

FEB 1 0 2007
HUMAN RESOURCES

HOUSE FILE 259

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and JACOBY

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to dependent adults and at-risk older adults.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 231.56A, subsection 2, paragraph a,
2 Code 2005, is amended to read as follows:

3 a. Is the subject of a report of suspected dependent adult
4 abuse or is an at-risk older adult pursuant to chapter 235B.

5 Sec. 2. Section 235B.1, subsection 1, Code 2005, is
6 amended to read as follows:

7 1. The establishment of local or regional
8 multidisciplinary teams to assist in assessing the needs of,
9 formulating and monitoring a treatment plan for, and
10 coordinating services to victims of dependent adult abuse and
11 at-risk older adults. The membership of a team shall include
12 individuals who possess knowledge and skills related to the
13 diagnosis, assessment, and disposition of dependent adult
14 abuse cases and who are professionals practicing in the
15 disciplines of medicine, public health, mental health, social
16 work, law, law enforcement, or other disciplines relative to
17 dependent adults or at-risk older adults. Members of a team
18 shall include, but are not limited to, persons representing
19 the area agencies on aging, county attorneys, health care
20 providers, and other persons involved in advocating or
21 providing services to dependent adults.

22 Sec. 3. Section 235B.2, Code 2005, is amended by adding
23 the following new subsection:

24 NEW SUBSECTION. 0A. "At-risk older adult" means a person
25 sixty years of age or older who is living without the minimum
26 food, shelter, clothing, supervision, physical or mental
27 health care, or other care necessary to maintain the person's
28 life or health, or who is otherwise unable to maintain a safe
29 and independent living arrangement.

30 Sec. 4. NEW SECTION. 235B.3B AT-RISK OLDER ADULTS.

31 A person identified as an at-risk older adult who is not a
32 dependent adult shall be referred, where available, to a local
33 area agency on aging for evaluation under the elder abuse
34 initiative, emergency shelter, and support services projects
35 authorized pursuant to section 231.56A. If an elder abuse

1 initiative, emergency shelter, and support services project is
2 not available, a referral shall be made to a multidisciplinary
3 team established pursuant to section 235B.1. If there is no
4 active multidisciplinary team available, a referral shall be
5 made to any available local provider of aging services.

6 Sec. 5. Section 235B.19, subsection 1, Code 2005, is
7 amended to read as follows:

8 1. If the department determines that a dependent adult is
9 suffering from dependent adult abuse which presents an
10 immediate danger to the health or safety of the dependent
11 adult or which results in irreparable harm to the resources or
12 property of the dependent adult, and that the dependent adult
13 lacks capacity to consent to receive protective services, and
14 that no consent can be obtained, the department may petition
15 the court with probate jurisdiction in the county in which the
16 dependent adult resides for an emergency order authorizing
17 protective services.

18 Sec. 6. Section 235B.19, subsection 6, unnumbered
19 paragraph one, Code 2005, is amended to read as follows:

20 ~~The~~ Upon a finding of probable cause to believe that
21 dependent adult abuse has occurred and is either ongoing or is
22 likely to reoccur, the court may also enter orders as may be
23 appropriate to third persons enjoining them from specific
24 conduct. The orders may include temporary restraining orders
25 which impose criminal sanctions if violated. In instances of
26 self-denial of critical care, the court may enter temporary
27 orders authorizing the provision of support services in the
28 least restrictive environment for the adult. Temporary orders
29 entered pursuant to this subsection shall remain in effect for
30 a period of thirty days from the date of entry unless extended
31 for good cause. The court may enjoin third persons from any
32 of the following:

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EXPLANATION

34 This bill relates to dependent adults and at-risk older
35 adults.

1 The bill provides that the target population of elder abuse
2 initiative, emergency shelter, and support services projects
3 authorized by the department of elder affairs shall include
4 at-risk older adults. "At-risk older adult" is defined as a
5 person 60 years of age or older who is living without the
6 minimum food, shelter, clothing, supervision, physical or
7 mental health care, or other care necessary to maintain the
8 person's life or health, or who is otherwise unable to
9 maintain a safe and independent living arrangement.

10 The bill also provides that a person identified as an at-
11 risk older adult who is not a dependent adult as defined in
12 Code section 235B.2 shall be referred, where available, to a
13 local area agency on aging for evaluation under the elder
14 abuse initiative, emergency shelter, and support services
15 projects. If an elder abuse initiative project is not
16 available, a referral shall be made to a multidisciplinary
17 team established pursuant to Code section 235B.1. If there is
18 no active multidisciplinary team available, a referral shall
19 be made to any available local provider of aging services.

20 The bill specifies that if the department of human services
21 determines a dependent adult is suffering from dependent adult
22 abuse which presents an immediate danger to the health or
23 safety of the dependent adult or which results in irreparable
24 harm to the resources or property of the dependent adult and
25 that the dependent adult lacks capacity to consent to receive
26 protective services and that no consent can be obtained, the
27 department of human services may petition the court with
28 probate jurisdiction in the county in which the dependent
29 adult resides for an emergency order authorizing protective
30 services.

31 The bill further provides that upon a finding of probable
32 cause to believe that dependent adult abuse has occurred and
33 is either ongoing or likely to reoccur, the court may enter
34 the necessary orders, including temporary restraining orders,
35 to third persons enjoining them from specific conduct, and

1 that in instances of self-denial of critical care, the court
2 may enter a temporary order authorizing the provision of
3 support services in the least restrictive environment for the
4 adult. Such an order shall remain in effect for 30 days
5 unless extended for good cause.

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