

Senate File 2239 - Reprinted

SENATE FILE 2239
BY COMMITTEE ON HUMAN
RESOURCES

(SUCCESSOR TO SF 2117)

(As Amended and Passed by the Senate March 4, 2014)

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. "*Caregiver*" does not include a caretaker as defined in section 235E.1.

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.

1 9. "*Elder abuse*" means the abuse, neglect, or financial
2 exploitation of an older individual. "*Elder abuse*" does not
3 include any of the following:

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

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

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

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

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

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

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

1 14. "*Financial exploitation*" means financial exploitation
2 as provided in section 726.24.

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

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

6 17. "*Intimidate*" means to compel or deter conduct by a
7 threat.

8 18. "*Menace*" means to show intention to harm or to act in
9 threatening manner.

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

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

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

20 22. "*Peace officer*" means the same as defined in section
21 801.4.

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

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

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

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

1 27. "*Psychological harm*" means the infliction of anguish,
2 emotional pain, or distress through verbal or nonverbal acts.

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

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

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

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

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

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

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

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

24 2. The department shall utilize the area agencies on aging
25 to implement the program in each designated planning and
26 service area. Each area agency on aging shall designate an
27 elder rights specialist to administer the local program. The
28 elder rights specialist shall assemble a local collaborative
29 of partners and stakeholders to coordinate services for older
30 individuals through the program. The local collaborative shall
31 include individuals who possess knowledge and skills related
32 to older individuals or elder abuse and who are professionals
33 practicing in the disciplines of medicine, nursing, geriatrics,
34 public health, mental health, social work, gerontology,
35 law, law enforcement, or other disciplines relative to older

1 individuals. The local collaborative shall include but is not
2 limited to persons representing the area agencies on aging,
3 the office of the attorney general, county attorneys, health
4 care providers, law enforcement, service providers, and other
5 community resources and persons involved in advocating for or
6 providing services to older individuals.

7 3. The aging and disability resource center network shall
8 act as the primary point of entry for individuals seeking
9 information and assistance regarding elder abuse. The primary
10 point of entry shall be implemented in a manner that does not
11 conflict with existing mandatory and permissive reporting
12 provisions specified under chapters 235B and 235E.

13 4. The program shall include a public education component
14 to increase awareness regarding elder abuse and the services
15 provided through the program.

16 5. The program shall include a component that utilizes
17 the local collaborative to provide a coordinated response to
18 referrals of suspected elder abuse. Any referral of suspected
19 elder abuse received by the program may be transmitted to
20 the office of the attorney general and the appropriate law
21 enforcement agency and county attorney. The program shall
22 cooperate with and provide information to the office of
23 the attorney general, law enforcement agencies, and county
24 attorneys upon request.

25 6. All program records that disclose the identity of an
26 older individual seeking information or receiving services
27 shall be maintained as confidential records pursuant to section
28 22.7 and shall not be disclosed except with the written consent
29 of the older individual or the older individual's guardian,
30 conservator, or attorney in fact, or if required by court
31 order. The department shall have access to program records.

32 7. The department shall adopt rules to administer the
33 program including rules regarding qualifications for elder
34 rights specialists, and intake, assessment, care plans,
35 referral of cases, and the provision of information sharing and

1 case consultation among those involved in intake, assessment,
2 investigation, diagnosis, disposition, and service delivery
3 related to older individuals through the program.

4 Sec. 3. NEW SECTION. 231G.3 Commencement of actions —
5 waiver to juvenile court.

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

11 a. The name of the older individual and the name and address
12 of the older individual's attorney, if any. If the older
13 individual is proceeding pro se, the petition shall state a
14 mailing address for the older individual. A mailing address
15 may be provided by the older individual pursuant to section
16 231G.12.

17 b. The name of the substitute petitioner if the petition
18 is being filed on behalf of an older individual, and the name
19 and address of the attorney of the substitute petitioner. If
20 the substitute petitioner is proceeding pro se, the petition
21 shall state a mailing address for the substitute petitioner. A
22 mailing address may be provided by the substitute petitioner
23 pursuant to section 231G.12.

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

25 d. The relationship of the older individual to the
26 defendant.

27 e. The nature of the alleged elder abuse.

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

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

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

1 a preponderance of the evidence.

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

6 *b.* The clerk of court, the sheriff of any county in this
7 state, and other law enforcement and corrections officers shall
8 perform their duties relating to service of process without
9 charge to the plaintiff.

10 *c.* When an order for protection is entered by the court,
11 the court may direct the defendant to pay to the clerk of court
12 the fees for the filing of the petition and reasonable costs of
13 service of process if the court determines the defendant has
14 the ability to pay the plaintiff's fees and costs.

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

20 4. If the person against whom relief from elder abuse is
21 being sought is seventeen years of age or younger, the district
22 court shall waive its jurisdiction over the action to the
23 juvenile court.

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

27 *a.* To contact and retain counsel.

28 *b.* To have access to personal records.

29 *c.* To file objections to the protective order.

30 *d.* To request a hearing on the petition.

31 *e.* To present evidence and cross-examine witnesses at the
32 hearing.

33 6. The relief provided under this chapter shall not be
34 available if the action involves a guardian or conservator
35 of the older individual and the relief sought is more

1 appropriately obtained in a protective proceeding filed under
2 chapter 633.

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

5 1. The department of justice shall prescribe standard forms
6 to be used by older individuals or substitute petitioners
7 seeking protective orders by proceeding pro se in actions
8 under this chapter. The standard forms shall include language
9 in fourteen point boldface type. Standard forms prescribed
10 by the department of justice shall be the exclusive forms
11 used by plaintiffs proceeding pro se under this chapter. The
12 department of justice shall distribute the forms to the clerks
13 of the district courts.

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

17 Sec. 5. NEW SECTION. **231G.5 Assistance by county attorney.**

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

31 Sec. 6. NEW SECTION. **231G.6 Appointment of guardian ad**
32 **litem.**

33 The court may on its own motion or on the motion of a party
34 appoint a guardian ad litem for an older individual if justice
35 requires. The older individual's attorney shall not also serve

1 as the guardian ad litem.

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

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

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

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

18 4. Upon application of a party, the court shall issue
19 subpoenas requiring attendance and testimony of witnesses and
20 production of papers.

21 5. The court shall advise the defendant of a right to be
22 represented by counsel of the defendant's choosing and to have
23 a continuance to secure counsel.

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

27 a. The older individual.

28 b. The guardian, conservator, attorney in fact, or guardian
29 ad litem of the older individual.

