

Senate Study Bill 2293

Conference Committee Text

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1 1 Section 1. Section 235B.1, Code 1995, is amended to read
1 2 as follows:

1 3 235B.1 DEPENDENT ADULT ABUSE SERVICES.

1 4 The department shall establish and operate a dependent
1 5 adult abuse services program. The program shall emphasize the
1 6 reporting and evaluation of cases of abuse of a dependent
1 7 adult who is unable to protect the adult's own interests or
1 8 unable to perform

~~or obtain~~

~~activities necessary to meet~~

1 9 essential

~~services~~

~~human needs.~~ The program shall include but

1 10 is not limited to:

1 11 1. The establishment of local or regional
1 12 multidisciplinary teams to

~~provide leadership at the local and~~

1 13

~~district levels in the delivery of~~

~~assist in assessing the~~

1 14 needs of, formulating and monitoring a treatment plan for, and
1 15 coordinating services to victims of dependent adult abuse.

1 16 The membership of a team shall include individuals who possess
1 17 knowledge and skills related to the diagnosis, assessment, and
1 18 disposition of dependent adult abuse cases and who are
1 19 professionals practicing in the disciplines of medicine,
1 20 public health, mental health, social work, law, law
1 21 enforcement, or other disciplines relative to dependent
1 22 adults. Members of a team shall include, but are not limited
1 23 to, persons representing the area agencies on aging, county
1 24 attorneys, health care providers, and other persons involved
1 25 in advocating or providing services to dependent adults.

1 26 2. Provisions for information sharing and case
1 27 consultation among service providers, care providers, and
1 28 victims of dependent adult abuse.

1 29 3. Procedures for referral of cases among service
1 30 providers, including the referral of victims of dependent
1 31 adult abuse residing in licensed health care facilities.

1 32 4. a. The establishment of a dependent adult protective
1 33 advisory council. The advisory council shall do all of the
1 34 following:

1 35 (1) Advise the director of human services and the
2 1 administrator of the division of child and family services of
2 2 the department of human services regarding dependent adult
2 3 abuse.

2 4 (2) Evaluate state law and rules and make recommendations
2 5 to the general assembly and to executive branch departments
2 6 regarding laws and rules concerning dependent adults.

2 7 (3) Receive and review recommendations and complaints from
2 8 the public concerning the dependent adult abuse services
2 9 program.

2 10 b. (1) The advisory council shall consist of ten members.
2 11 Six members shall be appointed by and serve at the pleasure of
2 12 the governor. Four of the members appointed shall be
2 13 appointed on the basis of knowledge and skill related to
2 14 expertise in the area of dependent adult abuse including
2 15 professionals practicing in the disciplines of medicine,
2 16 public health, mental health, long-term care, social work,
2 17 law, and law enforcement. Two of the members appointed shall
2 18 be members of the general public with an interest in the area
2 19 of dependent adult abuse. In addition, the membership of the
2 20 council shall include the director or the director's designee
2 21 of the department of human services, the department of elder
2 22 affairs, the Iowa department of public health, and the
2 23 department of inspections and appeals.

2 24 (2) The members of the advisory council shall be appointed
2 25 to terms of four years beginning May 1. Appointments shall
2 26 comply with sections 69.16 and 69.16A. Vacancies shall be
2 27 filled in the same manner as the original appointment.

2 28 (3) Members shall receive actual expenses incurred while
2 29 serving in their official capacity.

2 30 (4) The advisory council shall select a chairperson,
2 31 annually, from its membership.

2 32 Sec. 2. Section [235B.2](#), Code Supplement 1995, is amended
2 33 to read as follows:

2 34 235B.2 DEFINITIONS.

2 35 As used in this chapter, unless the context otherwise
3 1 requires:

3 2 1. "Caretaker" means a related or nonrelated person who
3 3 has the responsibility for the protection, care,

~~or~~

~~custody,~~

3 4 ~~or control~~ of a dependent adult as a result of assuming the
3 5 responsibility voluntarily, by contract, through employment,
3 6 or by order of the court.

