 Standard forms prescribed by the judicial branch shall  
34 be the exclusive forms used by plaintiffs proceeding  
35 pro se under this chapter. The judicial branch shall  
36 distribute the forms to the clerks of the district  
37 courts.

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

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

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

47 **Sec. 5. NEW SECTION. 235F.5 Hearings — temporary**  
48 **orders.**

49 1. Not less than five and not more than fifteen  
50 days after commencing a proceeding and upon notice to

1 the other party, a hearing shall be held at which the  
2 plaintiff must prove the allegation of elder abuse by a  
3 preponderance of the evidence.

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

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

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

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

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

21 a. The vulnerable elder.

22 b. The guardian, conservator, attorney in fact, or  
23 guardian ad litem of the vulnerable elder.

24 c. Witnesses to the elder abuse.

25 d. Adult protective services workers who have  
26 conducted an investigation.

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

30 8. Hearings shall be recorded.

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

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

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

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

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

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

1 menace the vulnerable elder.

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

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

12 g. In addition to the relief provided in subsection  
13 2, other relief that the court considers necessary to  
14 provide for the safety and welfare of the vulnerable  
15 elder.

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

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

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

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

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

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

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

41 b. For relief that is more appropriately obtained  
42 in a protective proceeding filed under chapter 633  
43 including but not limited to giving control and  
44 management of the funds, benefits, property, resources,  
45 belongings, or assets of the vulnerable elder to a  
46 guardian, conservator, or attorney in fact for any  
47 purpose other than the relief granted under subsection  
48 2.

49 4. The court may approve a consent agreement  
50 between the parties entered to bring about the

1 cessation of elder abuse. A consent agreement approved  
2 under this section shall not contain any of the  
3 following:

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

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

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

42     5. A protective order or approved consent agreement  
43 shall be for a fixed period of time not to exceed one  
44 year. The court may amend or extend its order or a  
45 consent agreement at any time upon a petition filed by  
46 either party and after notice and hearing. The court  
47 may extend the order if the court, after hearing at  
48 which the defendant has the opportunity to be heard,  
49 finds that the defendant continues to pose a threat to  
50 the safety of the vulnerable elder, persons residing

1 with the vulnerable elder, or members of the vulnerable  
2 elder's immediate family, or continues to present a  
3 risk of financial exploitation of the vulnerable elder.  
4 The number of extensions that may be granted by the  
5 court is not limited.

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

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

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

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

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

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

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

37 1. When the court is unavailable from the close  
38 of business at the end of the day or week to the  
39 resumption of business at the beginning of the day or  
40 week, a petition may be filed before a district judge,  
41 or district associate judge designated by the chief  
42 judge of the judicial district, who may grant emergency  
43 relief in accordance with section 235F.6, subsection 1  
44 or 2, if the district judge or district associate judge  
45 deems it necessary to protect the vulnerable elder  
46 from elder abuse, upon good cause shown in an ex parte  
47 proceeding. Present danger of elder abuse constitutes  
48 good cause for purposes of this subsection.

49 2. An emergency order issued under subsection 1  
50 shall expire seventy-two hours after issuance. When



1 the order expires, the plaintiff may seek a temporary  
2 order from the court pursuant to section 235F.5.

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

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

9 1. A proceeding under this chapter shall be held in  
10 accordance with the rules of civil procedure, except  
11 as otherwise set forth in this chapter and in chapter  
12 664A, and is in addition to any other civil or criminal  
13 remedy.

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

17 **DIVISION II**

18 **FINANCIAL EXPLOITATION OF VULNERABLE ELDERS**

19 **Sec. 9. NEW SECTION. 726.24 Financial exploitation**  
20 **of a vulnerable elder.**

21 1. A person commits financial exploitation of a  
22 vulnerable elder when the person stands in a position  
23 of trust or confidence with the vulnerable elder and  
24 knowingly and by undue influence, deception, coercion,  
25 fraud, or extortion, obtains control over or otherwise  
26 uses or diverts the benefits, property, resources,  
27 belongings, or assets of the vulnerable elder for the  
28 person's own benefit or gain.

29 2. A person who commits financial exploitation  
30 of a vulnerable elder is guilty of the following, as  
31 applicable:

32 a. Financial exploitation in the fifth degree which  
33 is a simple misdemeanor if the value of the funds,  
34 benefits, property, resources, belongings, or assets is  
35 two hundred dollars or less.