30 c. Witnesses to the elder abuse.

31 d. Adult protective services workers who have conducted an
32 investigation.

33 7. The hearing may be held in person, telephonically, or
34 electronically. If the defendant or plaintiff seeks to raise
35 an issue at the hearing not previously raised, the defendant or

1 plaintiff is entitled to reasonable continuance for the purpose
2 of preparing a response to the issue.

3 8. The court shall exercise its discretion in a manner that
4 protects the older individual from traumatic confrontation with
5 the defendant.

6 9. Hearings shall be recorded.

7 Sec. 8. NEW SECTION. 231G.8 **Disposition.**

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

11 a. That the defendant be required to move from the residence
12 of the older individual if both the older individual and the
13 defendant are titleholders or contract holders of record of the
14 real property, are named as tenants in the rental agreement
15 concerning the use and occupancy of the dwelling unit, or are
16 married to each other.

17 b. That the defendant provide suitable alternative housing
18 for the older individual.

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

22 d. That the defendant be restrained from abusing,
23 intimidating, molesting, interfering with, or menacing the
24 older individual, or attempting to abuse, intimidate, molest,
25 interfere with, or menace the older individual.

26 e. That the defendant be restrained from entering or
27 attempting to enter on any premises when it appears to the
28 court that such restraint is necessary to prevent the defendant
29 from abusing, intimidating, molesting, interfering with, or
30 menacing the older individual.

31 f. That the defendant be restrained from exercising
32 any powers on behalf of the older individual through a
33 court-appointed guardian, conservator, or guardian ad litem, an
34 attorney in fact, or another third party.

35 g. That the defendant be restrained from owning, possessing,

1 purchasing, receiving, or attempting to receive a firearm,
2 offensive weapon, or ammunition.

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

6 2. If the court finds that the older individual has been
7 the victim of financial exploitation, the court may order the
8 relief the court considers necessary to prevent or remedy the
9 financial exploitation, including but not limited to any of the
10 following:

11 *a.* Directing the defendant to refrain from exercising
12 control over the benefits, property, resources, belongings, or
13 assets of the older individual.

14 *b.* Requiring the defendant to return custody or control of
15 the benefits, property, resources, belongings, or assets to the
16 older individual.

17 *c.* Requiring the defendant to follow the instructions of
18 the guardian, conservator, or attorney in fact of the older
19 individual.

20 *d.* Prohibiting the defendant from transferring the benefits,
21 property, resources, belongings, or assets of the older
22 individual to any person other than the older individual.

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

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

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

34 4. The court may approve a consent agreement between the
35 parties entered to bring about the cessation of elder abuse. A

1 consent agreement approved under this section shall not contain
2 any of the following:

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

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

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

1 employer.

2 5. A protective order or approved consent agreement shall be
3 for a fixed period of time not to exceed one year. The court
4 may amend or extend its order or a consent agreement at any
5 time upon a petition filed by either party and after notice
6 and hearing. The court may extend the order if the court,
7 after a hearing at which the defendant has the opportunity to
8 be heard, finds that the defendant continues to pose a threat
9 to the safety of the older individual, persons residing with
10 the older individual, or members of the older individual's
11 immediate family, or continues to present a risk of financial
12 exploitation of the older individual. The number of extensions
13 that may be granted by the court is not limited.

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

17 7. The court may order that the defendant pay the attorney
18 fees and court costs.

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

21 9. A copy of any order or approved consent agreement shall
22 be issued to the plaintiff, the defendant, the county sheriff
23 of the county in which the order or consent decree is initially
24 entered, and the twenty-four-hour dispatcher for the county
25 sheriff. Any subsequent amendment or revocation of an order
26 or consent agreement shall be forwarded by the clerk to all
27 individuals previously notified.

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

1 11. The county sheriff's dispatcher shall notify all
2 law enforcement agencies having jurisdiction over the matter
3 and the twenty-four-hour dispatcher for the law enforcement
4 agencies upon notification by the clerk.

5 Sec. 9. NEW SECTION. 231G.9 Emergency orders.

6 1. When the court is unavailable from the close of business
7 at the end of the day or week to the resumption of business
8 at the beginning of the day or week, a petition may be filed
9 before a district judge, or district associate judge designated
10 by the chief judge of the judicial district, who may grant
11 emergency relief in accordance with section 231G.8, subsection
12 1 or 2, if the district judge or district associate judge deems
13 it necessary to protect the older individual from elder abuse,
14 upon good cause shown in an ex parte proceeding. Present
15 danger of elder abuse constitutes good cause for purposes of
16 this subsection.

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

21 3. A petition filed and emergency order issued under this
22 section and any documentation in support of the petition
23 and order shall be immediately certified to the court. The
24 certification shall commence a proceeding for purposes of
25 section 231G.3.

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

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

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

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

35 1. The department shall collect and maintain information on

1 incidents involving elder abuse. The department shall design
2 and implement a uniform method of collecting data on elder
3 abuse from entities involved in the prevention, detection,
4 reporting, investigation of and intervention in cases of abuse,
5 neglect, and financial exploitation of older individuals.

6 2. The department shall compile statistics and issue
7 reports on elder abuse in Iowa, provided individual identifying
8 details of the elder abuse are deleted. The statistics and
9 reports may include nonidentifying information on the personal
10 characteristics of perpetrators and victims and shall be made
11 electronically accessible to the public. The department
12 may request the cooperation of the department of justice
13 in compiling the statistics and issuing the reports. The
14 department of justice shall provide to the department, without
15 charge, all information and documentation requested for this
16 purpose. The department may provide nonidentifying information
17 on individual incidents of elder abuse to persons conducting
18 bona fide research, including but not limited to personnel of
19 the department of justice.

20 Sec. 12. NEW SECTION. 231G.12 Plaintiff address —
21 confidentiality of records.

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

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

27 b. A public or private post office box.

28 c. Any other mailing address, with the permission of the
29 resident of that address.

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

34 3. The entire file or a portion of the file in an elder
35 abuse action shall be sealed by the clerk of court as ordered

1 by the court to protect the privacy interest or safety of any
2 person.

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

6 Sec. 13. NEW SECTION. 231G.13 Duties of peace officer —
7 magistrate.

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

31 2. If a peace officer has probable cause to believe
32 that a person has violated an order or approved consent
33 agreement entered under this chapter or chapter 664A, or an
34 order establishing conditions of release or a protective
35 or sentencing order in a criminal prosecution arising from

1 elder abuse assault pursuant to section 708.2D, and the peace
2 officer is unable to take the person into custody within
3 twenty-four hours of making the probable cause determination,
4 the peace officer shall either request a magistrate to make a
5 determination as to whether a rule to show cause or an arrest
6 warrant should be issued, or refer the matter to the county
7 attorney.

