

**Senate File 2117 - Introduced**

SENATE FILE 2117

BY RAGAN

(COMPANION TO HF 2106 BY  
HEDDENS)

**A BILL FOR**

- 1 An Act relating to elder abuse and providing penalties.
- 2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

DIVISION I

ELDER ABUSE RESPONSE INITIATIVE

Section 1. NEW SECTION. 231G.1 Definitions.

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

1. "*Abuse*" means the knowing infliction of physical or psychological harm or the knowing deprivation of goods or services that are necessary to meet essential needs or to avoid physical or psychological harm. "*Abuse*" includes but is not limited to:

a. 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 an older individual.

b. The commission of a sexual offense under chapter 709 or section 726.2 with or against an older individual.

c. The commission of elder abuse assault under section 708.2D.

2. "*Aging and disability resource center*" means the same as defined in section 231.4.

3. "*Area agency on aging*" means the same as defined in section 231.4.

4. "*Attorney in fact*" means an attorney in fact 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.

5. "*Caregiver*" means an individual who has the responsibility for the care or custody of an older individual, whether voluntarily, by contract, through employment, or as a result of the operation of law, and includes but is not limited to a family member or other individual who provides compensated or uncompensated care to an older individual.

6. "*Conservator*" means the same as defined in section 633.3.

7. "*Department*" means the department on aging.

8. "*Director*" means the director of the department on aging.

9. "*Elder abuse*" means the abuse, neglect, or financial

1 exploitation of an older individual. "*Elder abuse*" does not  
2 include any of the following:

3     *a.* Circumstances in which an older individual declines  
4 medical treatment if the older individual holds a belief or is  
5 an adherent of a religion whose tenets and practices call for  
6 reliance on spiritual means in place of reliance on medical  
7 treatment.

8     *b.* Circumstances in which an older individual's caregiver  
9 or fiduciary, acting in accordance with the older individual's  
10 stated or implied consent, declines medical treatment if the  
11 older individual holds a belief or is an adherent of a religion  
12 whose tenets and practices call for reliance on spiritual means  
13 in place of reliance on medical treatment.

14     *c.* The withholding or withdrawing of medical treatment  
15 from an older individual who is terminally ill in the opinion  
16 of a licensed physician, when the withholding or withdrawing  
17 of medical treatment is done at the request of the older  
18 individual or at the request of the older individual's next of  
19 kin, attorney in fact, or guardian pursuant to the applicable  
20 procedures under chapter 125, 144A, 144B, 222, 229, or 633.

21     10. "*Elder abuse assault*" means the same as defined in  
22 section 708.2D.

23     11. "*Emergency shelter services*" means and includes but is  
24 not limited to secure crisis shelters or housing for a victim  
25 of elder abuse.

26     12. "*Federal Act*" means the Older Americans Act of 1965, 42  
27 U.S.C. §3001 et seq., as amended.

28     13. "*Fiduciary*" means a person or entity with the legal  
29 responsibility to make decisions on behalf of and for the  
30 benefit of an older individual and to act in good faith and  
31 with fairness. "*Fiduciary*" includes a guardian, trustee,  
32 executor, administrator, receiver, conservator, attorney  
33 in fact, representative payee, or any person acting in any  
34 fiduciary capacity for or on behalf of an older individual.

35     14. "*Financial exploitation*" means financial exploitation

1 as provided in section 726.25.

2 15. "*Guardian*" means the same as defined in section 633.3.

3 16. "*Health care facility*" means the same as defined in  
4 section 135C.1.

5 17. "*Interfere with*" means to interpose in a manner that  
6 hinders or impedes or to take part in concerns of others.

7 18. "*Intimidate*" means to compel or deter conduct by a  
8 threat.

9 19. "*Menace*" means to show intention to harm or to act in  
10 threatening manner.

11 20. "*Molest*" means to annoy, disturb, or persecute,  
12 especially with hostile intent or injurious effect, and  
13 includes general harassment.

14 21. "*Neglect*" means the failure of a caregiver or fiduciary  
15 to provide adequate food, shelter, clothing, supervision,  
16 physical or mental health care, or goods or services necessary  
17 to maintain the life, health, or safety of an older individual,  
18 which if not provided would constitute denial of critical care.

19 22. "*Older individual*" means an individual who is sixty  
20 years of age or older.

21 23. "*Physical harm*" means bodily injury, impairment, or  
22 disease.

23 24. "*Plaintiff*" means an older individual who files  
24 a petition under this chapter and includes a substitute  
25 petitioner who files a petition on behalf of an older  
26 individual under this chapter.

27 25. "*Present danger of elder abuse*" means a situation  
28 in which the defendant has recently threatened the older  
29 individual with initial or additional elder abuse, or the  
30 potential for misappropriation, misuse, or removal of the  
31 benefits, property, resources, belongings, or assets of the  
32 older individual.

33 26. "*Pro se*" means a person proceeding on the person's own  
34 behalf without legal representation.

35 27. "*Psychological harm*" means the infliction of anguish,

1 emotional pain, or distress through verbal or nonverbal acts.

2 28. "*Substitute petitioner*" means the guardian, conservator,  
3 attorney in fact, or guardian ad litem for an older individual  
4 who files a petition under this chapter.

5 29. "*Undue influence*" means taking advantage of a person's  
6 role, relationship, or authority to improperly change or  
7 obtain control over the actions or decision making of an older  
8 individual.

9 Sec. 2. NEW SECTION. 231G.2 Elder abuse resource and  
10 referral program.

11 1. The department shall establish and operate an elder abuse  
12 resource and referral program. The purposes of the program  
13 are:

14 a. To empower older individuals to maximize their autonomy.

15 b. To recognize the rights of older individuals, including  
16 the right to be free of abuse, neglect, and financial  
17 exploitation.

18 c. To increase the awareness of elder abuse and provide  
19 options for older individuals at risk of elder abuse.

20 d. To provide a mechanism to address prevention, detection,  
21 and reporting of and intervention in cases of abuse, neglect,  
22 and financial exploitation of older individuals.

23 2. The department shall utilize the area agencies on  
24 aging to implement the program in each designated planning  
25 and service area. Each area agency on aging shall designate  
26 an elder rights specialist to administer the local program.  
27 The elder rights specialist shall assemble a local network of  
28 partners and stakeholders to coordinate services for older  
29 individuals through the program. The network shall include  
30 individuals who possess knowledge and skills related to  
31 older individuals or elder abuse and who are professionals  
32 practicing in the disciplines of medicine, nursing, geriatrics,  
33 public health, mental health, social work, gerontology,  
34 law, law enforcement, or other disciplines relative to older  
35 individuals. The network shall include but is not limited to

1 persons representing the area agencies on aging, the office of  
2 the attorney general, county attorneys, health care providers,  
3 law enforcement, service providers, and other community  
4 resources and persons involved in advocating for or providing  
5 services to older individuals.

6 3. The aging and disability resource center network shall  
7 act as the primary point of entry for individuals seeking  
8 information and assistance regarding elder abuse.

9 4. The program shall include a public education component  
10 to increase awareness regarding elder abuse and the services  
11 provided through the program.

12 5. The program shall include a component to provide for  
13 response to reports of suspected elder abuse, and any reports  
14 of suspected elder abuse may be transmitted to the office of  
15 the attorney general and the appropriate law enforcement agency  
16 and county attorney. The program shall cooperate with and  
17 provide information to the office of the attorney general, law  
18 enforcement agencies, and county attorneys upon request.

19 6. All program records that disclose the identity of an  
20 older individual seeking information or receiving services  
21 shall be maintained as confidential records pursuant to section  
22 22.7 and shall not be disclosed except with the written consent  
23 of the older individual or the older individual's guardian,  
24 conservator, or attorney in fact, or if required by court  
25 order. The department shall have access to program records.

26 7. The department shall adopt rules to administer the  
27 program including rules regarding qualifications for elder  
28 rights specialists, and intake, assessment, care plans,  
29 referral of cases, and the provision of information sharing and  
30 case consultation among those involved in intake, assessment,  
31 investigation, diagnosis, disposition, and service delivery  
32 related to older individuals through the program.

33 Sec. 3. NEW SECTION. 231G.3 Commencement of actions —  
34 waiver to juvenile court.

35 1. An older individual, or the guardian, conservator,

1 attorney in fact, or guardian ad litem of an older individual,  
2 may seek relief from elder abuse by filing a verified petition  
3 in the district court. Venue shall lie where either party  
4 resides. The petition shall state all of the following:

5     *a.* The name of the older individual and the name and address  
6 of the older individual's attorney, if any. If the older  
7 individual is proceeding pro se, the petition shall state a  
8 mailing address for the older individual. A mailing address  
9 may be provided by the older individual pursuant to section  
10 231G.12.

11     *b.* The name of the substitute petitioner if the petition  
12 is being filed on behalf of an older individual, and the name  
13 and address of the attorney of the substitute petitioner. If  
14 the substitute petitioner is proceeding pro se, the petition  
15 shall state a mailing address for the substitute petitioner. A  
16 mailing address may be provided by the substitute petitioner  
17 pursuant to section 231G.12.

18     *c.* The name and address, if known, of the defendant.

19     *d.* The relationship of the older individual to the  
20 defendant.

21     *e.* The nature of the alleged elder abuse.

22     *f.* The name and age of any other individual whose welfare  
23 may be affected.

24     *g.* The desired relief, including a request for temporary or  
25 emergency orders.

26     2. A temporary or emergency order shall be based on a  
27 showing of a prima facie case of elder abuse. If the factual  
28 basis for the alleged elder abuse is contested, the court shall  
29 issue a protective order based upon a finding of elder abuse by  
30 a preponderance of the evidence.

31     3. *a.* The filing fee and court costs for an order for  
32 protection and in a contempt action resulting from an order  
33 granted under this chapter or chapter 664A shall be waived for  
34 the plaintiff.

35     *b.* The clerk of court, the sheriff of any county in this

1 state, and other law enforcement and corrections officers shall  
2 perform their duties relating to service of process without  
3 charge to the plaintiff.

4 *c.* When an order for protection is entered by the court,  
5 the court may direct the defendant to pay to the clerk of court  
6 the fees for the filing of the petition and reasonable costs of  
7 service of process if the court determines the defendant has  
8 the ability to pay the plaintiff's fees and costs.

9 *d.* In lieu of personal service of an order for protection  
10 issued pursuant to this section, the sheriff of any county  
11 in the state, and any other law enforcement and corrections  
12 officers may serve a defendant with a short-form notification  
13 pursuant to section 664A.4A.

14 4. If the person against whom relief from elder abuse is  
15 being sought is seventeen years of age or younger, the district  
16 court shall waive its jurisdiction over the action to the  
17 juvenile court.

18 5. If a substitute petitioner files a petition under this  
19 section on behalf of an older individual, the older individual  
20 shall retain the right to all of the following:

- 21 *a.* To contact and retain counsel.
- 22 *b.* To have access to personal records.
- 23 *c.* To file objections to the protective order.
- 24 *d.* To request a hearing on the petition.
- 25 *e.* To present evidence and cross-examine witnesses at the  
26 hearing.

27 6. The relief provided under this chapter shall not be  
28 available if the action involves a guardian or conservator  
29 of the older individual and the relief sought is more  
30 appropriately obtained in a protective proceeding filed under  
31 chapter 633.

32 **Sec. 4. NEW SECTION. 231G.4 Plaintiffs proceeding pro se —**  
33 **provision of forms and assistance.**

34 1. The department of justice shall prescribe standard forms  
35 to be used by older individuals or substitute petitioners



1 seeking protective orders by proceeding pro se in actions  
2 under this chapter. The standard forms shall include language  
3 in fourteen point boldface type. Standard forms prescribed  
4 by the department of justice shall be the exclusive forms  
5 used by plaintiffs proceeding pro se under this chapter. The  
6 department of justice shall distribute the forms to the clerks  
7 of the district courts.

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

11 Sec. 5. NEW SECTION. 231G.5 Assistance by county attorney.

12 A county attorney's office may provide assistance to a  
13 person wishing to initiate proceedings pursuant to this chapter  
14 or to a plaintiff at any stage of a proceeding under this  
15 chapter if the plaintiff does not have sufficient funds to pay  
16 for legal assistance and if the assistance does not create  
17 a conflict of interest for the county attorney's office.  
18 The assistance provided may include but is not limited to  
19 assistance in obtaining or completing forms, filing a petition  
20 or other necessary pleading, presenting evidence to the court,  
21 and enforcing the orders of the court entered pursuant to this  
22 chapter. Providing assistance pursuant to this section shall  
23 not be considered the private practice of law for the purposes  
24 of section 331.752.

