

2013 SF 446 Elder Abuse Task Force Final Report Recommendations

Elder Abuse Definition and Law Recommendation (2012 Recommendation 1)

Add the Older American's Act (OAA) elder abuse definition to Iowa Code Chapter 231, Iowa Department on Aging using the language proposed in the OAA reauthorization.

Acted On: 235F & Older Americans Act (OAA)

Move 235B.20 dependent adult abuse – initiation of charges – penalty, to the general criminal law provisions of the Iowa Code as well as include penalties for elder abuse from Iowa Code Chapter 231.

Actionable Item

Create legislation similar to Iowa Code Chapter 236 (domestic violence) which allows victims of elder abuse, family members, and interested parties to obtain a civil order of protection.

Acted On: 235F

Laws Related to Powers of Attorney, Conservatorship Abuse, and Office of Substitute Decision Maker Recommendation (2012 Recommendation 6)

Support the adoption the Uniform Power of Attorney Act as modified by the Iowa State Bar Association and endorsed by the Iowa Trust Officers Association.

Acted On: HF 633B Iowa Uniform Power of Attorney Act (2014)

Amend Iowa Code chapter 633 to require background checks for prospective conservators.

Acted On: HF 610

Create a registry of power of attorney (POA) documents, including required registration of the POA when the principal becomes incapacitated and an appropriation allocation.

Acted On: HF 610

Amend Iowa Code chapter 915 and 815.10 to allow a guardian ad litem to be appointed as an advocate for a victim of elder abuse, neglect or financial exploitation.

Actionable Item

Fund the second and third years of the Guardianship/Conservatorship Monitoring and Assistance Pilot Project.

Actionable Item

Re-establish and fund the Office of Substitute Decision Maker, Iowa Code 231E, by phasing it in and determining whether to keep it in the Department on Aging or relocate it to another state entity such as the Attorney General's Office or Supreme Court using existing 231E or amending 231E.

Acted On: Establishment of the Office of Public Guardian in the Department on Aging

Specialized Education and Training Recommendation (2012 Recommendation 5)

Modify Iowa Code 135.11(24) to identify the Iowa Department on Aging's curriculum, developed in concert with the Departments of Human Services, Inspections and Appeals, and Public Health, as the standard core curriculum for mandatory reporters of dependent adult abuse with additional profession specific tracks.

Acted On: HF 731 (2019)

Add language to Iowa Code 231 requiring trainers to be certified through the IDA's process as outlined in 17 Iowa Administrative Code, Chapter 15-**NA**

Safeguards from Financial Exploitation Recommendation (2012 Recommendation 2)

Broaden the definition of financial exploitation for the purpose of reporting abuse by mandatory and permissive reporters in long-term care facilities and assisted living programs.

Actionable Item

Create an elder abuse petition for relief to obtain a protective order (like domestic abuse civil orders for protection) and/or authorize court issuance of protective / restraining orders in cases of elder financial exploitation and the freezing of assets in cases of elder financial exploitation.

Acted On : 235F

Authorize recovery of actual damages, punitive damages, attorney's fees and court costs in a civil action for financial exploitation and allows a cause of action to survive the death of the victim/plaintiff.

Acted On

Amend Iowa Code Section 633.535 to deny an inheritance to financial exploiters.

Actionable Item

Amend Iowa Code Section 714.1 (theft) to include a new offense of financial exploitation of a senior or vulnerable adult.

Actionable Item

Amend Iowa Code Section 714.2 (degrees of theft) to impose enhanced penalties to financial exploitation of a senior.

Actionable Item

Amend definitions of financial exploitation so they do not include the requirement that the perpetrator must have acted for their own profit.

Acted On: HF 323 2019

Add definitions to financial exploitation for "implied consent", "undue influence" and "duress".

Acted On: SF 235F

Enact legislation reducing the barriers to the prosecution of elder financial exploitation, including an extended statute of limitations for financial exploitation.

Actionable Item

Single Entry Point Recommendation (2012 Recommendation 8)

Utilize the LifeLong Links Aging and Disability Resource Centers (ADRC) network to function as the primary point of entry to provide a system for individuals, family members, and concerned others to connect those in need with support services and intervention options. Situations of suspected dependent adult abuse or elder abuse will be referred on to the appropriate entity. This will replicate the previously funded elder abuse initiative and will focus on the supportive services and work collaboratively with other state departments and local stakeholders. Implementation of this recommendation will not change the dependent adult abuse systems under the Departments of Human Services and Inspections and Appeals.

Actionable Item

Review the confidentiality statutes and what would be needed to allow state and local governmental entities working on adult abuse issues to collaborate and share essential confidential information that is necessary for each entity to provide intervention and protection. Determine what information could be shared, for what purpose, and to whom as it relates to referrals and cases that are founded, unfounded or confirmed but not registered. Provide proposed legislation recommendations to the Legislature by January 1, 2015.

Actionable Item