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

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

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

23 1. If a peace officer has reason to believe that elder abuse
24 has occurred, the officer shall use all reasonable means to
25 prevent further elder abuse including but not limited to the
26 following:

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

32 b. Assisting an older individual in obtaining necessary
33 medical treatment resulting from the elder abuse, including
34 providing assistance to the older individual in obtaining
35 transportation to the emergency department of the nearest

1 hospital.

2 c. Providing an older individual with immediate and
3 adequate notice of the older individual's rights. The notice
4 shall consist of handing the older individual a document that
5 includes the telephone numbers of the department, the local
6 area agency on aging, the aging and disability resource center
7 network, advocacy and support groups, and emergency shelters.
8 The peace officer shall ask the older individual to read the
9 document and ask whether the older individual understands the
10 rights described in the document. The document shall contain a
11 copy of the following statement written in English and Spanish:

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

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

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

19 (4) You have the right to seek help from the court to seek
20 a protective order with or without the assistance of legal
21 representation. You have the right to seek help from the
22 courts without the payment of court costs if you do not have
23 sufficient funds to pay the costs.

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

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

28 (7) If you are in need of medical treatment, you have
29 the right to request that the officer present assist you in
30 obtaining transportation to the nearest hospital or otherwise
31 assist you.

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

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

8 b. A peace officer shall, with or without a warrant, arrest
9 a person under section 708.2D, subsection 2, paragraph "b",
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 been
13 committed which resulted in the older individual suffering a
14 bodily injury.

15 c. 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 with the intent to inflict a serious injury as
21 defined in section 702.18.

22 d. A peace officer shall, with or without a warrant, arrest
23 a person under section 708.2D, subsection 2, paragraph "c",
24 if, upon investigation, including a reasonable inquiry of the
25 older individual and other witnesses, if any, the officer has
26 probable cause to believe that an elder abuse assault has
27 been committed and that the alleged abuser used or displayed
28 a dangerous weapon as defined in section 702.7 in connection
29 with the assault.

30 e. A peace officer shall, with or without a warrant, arrest
31 a person under section 708.2D, subsection 2, paragraph "d",
32 if, upon investigation, including a reasonable inquiry of the
33 older individual and other witnesses, if any, the officer has
34 probable cause to believe that an elder abuse assault has
35 been committed by knowingly impeding the normal breathing or

1 circulation of the blood of the older individual by applying
2 pressure to the throat or neck of the older individual or by
3 obstructing the nose or mouth of the older individual.

4 *f.* A peace officer shall, with or without a warrant,
5 arrest a person under section 708.2D, subsection 5, if, upon
6 investigation, including a reasonable inquiry of the alleged
7 victim and other witnesses, if any, the officer has probable
8 cause to believe that an elder abuse assault has been committed
9 by knowingly impeding the normal breathing or circulation of
10 the blood of an older individual by applying pressure to the
11 throat or neck of the older individual or by obstructing the
12 nose or mouth of the older individual, and causing bodily
13 injury.

14 *g.* A peace officer may, with or without a warrant, arrest
15 a person if, upon investigation, including a reasonable
16 inquiry of the older individual and other witnesses, if any,
17 the officer has probable cause to believe that elder abuse
18 constituting financial exploitation has been committed by the
19 person.

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

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

23 In a criminal action arising from elder abuse, the
24 prosecuting attorney or court shall not refer or order the
25 parties involved to mediation or other nonjudicial procedures
26 prior to judicial resolution of the action.

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

29 Upon receipt of state or federal funding designated for
30 victims of elder abuse by the department, the department
31 shall designate and award grants to provide emergency shelter
32 services and support services to victims of elder abuse. A
33 public or private nonprofit organization may apply to the
34 department for designation and funding as a provider of
35 emergency shelter services and support services to victims

1 of elder abuse. The application shall be submitted on a
2 form prescribed by the department and shall include but not
3 be limited to information regarding services to be provided,
4 budget projections, and security measures.

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

6 1. The department may consult and cooperate with all public
7 and private agencies which may provide services to victims of
8 elder abuse, including but not limited to legal and social
9 services.

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

14 Sec. 18. NEW SECTION. **231G.18 Reference to certain criminal**
15 **provisions.**

16 Provisions contained in this chapter shall not preclude
17 other relief available including certain criminal penalties and
18 provisions pertaining to elder abuse, elder abuse assault, and
19 violations of protective orders set forth in chapter 664A and
20 sections 708.2D, 714.16A, 726.24, and 726.25.

21 Sec. 19. NEW SECTION. **231G.19 Foreign protective orders**
22 **— registration — enforcement.**

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

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

1 *a.* The clerk shall file foreign protective orders that are
2 not certified or authenticated, if supported by an affidavit of
3 a person with personal knowledge, subject to the penalties for
4 perjury. The person protected by the order may provide this
5 affidavit.

6 *b.* The clerk shall provide copies of the order as required
7 by section 231G.8, except that notice shall not be provided to
8 the respondent without the express written direction of the
9 person in whose favor the order was entered.

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

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

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

18 (2) The order has not expired or has not otherwise been
19 terminated.

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

23 (4) The order was issued in accordance with the respondent's
24 due process rights, either after the respondent was provided
25 with reasonable notice and an opportunity to be heard before
26 the court or tribunal that issued the order, or in the case
27 of an ex parte order, the respondent was granted notice and
28 opportunity to be heard within a reasonable time after the
29 order was issued.

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

33 4. A peace officer shall treat a foreign protective order as
34 a valid legal document and shall make an arrest for a violation
35 of the foreign protective order in the same manner that a peace

1 officer would make an arrest for a violation of a protective
2 order issued within this state.

3 a. The fact that a foreign protective order has not been
4 filed with the clerk of court or otherwise placed in a registry
5 shall not be grounds to refuse to enforce the terms of the
6 order unless it is apparent to the officer that the order is
7 invalid on its face.

8 b. A peace officer acting reasonably and in good faith in
9 connection with the enforcement of a foreign protective order
10 shall be immune from civil and criminal liability in any action
11 arising in connection with such enforcement.

12 5. Filing and service costs in connection with foreign
13 protective orders are waived as provided in section 231G.3.