25 Sec. 6. NEW SECTION. 231G.6 Appointment of guardian ad  
26 litem.

27 The court may on its own motion or on the motion of a party  
28 appoint a guardian ad litem for an older individual if justice  
29 requires. The older individual's attorney shall not also serve  
30 as the guardian ad litem.

31 Sec. 7. NEW SECTION. 231G.7 Hearings — temporary orders.

32 1. Not less than five and not more than fifteen days after  
33 commencing a proceeding and upon notice to the other party, a  
34 hearing shall be held at which the plaintiff must prove the  
35 allegation of elder abuse by a preponderance of the evidence.

1     2. The court may enter any temporary order it deems  
2 necessary to protect the older individual from elder abuse  
3 prior to the hearing, upon good cause shown in an ex parte  
4 proceeding. Present danger of elder abuse constitutes good  
5 cause for purposes of this subsection. A temporary order  
6 issued pursuant to this subsection shall specifically include  
7 notice that the defendant may be required to relinquish all  
8 firearms, offensive weapons, and ammunition upon the issuance  
9 of a permanent order pursuant to section 231G.8.

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

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

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

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

21     *a.* The older individual.

22     *b.* The guardian, conservator, attorney in fact, or guardian  
23 ad litem of the older individual.

24     *c.* Witnesses to the elder abuse.

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

27    7. The hearing may be held in person, telephonically, or  
28 electronically. If the defendant or plaintiff seeks to raise  
29 an issue at the hearing not previously raised, the defendant or  
30 plaintiff is entitled to reasonable continuance for the purpose  
31 of preparing a response to the issue.

32    8. The court shall exercise its discretion in a manner that  
33 protects the older individual from traumatic confrontation with  
34 the defendant.

35    9. Hearings shall be recorded.

1     Sec. 8. NEW SECTION.   231G.8   Disposition.

2     1. Upon a finding that the defendant has engaged in elder  
3 abuse, the court shall, if requested by the plaintiff, order  
4 any of the following:

5     *a.* That the defendant be required to move from the residence  
6 of the older individual if both the older individual and the  
7 defendant are titleholders or contract holders of record of the  
8 real property, are named as tenants in the rental agreement  
9 concerning the use and occupancy of the dwelling unit, or are  
10 married to each other.

11    *b.* That the defendant provide suitable alternative housing  
12 for the older individual.

13    *c.* That a peace officer accompany the party who is leaving  
14 or has left the party's residence to remove essential personal  
15 effects of the party.

16    *d.* That the defendant be restrained from abusing,  
17 intimidating, molesting, interfering with, or menacing the  
18 older individual, or attempting to abuse, intimidate, molest,  
19 interfere with, or menace the older individual.

20    *e.* That the defendant be restrained from entering or  
21 attempting to enter on any premises when it appears to the  
22 court that such restraint is necessary to prevent the defendant  
23 from abusing, intimidating, molesting, interfering with, or  
24 menacing the older individual.

25    *f.* That the defendant be restrained from exercising  
26 any powers on behalf of the older individual through a  
27 court-appointed guardian, conservator, or guardian ad litem, an  
28 attorney in fact, or another third party.

29    *g.* That the defendant be restrained from owning, possessing,  
30 purchasing, receiving, or attempting to receive a firearm,  
31 offensive weapon, or ammunition.

32    *h.* In addition to the relief provided in subsection 2, other  
33 relief that the court considers necessary to provide for the  
34 safety and welfare of the older individual.

35    2. If the court finds that the older individual has been

1 the victim of financial exploitation, the court may order the  
2 relief the court considers necessary to prevent or remedy the  
3 financial exploitation, including but not limited to any of the  
4 following:

5     *a.* Directing the defendant to refrain from exercising  
6 control over the benefits, property, resources, belongings, or  
7 assets of the older individual.

8     *b.* Requiring the defendant to return custody or control of  
9 the benefits, property, resources, belongings, or assets to the  
10 older individual.

11     *c.* Requiring the defendant to follow the instructions of  
12 the guardian, conservator, or attorney in fact of the older  
13 individual.

14     *d.* Prohibiting the defendant from transferring the benefits,  
15 property, resources, belongings, or assets of the older  
16 individual to any person other than the older individual.

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

19     *a.* To allow any person other than the older individual to  
20 assume responsibility for the benefits, property, resources,  
21 belongings, or assets of the older individual.

22     *b.* For relief that is more appropriately obtained in a  
23 protective proceeding filed under chapter 633 including but  
24 not limited to giving control and management of the benefits,  
25 property, resources, belongings, or assets of the older  
26 individual to a guardian, conservator, or attorney in fact for  
27 any purpose other than the relief granted under subsection 2.

28     4. The court may approve a consent agreement between the  
29 parties entered to bring about the cessation of elder abuse. A  
30 consent agreement approved under this section shall not contain  
31 any of the following:

32     *a.* A provision that prohibits any party to the action  
33 from contacting or cooperating with any government agency  
34 including the department of human services, the department  
35 of inspections and appeals, the department on aging, the

1 department of justice, law enforcement, and the office of  
2 long-term care ombudsman; a licensing or regulatory agency  
3 that has jurisdiction over any license or certification held  
4 by the defendant; a protection and advocacy agency recognized  
5 in section 135C.2; or the defendant's current employer if the  
6 defendant's professional responsibilities include contact with  
7 older individuals, dependent adults, or minors, if the party  
8 contacting or cooperating has a good-faith belief that the  
9 information is relevant to the duties or responsibilities of  
10 the entity.

11 *b.* A provision that prohibits any party to the action from  
12 filing a complaint with or reporting a violation of law to any  
13 government agency including the department of human services,  
14 the department of inspections and appeals, the department on  
15 aging, the department of justice, law enforcement, and the  
16 office of long-term care ombudsman; a licensing or regulatory  
17 agency that has jurisdiction over any license or certification  
18 held by the defendant; a protection and advocacy agency  
19 recognized in section 135C.2; or the defendant's current  
20 employer.

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

31 5. A protective order or approved consent agreement shall be  
32 for a fixed period of time not to exceed one year. The court  
33 may amend or extend its order or a consent agreement at any  
34 time upon a petition filed by either party and after notice  
35 and hearing. The court may extend the order if the court,

1 after a hearing at which the defendant has the opportunity to  
2 be heard, finds that the defendant continues to pose a threat  
3 to the safety of the older individual, persons residing with  
4 the older individual, or members of the older individual's  
5 immediate family, or continues to present a risk of financial  
6 exploitation of the older individual. The number of extensions  
7 that may be granted by the court is not limited.

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

11 7. The court may order that the defendant pay the attorney  
12 fees and court costs.

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

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

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

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

34 **Sec. 9. NEW SECTION. 231G.9 Emergency orders.**

35 1. When the court is unavailable from the close of business

1 at the end of the day or week to the resumption of business  
2 at the beginning of the day or week, a petition may be filed  
3 before a district judge, or district associate judge designated  
4 by the chief judge of the judicial district, who may grant  
5 emergency relief in accordance with section 231G.8, subsection  
6 1 or 2, if the district judge or district associate judge deems  
7 it necessary to protect the older individual from elder abuse,  
8 upon good cause shown in an ex parte proceeding. Present  
9 danger of elder abuse constitutes good cause for purposes of  
10 this subsection.

11 2. An emergency order issued under subsection 1 shall expire  
12 seventy-two hours after issuance. When the order expires, the  
13 plaintiff may seek a temporary order from the court pursuant  
14 to section 231G.7.

15 3. A petition filed and emergency order issued under this  
16 section and any documentation in support of the petition  
17 and order shall be immediately certified to the court. The  
18 certification shall commence a proceeding for purposes of  
19 section 231G.3.

20 Sec. 10. NEW SECTION. 231G.10 Procedure.

21 1. A proceeding under this chapter shall be held in  
22 accordance with the rules of civil procedure, except as  
23 otherwise set forth in this chapter and in chapter 664A, and is  
24 in addition to any other civil or criminal remedy.

25 2. The plaintiff's right to relief under this chapter is not  
26 affected by leaving the older individual's home to avoid elder  
27 abuse.

28 Sec. 11. NEW SECTION. 231G.11 Elder abuse information.

29 1. The department shall collect and maintain information on  
30 incidents involving elder abuse. The department shall design  
31 and implement a uniform method of collecting data on elder  
32 abuse from entities involved in the prevention, detection,  
33 reporting, investigation of and intervention in cases of abuse,  
34 neglect, and financial exploitation of older individuals.

35 2. The department may compile statistics and issue reports

1 on elder abuse in Iowa, provided individual identifying  
2 details of the elder abuse are deleted. The statistics and  
3 reports may include nonidentifying information on the personal  
4 characteristics of perpetrators and victims. The department  
5 may request the cooperation of the department of justice  
6 in compiling the statistics and issuing the reports. The  
7 department of justice shall provide to the department, without  
8 charge, all information and documentation requested for this  
9 purpose. The department may provide nonidentifying information  
10 on individual incidents of elder abuse to persons conducting  
11 bona fide research, including but not limited to personnel of  
12 the department of justice.

13 Sec. 12. NEW SECTION. 231G.12 Plaintiff address —  
14 confidentiality of records.

15 1. A plaintiff seeking relief under this chapter may use any  
16 of the following addresses as a mailing address for purposes  
17 of filing a petition under this chapter, as well as for the  
18 purpose of obtaining any utility or other service:

19 a. The mailing address of a shelter or other agency.

20 b. A public or private post office box.

21 c. Any other mailing address, with the permission of the  
22 resident of that address.

23 2. A plaintiff shall report any change of address, whether  
24 designated according to subsection 1 or otherwise, to the clerk  
25 of court no more than five days after the previous address on  
26 record becomes invalid.

27 3. The entire file or a portion of the file in an elder  
28 abuse action shall be sealed by the clerk of court as ordered  
29 by the court to protect the privacy interest or safety of any  
30 person.

31 4. Notwithstanding subsection 3, court orders shall remain  
32 public records, although the court may order that address and  
33 location information be redacted from the public records.

34 Sec. 13. NEW SECTION. 231G.13 Duties of peace officer —  
35 magistrate.



1 1. A peace officer shall use every reasonable means to  
2 enforce an order or court-approved consent agreement entered  
3 under this chapter or chapter 664A, or to enforce an order that  
4 establishes conditions of release or is a protective order or  
5 sentencing order in a criminal prosecution arising from elder  
6 abuse assault under section 708.2D. If a peace officer has  
7 reason to believe that elder abuse has occurred, the peace  
8 officer shall ask the older individual if any prior orders  
9 exist, and shall contact the twenty-four-hour dispatcher to  
10 inquire if any prior orders exist. If a peace officer has  
11 probable cause to believe that a person has violated an order  
12 or approved consent agreement entered under this chapter or  
13 chapter 664A, or an order establishing conditions of release  
14 or a protective or sentencing order in a criminal prosecution  
15 arising from elder abuse assault pursuant to section 708.2D,  
16 the peace officer shall take the person into custody and shall  
17 take the person without unnecessary delay before the nearest or  
18 most accessible magistrate in the judicial district in which  
19 the person was taken into custody. The magistrate shall make  
20 an initial preliminary determination whether there is probable  
21 cause to believe that an order or consent agreement existed and  
22 whether the person taken into custody has violated its terms.  
23 The magistrate's decision shall be entered in the record.

24 2. If a peace officer has probable cause to believe  
25 that a person has violated an order or approved consent  
26 agreement entered under this chapter or chapter 664A, or an  
27 order establishing conditions of release or a protective  
28 or sentencing order in a criminal prosecution arising from  
29 elder abuse assault pursuant to section 708.2D, and the peace  
30 officer is unable to take the person into custody within  
31 twenty-four hours of making the probable cause determination,  
32 the peace officer shall either request a magistrate to make a  
33 determination as to whether a rule to show cause or an arrest  
34 warrant should be issued, or refer the matter to the county  
35 attorney.