36 b. Financial exploitation in the fourth degree  
37 which is a serious misdemeanor if the value of the  
38 funds, benefits, property, resources, belongings, or  
39 assets exceeds two hundred dollars but does not exceed  
40 five hundred dollars.

41 c. Financial exploitation in the third degree which  
42 is an aggravated misdemeanor if the value of the funds,  
43 benefits, property, resources, belongings, or assets  
44 exceeds five hundred dollars but does not exceed one  
45 thousand dollars.

46 d. Financial exploitation in the second degree  
47 which is a class "D" felony if the value of the funds,  
48 benefits, property, resources, belongings, or assets  
49 exceeds one thousand dollars but does not exceed ten  
50 thousand dollars.

1 e. Financial exploitation in the first degree  
2 which is a class "C" felony if the value of the funds,  
3 benefits, property, resources, belongings, or assets  
4 exceeds ten thousand dollars.

5 3. Nothing in this section shall be construed to  
6 impose criminal liability on a person who has made a  
7 good-faith effort to assist a vulnerable elder in the  
8 management of the vulnerable elder's funds, benefits,  
9 property, resources, belongings, or assets, but through  
10 no fault of the person, the person has been unable to  
11 provide such assistance or does not achieve the results  
12 sought by the vulnerable elder.

13 4. For the purposes of this section:

14 a. "Caretaker" means the same as defined in section  
15 235F.1.

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

20 c. "Stands in a position of trust or confidence"  
21 means the person has any of the following relationships  
22 relative to the vulnerable elder:

23 (1) Is a parent, spouse, adult child, or other  
24 relative by consanguinity or affinity of the vulnerable  
25 elder.

26 (2) Is a caretaker for the vulnerable elder other  
27 than a facility or person governed by chapter 235E.

28 (3) Is a person who is in a confidential  
29 relationship with the vulnerable elder. For the  
30 purposes of this subparagraph (3), a confidential  
31 relationship does not include a legal, fiduciary, or  
32 ordinary commercial or transactional relationship the  
33 vulnerable elder may have with a bank incorporated  
34 under the provisions of any state or federal law,  
35 any savings and loan association or savings bank  
36 incorporated under the provisions of any state or  
37 federal law, any credit union organized under the  
38 provisions of any state or federal law, any attorney  
39 licensed to practice law in the state, or any agent,  
40 agency, or company regulated under chapter 505, 508,  
41 515, or 543B.

42 d. "Undue influence" means taking advantage of a  
43 person's role, relationship, or authority to improperly  
44 change or obtain control over the actions or decision  
45 making of a vulnerable elder against the vulnerable  
46 elder's best interests.

47 e. "Vulnerable elder" means the same as defined in  
48 section 235F.1.

49 Sec. 10. CODE EDITOR DIRECTIVES. The Code editor  
50 shall create a new subchapter in chapter 726, entitled

1 "protection of vulnerable elders" that includes section  
2 726.24, as enacted in this Act.

3 DIVISION III

4 ADDITIONAL PROVISIONS AND CONFORMING AMENDMENTS

5 Sec. 11. Section 13.2, subsection 1, Code 2014, is  
6 amended by adding the following new paragraph:

7 NEW PARAGRAPH. o. Develop written procedures and  
8 policies to be followed by prosecuting attorneys in the  
9 prosecution of elder abuse and financial exploitation  
10 of a vulnerable elder under chapter 235F and section  
11 726.24.

12 Sec. 12. Section 13.31, subsection 3, Code 2014, is  
13 amended to read as follows:

14 3. Administer the domestic abuse program provided  
15 in chapter 236 and elder abuse actions commenced under  
16 chapter 235F.

17 Sec. 13. Section 135B.7, Code 2014, is amended by  
18 adding the following new subsection:

19 NEW SUBSECTION. 5. The department shall also adopt  
20 rules requiring hospitals to establish and implement  
21 protocols for responding to the needs of patients who  
22 are victims of elder abuse, as defined in section  
23 235F.1.