14 Sec. 20. CODE EDITOR DIRECTIVES. The Code editor shall do
15 all of the following:

16 1. Title new chapter 231G, as enacted in this Act,
17 the "Elder Abuse Response Act", containing the following
18 subchapters:

19 a. Subchapter I, entitled "Elder abuse — definitions",
20 which includes section 231G.1, as enacted in this Act.

21 b. Subchapter II, entitled "Elder abuse resource and
22 referral initiative", which includes section 231G.2, as enacted
23 in this Act.

24 c. Subchapter III, entitled "Relief from elder abuse",
25 which includes sections 231G.3 through 231G.19, as enacted in
26 this Act.

27 2. Correct internal references as necessary.

28 DIVISION II

29 OTHER CRIMINAL AND CIVIL RELIEF FOR OLDER INDIVIDUALS

30 Sec. 21. NEW SECTION. 708.2D Elder abuse assault —
31 mandatory minimums, penalties enhanced — extension of no-contact
32 order.

33 1. For the purposes of this chapter, "elder abuse assault"
34 means an assault, as defined in section 708.1, of an older
35 individual as defined in section 231G.1.

1 2. On a first offense of elder abuse assault, the person
2 commits:

3 *a.* A simple misdemeanor, except as otherwise provided.

4 *b.* A serious misdemeanor if the elder abuse assault causes
5 bodily injury or mental illness.

6 *c.* An aggravated misdemeanor if the elder abuse assault is
7 committed with the intent to inflict a serious injury upon an
8 older individual or if the person uses or displays a dangerous
9 weapon in connection with the assault. This paragraph does not
10 apply if section 708.6 or 708.8 applies.

11 *d.* An aggravated misdemeanor if the elder abuse assault
12 is committed by knowingly impeding the normal breathing or
13 circulation of the blood of an older individual by applying
14 pressure to the throat or neck of the older individual or by
15 obstructing the nose or mouth of the older individual.

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

18 *a.* A serious misdemeanor if the first offense was classified
19 as a simple misdemeanor and the second offense would otherwise
20 be classified as a simple misdemeanor.

21 *b.* An aggravated misdemeanor if the first offense was
22 classified as a simple or aggravated misdemeanor, and the
23 second offense would otherwise be classified as a serious
24 misdemeanor, or the first offense was classified as a serious
25 or aggravated misdemeanor, and the second offense would
26 otherwise be classified as a simple or serious misdemeanor.

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

29 5. For an elder abuse assault committed by knowingly
30 impeding the normal breathing or circulation of the blood of an
31 older individual by applying pressure to the throat or neck of
32 the older individual or by obstructing the nose or mouth of the
33 older individual, and causing bodily injury, the person commits
34 a class "D" felony.

35 6. *a.* A conviction for, deferred judgment for, or plea of

1 guilty to, a violation of this section which occurred more than
2 twelve years prior to the date of the violation charged shall
3 not be considered in determining that the violation charged is
4 a second or subsequent offense.

5 *b.* For the purpose of determining if a violation charged
6 is a second or subsequent offense, deferred judgments issued
7 pursuant to section 907.3 for violations of section 708.2
8 or this section, which were issued on elder abuse assaults,
9 and convictions or the equivalent of deferred judgments for
10 violations in any other states under statutes substantially
11 corresponding to this section shall be counted as previous
12 offenses. The courts shall judicially notice the statutes of
13 other states which define offenses substantially equivalent
14 to the offenses defined in this section and can therefore be
15 considered corresponding statutes. Each previous violation on
16 which conviction or deferral of judgment was entered prior to
17 the date of the offense charged shall be considered and counted
18 as a separate previous offense.

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

21 7. *a.* A person convicted of violating subsection 2 or 3
22 shall serve a minimum term of two days of the sentence imposed
23 by law, and shall not be eligible for suspension of the minimum
24 sentence. The minimum term shall be served on consecutive
25 days. The court shall not impose a fine in lieu of the minimum
26 sentence, although a fine may be imposed in addition to the
27 minimum sentence. This section does not prohibit the court
28 from sentencing and the person from serving the maximum term of
29 confinement or from paying the maximum fine permitted pursuant
30 to chapters 902 and 903, and does not prohibit the court from
31 entering a deferred judgment or sentence pursuant to section
32 907.3, if the person has not previously received a deferred
33 sentence or judgment for a violation of section 708.2 or this
34 section which was issued on an elder abuse assault.

35 *b.* A person convicted of violating subsection 4 shall

1 be sentenced as provided under section 902.9, subsection 1,
 2 paragraph "e", and shall be denied parole or work release until
 3 the person has served a minimum of one year of the person's
 4 sentence. Notwithstanding section 901.5, subsections 1, 3, and
 5 5, and section 907.3, the person cannot receive a suspended or
 6 deferred sentence or a deferred judgment; however, the person
 7 sentenced shall receive credit for any time the person was
 8 confined in a jail or detention facility following arrest.

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

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

21 Sec. 22. NEW SECTION. **726.24 Financial exploitation of an**
 22 **older individual.**

23 1. A person commits financial exploitation of an older
 24 individual when the person stands in a position of trust or
 25 confidence with the older individual and knowingly and by undue
 26 influence, deception, coercion, fraud, breach of fiduciary
 27 duty, or extortion, obtains control over or otherwise uses the
 28 benefits, property, resources, belongings, or assets of the
 29 older individual.

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

32 a. A serious misdemeanor if the value of the benefits,
 33 property, resources, belongings, or assets is one hundred
 34 dollars or less.

35 b. An aggravated misdemeanor if the value of the benefits,

1 property, resources, belongings, or assets exceeds one hundred
2 dollars but does not exceed one thousand dollars.

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

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

9 e. A class "B" felony if the value of the benefits,
10 property, resources, belongings, or assets exceeds fifty
11 thousand dollars, or if the older individual is seventy years
12 of age to eighty years of age and the value of the benefits,
13 property, resources, belongings, or assets is fifteen thousand
14 dollars or more, or if the older individual is eighty years
15 of age or older and the value of the benefits, property,
16 resources, belongings, or assets is five thousand dollars or
17 more.

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

21 4. A person alleged to have committed a violation under
22 this section shall be charged with the respective offense
23 cited, unless a charge may be brought based upon a more serious
24 offense, in which case the charge of the more serious offense
25 shall supersede the less serious charge.

26 5. Nothing in this section shall be construed to impose
27 criminal liability on a person who has made a good-faith effort
28 to assist an older individual in the management of the older
29 individual's benefits, property, resources, belongings, or
30 assets, but through no fault of the person, the person has been
31 unable to provide such assistance.