3 7 2. "Court" means the district court.

3 8 3. "Department" means the department of human services.

3 9 4. "Dependent adult" means a person eighteen years of age
3 10 or older who is unable ~~as the result of a physical, mental, or~~
3 11 ~~other condition as defined by departmental rule~~ to protect the
3 12 person's own interests or ~~who is~~ unable to adequately perform
3 13

~~or obtain services~~

~~activities~~ necessary to meet essential
3 14 human needs

~~, as a result of a physical or mental condition~~

3 15

~~which requires assistance from another, or as defined by~~

3 16

~~departmental rule~~

3 17 5. "Dependent adult abuse" means:

3 18 a. Any of the following as a result of the willful or
3 19 negligent acts or omissions of a caretaker:

3 20 (1) Physical injury to, or injury which is at a variance
3 21 with the history given of the injury, or unreasonable
3 22 confinement, unreasonable punishment, or assault of a
3 23 dependent adult.

3 24 (2) The commission of a sexual offense under chapter 709
3 25 or section 726.2 with or against a dependent adult.

3 26 (3) Exploitation of a dependent adult which means the act

3 27 or process of taking unfair advantage of a dependent adult or
3 28 the adult's physical or financial resources for one's own
3 29 personal or pecuniary profit, without the informed consent of
3 30 the dependent adult, including theft, by the use of undue
3 31 influence, harassment, duress, deception, false
3 32 representation, or false pretenses.

3 33 (4) The deprivation of the minimum food, shelter,
3 34 clothing, supervision, physical or mental health care, or
3 35 other care necessary to maintain a dependent adult's life or
4 1 health.

4 2 b. The deprivation of the minimum food, shelter, clothing,
4 3 supervision, physical or mental health care, and other care
4 4 necessary to maintain a dependent adult's life or health as a
4 5 result of the acts or omissions of the dependent adult.

4 6 Dependent adult abuse does not include depriving a
4 7 dependent adult of medical treatment if the dependent adult
4 8 holds a belief or is an adherent of a religion whose tenets
4 9 and practices call for reliance on spiritual means in place of
4 10 reliance on medical treatment. However, this provision does
4 11 not preclude a court from ordering that medical service be
4 12 provided to the dependent adult if the dependent adult's
4 13 health requires it.

4 14 Dependent adult abuse does not include the withholding or
4 15 withdrawing of health care from a dependent adult who is
4 16 terminally ill in the opinion of a licensed physician, when
4 17 the withholding or withdrawing of health care is done at the
4 18 request of the dependent adult or at the request of the
4 19 dependent adult's next of kin or guardian pursuant to the
4 20 applicable procedures under chapter 125, 222, 229, or 633.

4 21 c. Sexual exploitation of a dependent adult who is a
4 22 resident of a health care facility, as defined in section
4 23 135C.1, by a caretaker providing services to or employed by
4 24 the health care facility, whether within the health care
4 25 facility or at a location outside of the health care facility.

4 26 "Sexual exploitation" means any consensual or nonconsensual
4 27 sexual conduct with a dependent adult for the purpose of
4 28 arousing or satisfying the sexual desires of the caretaker or
4 29 dependent adult, which includes but is not limited to kissing;
4 30 touching of the clothed or unclothed inner thigh, breast,
4 31 groin, buttock, anus, pubes, or genitals; or a sex act, as
4 32 defined in section 702.17. Sexual exploitation does not
4 33 include touching which is part of a necessary examination,
4 34 treatment, or care by a caretaker acting within the scope of
4 35 the practice or employment of the caretaker; the exchange of a
5 1 brief touch or hug between the dependent adult and a caretaker
5 2 for the purpose of reassurance, comfort, or casual friendship;
5 3 or touching between spouses.

5 4 5A. "Emergency shelter services" means and includes, but
5 5 is not limited to, secure crisis shelters or housing for
5 6 victims of dependent adult abuse.