1 3. If the magistrate finds probable cause, the magistrate  
2 shall order the person to appear either before the court which  
3 issued the original order or approved the consent agreement,  
4 or before the court in the jurisdiction where the alleged  
5 violation took place, at a specified time not less than five  
6 days nor more than fifteen days after the initial appearance  
7 under this section. The magistrate shall cause the original  
8 court to be notified of the contents of the magistrate's order.

9 4. A peace officer shall not be held civilly or criminally  
10 liable for acting pursuant to this section provided that the  
11 peace officer acts in good faith, on probable cause, and the  
12 officer's acts do not constitute a willful and wanton disregard  
13 for the rights or safety of another.

14 Sec. 14. NEW SECTION. 231G.14 **Prevention of further elder**  
15 **abuse — notification of rights — arrest — liability.**

16 1. If a peace officer has reason to believe that elder abuse  
17 has occurred, the officer shall use all reasonable means to  
18 prevent further elder abuse including but not limited to the  
19 following:

20 a. If requested, remaining on the scene as long as there  
21 is a danger to an older individual's physical safety without  
22 the presence of a peace officer, including but not limited to  
23 staying in the dwelling unit, or if unable to remain on the  
24 scene, assisting the older individual in leaving the residence.

25 b. Assisting an older individual in obtaining necessary  
26 medical treatment resulting from the elder abuse, including  
27 providing assistance to the older individual in obtaining  
28 transportation to the emergency department of the nearest  
29 hospital.

30 c. Providing an older individual with immediate and  
31 adequate notice of the older individual's rights. The notice  
32 shall consist of handing the older individual a document that  
33 includes the telephone numbers of the department, the local  
34 area agency on aging, the aging and disability resource center  
35 network, advocacy and support groups, and emergency shelters.

1 The peace officer shall ask the older individual to read the  
2 document and ask whether the older individual understands the  
3 rights described in the document. The document shall contain a  
4 copy of the following statement written in English and Spanish:

5 (1) You have the right to ask the court for help keeping  
6 your abuser away from you, your home, your place of employment,  
7 and any other places you may be.

8 (2) You have the right to stay at your home without  
9 interference from your abuser.

10 (3) You have the right to control and have custody of your  
11 benefits, property, resources, belongings, and assets.

12 (4) You have the right to seek help from the court to seek  
13 a protective order with or without the assistance of legal  
14 representation. You have the right to seek help from the  
15 courts without the payment of court costs if you do not have  
16 sufficient funds to pay the costs.

17 (5) You have the right to file criminal charges for threats,  
18 assaults, or other related crimes.

19 (6) You have the right to seek restitution against your  
20 abuser for harm to yourself or your property.

21 (7) If you are in need of medical treatment, you have  
22 the right to request that the officer present assist you in  
23 obtaining transportation to the nearest hospital or otherwise  
24 assist you.

25 (8) If you believe that police protection is needed for your  
26 physical safety you have the right to request that the officer  
27 present remain at the scene until you and other affected  
28 parties can leave or until safety is otherwise ensured.

29 2. a. A peace officer may, with or without a warrant,  
30 arrest a person under section 708.2D, subsection 2, paragraph  
31 "a", if, upon investigation, including a reasonable inquiry of  
32 the older individual and other witnesses, if any, the officer  
33 has probable cause to believe that an elder abuse assault has  
34 been committed which did not result in any injury to the older  
35 individual.

1     *b.* A peace officer shall, with or without a warrant, arrest  
2 a person under section 708.2D, subsection 2, paragraph `b`,  
3 if, upon investigation, including a reasonable inquiry of the  
4 older individual and other witnesses, if any, the officer has  
5 probable cause to believe that an elder abuse assault has been  
6 committed which resulted in the older individual suffering a  
7 bodily injury.

8     *c.* A peace officer shall, with or without a warrant, arrest  
9 a person under section 708.2D, subsection 2, paragraph `c`,  
10 if, upon investigation, including a reasonable inquiry of the  
11 older individual and other witnesses, if any, the officer has  
12 probable cause to believe that an elder abuse assault has  
13 been committed with the intent to inflict a serious injury as  
14 defined in section 702.18.

15     *d.* A peace officer shall, with or without a warrant, arrest  
16 a person under section 708.2D, subsection 2, paragraph `c`,  
17 if, upon investigation, including a reasonable inquiry of the  
18 older individual and other witnesses, if any, the officer has  
19 probable cause to believe that an elder abuse assault has  
20 been committed and that the alleged abuser used or displayed  
21 a dangerous weapon as defined in section 702.7 in connection  
22 with the assault.

23     *e.* A peace officer shall, with or without a warrant, arrest  
24 a person under section 708.2D, subsection 2, paragraph `d`,  
25 if, upon investigation, including a reasonable inquiry of the  
26 older individual and other witnesses, if any, the officer has  
27 probable cause to believe that an elder abuse assault has  
28 been committed by knowingly impeding the normal breathing or  
29 circulation of the blood of the older individual by applying  
30 pressure to the throat or neck of the older individual or by  
31 obstructing the nose or mouth of the older individual.

32     *f.* A peace officer shall, with or without a warrant,  
33 arrest a person under section 708.2D, subsection 5, if, upon  
34 investigation, including a reasonable inquiry of the alleged  
35 victim and other witnesses, if any, the officer has probable

1 cause to believe that an elder abuse assault has been committed  
2 by knowingly impeding the normal breathing or circulation of  
3 the blood of an older individual by applying pressure to the  
4 throat or neck of the older individual or by obstructing the  
5 nose or mouth of the older individual, and causing bodily  
6 injury.

7 *g.* A peace officer may, with or without a warrant, arrest  
8 a person if, upon investigation, including a reasonable  
9 inquiry of the older individual and other witnesses, if any,  
10 the officer has probable cause to believe that elder abuse  
11 constituting financial exploitation has been committed by the  
12 person.

13 3. A peace officer is not civilly or criminally liable for  
14 actions taken pursuant to this section taken in good faith.

15 Sec. 15. NEW SECTION. **231G.15 Prohibition against referral.**

16 In a criminal action arising from elder abuse, the  
17 prosecuting attorney or court shall not refer or order the  
18 parties involved to mediation or other nonjudicial procedures  
19 prior to judicial resolution of the action.

20 Sec. 16. NEW SECTION. **231G.16 Application for designation  
21 and funding as a provider of services for victims of elder abuse.**

22 Upon receipt of state or federal funding designated for  
23 victims of elder abuse by the department, the department  
24 shall designate and award grants to provide emergency shelter  
25 services and support services to victims of elder abuse. A  
26 public or private nonprofit organization may apply to the  
27 department for designation and funding as a provider of  
28 emergency shelter services and support services to victims  
29 of elder abuse. The application shall be submitted on a  
30 form prescribed by the department and shall include but not  
31 be limited to information regarding services to be provided,  
32 budget projections, and security measures.

33 Sec. 17. NEW SECTION. **231G.17 Department powers.**

34 1. The department may consult and cooperate with all public  
35 and private agencies which may provide services to victims of

1 elder abuse, including but not limited to legal and social  
2 services.

3 2. The department may accept, use, and dispose of  
4 contributions of money, services, and property made available  
5 by an agency or department of the state or federal government,  
6 or a private agency or individual to address elder abuse.

7 Sec. 18. NEW SECTION. 231G.18 Reference to certain criminal  
8 provisions.

9 Provisions contained in this chapter shall not preclude  
10 other relief available including certain criminal penalties and  
11 provisions pertaining to elder abuse, elder abuse assault, and  
12 violations of protective orders set forth in chapter 664A and  
13 sections 708.2D, 714.2A, 714.16A, 726.24, and 726.25.

14 Sec. 19. NEW SECTION. 231G.19 Foreign protective orders  
15 — registration — enforcement.

16 1. As used in this section, "*foreign protective order*" means  
17 a protective order entered by a court of another state, Indian  
18 tribe, or United States territory that would be an order or  
19 court-approved consent agreement entered under this chapter  
20 or chapter 664A, or an order that establishes conditions  
21 of release or is a protective order or sentencing order in  
22 a criminal prosecution arising from an elder abuse assault  
23 pursuant to section 708.2D if it had been entered in Iowa.

24 2. A certified or authenticated copy of a permanent foreign  
25 protective order may be filed with the clerk of the district  
26 court in any county that would have venue if the original  
27 action was being commenced in this state or in which the person  
28 in whose favor the order was entered may be present.

29 a. The clerk shall file foreign protective orders that are  
30 not certified or authenticated, if supported by an affidavit of  
31 a person with personal knowledge, subject to the penalties for  
32 perjury. The person protected by the order may provide this  
33 affidavit.

34 b. The clerk shall provide copies of the order as required  
35 by section 231G.8, except that notice shall not be provided to

1 the respondent without the express written direction of the  
2 person in whose favor the order was entered.

3 3. *a.* A valid foreign protective order has the same effect  
4 and shall be enforced in the same manner as a protective order  
5 issued in this state whether or not filed with a clerk of court  
6 or otherwise placed in a registry of protective orders.

7 *b.* A foreign protective order is valid if it meets all of  
8 the following conditions:

9 (1) The order states the name of the protected individual  
10 and the individual against whom enforcement is sought.

11 (2) The order has not expired or has not otherwise been  
12 terminated.

13 (3) The order was issued by a court or tribunal that had  
14 jurisdiction over the parties and subject matter under the law  
15 of the foreign jurisdiction.

16 (4) The order was issued in accordance with the respondent's  
17 due process rights, either after the respondent was provided  
18 with reasonable notice and an opportunity to be heard before  
19 the court or tribunal that issued the order, or in the case  
20 of an *ex parte* order, the respondent was granted notice and  
21 opportunity to be heard within a reasonable time after the  
22 order was issued.

23 *c.* Proof that a foreign protective order failed to meet all  
24 of the factors listed in paragraph "*b*" shall be an affirmative  
25 defense in any action seeking enforcement of the order.

26 4. A peace officer shall treat a foreign protective order as  
27 a valid legal document and shall make an arrest for a violation  
28 of the foreign protective order in the same manner that a peace  
29 officer would make an arrest for a violation of a protective  
30 order issued within this state.

31 *a.* The fact that a foreign protective order has not been  
32 filed with the clerk of court or otherwise placed in a registry  
33 shall not be grounds to refuse to enforce the terms of the  
34 order unless it is apparent to the officer that the order is  
35 invalid on its face.





1 older individual or if the person uses or displays a dangerous  
2 weapon in connection with the assault. This paragraph does not  
3 apply if section 708.6 or 708.8 applies.

4 *d.* An aggravated misdemeanor if the elder abuse assault  
5 is committed by knowingly impeding the normal breathing or  
6 circulation of the blood of an older individual by applying  
7 pressure to the throat or neck of the older individual or by  
8 obstructing the nose or mouth of the older individual.

9 3. Except as otherwise provided in subsection 2, on a second  
10 offense of elder abuse assault, a person commits:

11 *a.* A serious misdemeanor if the first offense was classified  
12 as a simple misdemeanor and the second offense would otherwise  
13 be classified as a simple misdemeanor.

14 *b.* An aggravated misdemeanor if the first offense was  
15 classified as a simple or aggravated misdemeanor, and the  
16 second offense would otherwise be classified as a serious  
17 misdemeanor, or the first offense was classified as a serious  
18 or aggravated misdemeanor, and the second offense would  
19 otherwise be classified as a simple or serious misdemeanor.

20 4. On a third or subsequent offense of elder abuse assault,  
21 a person commits a class "D" felony.

22 5. For an elder abuse assault committed by knowingly  
23 impeding the normal breathing or circulation of the blood of an  
24 older individual by applying pressure to the throat or neck of  
25 the older individual or by obstructing the nose or mouth of the  
26 older individual, and causing bodily injury, the person commits  
27 a class "D" felony.

28 6. *a.* A conviction for, deferred judgment for, or plea of  
29 guilty to, a violation of this section which occurred more than  
30 twelve years prior to the date of the violation charged shall  
31 not be considered in determining that the violation charged is  
32 a second or subsequent offense.

33 *b.* For the purpose of determining if a violation charged  
34 is a second or subsequent offense, deferred judgments issued  
35 pursuant to section 907.3 for violations of section 708.2

1 or this section, which were issued on elder abuse assaults,  
2 and convictions or the equivalent of deferred judgments for  
3 violations in any other states under statutes substantially  
4 corresponding to this section shall be counted as previous  
5 offenses. The courts shall judicially notice the statutes of  
6 other states which define offenses substantially equivalent  
7 to the offenses defined in this section and can therefore be  
8 considered corresponding statutes. Each previous violation on  
9 which conviction or deferral of judgment was entered prior to  
10 the date of the offense charged shall be considered and counted  
11 as a separate previous offense.

