

House File 85 - Introduced

HOUSE FILE 85

BY HEDDENS

A BILL FOR

1 An Act relating to abuse of elders.

2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 235F.1, subsection 14, paragraph c, Code
2 2015, is amended to read as follows:

3 c. Is a person who is in a confidential relationship with
4 the vulnerable elder. ~~For the purposes of this paragraph "c", a~~
5 ~~confidential relationship does not include a legal, fiduciary,~~
6 ~~or ordinary commercial or transactional relationship the~~
7 ~~vulnerable elder may have with a bank incorporated under the~~
8 ~~provisions of any state or federal law, any savings and loan~~
9 ~~association or savings bank incorporated under the provisions~~
10 ~~of any state or federal law, any credit union organized under~~
11 ~~the provisions of any state or federal law, any attorney~~
12 ~~licensed to practice law in this state, or any agent, agency,~~
13 ~~or company regulated under chapter 505, 508, 515, or 543B~~ The
14 determination of the existence of a confidential relationship
15 is an issue of fact to be determined by the court based upon the
16 totality of the circumstances.

17 EXPLANATION

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

20 This bill relates to elder abuse. The bill eliminates
21 a listing of persons who were exempt from the confidential
22 relationship requirement in order to be considered as standing
23 in a position of trust or confidence with a vulnerable elder
24 and thereby potentially subject to an allegation of financial
25 exploitation under the elder abuse Code chapter. The bill
26 provides instead that the determination of the existence of a
27 confidential relationship is an issue of fact to be determined
28 by the court based upon the totality of the circumstances.