32 6. It shall not be a defense to financial exploitation of
33 an older individual that the alleged perpetrator did not know
34 the age of the older individual or reasonably believed that the
35 alleged victim was not an older individual.

1 7. For the purposes of this section:

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

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

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

7 *d. "Older individual"* means the same as defined in section
8 231G.1.

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

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

14 (2) Is a joint tenant or tenant in common with the older
15 individual.

16 (3) Has a legal or fiduciary relationship with the older
17 individual.

18 (4) Is a financial planning or investment professional
19 providing or offering to provide financial planning or
20 investment advice to the older individual.

21 (5) Is a beneficiary of the older individual in a governing
22 instrument.

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

24 (7) Is a person who is in a confidential relationship with
25 the older individual. The determination of the existence of a
26 confidential relationship is an issue of fact to be determined
27 by the court based upon the totality of the circumstances.

28 *f. "Undue influence"* means the same as defined in section
29 231G.1.

30 Sec. 23. NEW SECTION. 726.25 Dependent adult abuse —
31 initiation of charges — penalty.

32 1. A charge of dependent adult abuse may be initiated by
33 the office of the attorney general, a county attorney, or a law
34 enforcement agency.

35 2. A caretaker who intentionally commits dependent adult

1 abuse is guilty of a class "C" felony if the intentional
2 dependent adult abuse results in serious injury.

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

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

9 5. A caretaker who commits dependent adult abuse by
10 exploitation of a dependent adult is guilty of a class "D"
11 felony if the value of the property, assets, or resources
12 exceeds one hundred dollars.

13 6. A caretaker who recklessly commits dependent adult
14 abuse is guilty of an aggravated misdemeanor if the reckless
15 dependent adult abuse results in physical injury.

16 7. A caretaker who otherwise intentionally or knowingly
17 commits dependent adult abuse is guilty of a serious
18 misdemeanor.

19 8. A caretaker who commits dependent adult abuse by
20 exploitation of a dependent adult is guilty of a simple
21 misdemeanor if the value of the property, assets, or resources
22 is one hundred dollars or less.

23 9. A caretaker alleged to have committed dependent adult
24 abuse shall be charged with the respective offense cited,
25 unless a charge may be brought based upon a more serious
26 offense, in which case the charge of the more serious offense
27 shall supersede the less serious charge.

28 10. For the purposes of this section, "*caretaker*",
29 "*dependent adult*", "*dependent adult abuse*", "*exploitation*",
30 "*recklessly*", and "*serious injury*" mean the same as defined or
31 described in section 235B.2.

32 Sec. 24. Section 714.16A, Code 2014, is amended to read as
33 follows:

34 714.16A Additional civil penalty for consumer frauds
35 committed against ~~elderly~~ older individual — fund established.

1 1. *a.* If a person violates section 714.16, and the
 2 violation is committed against an older ~~person~~ individual,
 3 in an action brought by the attorney general, in addition to
 4 any other civil penalty, the court may impose an additional
 5 civil penalty not to exceed five thousand dollars for each
 6 such violation. Additionally, the attorney general may
 7 accept a civil penalty as determined by the attorney general
 8 in settlement of an investigation of a violation of section
 9 714.16, regardless of whether an action has been filed pursuant
 10 to section 714.16.

11 *b.* A civil penalty imposed by a court or determined and
 12 accepted by the attorney general pursuant to this section shall
 13 be paid to the treasurer of state, who shall deposit the money
 14 in the ~~elderly~~ older individual victim fund, a separate fund
 15 created in the state treasury and administered by the attorney
 16 general for the investigation and prosecution of frauds against
 17 ~~the elderly~~ older individuals. Notwithstanding section 8.33,
 18 any balance in the fund on June 30 of any fiscal year shall
 19 not revert to the general fund of the state. An award of
 20 reimbursement pursuant to section 714.16 has priority over a
 21 civil penalty imposed by the court pursuant to this subsection.

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

25 *a.* Whether the defendant's conduct was in willful disregard
 26 of the rights of the older ~~person~~ individual.

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

29 *c.* Whether the older ~~person~~ individual was substantially
 30 more vulnerable to the defendant's conduct because of age, poor
 31 health, infirmity, impaired understanding, restricted mobility,
 32 or disability, than other persons.

33 *d.* Any other factors the court deems appropriate.

34 3. As used in this section, "~~older person~~" individual" means
 35 ~~a person who is sixty-five years of age or older~~ the same as

1 defined in section 231G.1.

2 Sec. 25. REPEAL. Section 235B.20, Code 2014, is repealed.

3 Sec. 26. CODE EDITOR DIRECTIVES. The Code editor shall do
4 all of the following:

5 1. Create a new subchapter in chapter 726, entitled
6 "Resident, Dependent Adult, and Older Individual Protection"
7 that includes sections 726.24 and 726.25, as enacted in this
8 Act.

9 2. a. Transfer sections 726.7 and 726.8, Code 2014, to
10 the new subchapter and renumber the transferred sections as
11 follows:

12 (1) Section 726.7 as section 726.26.

13 (2) Section 726.8 as section 726.27.

14 b. Correct internal references as necessary.

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

18 DIVISION III

19 ADDITIONAL PROVISIONS — OLDER INDIVIDUALS

20 Sec. 27. Section 135.11, subsection 24, Code 2014, is
21 amended to read as follows:

22 24. Review and approve mandatory reporter training
23 curricula for those persons who work in a position
24 classification that under law makes the persons mandatory
25 reporters of child ~~or dependent adult~~ abuse and the position
26 classification does not have a mandatory reporter training
27 curriculum approved by a licensing or examining board. The
28 department shall collaborate with the department on aging
29 in approving a curriculum to satisfy the combined training
30 requirements pursuant to section 235B.16, subsection 5.

31 Sec. 28. Section 231.23, Code 2014, is amended by adding the
32 following new subsections:

33 NEW SUBSECTION. 14. Develop and maintain, in consultation
34 with the department of human services and the department of
35 inspections and appeals, a dependent adult abuse mandatory

1 reporter training curriculum for those persons who work in
 2 a position classification that under law makes the persons
 3 mandatory reporters of dependent adult abuse and the position
 4 classification does not have a mandatory reporter training
 5 curriculum approved by a licensing or examining board. The
 6 curriculum shall provide information regarding available
 7 resources, referral and support services, and intervention
 8 options including those pursuant to chapters 231G, 235B, and
 9 235E. The department shall collaborate with the department of
 10 human services and the department of public health in approving
 11 a curriculum to satisfy the combined training requirements
 12 pursuant to section 235B.16, subsection 5.