24 Sec. 14. Section 232.8, subsection 1, Code 2014, is  
25 amended by adding the following new paragraph:

26 NEW PARAGRAPH. e. The juvenile court shall have  
27 jurisdiction in proceedings commenced against a child  
28 pursuant to section 235F.2 over which the district  
29 court has waived its jurisdiction. The juvenile court  
30 shall hear the action in the manner of an adjudicatory  
31 hearing under section 232.47, subject to the following:

32 (1) The juvenile court shall abide by the  
33 provisions of sections 235F.5 and 235F.6 in holding  
34 hearings and making a disposition.

35 (2) The plaintiff is entitled to proceed pro se  
36 under section 235F.3.

37 Sec. 15. Section 232.22, subsection 1, Code 2014,  
38 is amended by adding the following new paragraph:

39 NEW PARAGRAPH. h. There is probable cause to  
40 believe that the child has committed a delinquent  
41 act which would be elder abuse under chapter 235F if  
42 committed by an adult.

43 Sec. 16. Section 232.52, subsection 2, Code 2014,  
44 is amended by adding the following new paragraph:

45 NEW PARAGRAPH. i. In the case of a child  
46 adjudicated delinquent for an act which would be a  
47 violation of chapter 235F if committed by an adult,  
48 an order requiring the child to attend a batterers'  
49 treatment program under section 708.2B.

50 Sec. 17. Section 235B.6, subsection 2, paragraph

1 e, subparagraph (5), Code 2014, is amended to read as  
2 follows:

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

6 Sec. 18. Section 235B.6, subsection 3, Code 2014,  
7 is amended to read as follows:

8 3. Access to unfounded dependent adult abuse  
9 information is authorized only to those persons  
10 identified in subsection 2, paragraph "a", paragraph  
11 "b", subparagraphs (2), (5), and (6), and paragraph  
12 "e", subparagraphs (2), (5), and (10).

13 Sec. 19. Section ~~331.424~~, subsection 1, paragraph  
14 a, subparagraph (6), Code 2014, is amended to read as  
15 follows:

16 (6) The maintenance and operation of the courts,  
17 including but not limited to the salary and expenses  
18 of the clerk of the district court and other employees  
19 of the clerk's office, and bailiffs, court costs  
20 if the prosecution fails or if the costs cannot be  
21 collected from the person liable, costs and expenses  
22 of prosecution under section 189A.17, salaries and  
23 expenses of juvenile court officers under chapter 602,  
24 court-ordered costs in domestic abuse cases under  
25 section 236.5 and elder abuse cases under section  
26 235F.6, the county's expense for confinement of  
27 prisoners under chapter 356A, temporary assistance  
28 to the county attorney, county contributions to a  
29 retirement system for bailiffs, reimbursement for  
30 judicial magistrates under section 602.6501, claims  
31 filed under section 622.93, interpreters' fees under  
32 section 622B.7, uniform citation and complaint supplies  
33 under section 805.6, and costs of prosecution under  
34 section 815.13.

35 Sec. 20. Section 562A.27A, subsection 3, paragraph  
36 a, subparagraph (1), Code 2014, is amended to read as  
37 follows:

38 (1) The tenant seeks a protective order,  
39 restraining order, order to vacate the homestead, or  
40 other similar relief pursuant to chapter 235F, 236,  
41 598, 664A, or 915, or any other applicable provision  
42 which would apply to the person conducting the  
43 activities causing the clear and present danger.

44 Sec. 21. Section 562B.25A, subsection 3, paragraph  
45 a, subparagraph (1), Code 2014, is amended to read as  
46 follows:

47 (1) The tenant seeks a protective order,  
48 restraining order, order to vacate the homestead, or  
49 other similar relief pursuant to chapter 235F, 236,  
50 598, 664A, or 915, or any other applicable provision

1 which would apply to the person conducting the  
2 activities causing the clear and present danger.