5 7 5B. "Family or household member" means a spouse, a person
5 8 cohabiting with the dependent adult, a parent, or a person
5 9 related to the dependent adult by consanguinity or affinity,
5 10 but does not include children of the dependent adult who are
5 11 less than eighteen years of age.

5 12 5C. "Immediate danger to health or safety" means a
5 13 situation in which death or severe bodily injury could
5 14 reasonably be expected to occur without intervention.

5 15 6. "Individual employed as an outreach person" means a
5 16 natural person who, in the course of employment, makes regular
5 17 contacts with dependent adults regarding available community
5 18 resources.

5 19 6A. "Legal holiday" means a legal public holiday as
5 20 defined in section 1C.1.

5 21 7. "Person" means person as defined in section 4.1.

5 22 8. "Recklessly" means that a person acts or fails to act
5 23 with respect to a material element of a public offense, when

5 24 the person is aware of and consciously disregards a
5 25 substantial and unjustifiable risk that the material element
5 26 exists or will result from the act or omission. The risk must
5 27 be of such a nature and degree that disregard of the risk
5 28 constitutes a gross deviation from the standard conduct that a
5 29 reasonable person would observe in the situation.

5 30 9. "Serious injury" means a disabling mental illness, or a
5 31 bodily injury which creates a substantial risk of death or
5 32 which causes serious permanent disfigurement, or protracted
5 33 loss or impairment of the function of any bodily member or
5 34 organ.

5 35 10. "Support services" includes but is not limited to
6 1 community-based services including area agency on aging
6 2 assistance, mental health services, fiscal management, home
6 3 health services, housing-related services, counseling
6 4 services, transportation services, adult day care services,
6 5 respite services, legal services, and advocacy services.

6 6 Sec. 3. Section 235B.3, subsection 5, Code Supplement
6 7 1995, is amended to read as follows:

6 8 5. Following the reporting of suspected dependent adult
6 9 abuse, the department of human services shall complete an
6 10 assessment of necessary services and shall make appropriate
6 11 referrals for receipt of these services. The assessment shall
6 12 include interviews with the dependent adult, and, if
6 13 appropriate, with the alleged perpetrator of the dependent
6 14 adult abuse and with any person believed to have knowledge of
6 15 the circumstances of the case. The department may provide
6 16 necessary protective services and may establish a sliding fee
6 17 schedule for those persons able to pay a portion of the
6 18 protective services.

6 19 Sec. 4. Section 235B.3, subsection 7, unnumbered paragraph
6 20 1, Code Supplement 1995, is amended to read as follows:

6 21 The department shall inform the appropriate county
6 22 attorneys of any reports of dependent adult abuse. The
6 23 department may request information from any person believed to
6 24 have knowledge of a case of dependent adult abuse. The
6 25 person, including but not limited to a county attorney, a law
6 26 enforcement agency, a multidisciplinary team, or a social
6 27 services agency in the state shall cooperate and assist in the
6 28 evaluation upon the request of the department. If the
6 29 department's assessment reveals that dependent adult abuse
6 30 exists which might constitute a criminal offense, a report
6 31 shall be made to the appropriate law enforcement agency.
6 32 County attorneys and appropriate law enforcement agencies
6 33 shall also take any other lawful action necessary or advisable
6 34 for the protection of the dependent adult.

6 35 Sec. 5. Section 235B.3, subsection 7, paragraph a, Code
7 1 Supplement 1995, is amended to read as follows:

7 2 a. If, upon completion of the evaluation or upon referral
7 3 from the department of inspections and appeals, the department
7 4 determines that the best interests of the dependent adult
7 5 require court action, the department shall initiate
7 6 appropriate court action

~~for the appointment of a guardian or~~

~~7 7~~

~~conservator or for admission or commitment to an appropriate~~

~~7 8~~

~~institution or facility pursuant to the applicable procedures~~

~~7 9~~

~~under chapter 125, 222, 229, or 633~~

-. The appropriate county

7 10 attorney shall assist the department in the preparation of the
7 11 necessary papers to initiate the action and shall appear and
7 12 represent the department at all district court proceedings.