13 NEW SUBSECTION. 15. Certify trainers to provide the
 14 dependent adult abuse mandatory reporter training curriculum
 15 developed and maintained by the department. A trainer shall
 16 not utilize the department's curriculum unless the trainer has
 17 been certified by completing the department's required training
 18 program. The department's training program shall include but
 19 is not limited to information on laws, rules, and regulations
 20 relating to dependent adults and available resources, referral
 21 and support services, and intervention options including those
 22 available pursuant to chapters 231G, 235B, and 235E. The
 23 department shall adopt rules relating to trainer certification
 24 including but not limited to issuance, renewal, and revocation
 25 of certification.

26 Sec. 29. Section 235B.6, subsection 2, paragraph e,
 27 subparagraph (5), Code 2014, is amended to read as follows:

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

30 Sec. 30. Section 235B.6, subsection 3, Code 2014, is amended
 31 to read as follows:

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

1 Sec. 31. Section 235B.16, subsections 1, 2, and 3, Code
2 2014, are amended to read as follows:

3 1. The department on aging, in cooperation with the
4 department, shall conduct a public information and education
5 program. The elements and goals of the program include but are
6 not limited to:

7 a. Informing the public regarding the laws governing
8 dependent adult abuse and elder abuse, the reporting
9 requirements for dependent adult abuse, and the resource and
10 referral options available under this chapter and chapters 231G
11 and 235E.

12 b. Providing caretakers with information regarding services
13 to alleviate the emotional, psychological, physical, or
14 financial stress associated with the caretaker and dependent
15 adult relationship.

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

18 2. The department on aging, in cooperation with the
19 department ~~on aging~~ of human services and the department of
20 inspections and appeals, shall institute a program of education
21 and training for persons, including members of provider groups
22 and family members, who may ~~come in contact with~~ encounter
23 dependent adult abuse or elder abuse. The program shall
24 include but is not limited to instruction regarding recognition
25 of dependent adult abuse and elder abuse and the procedure for
26 the reporting of suspected abuse.

27 3. The content of the continuing education required
28 pursuant to chapter 272C for a licensed professional providing
29 care or service to a dependent adult shall include, but is
30 not limited to, the responsibilities, obligations, powers,
31 and duties of a person regarding the reporting of suspected
32 dependent adult abuse, and training to aid the professional
33 in identifying instances of dependent adult abuse, and the
34 resource and referral options available under this chapter and
35 chapters 231G and 235E to address dependent adult abuse and

1 elder abuse.

2 Sec. 32. Section 235B.16, subsection 5, paragraphs d and e,
3 Code 2014, are amended to read as follows:

4 d. The person may complete the initial or additional
5 training requirements as a part of any of the following that
6 are applicable to the person:

7 (1) A continuing education program required under chapter
8 272C and approved by the appropriate licensing board.

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

12 (3) A training program using ~~such an approved~~ the curriculum
13 approved by the department on aging pursuant to section 231.23
14 and offered by the department of human services, the department
15 on aging, the department of inspections and appeals, the Iowa
16 law enforcement academy, or a similar public agency.

17 e. A person required to complete both child abuse and
18 dependent adult abuse mandatory reporter training may complete
19 the training through a program which combines child abuse and
20 dependent adult abuse curricula and thereby meet the training
21 requirements of both this subsection and section 232.69
22 simultaneously. A person who is a mandatory reporter for both
23 child abuse and dependent adult abuse may satisfy the combined
24 training requirements of this subsection and section 232.69
25 through completion of a ~~two-hour~~ four-hour training program,
26 if the training program curriculum provides equal coverage of
27 both child and dependent adult abuse and is approved by the
28 appropriate licensing board or collaboratively by the director
29 of public health pursuant to section 135.11 and the department
30 on aging pursuant to section 231.23, as applicable.

31 Sec. 33. Section 235B.16, Code 2014, is amended by adding
32 the following new subsection:

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

DIVISION IV

CONFORMING CHANGES

Sec. 34. Section 13.2, subsection 1, Code 2014, is amended by adding the following new paragraph:

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

Sec. 35. Section 13.31, subsection 3, Code 2014, is amended to read as follows:

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

Sec. 36. Section 135B.7, Code 2014, is amended by adding the following new subsection:

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

Sec. 37. Section 231.64, subsection 1, Code 2014, is amended by adding the following new paragraph:

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

Sec. 38. Section 232.8, subsection 1, Code 2014, is amended by adding the following new paragraph:

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

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

1 disposition.

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

4 Sec. 39. Section 232.22, subsection 1, Code 2014, is amended
5 by adding the following new paragraph:

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

10 Sec. 40. Section 232.52, subsection 2, Code 2014, is amended
11 by adding the following new paragraph:

12 NEW PARAGRAPH. *i.* In the case of a child adjudicated
13 delinquent for an act which would be a violation of chapter
14 231G or section 708.2D if committed by an adult, an order
15 requiring the child to attend a batterers' treatment program
16 under section 708.2B.

17 Sec. 41. Section 331.424, subsection 1, paragraph a,
18 subparagraph (6), Code 2014, is amended to read as follows:

19 (6) The maintenance and operation of the courts, including
20 but not limited to the salary and expenses of the clerk of the
21 district court and other employees of the clerk's office, and
22 bailiffs, court costs if the prosecution fails or if the costs
23 cannot be collected from the person liable, costs and expenses
24 of prosecution under section 189A.17, salaries and expenses
25 of juvenile court officers under chapter 602, court-ordered
26 costs in domestic abuse cases under section 236.5 and elder
27 abuse cases under section 231G.8, the county's expense
28 for confinement of prisoners under chapter 356A, temporary
29 assistance to the county attorney, county contributions to a
30 retirement system for bailiffs, reimbursement for judicial
31 magistrates under section 602.6501, claims filed under section
32 622.93, interpreters' fees under section 622B.7, uniform
33 citation and complaint supplies under section 805.6, and costs
34 of prosecution under section 815.13.