12 *c.* An offense shall be considered a prior offense regardless  
13 of whether it was committed upon the same victim.

14 7. *a.* A person convicted of violating subsection 2 or 3  
15 shall serve a minimum term of two days of the sentence imposed  
16 by law, and shall not be eligible for suspension of the minimum  
17 sentence. The minimum term shall be served on consecutive  
18 days. The court shall not impose a fine in lieu of the minimum  
19 sentence, although a fine may be imposed in addition to the  
20 minimum sentence. This section does not prohibit the court  
21 from sentencing and the person from serving the maximum term of  
22 confinement or from paying the maximum fine permitted pursuant  
23 to chapters 902 and 903, and does not prohibit the court from  
24 entering a deferred judgment or sentence pursuant to section  
25 907.3, if the person has not previously received a deferred  
26 sentence or judgment for a violation of section 708.2 or this  
27 section which was issued on an elder abuse assault.

28 *b.* A person convicted of violating subsection 4 shall  
29 be sentenced as provided under section 902.9, subsection 1,  
30 paragraph "e", and shall be denied parole or work release until  
31 the person has served a minimum of one year of the person's  
32 sentence. Notwithstanding section 901.5, subsections 1, 3, and  
33 5, and section 907.3, the person cannot receive a suspended or  
34 deferred sentence or a deferred judgment; however, the person  
35 sentenced shall receive credit for any time the person was

1 confined in a jail or detention facility following arrest.

2 8. If a person is convicted for, receives a deferred  
3 judgment for, or pleads guilty to a violation of this section,  
4 the court shall modify the no-contact order issued upon initial  
5 appearance in the manner provided in section 664A.5, regardless  
6 of whether the person is placed on probation.

7 9. The clerk of the district court shall provide notice  
8 and copies of a judgment entered under this section to the  
9 applicable law enforcement agencies and the twenty-four-hour  
10 dispatcher for the law enforcement agencies, in the manner  
11 provided for protective orders under section 231G.8. The  
12 clerk shall provide notice and copies of modifications of the  
13 judgment in the same manner.

14 Sec. 22. NEW SECTION. 714.2A Theft against an older  
15 individual.

16 1. If a person commits theft and the violation is committed  
17 against an individual who was an older individual at the  
18 time the theft was committed, notwithstanding the penalties  
19 specified in section 714.2, all of the following shall apply:

20 a. If a person commits theft in the first degree pursuant to  
21 section 714.2, subsection 1, the person is guilty of a class  
22 "B" felony.

23 b. If a person commits theft in the second degree pursuant  
24 to section 714.2, subsection 2, the person is guilty of a class  
25 "C" felony.

26 c. If a person commits theft in the third degree pursuant to  
27 section 714.2, subsection 3, the person is guilty of a class  
28 "D" felony.

29 d. If a person commits theft in the fourth degree pursuant  
30 to section 714.2, subsection 4, the person is guilty of an  
31 aggravated misdemeanor.

32 e. If a person commits theft in the fifth degree pursuant to  
33 section 714.2, subsection 5, the person is guilty of a serious  
34 misdemeanor.

35 2. In determining whether to impose the penalties under

1 subsection 1, the court shall consider the following:

2 a. Whether the defendant's conduct was in willful disregard  
3 of the rights of the older individual.

4 b. Whether the defendant knew or should have known that the  
5 defendant's conduct was directed to an older individual.

6 c. Whether the older individual was substantially more  
7 vulnerable to the defendant's conduct because of age, poor  
8 health, infirmity, impaired understanding, restricted mobility,  
9 or disability, than other persons.

10 d. Any other factors the court deems appropriate.

11 3. For the purposes of this section, "*older individual*"  
12 means older individual as defined in section 231G.1.

13 Sec. 23. NEW SECTION. 726.24 Elder abuse — initiation of  
14 charges — penalty.

15 1. A charge of elder abuse may be initiated upon the  
16 complaint of a private individual or as a result of an  
17 investigation by a social service agency or on the direct  
18 initiative of the attorney general, a county attorney, or a law  
19 enforcement agency.

20 2. A person who intentionally commits elder abuse is guilty  
21 of a class "C" felony if the intentional elder abuse results  
22 in serious injury.

23 3. A person who recklessly commits elder abuse is guilty  
24 of a class "D" felony if the reckless elder abuse results in  
25 serious injury.

26 4. A person who intentionally commits elder abuse is guilty  
27 of a class "C" felony if the intentional elder abuse results  
28 in physical injury.

29 5. A person who recklessly commits elder abuse is guilty of  
30 an aggravated misdemeanor if the reckless elder abuse results  
31 in physical injury.

32 6. A person who otherwise intentionally or knowingly  
33 commits elder abuse is guilty of a serious misdemeanor.

34 7. A person alleged to have committed a violation under  
35 this section shall be charged with the respective offense

1 cited, unless a charge may be brought based upon a more serious  
2 offense, in which case the charge of the more serious offense  
3 shall supersede the less serious charge.

4 8. It does not constitute a defense to a prosecution for any  
5 violation under this section that the alleged perpetrator did  
6 not know the age of the victim.

7 9. In a criminal action in which an older individual is  
8 a victim, the state may move the court to advance the trial  
9 on the docket. The presiding judge, after consideration of  
10 the age and health of the victim, may advance the trial on  
11 the docket. The motion may be filed and served with the  
12 information or charges or at any time.

13 10. If a person is convicted or receives a deferred judgment  
14 for, or pleads guilty to a violation of this section, the  
15 court shall modify the no-contact order issued upon initial  
16 appearance in the manner provided in section 664A.5, regardless  
17 of whether the person is placed on probation.

18 11. The clerk of the district court shall provide notice  
19 and copies of a judgment entered under this section to the  
20 applicable law enforcement agencies and the twenty-four-hour  
21 dispatcher for the law enforcement agencies, in the manner  
22 provided for protective orders under section 231G.8. The  
23 clerk shall provide notice and copies of modifications of the  
24 judgment in the same manner.

25 12. For the purposes of this section:

26 a. "*Elder abuse*" and "*older individual*" mean the same as  
27 defined in section 231G.1.

28 b. "*Serious injury*" means the same as defined in section  
29 702.18.

30 Sec. 24. NEW SECTION. 726.25 **Financial exploitation of an**  
31 **older individual.**

32 1. A person commits financial exploitation of an older  
33 individual when the person stands in a position of trust or  
34 confidence with the older individual and knowingly and by undue  
35 influence, deception, coercion, fraud, breach of fiduciary

1 duty, or extortion, obtains control over or otherwise uses the  
2 benefits, property, resources, belongings, or assets of the  
3 older individual.

4 2. A person who commits financial exploitation of an older  
5 individual is guilty of the following, as applicable:

6 a. A serious misdemeanor if the value of the benefits,  
7 property, resources, belongings, or assets is one hundred  
8 dollars or less.

9 b. An aggravated misdemeanor if the value of the benefits,  
10 property, resources, belongings, or assets exceeds one hundred  
11 dollars but does not exceed one thousand dollars.

12 c. A class "D" felony if the value of the benefits,  
13 property, resources, belongings, or assets exceeds one thousand  
14 dollars but does not exceed ten thousand dollars.

15 d. A class "C" felony if the value of the benefits,  
16 property, resources, belongings, or assets exceeds ten thousand  
17 dollars but does not exceed fifty thousand dollars.

18 e. A class "B" felony if the value of the benefits,  
19 property, resources, belongings, or assets exceeds fifty  
20 thousand dollars, or if the older individual is seventy years  
21 of age to eighty years of age and the value of the benefits,  
22 property, resources, belongings, or assets is fifteen thousand  
23 dollars or more, or if the older individual is eighty years  
24 of age or older and the value of the benefits, property,  
25 resources, belongings, or assets is five thousand dollars or  
26 more.

27 3. Nothing in this section shall be construed to limit other  
28 remedies available to the older individual including those  
29 provided under chapters 231G and 236.

30 4. A person alleged to have committed a violation under  
31 this section shall be charged with the respective offense  
32 cited, unless a charge may be brought based upon a more serious  
33 offense, in which case the charge of the more serious offense  
34 shall supersede the less serious charge.

35 5. Nothing in this section shall be construed to impose

1 criminal liability on a person who has made a good-faith effort  
2 to assist an older individual in the management of the older  
3 individual's benefits, property, resources, belongings, or  
4 assets, but through no fault of the person, the person has been  
5 unable to provide such assistance.

6 6. It shall not be a defense to financial exploitation of  
7 an older individual that the alleged perpetrator did not know  
8 the age of the older individual or reasonably believed that the  
9 alleged victim was not an older individual.

10 7. For the purposes of this section:

11 a. "*Caregiver*" means the same as defined in section 231G.1.

12 b. "*Coercion*" means communication or conduct which compels  
13 an older individual to act or refrain from acting against the  
14 older individual's will.

15 c. "*Fiduciary*" means the same as defined in section 231G.1.

16 d. "*Older individual*" means the same as defined in section  
17 231G.1.

18 e. "*Stands in a position of trust or confidence*" means the  
19 person has any of the following relationships relative to the  
20 older individual:

21 (1) Is a parent, spouse, adult child, or other relative by  
22 consanguinity or affinity of the older individual.

23 (2) Is a joint tenant or tenant in common with the older  
24 individual.

25 (3) Has a legal or fiduciary relationship with the older  
26 individual.

27 (4) Is a financial planning or investment professional  
28 providing or offering to provide financial planning or  
29 investment advice to the older individual.

30 (5) Is a beneficiary of the older individual in a governing  
31 instrument.

32 (6) Is a caregiver for the older individual.

33 (7) Is a person who is in a confidential relationship with  
34 the older individual. The determination of the existence of a  
35 confidential relationship is an issue of fact to be determined

1 by the court based upon the totality of the circumstances.

2 *f. "Undue influence"* means the same as defined in section  
3 231G.1.

4 Sec. 25. NEW SECTION. **726.26 Dependent adult abuse —**  
5 **initiation of charges — penalty.**

6 1. A charge of dependent adult abuse may be initiated  
7 upon the complaint of a private individual or as a result of  
8 an investigation by a social service agency or on the direct  
9 initiative of the office of the attorney general, a county  
10 attorney, or a law enforcement agency.

11 2. A caretaker who intentionally commits dependent adult  
12 abuse is guilty of a class "C" felony if the intentional  
13 dependent adult abuse results in serious injury.

14 3. A caretaker who recklessly commits dependent adult abuse  
15 is guilty of a class "D" felony if the reckless dependent adult  
16 abuse results in serious injury.

17 4. A caretaker who intentionally commits dependent adult  
18 abuse is guilty of a class "C" felony if the intentional  
19 dependent adult abuse results in physical injury.

20 5. A caretaker who commits dependent adult abuse by  
21 exploitation of a dependent adult is guilty of a class "D"  
22 felony if the value of the property, assets, or resources  
23 exceeds one hundred dollars.

24 6. A caretaker who recklessly commits dependent adult  
25 abuse is guilty of an aggravated misdemeanor if the reckless  
26 dependent adult abuse results in physical injury.

27 7. A caretaker who otherwise intentionally or knowingly  
28 commits dependent adult abuse is guilty of a serious  
29 misdemeanor.

30 8. A caretaker who commits dependent adult abuse by  
31 exploitation of a dependent adult is guilty of a simple  
32 misdemeanor if the value of the property, assets, or resources  
33 is one hundred dollars or less.

34 9. A caretaker alleged to have committed dependent adult  
35 abuse shall be charged with the respective offense cited,



1 unless a charge may be brought based upon a more serious  
2 offense, in which case the charge of the more serious offense  
3 shall supersede the less serious charge.

4 10. For the purposes of this section, "caretaker",  
5 "dependent adult", "dependent adult abuse", "exploitation",  
6 "recklessly", and "serious injury" mean the same as defined or  
7 described in section 235B.2.