7 13 Sec. 6. NEW SECTION. 235B.3A PREVENTION OF ADDITIONAL
7 14 ABUSE - NOTIFICATION OF RIGHTS - ARREST - LIABILITY.

7 15 1. If a peace officer has reason to believe that dependent
7 16 adult abuse, which is criminal in nature, has occurred, the
7 17 officer shall use all reasonable means to prevent further
7 18 abuse, including but not limited to any of the following:

7 19 a. If requested, remaining on the scene as long as there
7 20 is a danger to the dependent adult's physical safety without
7 21 the presence of a peace officer, including but not limited to
7 22 staying in the dwelling unit, or if unable to remain at the
7 23 scene, assisting the dependent adult in leaving the residence
7 24 and securing support services or emergency shelter services.

7 25 b. Assisting the dependent adult in obtaining medical
7 26 treatment necessitated by the dependent adult abuse, including
7 27 providing assistance to the dependent adult in obtaining
7 28 transportation to the emergency room of the nearest hospital.

7 29 c. Providing a dependent adult with immediate and adequate
7 30 notice of the dependent adult's rights. The notice shall
7 31 consist of handing the dependent adult a copy of the following
7 32 statement written in English and Spanish, requesting the
7 33 dependent adult to read the card and asking the dependent
7 34 adult whether the dependent adult understands the rights:

7 35 "(1) You have the right to ask the court for the following
8 1 help on a temporary basis:

8 2 (a) Keeping the alleged perpetrator away from you, your
8 3 home, and your place of work.

8 4 (b) The right to stay at your home without interference
8 5 from the alleged perpetrator.

8 6 (c) Professional counseling for you, your family, or
8 7 household members, and the alleged perpetrator of the
8 8 dependent adult abuse.

8 9 (2) If you are in need of medical treatment, you have the
8 10 right to request that the peace officer present assist you in
8 11 obtaining transportation to the nearest hospital or otherwise
8 12 assist you.

8 13 (3) If you believe that police protection is needed for
8 14 your physical safety, you have the right to request that the
8 15 peace officer present remain at the scene until you and other
8 16 affected parties can leave or safety is otherwise ensured."

8 17 The notice shall also contain the telephone number of the
8 18 local emergency shelter services, support services, or crisis
8 19 lines operating in the area.

8 20 Sec. 7. NEW SECTION. 235B.17 PROVISION OF PROTECTIVE
8 21 SERVICES WITH THE CONSENT OF DEPENDENT ADULT - CARETAKER
8 22 REFUSAL.

8 23 If a caretaker of a dependent adult, who consents to the
8 24 receipt of protective services, refuses to allow provision of
8 25 the services, the department may petition the court for an
8 26 order enjoining the caretaker from interfering with the
8 27 provision of services. The petition shall allege specific
8 28 facts sufficient to demonstrate that the dependent adult is in
8 29 need of protective services and consents to the provision of
8 30 services and that the caretaker refuses to allow provision of
8 31 the services. If the judge finds by clear and convincing
8 32 evidence that the dependent adult is in need of protective
8 33 services and consents to the services and that the caretaker
8 34 refuses to allow the services, the judge may issue an order
8 35 enjoining the caretaker from interfering with the provision of
9 1 the protective services.

9 2 Sec. 8. NEW SECTION. 235B.18 PROVISION OF SERVICES TO
9 3 DEPENDENT ADULT WHO LACKS CAPACITY TO CONSENT - HEARING -
9 4 FINDINGS.

9 5 1. If the department reasonably determines that a

9 6 dependent adult is a victim of dependent adult abuse and lacks
9 7 capacity to consent to the receipt of protective services, the
9 8 department may petition the court for an order authorizing the
9 9 provision of protective services. The petition shall allege
9 10 specific facts sufficient to demonstrate that the dependent
9 11 adult is in need of protective services and lacks capacity to
9 12 consent to the receipt of services.