3 Sec. 22. Section 598.7, subsection 1, Code 2014, is  
4 amended to read as follows:

5 1. The district court may, on its own motion or  
6 on the motion of any party, order the parties to  
7 participate in mediation in any dissolution of marriage  
8 action or other domestic relations action. Mediation  
9 performed under this section shall comply with the  
10 provisions of chapter 679C. The provisions of this  
11 section shall not apply if the action involves a child  
12 support or medical support obligation enforced by  
13 the child support recovery unit. The provisions of  
14 this section shall not apply to actions which involve  
15 elder abuse as defined in section 235F.1 or domestic  
16 abuse pursuant to chapter 236. The provisions of  
17 this section shall not affect a judicial district's  
18 or court's authority to order settlement conferences  
19 pursuant to rules of civil procedure. The court shall,  
20 on application of a party, grant a waiver from any  
21 court-ordered mediation under this section if the party  
22 demonstrates that a history of domestic abuse exists as  
23 specified in section 598.41, subsection 3, paragraph  
24 "j".

25 Sec. 23. Section 598.16, subsection 7, Code 2014,  
26 is amended to read as follows:

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

32 a. In determining whether a history of elder abuse  
33 exists, the court's consideration shall include but  
34 is not limited to commencement of an action pursuant  
35 to section 235F.2, the issuance of a court order or  
36 consent agreement pursuant to section 235F.6, the  
37 issuance of an emergency order pursuant to section  
38 235F.7, the holding of a party in contempt pursuant to  
39 section 664A.7, the response of a peace officer to the  
40 scene of alleged elder abuse, or the arrest of a party  
41 following response to a report of alleged elder abuse.

42 b. In determining whether a history of domestic  
43 abuse exists, the court's consideration shall include  
44 but is not limited to commencement of an action  
45 pursuant to section 236.3, the issuance of a protective  
46 order against a party or the issuance of a court order  
47 or consent agreement pursuant to section 236.5, the  
48 issuance of an emergency order pursuant to section  
49 236.6, the holding of a party in contempt pursuant  
50 to section 664A.7, the response of a peace officer

1 to the scene of alleged domestic abuse or the arrest  
2 of a party following response to a report of alleged  
3 domestic abuse, or a conviction for domestic abuse  
4 assault pursuant to section 708.2A.

5 Sec. 24. Section 598.41, subsection 3, paragraph j,  
6 Code 2014, is amended to read as follows:

7 j. Whether a history of elder abuse, as defined in  
8 section 235F.1 or domestic abuse, as defined in section  
9 236.2, exists.

10 (1) In determining whether a history of elder abuse  
11 exists, the court's consideration shall include but  
12 is not limited to commencement of an action pursuant  
13 to section 235F.2, the issuance of a court order or  
14 consent agreement pursuant to section 235F.6, the  
15 issuance of an emergency order pursuant to section  
16 235F.7, the holding of a party in contempt pursuant to  
17 section 664A.7, the response of a peace officer to the  
18 scene of alleged elder abuse or the arrest of a party  
19 following response to a report of alleged elder abuse.

20 (2) In determining whether a history of domestic  
21 abuse exists, the court's consideration shall include  
22 but is not limited to commencement of an action  
23 pursuant to section 236.3, the issuance of a protective  
24 order against the parent or the issuance of a court  
25 order or consent agreement pursuant to section 236.5,  
26 the issuance of an emergency order pursuant to section  
27 236.6, the holding of a parent in contempt pursuant  
28 to section 664A.7, the response of a peace officer to  
29 the scene of alleged domestic abuse or the arrest of  
30 a parent following response to a report of alleged  
31 domestic abuse, or a conviction for domestic abuse  
32 assault pursuant to section 708.2A.

33 Sec. 25. Section 598.41D, subsection 4, paragraph  
34 b, subparagraph (2), Code 2014, is amended to read as  
35 follows:

36 (2) That the specified family member does not have  
37 a history of elder abuse, as defined in section 235F.1  
38 or domestic abuse, as defined in section 236.2.

39 (a) In determining whether a history of elder abuse  
40 exists, the court's consideration shall include but  
41 is not limited to commencement of an action pursuant  
42 to section 235F.2, the issuance of a court order or  
43 consent agreement pursuant to section 235F.6, the  
44 issuance of an emergency order pursuant to section  
45 235F.7, the holding of a party in contempt pursuant to  
46 section 664A.7, the response of a peace officer to the  
47 scene of alleged elder abuse or the arrest of a party  
48 following response to a report of alleged elder abuse.