35 Sec. 42. Section 507B.4, subsection 3, paragraph g, Code

1 2014, is amended by adding the following new subparagraph:

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

5 Sec. 43. Section 562A.27A, subsection 3, paragraph a,
6 subparagraph (1), Code 2014, is amended to read as follows:

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

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

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

19 Sec. 45. Section 598.7, subsection 1, Code 2014, is amended
20 to read as follows:

21 1. The district court may, on its own motion or on the
22 motion of any party, order the parties to participate in
23 mediation in any dissolution of marriage action or other
24 domestic relations action. Mediation performed under this
25 section shall comply with the provisions of chapter 679C.
26 The provisions of this section shall not apply if the action
27 involves a child support or medical support obligation enforced
28 by the child support recovery unit. The provisions of this
29 section shall not apply to actions which involve elder abuse
30 as defined in section 231G.1 or domestic abuse pursuant
31 to chapter 236. The provisions of this section shall not
32 affect a judicial district's or court's authority to order
33 settlement conferences pursuant to rules of civil procedure.
34 The court shall, on application of a party, grant a waiver
35 from any court-ordered mediation under this section if the

1 party demonstrates that a history of domestic abuse exists as
2 specified in section 598.41, subsection 3, paragraph "j".

3 Sec. 46. Section 598.16, subsection 7, Code 2014, is amended
4 to read as follows:

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

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

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

30 Sec. 47. Section 598.41, subsection 3, paragraph j, Code
31 2014, is amended to read as follows:

32 j. Whether a history of elder abuse, as defined in section
33 231G.1 or domestic abuse, as defined in section 236.2, exists.

34 (1) In determining whether a history of elder abuse exists,
35 the court's consideration shall include but is not limited

1 to commencement of an action pursuant to section 231G.3, the
2 issuance of a court order or consent agreement pursuant to
3 section 231G.8, the issuance of an emergency order pursuant to
4 section 231G.9, the holding of a party in contempt pursuant to
5 section 664A.7, the response of a peace officer to the scene of
6 alleged elder abuse or the arrest of a party following response
7 to a report of alleged elder abuse, or a conviction for elder
8 abuse assault pursuant to section 708.2D.

9 (2) In determining whether a history of domestic abuse
10 exists, the court's consideration shall include but is not
11 limited to commencement of an action pursuant to section 236.3,
12 the issuance of a protective order against the parent or the
13 issuance of a court order or consent agreement pursuant to
14 section 236.5, the issuance of an emergency order pursuant to
15 section 236.6, the holding of a parent in contempt pursuant to
16 section 664A.7, the response of a peace officer to the scene
17 of alleged domestic abuse or the arrest of a parent following
18 response to a report of alleged domestic abuse, or a conviction
19 for domestic abuse assault pursuant to section 708.2A.

20 Sec. 48. Section 598.41D, subsection 4, paragraph b,
21 subparagraph (2), Code 2014, is amended to read as follows:

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

25 (a) In determining whether a history of elder abuse exists,
26 the court's consideration shall include but is not limited
27 to commencement of an action pursuant to section 231G.3, the
28 issuance of a court order or consent agreement pursuant to
29 section 231G.8, the issuance of an emergency order pursuant to
30 section 231G.9, the holding of a party in contempt pursuant to
31 section 664A.7, the response of a peace officer to the scene of
32 alleged elder abuse or the arrest of a party following response
33 to a report of alleged elder abuse, or a conviction for elder
34 abuse assault pursuant to section 708.2D.

35 (b) In determining whether a history of domestic abuse

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

12 Sec. 49. Section 598.42, Code 2014, is amended to read as
13 follows:

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

15 The clerk of the district court shall provide notice and
16 copies of temporary or permanent protective orders and orders
17 to vacate the homestead entered pursuant to this chapter to
18 the applicable law enforcement agencies and the twenty-four
19 hour dispatcher for the law enforcement agencies, in the manner
20 provided for protective orders under section 231G.8 or 236.5.
21 The clerk shall provide notice and copies of modifications or
22 vacations of these orders in the same manner.

23 Sec. 50. Section 602.6306, subsection 2, Code 2014, is
24 amended to read as follows:

25 2. District associate judges also have jurisdiction
26 in civil actions for money judgment where the amount in
27 controversy does not exceed ten thousand dollars; jurisdiction
28 over involuntary commitment, treatment, or hospitalization
29 proceedings under chapters 125 and 229; jurisdiction of
30 indictable misdemeanors, class "D" felony violations, and
31 other felony arraignments; jurisdiction to enter a temporary
32 or emergency order of protection under chapter 231G or 236,
33 and to make court appointments and set hearings in criminal
34 matters; jurisdiction to enter orders in probate which do not
35 require notice and hearing and to set hearings in actions under

1 chapter 633 or 633A; and the jurisdiction provided in section
2 602.7101 when designated as a judge of the juvenile court.

3 While presiding in these subject matters a district associate
4 judge shall employ district judges' practice and procedure.

5 Sec. 51. Section 611.23, Code 2014, is amended to read as
6 follows:

7 **611.23 Civil actions involving allegations of elder abuse,**
8 **sexual abuse, or domestic abuse — counseling.**

9 In a civil case in which a plaintiff is seeking relief or
10 damages for alleged elder abuse as defined in section 231G.1,
11 sexual abuse as defined in section 709.1, or domestic abuse
12 as defined in section 236.2, the plaintiff may seek, and the
13 court may grant, an order requiring the defendant to receive
14 professional counseling, in addition to any other appropriate
15 relief or damages.

16 Sec. 52. Section 664A.1, subsection 2, Code 2014, is amended
17 to read as follows:

18 2. "*Protective order*" means a protective order issued
19 pursuant to chapter 232, a court order or court-approved
20 consent agreement entered pursuant to this chapter or chapter
21 231G, including a valid foreign protective order under section
22 231G.19, a court order or court-approved consent agreement
23 entered pursuant to chapter 236, including a valid foreign
24 protective order under section 236.19, subsection 3, a
25 temporary or permanent protective order or order to vacate
26 the homestead under chapter 598, or an order that establishes
27 conditions of release or is a protective order or sentencing
28 order in a criminal prosecution arising from a domestic abuse
29 assault under section 708.2A or elder abuse assault under
30 section 708.2D, or a civil injunction issued pursuant to
31 section 915.22.

32 Sec. 53. Section 664A.2, Code 2014, is amended to read as
33 follows:

34 **664A.2 Applicability.**

35 1. This chapter applies to no-contact orders issued for

1 violations or alleged violations of sections 708.2A, 708.2D,
2 708.7, 708.11, 709.2, 709.3, and 709.4, and any other public
3 offense for which there is a victim.