9 13 2. The court shall set the case for hearing within
9 14 fourteen days of the filing of the petition. The dependent
9 15 adult shall receive at least five days' notice of the hearing.
9 16 The dependent adult has the right to be present and
9 17 represented by counsel at the hearing. If the dependent
9 18 adult, in the determination of the judge, lacks the capacity
9 19 to waive the right of counsel, the court may appoint a
9 20 guardian ad litem for the dependent adult.

9 21 3. If, at the hearing, the judge finds by clear and
9 22 convincing evidence that the dependent adult is in need of
9 23 protective services and lacks the capacity to consent to the
9 24 receipt of protective services, the judge may issue an order
9 25 authorizing the provision of protective services. The order
9 26 may include the designation of a person to be responsible for
9 27 performing or obtaining protective services on behalf of the
9 28 dependent adult or otherwise consenting to the receipt of
9 29 protective services on behalf of the dependent adult. Within
9 30 sixty days of the appointment of such a person the court shall
9 31 conduct a review to determine if a petition shall be initiated
9 32 in accordance with section 633.552 for good cause shown. The
9 33 court may extend the sixty-day period for an additional sixty
9 34 days, at the end of which the court shall conduct a review to
9 35 determine if a petition shall be initiated in accordance with
10 1 section 633.552. A dependent adult shall not be committed to
10 2 a mental health facility under this section.

10 3 4. A determination by the court that a dependent adult
10 4 lacks the capacity to consent to the receipt of protective
10 5 services under this chapter shall not affect incompetency
10 6 proceedings under sections 633.552 through 633.556 or any
10 7 other proceedings, and incompetency proceedings under
10 8 sections 633.552 through 633.556 shall not have a conclusive
10 9 effect on the question of capacity to consent to the receipt
10 10 of protective services under this chapter.

10 11 5. This section shall not be construed and is not intended
10 12 as and shall not imply a grant of entitlement for services to
10 13 persons who are not otherwise eligible for the services or for
10 14 utilization of services which do not currently exist or are
10 15 not otherwise available.

10 16 Sec. 9. NEW SECTION. 235B.19 EMERGENCY ORDER FOR
10 17 PROTECTIVE SERVICES.

10 18 1. If the department determines that a dependent adult is
10 19 suffering from dependent adult abuse which presents an
10 20 immediate danger to the health or safety of the dependent
10 21 adult, that the dependent adult lacks capacity to consent to
10 22 receive protective services, and that no consent can be
10 23 obtained, the department may petition the court with probate
10 24 jurisdiction in the county in which the dependent adult
10 25 resides for an emergency order authorizing protective
10 26 services.

10 27 2. The petition shall be verified and shall include all of
10 28 the following:

- 10 29 a. The name, date of birth, and address of the dependent
10 30 adult who needs protective services.
10 31 b. The nature of the dependent adult abuse.
10 32 c. The services required.

10 33 3. Upon finding that there is probable cause to believe
10 34 that the dependent adult abuse presents an immediate threat to
10 35 the health or safety of the dependent adult and that the
11 1 dependent adult lacks capacity to consent to the receipt of
11 2 services, the court may do any of the following:

11 3 a. Order removal of the dependent adult to safer
11 4 surroundings.

11 5 b. Order the provision of medical services.

11 6 c. Order the provision of other available services
11 7 necessary to remove conditions creating the danger to health
11 8 or safety, including the services of peace officers or
11 9 emergency services personnel.

11 10 4. The emergency order expires at the end of seventy-two
11 11 hours from the time of the order unless the seventy-two-hour
11 12 period ends on a Saturday, Sunday, or legal holiday in which
11 13 event the order is automatically extended to four p.m. on the
11 14 first succeeding business day. An order may be renewed for
11 15 not more than fourteen additional days. A renewal order that
11 16 ends on a Saturday, Sunday, or legal holiday is automatically
11 17 extended to four p.m. on the first succeeding business day.
11 18 The court may modify or terminate the emergency order on the
11 19 petition of the department, the dependent adult, or any person
11 20 interested in the dependent adult's welfare.