8 Sec. 26. Section 714.16A, Code 2014, is amended to read as  
9 follows:

10 **714.16A Additional civil penalty for consumer frauds**  
11 **committed against elderly older individual — fund established.**

12 1. a. If a person violates section 714.16, and the  
13 violation is committed against an older ~~person~~ individual,  
14 in an action brought by the attorney general, in addition to  
15 any other civil penalty, the court may impose an additional  
16 civil penalty not to exceed five thousand dollars for each  
17 such violation. Additionally, the attorney general may  
18 accept a civil penalty as determined by the attorney general  
19 in settlement of an investigation of a violation of section  
20 714.16, regardless of whether an action has been filed pursuant  
21 to section 714.16.

22 b. A civil penalty imposed by a court or determined and  
23 accepted by the attorney general pursuant to this section shall  
24 be paid to the treasurer of state, who shall deposit the money  
25 in the elderly older individual victim fund, a separate fund  
26 created in the state treasury and administered by the attorney  
27 general for the investigation and prosecution of frauds against  
28 ~~the elderly~~ older individuals. Notwithstanding section 8.33,  
29 any balance in the fund on June 30 of any fiscal year shall  
30 not revert to the general fund of the state. An award of  
31 reimbursement pursuant to section 714.16 has priority over a  
32 civil penalty imposed by the court pursuant to this subsection.

33 2. In determining whether to impose a civil penalty under  
34 subsection 1, and the amount of any such penalty, the court  
35 shall consider the following:

1 a. Whether the defendant's conduct was in willful disregard  
2 of the rights of the older ~~person~~ individual.

3 b. Whether the defendant knew or should have known that the  
4 defendant's conduct was directed to an older ~~person~~ individual.

5 c. Whether the older ~~person~~ individual was substantially  
6 more vulnerable to the defendant's conduct because of age, poor  
7 health, infirmity, impaired understanding, restricted mobility,  
8 or disability, than other persons.

9 d. Any other factors the court deems appropriate.

10 3. As used in this section, "~~older person~~ individual" means  
11 ~~a person who is sixty-five years of age or older the same as~~  
12 defined in section 231G.1.

13 Sec. 27. REPEAL. Section 235B.20, Code 2014, is repealed.

14 Sec. 28. CODE EDITOR DIRECTIVES. The Code editor shall do  
15 all of the following:

16 1. Create a new subchapter in chapter 726, entitled  
17 "Resident, Dependent Adult, and Older Individual Protection"  
18 that includes sections 726.24, 726.25, and 726.26, as enacted  
19 in this Act.

20 2. a. Transfer sections 726.7 and 726.8, Code 2014, to  
21 the new subchapter and renumber the transferred sections as  
22 follows:

23 (1) Section 726.7 as section 726.27.

24 (2) Section 726.8 as section 726.28.

25 b. Correct internal references as necessary.

26 3. Revise the title of chapter 726 to read "Protections  
27 for the family, dependent persons, residents of health care  
28 facilities, and older individuals".

29 DIVISION III

30 ADDITIONAL PROVISIONS — OLDER INDIVIDUALS

31 Sec. 29. Section 135.11, subsection 24, Code 2014, is  
32 amended to read as follows:

33 24. Review and approve mandatory reporter training  
34 curricula for those persons who work in a position  
35 classification that under law makes the persons mandatory

1 reporters of child ~~or dependent adult~~ abuse and the position  
2 classification does not have a mandatory reporter training  
3 curriculum approved by a licensing or examining board. The  
4 department shall collaborate with the department on aging  
5 in approving a curriculum to satisfy the combined training  
6 requirements pursuant to section 235B.16, subsection 5.

7 Sec. 30. Section 231.23, Code 2014, is amended by adding the  
8 following new subsections:

9 NEW SUBSECTION. 14. Develop and maintain, in consultation  
10 with the department of human services and the department of  
11 inspections and appeals, a dependent adult abuse mandatory  
12 reporter training curriculum for those persons who work in  
13 a position classification that under law makes the persons  
14 mandatory reporters of dependent adult abuse and the position  
15 classification does not have a mandatory reporter training  
16 curriculum approved by a licensing or examining board. The  
17 curriculum shall provide information regarding available  
18 resources, referral and support services, and intervention  
19 options including those pursuant to chapters 231G, 235B, and  
20 235E. The department shall collaborate with the department of  
21 human services and the department of public health in approving  
22 a curriculum to satisfy the combined training requirements  
23 pursuant to section 235B.16, subsection 5.

24 NEW SUBSECTION. 15. Certify trainers to provide the  
25 dependent adult abuse mandatory reporter training curriculum  
26 developed and maintained by the department. A trainer shall  
27 not utilize the department's curriculum unless the trainer has  
28 been certified by completing the department's required training  
29 program. The department's training program shall include but  
30 is not limited to information on laws, rules, and regulations  
31 relating to dependent adults and available resources, referral  
32 and support services, and intervention options including those  
33 available pursuant to chapters 231G, 235B, and 235E. The  
34 department shall adopt rules relating to trainer certification  
35 including but not limited to issuance, renewal, and revocation

1 of certification.

2 Sec. 31. Section 235B.6, subsection 2, paragraph e,  
3 subparagraph (5), Code 2014, is amended to read as follows:

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

6 Sec. 32. Section 235B.6, subsection 3, Code 2014, is amended  
7 to read as follows:

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

12 Sec. 33. Section 235B.16, subsections 1, 2, and 3, Code  
13 2014, are amended to read as follows:

14 1. The department on aging, in cooperation with the  
15 department, shall conduct a public information and education  
16 program. The elements and goals of the program include but are  
17 not limited to:

18 a. Informing the public regarding the laws governing  
19 dependent adult abuse and elder abuse, the reporting  
20 requirements for dependent adult abuse, and the resource and  
21 referral options available under this chapter and chapters 231G  
22 and 235E.

23 b. Providing caretakers with information regarding services  
24 to alleviate the emotional, psychological, physical, or  
25 financial stress associated with the caretaker and dependent  
26 adult relationship.

27 c. Affecting public attitudes regarding the role of a  
28 dependent ~~adult~~ adults and older individuals in society.

29 2. The department on aging, in cooperation with the  
30 department ~~on aging~~ of human services and the department of  
31 inspections and appeals, shall institute a program of education  
32 and training for persons, including members of provider groups  
33 and family members, who may ~~come in contact with~~ encounter  
34 dependent adult abuse or elder abuse. The program shall  
35 include but is not limited to instruction regarding recognition

1 of dependent adult abuse and elder abuse and the procedure for  
2 the reporting of suspected abuse.

3 3. The content of the continuing education required  
4 pursuant to chapter 272C for a licensed professional providing  
5 care or service to a dependent adult shall include, but is  
6 not limited to, the responsibilities, obligations, powers,  
7 and duties of a person regarding the reporting of suspected  
8 dependent adult abuse, ~~and~~ training to aid the professional  
9 in identifying instances of dependent adult abuse, and the  
10 resource and referral options available under this chapter and  
11 chapters 231G and 235E to address dependent adult abuse and  
12 elder abuse.

13 Sec. 34. Section 235B.16, subsection 5, paragraphs d and e,  
14 Code 2014, are amended to read as follows:

15 d. The person may complete the initial or additional  
16 training requirements as a part of any of the following that  
17 are applicable to the person:

18 (1) A continuing education program required under chapter  
19 272C and approved by the appropriate licensing board.

20 (2) A training program using a the curriculum approved by  
21 ~~the director of public health~~ department on aging pursuant to  
22 section ~~135.11~~ 231.23.

23 (3) A training program using ~~such an approved~~ the curriculum  
24 approved by the department on aging pursuant to section 231.23  
25 and offered by the department of human services, the department  
26 on aging, the department of inspections and appeals, the Iowa  
27 law enforcement academy, or a similar public agency.

28 e. A person required to complete both child abuse and  
29 dependent adult abuse mandatory reporter training may complete  
30 the training through a program which combines child abuse and  
31 dependent adult abuse curricula and thereby meet the training  
32 requirements of both this subsection and section 232.69  
33 simultaneously. A person who is a mandatory reporter for both  
34 child abuse and dependent adult abuse may satisfy the combined  
35 training requirements of this subsection and section 232.69

1 through completion of a ~~two-hour~~ four-hour training program,  
2 if the training program curriculum provides equal coverage of  
3 both child and dependent adult abuse and is approved by the  
4 appropriate licensing board or collaboratively by the director  
5 of public health pursuant to section 135.11 and the department  
6 on aging pursuant to section 231.23, as applicable.

7 Sec. 35. Section 235B.16, Code 2014, is amended by adding  
8 the following new subsection:

9 NEW SUBSECTION. 7. For the purposes of this section,  
10 "*elder abuse*" and "*older individual*" mean the same as defined  
11 in section 231G.1.

12 DIVISION IV

13 CONFORMING CHANGES

14 Sec. 36. Section 13.2, subsection 1, Code 2014, is amended  
15 by adding the following new paragraph:

16 NEW PARAGRAPH. o. Develop written procedures and policies  
17 to be followed by prosecuting attorneys in the prosecution  
18 of elder abuse, elder abuse assault, theft against an older  
19 individual, consumer frauds committed against an older  
20 individual, and financial exploitation of an older individual  
21 under chapter 231G and sections 708.2D, 714.2A, 714.16A,  
22 726.24, and 726.25.

23 Sec. 37. Section 13.31, subsection 3, Code 2014, is amended  
24 to read as follows:

25 3. Administer the domestic abuse program provided in  
26 chapter 236 and elder abuse actions commenced under chapter  
27 231G.

28 Sec. 38. Section 135B.7, Code 2014, is amended by adding the  
29 following new subsection:

30 NEW SUBSECTION. 5. The department shall also adopt rules  
31 requiring hospitals to establish and implement protocols for  
32 responding to the needs of patients who are victims of elder  
33 abuse, as defined in section 231G.1.

34 Sec. 39. Section 231.23, Code 2014, is amended by adding the  
35 following new subsection:

1     NEW SUBSECTION. 14. Collaborate with the department of  
2 public health to develop protocols, functions, timing, roles,  
3 and responsibilities relating to the suspicious deaths of older  
4 individuals review team created in chapter 135, division XXXI.

5     Sec. 40. Section 231.64, subsection 1, Code 2014, is amended  
6 by adding the following new paragraph:

7     NEW PARAGRAPH. *d.* The primary point of entry for the elder  
8 abuse resource and referral program created in chapter 231G.

9     Sec. 41. Section 232.8, subsection 1, Code 2014, is amended  
10 by adding the following new paragraph:

11     NEW PARAGRAPH. *e.* The juvenile court shall have  
12 jurisdiction in proceedings commenced against a child pursuant  
13 to section 231G.3 over which the district court has waived its  
14 jurisdiction. The juvenile court shall hear the action in the  
15 manner of an adjudicatory hearing under section 232.47, subject  
16 to the following:

17         (1) The juvenile court shall abide by the provisions of  
18 sections 231G.7 and 231G.9 in holding hearings and making a  
19 disposition.

20         (2) The plaintiff is entitled to proceed pro se under  
21 sections 231G.4 and 231G.5.

22     Sec. 42. Section 232.22, subsection 1, Code 2014, is amended  
23 by adding the following new paragraph:

24     NEW PARAGRAPH. *h.* There is probable cause to believe  
25 that the child has committed a delinquent act which would be  
26 elder abuse under chapter 231G or an elder abuse assault under  
27 section 708.2D if committed by an adult.

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

30     NEW PARAGRAPH. *i.* In the case of a child adjudicated  
31 delinquent for an act which would be a violation of chapter  
32 231G or section 708.2D if committed by an adult, an order  
33 requiring the child to attend a batterers' treatment program  
34 under section 708.2B.

35     Sec. 44. Section 331.424, subsection 1, paragraph a,

1 subparagraph (6), Code 2014, is amended to read as follows:

2 (6) The maintenance and operation of the courts, including  
3 but not limited to the salary and expenses of the clerk of the  
4 district court and other employees of the clerk's office, and  
5 bailiffs, court costs if the prosecution fails or if the costs  
6 cannot be collected from the person liable, costs and expenses  
7 of prosecution under section 189A.17, salaries and expenses  
8 of juvenile court officers under chapter 602, court-ordered  
9 costs in domestic abuse cases under section 236.5 and elder  
10 abuse cases under section 231G.8, the county's expense  
11 for confinement of prisoners under chapter 356A, temporary  
12 assistance to the county attorney, county contributions to a  
13 retirement system for bailiffs, reimbursement for judicial  
14 magistrates under section 602.6501, claims filed under section  
15 622.93, interpreters' fees under section 622B.7, uniform  
16 citation and complaint supplies under section 805.6, and costs  
17 of prosecution under section 815.13.