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

8 Sec. 54. Section 664A.3, subsection 1, unnumbered paragraph
9 1, Code 2014, is amended to read as follows:

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

16 Sec. 55. Section 664A.3, subsection 2, Code 2014, is amended
17 to read as follows:

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

24 Sec. 56. Section 664A.4, subsection 2, Code 2014, is amended
25 to read as follows:

26 2. The clerk of the district court shall provide a notice
27 and copy of the no-contact order to the appropriate law
28 enforcement agencies and the twenty-four-hour dispatcher for
29 the law enforcement agencies in the same manner as provided
30 in section 231G.8 or 236.5, as applicable. The clerk of
31 the district court shall provide a notice and copy of a
32 modification or vacation of a no-contact order in the same
33 manner.

34 Sec. 57. Section 664A.5, Code 2014, is amended to read as
35 follows:

1 **664A.5 Modification — entry of permanent no-contact order.**

2 If a defendant is convicted of, receives a deferred judgment
3 for, or pleads guilty to a public offense referred to in
4 section 664A.2, subsection 1, or is held in contempt for a
5 violation of a no-contact order issued under section 664A.3
6 or for a violation of a protective order issued pursuant to
7 chapter 231G, 232, 236, 598, or 915, the court shall either
8 terminate or modify the temporary no-contact order issued
9 by the magistrate. The court may enter a no-contact order
10 or continue the no-contact order already in effect for a
11 period of five years from the date the judgment is entered or
12 the deferred judgment is granted, regardless of whether the
13 defendant is placed on probation.

14 Sec. 58. Section 664A.6, subsection 2, Code 2014, is amended
15 to read as follows:

16 2. a. If the peace officer is investigating a domestic
17 abuse assault pursuant to section 708.2A, the officer shall
18 also comply with sections 236.11 and 236.12.

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

22 Sec. 59. Section 664A.7, subsections 1, 3, and 5, Code 2014,
23 are amended to read as follows:

24 1. Violation of a no-contact order issued under this
25 chapter or a protective order issued pursuant to chapter 231G,
26 232, 236, or 598, including a modified no-contact order, is
27 punishable by summary contempt proceedings.

28 3. If convicted of or held in contempt for a violation
29 of a no-contact order or a modified no-contact order for a
30 public offense referred to in section 664A.2, subsection 1,
31 or held in contempt of a no-contact order issued during a
32 contempt proceeding brought pursuant to section 231G.13 or
33 236.11, the person shall be confined in the county jail for
34 a minimum of seven days. A jail sentence imposed pursuant
35 to this subsection shall be served on consecutive days. No

1 portion of the mandatory minimum term of confinement imposed
 2 by this subsection shall be deferred or suspended. A deferred
 3 judgment, deferred sentence, or suspended sentence shall not
 4 be entered for a violation of a no-contact order, modified
 5 no-contact order, or protective order and the court shall not
 6 impose a fine in lieu of the minimum sentence, although a fine
 7 may be imposed in addition to the minimum sentence.

8 5. Violation of a no-contact order entered for the offense
 9 or alleged offense of domestic abuse assault in violation of
 10 section 708.2A, the offense or alleged offense of elder abuse
 11 assault in violation of section 708.2D, or a violation of a
 12 protective order issued pursuant to chapter 231G, 232, 236,
 13 598, or 915 constitutes a public offense and is punishable as
 14 a simple misdemeanor. Alternatively, the court may hold a
 15 person in contempt of court for such a violation, as provided
 16 in subsection 3.

17 Sec. 60. Section 804.7, Code 2014, is amended by adding the
 18 following new subsections:

19 NEW SUBSECTION. 7. If the peace officer has reasonable
 20 grounds for believing that elder abuse, as defined in section
 21 231G.1, has occurred and has reasonable grounds for believing
 22 that the person to be arrested has committed it.

23 NEW SUBSECTION. 8. As required by section 231G.14,
 24 subsection 2.

25 Sec. 61. Section 915.22, Code 2014, is amended by adding the
 26 following new subsection:

27 NEW SUBSECTION. 6. The clerk of the district court shall
 28 provide notice and copies of restraining orders issued pursuant
 29 to this section in a criminal case involving an alleged
 30 violation of section 708.2D to the applicable law enforcement
 31 agencies and the twenty-four-hour dispatcher for the law
 32 enforcement agencies, in the manner provided for protective
 33 orders under section 231G.8. The clerk shall provide notice
 34 and copies of modifications or vacations of these orders in the
 35 same manner.

1 Sec. 62. Section 915.23, subsection 1, Code 2014, is amended
2 to read as follows:

3 1. An employer shall not discharge an employee, or take
4 or fail to take action regarding an employee's promotion or
5 proposed promotion, or take action to reduce an employee's
6 wages or benefits for actual time worked, due to the service
7 of an employee as a witness in a criminal proceeding or as a
8 plaintiff, defendant, or witness in a civil proceeding pursuant
9 to chapter 231G or 236.

10 Sec. 63. NEW SECTION. **915.50A General rights of elder abuse**
11 **victims.**

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

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

17 2. The right, pursuant to section 231G.14, for law
18 enforcement to remain on the scene, to assist the victim
19 in leaving the scene, to assist the victim in obtaining
20 transportation to medical care, and to provide the person
21 with a written statement of victim rights and information
22 about emergency shelters, support services, and the aging and
23 disability resource center network.

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

26 Sec. 64. Section 915.82, subsection 1, paragraph a,
27 subparagraph (8), Code 2014, is amended to read as follows:

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

29 Sec. 65. Section 915.94, Code 2014, is amended to read as
30 follows:

31 **915.94 Victim compensation fund.**

32 A victim compensation fund is established as a separate fund
33 in the state treasury. Moneys deposited in the fund shall
34 be administered by the department and dedicated to and used
35 for the purposes of section 915.41 and this subchapter. In

1 addition, the department may use moneys from the fund for the
2 purpose of the department's prosecutor-based victim service
3 coordination, including the duties defined in sections 910.3
4 and 910.6 and this chapter, and for the award of funds to
5 programs that provide services and support to victims of elder
6 abuse as provided in chapter 231G, domestic abuse or sexual
7 assault as provided in chapter 236, to victims under section
8 710A.2, and for the support of an automated victim notification
9 system established in section 915.10A. The department may also
10 use up to one hundred thousand dollars from the fund to provide
11 training for victim service providers. Notwithstanding section
12 8.33, any balance in the fund on June 30 of any fiscal year
13 shall not revert to the general fund of the state.

14 Sec. 66. CODE EDITOR DIRECTIVE. The Code editor shall
15 revise the subchapter VI heading under chapter 915 to
16 read "Victims of domestic abuse, elder abuse, and human
17 trafficking".