49 (b) In determining whether a history of domestic  
50 abuse exists, the court's consideration shall include

1 but is not limited to commencement of an action  
2 pursuant to section 236.3, the issuance of a protective  
3 order against the individual or the issuance of a  
4 court order or consent agreement pursuant to section  
5 236.5, the issuance of an emergency order pursuant to  
6 section 236.6, the holding of an individual in contempt  
7 pursuant to section 664A.7, the response of a peace  
8 officer to the scene of alleged domestic abuse or the  
9 arrest of an individual following response to a report  
10 of alleged domestic abuse, or a conviction for domestic  
11 abuse assault pursuant to section 708.2A.

12 Sec. 26. Section 598.42, Code 2014, is amended to  
13 read as follows:

14 **598.42 Notice of certain orders by clerk of court.**

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

24 Sec. 27. Section 602.6306, subsection 2, Code 2014,  
25 is amended to read as follows:

26 2. District associate judges also have jurisdiction  
27 in civil actions for money judgment where the amount  
28 in controversy does not exceed ten thousand dollars;  
29 jurisdiction over involuntary commitment, treatment,  
30 or hospitalization proceedings under chapters 125 and  
31 229; jurisdiction of indictable misdemeanors, class  
32 "D" felony violations, and other felony arraignments;  
33 jurisdiction to enter a temporary or emergency order of  
34 protection under chapter 235F or 236, and to make court  
35 appointments and set hearings in criminal matters;  
36 jurisdiction to enter orders in probate which do not  
37 require notice and hearing and to set hearings in  
38 actions under chapter 633 or 633A; and the jurisdiction  
39 provided in section 602.7101 when designated as a  
40 judge of the juvenile court. While presiding in these  
41 subject matters a district associate judge shall employ  
42 district judges' practice and procedure.

43 Sec. 28. Section 611.23, Code 2014, is amended to  
44 read as follows:

45 **611.23 Civil actions involving allegations of elder**  
46 **abuse, sexual abuse, or domestic abuse — counseling.**

47 In a civil case in which a plaintiff is seeking  
48 relief or damages for alleged elder abuse as defined  
49 in section 235F.1, sexual abuse as defined in section  
50 709.1, or domestic abuse as defined in section 236.2,

1 the plaintiff may seek, and the court may grant, an  
2 order requiring the defendant to receive professional  
3 counseling, in addition to any other appropriate relief  
4 or damages.

5 Sec. 29. Section 664A.1, subsection 2, Code 2014,  
6 is amended to read as follows:

7 2. "*Protective order*" means a protective order  
8 issued pursuant to chapter 232, a court order or  
9 court-approved consent agreement entered pursuant  
10 to this chapter or chapter 235F, a court order or  
11 court-approved consent agreement entered pursuant to  
12 chapter 236, including a valid foreign protective  
13 order under section 236.19, subsection 3, a temporary  
14 or permanent protective order or order to vacate  
15 the homestead under chapter 598, or an order that  
16 establishes conditions of release or is a protective  
17 order or sentencing order in a criminal prosecution  
18 arising from a domestic abuse assault under section  
19 708.2A, or a civil injunction issued pursuant to  
20 section 915.22.

21 Sec. 30. Section 664A.2, subsection 2, Code 2014,  
22 is amended to read as follows:

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

27 Sec. 31. Section 664A.4, subsection 2, Code 2014,  
28 is amended to read as follows:

29 2. The clerk of the district court shall  
30 provide a notice and copy of the no-contact order  
31 to the appropriate law enforcement agencies and the  
32 twenty-four-hour dispatcher for the law enforcement  
33 agencies in the same manner as provided in section  
34 235F.6 or 236.5, as applicable. The clerk of the  
35 district court shall provide a notice and copy of a  
36 modification or vacation of a no-contact order in the  
37 same manner.

38 Sec. 32. Section 664A.5, Code 2014, is amended to  
39 read as follows:

40 **664A.5 Modification — entry of permanent no-contact**  
41 **order.**

42 If a defendant is convicted of, receives a deferred  
43 judgment for, or pleads guilty to a public offense  
44 referred to in section 664A.2, subsection 1, or is  
45 held in contempt for a violation of a no-contact order  
46 issued under section 664A.3 or for a violation of  
47 a protective order issued pursuant to chapter 232,  
48 235F, 236, 598, or 915, the court shall either terminate  
49 or modify the temporary no-contact order issued by the  
50 magistrate. The court may enter a no-contact order or



1 continue the no-contact order already in effect for  
2 a period of five years from the date the judgment is  
3 entered or the deferred judgment is granted, regardless  
4 of whether the defendant is placed on probation.