18 Sec. 45. Section 507B.4, subsection 3, paragraph g, Code  
19 2014, is amended by adding the following new subparagraph:

20 NEW SUBPARAGRAPH. (4) Making or permitting any  
21 discrimination in the sale of insurance solely on the basis of  
22 elder abuse as defined in section 231G.1.

23 Sec. 46. Section 562A.27A, subsection 3, paragraph a,  
24 subparagraph (1), Code 2014, is amended to read as follows:

25 (1) The tenant seeks a protective order, restraining  
26 order, order to vacate the homestead, or other similar relief  
27 pursuant to chapter 231G, 236, 598, 664A, or 915, or any other  
28 applicable provision which would apply to the person conducting  
29 the activities causing the clear and present danger.

30 Sec. 47. Section 562B.25A, subsection 3, paragraph a,  
31 subparagraph (1), Code 2014, is amended to read as follows:

32 (1) The tenant seeks a protective order, restraining  
33 order, order to vacate the homestead, or other similar relief  
34 pursuant to chapter 231G, 236, 598, 664A, or 915, or any other  
35 applicable provision which would apply to the person conducting



1 the activities causing the clear and present danger.

2 Sec. 48. Section 598.7, subsection 1, Code 2014, is amended  
3 to read as follows:

4 1. The district court may, on its own motion or on the  
5 motion of any party, order the parties to participate in  
6 mediation in any dissolution of marriage action or other  
7 domestic relations action. Mediation performed under this  
8 section shall comply with the provisions of chapter 679C.  
9 The provisions of this section shall not apply if the action  
10 involves a child support or medical support obligation enforced  
11 by the child support recovery unit. The provisions of this  
12 section shall not apply to actions which involve elder abuse  
13 as defined in section 231G.1 or domestic abuse pursuant  
14 to chapter 236. The provisions of this section shall not  
15 affect a judicial district's or court's authority to order  
16 settlement conferences pursuant to rules of civil procedure.  
17 The court shall, on application of a party, grant a waiver  
18 from any court-ordered mediation under this section if the  
19 party demonstrates that a history of domestic abuse exists as  
20 specified in section 598.41, subsection 3, paragraph "j".

21 Sec. 49. Section 598.16, subsection 7, Code 2014, is amended  
22 to read as follows:

23 7. Upon application, the court shall grant a waiver from  
24 the requirements of this section if a party demonstrates that  
25 a history of elder abuse, as defined in section 231G.1, or  
26 domestic abuse, as defined in section 236.2, exists.

27 a. In determining whether a history of elder abuse exists,  
28 the court's consideration shall include but is not limited  
29 to commencement of an action pursuant to section 231G.3, the  
30 issuance of a court order or consent agreement pursuant to  
31 section 231G.8, the issuance of an emergency order pursuant to  
32 section 231G.9, the holding of a party in contempt pursuant to  
33 section 664A.7, the response of a peace officer to the scene  
34 of alleged elder abuse, or the arrest of a party following  
35 response to a report of alleged elder abuse, or a conviction

1 for elder abuse assault pursuant to section 708.2D.

2 b. In determining whether a history of domestic abuse  
3 exists, the court's consideration shall include but is not  
4 limited to commencement of an action pursuant to section 236.3,  
5 the issuance of a protective order against a party or the  
6 issuance of a court order or consent agreement pursuant to  
7 section 236.5, the issuance of an emergency order pursuant to  
8 section 236.6, the holding of a party in contempt pursuant to  
9 section 664A.7, the response of a peace officer to the scene  
10 of alleged domestic abuse or the arrest of a party following  
11 response to a report of alleged domestic abuse, or a conviction  
12 for domestic abuse assault pursuant to section 708.2A.

13 Sec. 50. Section 598.41, subsection 3, paragraph j, Code  
14 2014, is amended to read as follows:

15 j. Whether a history of elder abuse, as defined in section  
16 231G.1 or domestic abuse, as defined in section 236.2, exists.

17 (1) In determining whether a history of elder abuse exists,  
18 the court's consideration shall include but is not limited  
19 to commencement of an action pursuant to section 231G.3, the  
20 issuance of a court order or consent agreement pursuant to  
21 section 231G.8, the issuance of an emergency order pursuant to  
22 section 231G.9, the holding of a party in contempt pursuant to  
23 section 664A.7, the response of a peace officer to the scene of  
24 alleged elder abuse or the arrest of a party following response  
25 to a report of alleged elder abuse, or a conviction for elder  
26 abuse assault pursuant to section 708.2D.

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

1 response to a report of alleged domestic abuse, or a conviction  
2 for domestic abuse assault pursuant to section 708.2A.

3 Sec. 51. Section 598.41D, subsection 4, paragraph b,  
4 subparagraph (2), Code 2014, is amended to read as follows:

5 (2) That the specified family member does not have a history  
6 of elder abuse, as defined in section 231G.1 or domestic abuse,  
7 as defined in section 236.2.

8 (a) In determining whether a history of elder abuse exists,  
9 the court's consideration shall include but is not limited  
10 to commencement of an action pursuant to section 231G.3, the  
11 issuance of a court order or consent agreement pursuant to  
12 section 231G.8, the issuance of an emergency order pursuant to  
13 section 231G.9, the holding of a party in contempt pursuant to  
14 section 664A.7, the response of a peace officer to the scene of  
15 alleged elder abuse or the arrest of a party following response  
16 to a report of alleged elder abuse, or a conviction for elder  
17 abuse assault pursuant to section 708.2D.

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

30 Sec. 52. Section 598.42, Code 2014, is amended to read as  
31 follows:

32 **598.42 Notice of certain orders by clerk of court.**

33 The clerk of the district court shall provide notice and  
34 copies of temporary or permanent protective orders and orders  
35 to vacate the homestead entered pursuant to this chapter to

1 the applicable law enforcement agencies and the twenty-four  
2 hour dispatcher for the law enforcement agencies, in the manner  
3 provided for protective orders under section 231G.8 or 236.5.  
4 The clerk shall provide notice and copies of modifications or  
5 vacations of these orders in the same manner.

6 Sec. 53. Section 602.6306, subsection 2, Code 2014, is  
7 amended to read as follows:

8 2. District associate judges also have jurisdiction  
9 in civil actions for money judgment where the amount in  
10 controversy does not exceed ten thousand dollars; jurisdiction  
11 over involuntary commitment, treatment, or hospitalization  
12 proceedings under chapters 125 and 229; jurisdiction of  
13 indictable misdemeanors, class "D" felony violations, and  
14 other felony arraignments; jurisdiction to enter a temporary  
15 or emergency order of protection under chapter 231G or 236,  
16 and to make court appointments and set hearings in criminal  
17 matters; jurisdiction to enter orders in probate which do not  
18 require notice and hearing and to set hearings in actions under  
19 chapter 633 or 633A; and the jurisdiction provided in section  
20 602.7101 when designated as a judge of the juvenile court.  
21 While presiding in these subject matters a district associate  
22 judge shall employ district judges' practice and procedure.

23 Sec. 54. Section 611.23, Code 2014, is amended to read as  
24 follows:

25 **611.23 Civil actions involving allegations of elder abuse,**  
26 **sexual abuse, or domestic abuse — counseling.**

27 In a civil case in which a plaintiff is seeking relief or  
28 damages for alleged elder abuse as defined in section 231G.1,  
29 sexual abuse as defined in section 709.1, or domestic abuse  
30 as defined in section 236.2, the plaintiff may seek, and the  
31 court may grant, an order requiring the defendant to receive  
32 professional counseling, in addition to any other appropriate  
33 relief or damages.

34 Sec. 55. Section 664A.1, subsection 2, Code 2014, is amended  
35 to read as follows:

1     2. "*Protective order*" means a protective order issued  
2 pursuant to chapter 232, a court order or court-approved  
3 consent agreement entered pursuant to this chapter or chapter  
4 231G, including a valid foreign protective order under section  
5 231G.19, a court order or court-approved consent agreement  
6 entered pursuant to chapter 236, including a valid foreign  
7 protective order under section 236.19, subsection 3, a  
8 temporary or permanent protective order or order to vacate  
9 the homestead under chapter 598, or an order that establishes  
10 conditions of release or is a protective order or sentencing  
11 order in a criminal prosecution arising from a domestic abuse  
12 assault under section 708.2A or elder abuse assault under  
13 section 708.2D, or a civil injunction issued pursuant to  
14 section 915.22.

15     Sec. 56. Section 664A.2, Code 2014, is amended to read as  
16 follows:

17     **664A.2 Applicability.**

18     1. This chapter applies to no-contact orders issued for  
19 violations or alleged violations of sections 708.2A, 708.2D,  
20 708.7, 708.11, 709.2, 709.3, and 709.4, and any other public  
21 offense for which there is a victim.

22     2. A protective order issued in a civil proceeding shall  
23 be issued pursuant to chapter 231G, 232, 236, 598, or 915.  
24 Punishment for a violation of a protective order shall be  
25 imposed pursuant to section 664A.7.

26     Sec. 57. Section 664A.3, subsection 1, unnumbered paragraph  
27 1, Code 2014, is amended to read as follows:

28     When a person is taken into custody for contempt proceedings  
29 pursuant to section 231G.13 or 236.11, or arrested for any  
30 public offense referred to in section 664A.2, subsection 1,  
31 and the person is brought before a magistrate for initial  
32 appearance, the magistrate shall enter a no-contact order if  
33 the magistrate finds both of the following:

34     Sec. 58. Section 664A.3, subsection 2, Code 2014, is amended  
35 to read as follows:

1 2. Notwithstanding chapters 804 and 805, a person taken  
2 into custody pursuant to section 231G.13 or 236.11, or arrested  
3 pursuant to section 231G.14 or 236.12 may be released on bail  
4 or otherwise only after initial appearance before a magistrate  
5 as provided in chapter 804 and the rules of criminal procedure  
6 or section 231G.13 or 236.11, whichever is applicable.

7 Sec. 59. Section 664A.4, subsection 2, Code 2014, is amended  
8 to read as follows:

9 2. The clerk of the district court shall provide a notice  
10 and copy of the no-contact order to the appropriate law  
11 enforcement agencies and the twenty-four-hour dispatcher for  
12 the law enforcement agencies in the same manner as provided  
13 in section 231G.8 or 236.5, as applicable. The clerk of  
14 the district court shall provide a notice and copy of a  
15 modification or vacation of a no-contact order in the same  
16 manner.

17 Sec. 60. Section 664A.5, Code 2014, is amended to read as  
18 follows:

19 **664A.5 Modification — entry of permanent no-contact order.**

20 If a defendant is convicted of, receives a deferred judgment  
21 for, or pleads guilty to a public offense referred to in  
22 section 664A.2, subsection 1, or is held in contempt for a  
23 violation of a no-contact order issued under section 664A.3  
24 or for a violation of a protective order issued pursuant to  
25 chapter 231G, 232, 236, 598, or 915, the court shall either  
26 terminate or modify the temporary no-contact order issued  
27 by the magistrate. The court may enter a no-contact order  
28 or continue the no-contact order already in effect for a  
29 period of five years from the date the judgment is entered or  
30 the deferred judgment is granted, regardless of whether the  
31 defendant is placed on probation.

32 Sec. 61. Section 664A.6, subsection 2, Code 2014, is amended  
33 to read as follows:

34 2. a. If the peace officer is investigating a domestic  
35 abuse assault pursuant to section 708.2A, the officer shall

1 also comply with sections 236.11 and 236.12.

2 b. If the peace officer is investigating an elder abuse  
3 assault pursuant to section 708.2D, the officer shall also  
4 comply with sections 231G.13 and 231G.14.

5 Sec. 62. Section 664A.7, subsections 1, 3, and 5, Code 2014,  
6 are amended to read as follows:

7 1. Violation of a no-contact order issued under this  
8 chapter or a protective order issued pursuant to chapter 231G,  
9 232, 236, or 598, including a modified no-contact order, is  
10 punishable by summary contempt proceedings.