11 21 5. If the department cannot obtain an emergency order
11 22 under this section due to inaccessibility of the court, the
11 23 department may contact law enforcement to remove the dependent
11 24 adult to safer surroundings, authorize the provision of
11 25 medical treatment, and order the provision of or provide other
11 26 available services necessary to remove conditions creating the
11 27 immediate danger to the health or safety of the dependent
11 28 adult. The department shall obtain an emergency order under
11 29 this section not later than four p.m. on the first succeeding
11 30 business day after the date on which protective or other
11 31 services are provided. If the department does not obtain an
11 32 emergency order within the prescribed time period, the
11 33 department shall cease providing protective services and, if
11 34 necessary, make arrangements for the immediate return of the
11 35 person to the place from which the person was removed, to the
12 1 person's place of residence in the state, or to another
12 2 suitable place. A person, agency, or institution acting in
12 3 good faith in removing a dependent adult or in providing
12 4 services under this subsection, and an employer of or person
12 5 under the direction of such a person, agency, or institution,
12 6 shall have immunity from any liability, civil or criminal,
12 7 that might otherwise be incurred or imposed as the result of
12 8 such action.

12 9 6. The court may also enter orders as may be appropriate
12 10 to third persons enjoining them from specific conduct. The
12 11 orders may include temporary restraining orders which impose
12 12 criminal sanctions if violated. The court may enjoin third
12 13 persons from any of the following:

12 14 a. Removing the dependent adult from the care or custody
12 15 of another.

12 16 b. Committing dependent adult abuse on the dependent
12 17 adult.

12 18 c. Living at the dependent adult's residence.

12 19 d. Contacting the dependent adult in person or by
12 20 telephone.

12 21 e. Selling, removing, or otherwise disposing of the
12 22 dependent adult's personal property.

12 23 f. Withdrawing funds from any bank, savings and loan
12 24 association, credit union, or other financial institution, or
12 25 from a stock account in which the dependent adult has an
12 26 interest.

12 27 g. Negotiating any instruments payable to the dependent
12 28 adult.

12 29 h. Selling, mortgaging, or otherwise encumbering any
12 30 interest that the dependent adult has in real property.

12 31 i. Exercising any powers on behalf of the dependent adult
12 32 through representatives of the department, any court-appointed
12 33 guardian or guardian ad litem, or any official acting on the
12 34 dependent adult's behalf.

12 35 j. Engaging in any other specified act which, based upon
13 1 the facts alleged, would constitute harm or a threat of
13 2 imminent harm to the dependent adult or would cause damage to
13 3 or the loss of the dependent adult's property.
13 4 7. This section shall not be construed and is not intended
13 5 as and shall not imply a grant of entitlement for services to
13 6 persons who are not otherwise eligible for the services or for
13 7 utilization of services which do not currently exist or are
13 8 not otherwise available.

13 9 Sec. 10. NEW SECTION. 235B.20 DEPENDENT ADULT ABUSE -
13 10 INITIATION OF CHARGES - PENALTY.

13 11 1. Charges of dependent adult abuse may be initiated upon
13 12 complaint of private individuals or as a result of
13 13 investigations by social service agencies or on the direct
13 14 initiative of a county attorney or law enforcement agency.

13 15 2. A caretaker who intentionally commits dependent adult
13 16 abuse on a dependent adult in violation of this chapter is
13 17 guilty of a class "C" felony if the intentional dependent
13 18 adult abuse results in serious injury.

13 19 3. A caretaker who recklessly commits dependent adult
13 20 abuse on a dependent adult in violation of this chapter is
13 21 guilty of a class "D" felony if the reckless dependent adult
13 22 abuse results in serious injury.