5 Sec. 33. Section 664A.7, subsections 1 and 5, Code  
6 2014, are amended to read as follows:

7 1. Violation of a no-contact order issued under  
8 this chapter or a protective order issued pursuant to  
9 chapter 232, 235F, 236, or 598, including a modified  
10 no-contact order, is punishable by summary contempt  
11 proceedings.

12 5. Violation of a no-contact order entered for  
13 the offense or alleged offense of domestic abuse  
14 assault in violation of section 708.2A or a violation  
15 of a protective order issued pursuant to chapter 232,  
16 235F, 236, 598, or 915 constitutes a public offense and  
17 is punishable as a simple misdemeanor. Alternatively,  
18 the court may hold a person in contempt of court for  
19 such a violation, as provided in subsection 3.

20 Sec. 34. Section 804.7, Code 2014, is amended by  
21 adding the following new subsection:

22 NEW SUBSECTION. 7. If the peace officer has  
23 reasonable grounds for believing that elder abuse  
24 as defined in section 235F.1 has occurred and has  
25 reasonable grounds for believing that the person to be  
26 arrested has committed it.

27 Sec. 35. Section 915.23, subsection 1, Code 2014,  
28 is amended to read as follows:

29 1. An employer shall not discharge an employee, or  
30 take or fail to take action regarding an employee's  
31 promotion or proposed promotion, or take action to  
32 reduce an employee's wages or benefits for actual time  
33 worked, due to the service of an employee as a witness  
34 in a criminal proceeding or as a plaintiff, defendant,  
35 or witness in a civil proceeding pursuant to chapter  
36 235F or 236.

37 Sec. 36. NEW SECTION. **915.50A General rights of**  
38 **elder abuse victims.**

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

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

45 2. The right to receive a criminal no-contact order  
46 upon a finding of probable cause, pursuant to section  
47 664A.3.

48 Sec. 37. Section 915.94, Code 2014, is amended to  
49 read as follows:

50 **915.94 Victim compensation fund.**

1 A victim compensation fund is established as  
2 a separate fund in the state treasury. Moneys  
3 deposited in the fund shall be administered by the  
4 department and dedicated to and used for the purposes  
5 of section 915.41 and this subchapter. In addition,  
6 the department may use moneys from the fund for the  
7 purpose of the department's prosecutor-based victim  
8 service coordination, including the duties defined in  
9 sections 910.3 and 910.6 and this chapter, and for the  
10 award of funds to programs that provide services and  
11 support to victims of elder abuse as defined in section  
12 235F.1, domestic abuse or sexual assault as provided in  
13 chapter 236, to victims under section 710A.2, and for  
14 the support of an automated victim notification system  
15 established in section 915.10A. The department may  
16 also use up to one hundred thousand dollars from the  
17 fund to provide training for victim service providers.  
18 Notwithstanding section 8.33, any balance in the fund  
19 on June 30 of any fiscal year shall not revert to the  
20 general fund of the state.

21 Sec. 38. CODE EDITOR DIRECTIVE. The Code editor  
22 shall revise the subchapter VI heading under chapter  
23 915 to read "Victims of domestic abuse, elder abuse,  
24 and human trafficking".

#### 25 DIVISION IV

#### 26 AGENCY COLLABORATION AND REPORT

27 Sec. 39. AGENCY COLLABORATION AND REPORT. The  
28 department on aging, department of human services,  
29 department of inspections and appeals, and the office  
30 of the attorney general shall collaborate and provide  
31 written recommendations on strengthening Iowa's  
32 elder abuse prevention, detection, and intervention  
33 efforts. To the extent possible, the departments  
34 and the office shall also include relevant budgetary  
35 considerations including staff and system needs, in  
36 their recommendations. If the departments and the  
37 office cannot reach consensus to develop a unified  
38 recommendation, the director of each department and the  
39 attorney general shall each provide a separate written  
40 report and an explanation of the differences in the  
41 proposed recommendations. The written recommendations  
42 and reports shall be submitted to the general assembly,  
43 the governor, and the department of management on or  
44 before August 15, 2014.