11 3. If convicted of or held in contempt for a violation  
12 of a no-contact order or a modified no-contact order for a  
13 public offense referred to in section 664A.2, subsection 1,  
14 or held in contempt of a no-contact order issued during a  
15 contempt proceeding brought pursuant to section 231G.13 or  
16 236.11, the person shall be confined in the county jail for  
17 a minimum of seven days. A jail sentence imposed pursuant  
18 to this subsection shall be served on consecutive days. No  
19 portion of the mandatory minimum term of confinement imposed  
20 by this subsection shall be deferred or suspended. A deferred  
21 judgment, deferred sentence, or suspended sentence shall not  
22 be entered for a violation of a no-contact order, modified  
23 no-contact order, or protective order and the court shall not  
24 impose a fine in lieu of the minimum sentence, although a fine  
25 may be imposed in addition to the minimum sentence.

26 5. Violation of a no-contact order entered for the offense  
27 or alleged offense of domestic abuse assault in violation of  
28 section 708.2A, the offense or alleged offense of elder abuse  
29 assault in violation of section 708.2D, or a violation of a  
30 protective order issued pursuant to chapter 231G, 232, 236,  
31 598, or 915 constitutes a public offense and is punishable as  
32 a simple misdemeanor. Alternatively, the court may hold a  
33 person in contempt of court for such a violation, as provided  
34 in subsection 3.

35 Sec. 63. Section 804.7, Code 2014, is amended by adding the

1 following new subsections:

2 NEW SUBSECTION. 7. If the peace officer has reasonable  
3 grounds for believing that elder abuse, as defined in section  
4 231G.1, has occurred and has reasonable grounds for believing  
5 that the person to be arrested has committed it.

6 NEW SUBSECTION. 8. As required by section 231G.14,  
7 subsection 2.

8 Sec. 64. Section 915.22, Code 2014, is amended by adding the  
9 following new subsection:

10 NEW SUBSECTION. 6. The clerk of the district court shall  
11 provide notice and copies of restraining orders issued pursuant  
12 to this section in a criminal case involving an alleged  
13 violation of section 708.2D to the applicable law enforcement  
14 agencies and the twenty-four-hour dispatcher for the law  
15 enforcement agencies, in the manner provided for protective  
16 orders under section 231G.8. The clerk shall provide notice  
17 and copies of modifications or vacations of these orders in the  
18 same manner.

19 Sec. 65. Section 915.23, subsection 1, Code 2014, is amended  
20 to read as follows:

21 1. An employer shall not discharge an employee, or take  
22 or fail to take action regarding an employee's promotion or  
23 proposed promotion, or take action to reduce an employee's  
24 wages or benefits for actual time worked, due to the service  
25 of an employee as a witness in a criminal proceeding or as a  
26 plaintiff, defendant, or witness in a civil proceeding pursuant  
27 to chapter 231G or 236.

28 Sec. 66. NEW SECTION. 915.50A **General rights of elder abuse**  
29 **victims.**

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

32 1. The right to file a pro se petition for relief from  
33 elder abuse in the district court, pursuant to sections 231G.3  
34 through 231G.12.

35 2. The right, pursuant to section 231G.14, for law



1 enforcement to remain on the scene, to assist the victim  
2 in leaving the scene, to assist the victim in obtaining  
3 transportation to medical care, and to provide the person  
4 with a written statement of victim rights and information  
5 about emergency shelters, support services, and the aging and  
6 disability resource center network.

7 3. The right to receive a criminal no-contact order upon a  
8 finding of probable cause, pursuant to section 664A.3.

9 Sec. 67. Section 915.82, subsection 1, paragraph a,  
10 subparagraph (8), Code 2014, is amended to read as follows:

11 (8) A person representing ~~the elderly~~ older individuals.

12 Sec. 68. Section 915.94, Code 2014, is amended to read as  
13 follows:

14 **915.94 Victim compensation fund.**

15 A victim compensation fund is established as a separate fund  
16 in the state treasury. Moneys deposited in the fund shall  
17 be administered by the department and dedicated to and used  
18 for the purposes of section 915.41 and this subchapter. In  
19 addition, the department may use moneys from the fund for the  
20 purpose of the department's prosecutor-based victim service  
21 coordination, including the duties defined in sections 910.3  
22 and 910.6 and this chapter, and for the award of funds to  
23 programs that provide services and support to victims of elder  
24 abuse as provided in chapter 231G, domestic abuse or sexual  
25 assault as provided in chapter 236, to victims under section  
26 710A.2, and for the support of an automated victim notification  
27 system established in section 915.10A. The department may also  
28 use up to one hundred thousand dollars from the fund to provide  
29 training for victim service providers. Notwithstanding section  
30 8.33, any balance in the fund on June 30 of any fiscal year  
31 shall not revert to the general fund of the state.

32 Sec. 69. CODE EDITOR DIRECTIVE. The Code editor shall  
33 revise the subchapter VI heading under chapter 915 to  
34 read "Victims of domestic abuse, elder abuse, and human  
35 trafficking".

1

EXPLANATION

2

The inclusion of this explanation does not constitute agreement with  
3 the explanation's substance by the members of the general assembly.

3

4 This bill relates to older individuals, including civil and  
5 criminal protections.

6 The bill establishes provisions relating to elder abuse  
7 which is the abuse, neglect, or financial exploitation of  
8 an older individual. "Older individual" is defined as an  
9 individual who is 60 years of age or older.

10 The bill directs the department on aging (IDA) to establish  
11 an elder abuse resource and referral program. The purposes  
12 of the program are to empower older individuals to maximize  
13 their autonomy; to recognize the rights of older individuals  
14 including the right to be free of abuse, neglect, and financial  
15 exploitation; to increase the awareness of elder abuse and  
16 provide options for older individuals at risk of elder abuse;  
17 and to provide a mechanism to address prevention, detection,  
18 and reporting of and intervention in cases of abuse, neglect,  
19 and financial exploitation of older individuals. IDA is to  
20 utilize the area agencies on aging to implement the program in  
21 each designated planning and service area through a designated  
22 elder rights specialist and a local network of partners  
23 and stakeholders. The aging and disability resource center  
24 network is the primary point of entry for individuals seeking  
25 information and assistance regarding elder abuse. The program  
26 includes a public education component to increase awareness  
27 regarding elder abuse and the services provided through the  
28 program and a component to provide for response to reports of  
29 suspected elder abuse. IDA is authorized to adopt rules to  
30 administer the program.

31 The bill provides for the commencement of actions by an older  
32 individual, or the guardian, conservator, attorney in fact,  
33 or guardian ad litem of an older individual, to seek relief  
34 from elder abuse including the filing of a petition for a  
35 protective order or temporary or emergency orders. The relief

1 provided under the bill is not available if the action involves  
2 a guardian or conservator of the older individual and the  
3 relief sought is more appropriately obtained in a protective  
4 proceeding filed under Code chapter 633 (probate code). The  
5 bill provides for plaintiffs proceeding pro se; provides  
6 authorization for assistance by the county attorney and the  
7 appointment of a guardian ad litem for the older individual;  
8 and provides the process for actions under the bill. Following  
9 a finding of elder abuse, the bill specifies the disposition  
10 the court may order, if requested by the plaintiff; that the  
11 defendant under certain circumstances be required to move from  
12 the residence of the older individual; that the defendant  
13 provide suitable alternative housing for the older individual;  
14 that a peace officer accompany the party who is leaving or  
15 has left the party's residence to remove essential personal  
16 effects of the party; that the defendant be restrained from  
17 abusing, intimidating, molesting, interfering with, or menacing  
18 the older individual, or attempting to abuse, intimidate,  
19 molest, interfere with, or menace the older individual; that  
20 the defendant be restrained from entering or attempting to  
21 enter on any premises when it appears to the court that such  
22 restraint is necessary to prevent the defendant from abusing,  
23 intimidating, molesting, interfering with, or menacing the  
24 older individual; that the defendant be restrained from  
25 exercising any powers on behalf of the older individual through  
26 a court-appointed guardian, conservator, or guardian ad litem,  
27 an attorney in fact, or another third party; that the defendant  
28 be restrained from owning, possessing, purchasing, receiving,  
29 or attempting to receive a firearm, offensive weapon, or  
30 ammunition; and in addition to other specific relief, other  
31 relief that the court considers necessary to provide for the  
32 safety and welfare of the older individual.

33 If the court finds that the older individual has been the  
34 victim of financial exploitation, the court may order the  
35 relief the court considers necessary to prevent or remedy the

1 financial exploitation, including but not limited to directing  
2 the defendant to refrain from exercising control over the  
3 benefits, property, resources, belongings, or assets of the  
4 older individual; requiring the defendant to return custody  
5 or control of the benefits, property, resources, belongings,  
6 or assets to the older individual; requiring the defendant  
7 to follow the instructions of the guardian, conservator, or  
8 attorney in fact of the older individual; and prohibiting the  
9 defendant from transferring the benefits, property, resources,  
10 belongings, or assets of the older individual to any person  
11 other than the older individual. The court is prohibited  
12 from using an order to allow any person other than the older  
13 individual to assume responsibility for the benefits, property,  
14 resources, belongings, or assets of the older individual;  
15 or to provide relief that is more appropriately obtained in  
16 a protective proceeding filed under Code chapter 633. The  
17 bill also provides for relief through approval of a consent  
18 agreement but limits the content of such consent agreement.  
19 An approved consent agreement cannot contain a provision  
20 that prohibits any party to the action from contacting or  
21 cooperating with any government agency, a licensing or  
22 regulatory agency that has jurisdiction over any license or  
23 certification held by the defendant, a protection and advocacy  
24 agency, or the defendant's current employer; prohibits any  
25 party to the action from filing a complaint with or reporting  
26 a violation of law to any government agency, a licensing or  
27 regulatory agency that has jurisdiction over any license or  
28 certification held by the defendant; a protection and advocacy  
29 agency, or the defendant's current employer; or a provision  
30 that requires any party to the action to withdraw a complaint  
31 filed with or a violation reported to any government agency, a  
32 licensing or regulatory agency that has jurisdiction over any  
33 license or certification held by the defendant, a protection  
34 and advocacy agency, or the defendant's current employer.  
35 A protective order or approved consent agreement is limited

1 to a fixed period of time not to exceed one year. The court  
2 may amend or extend its order or a consent agreement at any  
3 time upon a petition filed by either party and after notice and  
4 hearing. The number of extensions that may be granted by the  
5 court is not limited. An order or approved consent agreement  
6 under this Code section shall not affect title to real  
7 property. A copy of any order or approved consent agreement  
8 must be issued to the plaintiff, the defendant, the county  
9 sheriff of the county in which the order or consent decree is  
10 initially entered, and the 24-hour dispatcher for the county  
11 sheriff. Any subsequent amendment or revocation of an order  
12 or consent agreement must be forwarded by the clerk to all  
13 individuals previously notified. The bill directs that clerk  
14 to notify the county sheriff and the 24-hour dispatcher for  
15 the county sheriff in writing so that the county sheriff and  
16 the county sheriff's dispatcher receive written notice within  
17 six hours of filing the order, approved consent agreement,  
18 amendment, or revocation. The county sheriff's dispatcher must  
19 notify all law enforcement agencies having jurisdiction over  
20 the matter and the 24-hour dispatcher for the law enforcement  
21 agencies upon notification by the clerk.

22 The bill directs IDA to collect and maintain information on  
23 incidents involving elder abuse, and to design and implement  
24 a uniform method of collecting data on elder abuse from  
25 entities involved in the prevention, detection, and reporting  
26 of and intervention in cases of abuse, neglect, and financial  
27 exploitation of older individuals. IDA is authorized to  
28 compile statistics and issue reports on elder abuse in Iowa,  
29 provided individual identifying details of the elder abuse are  
30 deleted. IDA may request the cooperation of the department of  
31 justice in compiling the statistics and issuing the reports,  
32 and the department of justice is to provide to IDA, without  
33 charge, all information and documentation requested for this  
34 purpose. IDA may also provide nonidentifying information on  
35 individual incidents of elder abuse to persons conducting bona

1 fide research, including but not limited to personnel of the  
2 department of justice.

3 The bill provides for the confidentiality of the address  
4 of an individual filing the petition; specifies the duties of  
5 peace officers and magistrates in enforcing orders and consent  
6 agreements entered under the bill; and provides for assistance  
7 provided by peace officers in preventing further elder abuse.  
8 The assistance includes providing the older individual with a  
9 statement of the older individual's rights and the arrest of a  
10 person based on probable cause of the commission of elder abuse  
11 assault or financial exploitation of the older individual.

