

House Study Bill 6 - Introduced

HOUSE FILE _____
BY (PROPOSED COMMITTEE
ON JUDICIARY BILL BY
CHAIRPERSON BALTIMORE)

A BILL FOR

1 An Act relating to service of copies of court documents
2 on certain persons relating to the receipt of emergency
3 protective services by a dependent adult.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 235B.19, subsection 3, paragraph a, Code
2 2017, is amended to read as follows:

3 a. The department shall serve a copy of the petition and
4 any order authorizing protective services, if issued, on the
5 dependent adult and on persons who are competent adults and
6 reasonably ascertainable at the time the petition is filed in
7 accordance with the following priority:

8 (1) An attorney in fact named by the dependent adult in a
9 durable power of attorney for health care pursuant to chapter
10 144B.

11 (2) The dependent adult's spouse, if not legally separated
12 from the dependent adult.

13 (3) The dependent adult's children.

14 (4) The dependent adult's parents.

15 ~~(4)~~ (5) The dependent adult's grandchildren.

16 ~~(5)~~ (6) The dependent adult's siblings.

17 (7) The dependent adult's grandparents.

18 ~~(6)~~ (8) The dependent adult's aunts and uncles.

19 ~~(7)~~ (9) The dependent adult's nieces and nephews.

20 ~~(8)~~ (10) The dependent adult's cousins.

21

EXPLANATION

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

24 This bill relates to service of copies of court documents on
25 certain persons relating to the receipt of emergency protective
26 services by a dependent adult.

27 Under current law, if the department of human services
28 determines that a dependent adult is suffering from dependent
29 adult abuse by a caretaker as defined in Code chapter 235B
30 (dependent adult abuse) which presents an immediate danger to
31 the health or safety of the dependent adult or which results
32 in irreparable harm to the physical or financial resources or
33 property of the dependent adult, and that the dependent adult
34 lacks capacity to consent to receive protective services and
35 that no consent can be obtained, the department may petition

1 the court with probate jurisdiction in the county in which the
2 dependent adult resides for an emergency order authorizing
3 protective services. The department is required to serve
4 a copy of the petition and any emergency order authorizing
5 protective services, if issued, on the dependent adult. In
6 addition, the department is required to serve a copy of the
7 petition and any such emergency order on certain persons who
8 are competent adults and who are reasonably ascertainable at
9 the time the petition is filed in accordance with a certain
10 order of priority. When the department has served a person in
11 one of the categories specified, the department is not required
12 to serve a person in any other category. The bill includes
13 the dependent adult's spouse, if not legally separated from
14 the dependant adult, and the dependant adult's parents and
15 grandparents in the priority categories for receiving copies of
16 the petition and any emergency orders issued by the court.
17 Under Code section 235E.4, the bill also applies to
18 dependent adult abuse by a caretaker as defined in Code chapter
19 235E (dependent adult abuse in programs or facilities).