13 23 4. A caretaker who intentionally commits dependent adult
13 24 abuse on a dependent adult in violation of this chapter is
13 25 guilty of a class "C" felony if the intentional dependent
13 26 adult abuse results in physical injury.

13 27 5. A caretaker who commits dependent adult abuse by
13 28 exploiting a dependent adult in violation of this chapter is
13 29 guilty of a class "D" felony if the value of the property,
13 30 assets, or resources exceeds one hundred dollars.

13 31 6. A caretaker who recklessly commits dependent adult
13 32 abuse on a person in violation of this chapter is guilty of an
13 33 aggravated misdemeanor if the reckless dependent adult abuse
13 34 results in physical injury.

13 35 7. A caretaker who commits dependent adult abuse by
14 1 exploiting a dependent adult in violation of this chapter is
14 2 guilty of a simple misdemeanor if the value of the property,
14 3 assets, or resources is one hundred dollars or less.

14 4 8. A caretaker alleged to have committed a violation of
14 5 this chapter shall be charged with the respective offense
14 6 cited, unless a charge may be brought based upon a more
14 7 serious offense, in which case the charge of the more serious
14 8 offense shall supersede the less serious charge.

14 9 EXPLANATION

14 10 This bill makes several changes in the dependent adult
14 11 abuse law.

14 12 In the area of dependent adult abuse services established
14 13 and operated by the department of human services, the bill
14 14 provides that the services are to be available to dependent
14 15 adults who are unable to protect their own interests or to
14 16 perform the activities necessary to meet basic human needs and
14 17 deletes application to dependent adults who are unable to
14 18 obtain essential services. The bill also provides for the
14 19 establishment of local or regional multidisciplinary teams.
14 20 Multidisciplinary teams currently exist, but not at the local
14 21 or regional levels, and the bill also directs these teams to
14 22 assist in assessing the needs of, formulating and monitoring a
14 23 treatment plan for, and coordinating services to dependent
14 24 adult abuse victims. The bill also provides for the
14 25 establishment of a dependent adult protective advisory council
14 26 and directs the council to perform certain duties.

14 27 The bill makes several changes in the definitions used in
14 28 the dependent adult abuse chapter including "caretaker", which
14 29 is amended to include persons who have the responsibility for
14 30 control of a dependent adult; "dependent adult", which is
14 31 amended to include persons who are unable to perform

14 32 activities (currently the definition includes those unable to
14 33 "obtain services") to meet essential human needs due to a
14 34 physical or mental condition; "dependent adult abuse", which
14 35 is amended in the area of exploitation to include not having
15 1 the informed consent of the dependent adult in dealing with
15 2 the physical or financial resources of the dependent adult;
15 3 "emergency shelter services"; "family or household member";
15 4 "immediate danger to health or safety"; "legal holiday";
15 5 "recklessly"; "serious injury"; and "support services". The
15 6 bill also provides for the reporting of dependent adult abuse
15 7 to law enforcement following a departmental assessment which
15 8 reveals dependent adult abuse which might constitute a
15 9 criminal offense and for the initiation of appropriate court
15 10 action.

15 11 The bill also provides for the prevention of additional
15 12 abuse through involvement of a peace officer at the scene of a
15 13 case of dependent adult abuse which is criminal in nature;
15 14 provides for provision of notice to the dependent adult of the
15 15 dependent adult's rights; provides for the provision of
15 16 protective services with the consent of the dependent adult if
15 17 a caretaker refuses to allow the services, or by obtaining
15 18 court authorization to provide protective services to a
15 19 dependent adult who is unable to provide consent, or by
15 20 obtaining an emergency order for protective services for a
15 21 dependent adult.

15 22 The bill also provides penalties ranging from a class "C"
15 23 felony to a simple misdemeanor for various criminal charges of
15 24 dependent adult abuse.

15 25 LSB 3734XL 76

15 26 pf/sc/14.2