12 Under the bill, in a criminal action arising from elder  
13 abuse, the prosecuting attorney or court shall not refer or  
14 order the parties involved to mediation or other nonjudicial  
15 procedures prior to judicial resolution of the action.

16 The bill provides for application by a public or private  
17 nonprofit organization, upon receipt of federal or state funds  
18 designated for victims of elder abuse, for grants to provide  
19 emergency shelter services and support services to victims of  
20 elder abuse.

21 The bill provides other civil and criminal relief for older  
22 individuals. The bill establishes the crime of elder abuse  
23 assault which is assault of an older individual. The bill  
24 provides criminal penalties for elder abuse assault ranging  
25 from a simple misdemeanor to a class "D" felony, provides  
26 for the determination of whether a violation is a second or  
27 subsequent offense, and provides for minimum sentencing.

28 The bill establishes the crime of theft against an older  
29 individual which enhances the penalties for the existing crime  
30 of theft by one degree based upon the victim being an older  
31 individual in addition to certain other considerations.

32 The bill establishes criminal penalties for elder abuse  
33 ranging from a serious misdemeanor to a class "C" felony.

34 The bill establishes the crime of financial exploitation of  
35 an older individual. A person commits financial exploitation

1 of an older individual when the person stands in a position of  
2 trust or confidence with the older individual and knowingly  
3 and by undue influence, deception, coercion, fraud, breach of  
4 fiduciary duty, or extortion, obtains control over or otherwise  
5 uses the benefits, property, resources, belongings, or assets  
6 of the older individual. The criminal penalties range from a  
7 serious misdemeanor to a class "B" felony based on the amount  
8 of benefits, property, resources, belongings, or assets of the  
9 older individual involved.

10 The bill relocates the criminal penalties for dependent  
11 adult abuse as they currently exist from Code chapter 235B  
12 (dependent adult abuse) to Code chapter 726 which relates to  
13 protection of the family and dependent persons.

14 The bill changes the existing additional civil penalty for  
15 consumer frauds committed against elders (those 65 years of age  
16 or older) to apply to older individuals, those 60 years of age  
17 and older, consistent with other provisions relating to older  
18 individuals under the bill.

19 With regard to the curriculum for mandatory reporters of  
20 dependent adult abuse, the bill provides that the department  
21 of public health is to review and approve the curriculum for  
22 mandatory reporters of child abuse and is to work with IDA  
23 to approve a curriculum to satisfy the combined training  
24 requirement for child and dependent adult abuse. IDA is  
25 directed to develop and maintain, in consultation with  
26 the department of human services and the department of  
27 inspections and appeals, a dependent adult abuse mandatory  
28 reporter training curriculum for those persons who work in  
29 a position classification that under law makes the persons  
30 mandatory reporters of dependent adult abuse and the position  
31 classification does not have a mandatory reporter training  
32 curriculum approved by a licensing or examining board. IDA  
33 must collaborate with the department of human services and  
34 the department of public health in approving a curriculum  
35 to satisfy the combined training requirements for child and

1 dependent adult abuse. The bill also directs IDA to certify  
2 trainers to provide the dependent adult abuse mandatory  
3 reporter training curriculum developed and maintained by the  
4 department.

5 The bill provides that the office of the attorney general,  
6 instead of the attorney for the department of human services  
7 responsible for representing the department, is to have access  
8 to unfounded and founded dependent adult abuse information.

9 The bill amends provisions relating to the current public  
10 information and education program administered by IDA in  
11 cooperation with the department of human services to encompass  
12 elder abuse and dependent adult abuse.

13 The bill makes conforming changes throughout the Code  
14 including those that mirror provisions relating to other types  
15 of protective orders, such as those provided under Code chapter  
16 236 (domestic abuse).

17 Code section 13.2: adds as a duty of the attorney general  
18 to develop written procedures and policies to be followed by  
19 prosecuting attorneys in the prosecution of elder abuse, elder  
20 abuse assault, theft against an older individual, consumer  
21 frauds committed against an older individual, and financial  
22 exploitation of an older individual.

23 Code section 13.31: adds as part of the victim assistance  
24 program established by the department of justice, the  
25 administration of elder abuse actions commenced under new Code  
26 chapter 231G.

27 Code section 135B.7: adds as a duty for the department of  
28 inspections and appeals in its licensure and regulation of  
29 hospitals to adopt rules requiring hospitals to establish and  
30 implement protocols for responding to the needs of patients who  
31 are victims of elder abuse.

32 Code section 231.23: adds to the duties of IDA to  
33 collaborate with the DPH to develop protocols, functions,  
34 timing, roles, and responsibilities relating to the suspicious  
35 deaths of older individuals review team.



1 Code section 231.64: adds to the responsibilities of the  
2 aging and disability resources centers to be the primary point  
3 of entry for the elder abuse resource and referral program  
4 created in the bill.

5 Code section 232.8: adds to the jurisdiction of the juvenile  
6 court, jurisdiction in proceedings commenced against a child  
7 relating to relief sought against elder abuse under new Code  
8 chapter 231G.

9 Code section 232.22: relates to placement of a juvenile  
10 in detention when there is probable cause to believe that the  
11 child has committed a delinquent act which would be elder abuse  
12 or an elder abuse assault if committed by an adult.

13 Code section 232.52: adds to provisions relating to the  
14 disposition of a child found to have committed a delinquent  
15 act, to attend a batterers' treatment program if the child  
16 committed an act which would be elder abuse or elder abuse  
17 assault if committed by an adult.

18 Code section 331.424: authorizes a county supplemental levy  
19 to add to those costs of the maintenance and operation of the  
20 courts, court-ordered costs in elder abuse.

21 Code section 507B.4: adds as an unfair method of competition  
22 and unfair or deceptive act or practice in the business of  
23 insurance, in addition to practices relating to domestic abuse,  
24 the making or permitting of any discrimination in the sale of  
25 insurance solely on the basis of elder abuse.

26 Code section 562A.27A: provides under the landlord tenant  
27 law that if activities that present a clear and present danger  
28 are being conducted by a person on the premises other than a  
29 tenant, the tenant is not subject to termination and notice to  
30 quit if the tenant seeks a protective order, restraining order,  
31 order to vacate the homestead, or other similar relief pursuant  
32 to Code chapter 231G or any other applicable provision which  
33 would apply to the person conducting the activities causing the  
34 clear and present danger.

35 Code section 562B.25A: provides under landlord and tenant

1 provisions relating to manufactured home communities or mobile  
2 home parks that if activities that present a clear and present  
3 danger are being conducted by a person on the premises other  
4 than a tenant, the tenant is not subject to termination  
5 and notice to quit if the tenant seeks a protective order,  
6 restraining order, order to vacate the homestead, or other  
7 similar relief pursuant to Code chapter 231G or any other  
8 applicable provision which would apply to the person conducting  
9 the activities causing the clear and present danger.

10 Code section 598.7: provides that mediation requirements  
11 relating to a dissolution of marriage do not apply if the  
12 action involves elder abuse.

13 Code section 598.16: provides for the waiver from  
14 requirements for conciliation in dissolution actions if a  
15 history of elder abuse exists and provides for a determination  
16 of the existence of elder abuse.

17 Code section 598.41: provides that in determining custody  
18 arrangements for children, the court may consider whether a  
19 history of elder abuse exists and provides for a determination  
20 of the existence of elder abuse.

21 Code section 598.41D: provides in the determination of the  
22 best interest of a child in the assignment of visitation or  
23 physical care parenting time to a specified family member of  
24 a parent serving active duty that the court ensure that the  
25 specified family member not have a history of elder abuse.

26 Code section 598.42: provides that under the dissolution  
27 Code chapter, the clerk of the district court shall provide  
28 notice and copies of temporary or permanent protective orders  
29 and orders to vacate the homestead entered pursuant to Code  
30 chapter 598 to the applicable law enforcement agencies and  
31 the 24-hour dispatcher for the law enforcement agencies, in  
32 the manner provided for protective orders under Code section  
33 231G.8.

34 Code section 602.6306: provides that district associate  
35 judges also have jurisdiction to enter a temporary or emergency

1 order of protection under Code chapter 231G.

2 Code section 611.23: provides that in a civil case in  
3 which a plaintiff is seeking relief or damages for alleged  
4 elder abuse, the plaintiff may seek, and the court may grant,  
5 an order requiring the defendant to receive professional  
6 counseling, in addition to any other appropriate relief or  
7 damages.

8 Code section 664A.1: includes in the definition of  
9 "protective orders" under the Code chapter relating to  
10 no-contact and enforcement of protective orders, a court order  
11 or court-approved consent agreement entered pursuant to Code  
12 chapter 231G, including a valid foreign protective order and a  
13 protective order or sentencing order in a criminal prosecution  
14 arising from elder abuse assault.

15 Code section 664A.2: provides that the Code chapter is  
16 applicable to no-contact orders issued for violations or  
17 alleged violations related to elder abuse assault and to  
18 protective orders issued in civil proceedings issued under Code  
19 chapter 231G.

20 Code section 664A.3: provides for actions by a magistrate  
21 when a person is taken into custody for contempt proceedings  
22 relating to enforcement of an order relating to elder abuse.

23 Code section 664A.4: provides for provision by the clerk of  
24 the district court of a notice and copy of the no-contact order  
25 to the appropriate law enforcement agencies and the 24-hour  
26 dispatcher for the law enforcement agencies in the same manner  
27 as provided in Code section 231G.8 relating to orders relating  
28 to elder abuse.

29 Code section 664A.5: provides that modification and entry  
30 of permanent no-contact orders provisions apply to violations  
31 of protective orders issued regarding elder abuse under Code  
32 chapter 231G.

33 Code section 664A.6: provides for the mandatory arrest for  
34 violation of a no-contact order relating to elder abuse or  
35 elder abuse assault and provides civil and criminal immunity

1 for a peace officer acting in good faith and on reasonable  
2 grounds if the officer's acts do not constitute a willful or  
3 wanton disregard for the rights or safety of others.

4 Code section 664A.7: provides that violation of a  
5 no-contact order or a protective order issued under Code  
6 chapter 231G is punishable by summary contempt proceedings  
7 punishable by confinement in the county jail or simple  
8 misdemeanor penalties.

9 Code section 804.7: allows for arrests by peace officers  
10 if the peace officer has reasonable grounds for believing  
11 that elder abuse has occurred and has reasonable grounds for  
12 believing that the person to be arrested has committed it; or  
13 if required to arrest a person based on probable cause that  
14 elder abuse assault has been committed.

15 Code section 915.22: provides under Code chapter 915  
16 (victim rights) that the clerk of the district court shall  
17 provide notice and copies of restraining orders in a criminal  
18 case involving alleged elder abuse assault to the applicable  
19 law enforcement agencies and the 24-hour dispatcher for the law  
20 enforcement agencies, in the manner provided for protective  
21 orders under Code section 231G.8. The clerk shall provide  
22 notice and copies of modifications or vacations of these orders  
23 in the same manner.

24 Code section 915.23: prohibits an employer from discharging  
25 an employee, or from taking or failing to take action regarding  
26 an employee's promotion or proposed promotion, or taking action  
27 to reduce an employee's wages or benefits for actual time  
28 worked, due to the service of an employee as a witness in a  
29 criminal proceeding or as a plaintiff, defendant, or witness in  
30 a civil proceeding pursuant to Code chapter 231G.

31 Code section 915.50A: provides for specific rights for  
32 victims of elder abuse in addition to the victim rights  
33 provided under Code chapter 915 including the right to file a  
34 pro se petition for relief from elder abuse in the district  
35 court; the right for law enforcement to remain on the scene, to

1 assist the victim in leaving the scene, to assist the victim  
2 in obtaining transportation to medical care, and to provide  
3 the person with a written statement of victim rights and  
4 information about emergency shelters, support services, and  
5 right aging and disability resource center network; and the  
6 right to receive a criminal no-contact order upon a finding of  
7 probable cause.

8 Code section 915.82: includes on the crime victim  
9 assistance board, a person representing older individuals  
10 rather than the elderly.

11 Code section 915.94: provides that moneys in the victim  
12 compensation fund may be used for awards to programs that  
13 provide services and support to victims of elder abuse.