



Senate File 522, signed in to law by Governor Kim Reynolds and effective July 1, 2022, created new statutes for elder abuse, older adult abuse and moved penalties for dependent adult abuse in the criminal code

**The initiation and filing of criminal charges is the sole responsibility of law enforcement and the county attorney. The Iowa HHS, DIAL and the Area Agencies on Aging have no authority in criminal charges**

#### **FOUR PART SYSTEM** | *Civil and Criminal*

**Criminal Elder Abuse** – Iowa Code sections 726.24 to 726.25 **NEW**

**Civil Elder Abuse** (Iowa Code chapter 235F) **NO CHANGE**

**Dependent Adult Abuse in community settings under the jurisdiction of the Iowa Department of Health and Human Services**

Civil response/Dependent Adult Abuse Assessment (Iowa Code 235B) **NO CHANGE**

Criminal penalties: Moved from Iowa Code 235B.20 to Iowa Code 726.26 **MOVED**

**Dependent Adult Abuse in facility settings under the jurisdiction of the Iowa Department of Inspections, Appeals and Licensing**

Civil response/Dependent Adult Abuse Assessment (Iowa Code 235E) **NO CHANGE**

Criminal penalties: Moved from Iowa Code 235E.4 to Iowa Code 726.26 **MOVED**



**To report a crime** or if an adult is in imminent danger,

**Please call 911**

**To seek services and supports** for an older adult, please call the Area Agencies on Aging

**1-866-468-7887**

**To report abuse, neglect, exploitation or self-neglect** of a dependent adult, please call the abuse reporting hotline at

**1-800-362-2178**

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HHS**

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#### **CRIMINAL ELDER ABUSE**

## Changes in Criminal Law and Civil Code

Elder abuse is a complex crime that comes in many forms. It is important to understand the laws that protect older Iowans and the penalties for elder abuse.



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## NEW CRIMINAL ELDER ABUSE

### Elder Abuse

- ▶ Section 726.24
- ▶ Elder abuse includes deprivation of care, neglect, physical abuse, emotional abuse, sexual abuse and isolation
- ▶ Victim is 60 or older AND unable to protect self as the result of a mental condition, physical condition, or personal circumstance which results in increased risk of harm
- ▶ Abuse can be perpetrated by anyone



## NEW CRIMINAL ELDER ABUSE

### Elder Abuse Financial Exploitation

- ▶ Section 726.25
- ▶ Victim is 60 or older
- ▶ Knowingly and by undue influence, deception, coercion, fraud, breach of fiduciary duty, or extortion obtains control over or otherwise uses the benefits, property, resources, belongings or assets to the detriment of the older individual
- ▶ Financial exploitation from a person who stands in a position of trust or confidence with the older individual

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#### Class B Felony

More than \$50,000

If 70-80 years old, \$15,000 or more

If 80 years or older, \$5,000 or more

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#### Class C Felony

\$10,001 - \$50,000

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#### Class D Felony

\$1,001 - \$10,000

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#### Aggravated Misdemeanor

\$101 - \$1,000

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#### Serious Misdemeanor

\$100 or less

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### Theft against an Older Individual (OI)

- ▶ Section 714.2A **NEW**
- ▶ Victim is 60 or older
- ▶ Enhanced penalties

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#### Theft 1st Degree

Threshold More than \$10,000

Theft Class C

Theft Against OI Class B

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#### Theft 2nd Degree

Threshold \$1,501 - \$10,000

Theft Class D

Theft Against OI Class C

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#### Theft 3rd Degree

Threshold \$751 - 1,500

Theft Class D

Theft Against OI Class C

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#### Theft 4th Degree

Threshold \$301 - \$750

Theft Serious Misd.

Theft Against OI Agg. Misd.

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#### Theft 5th Degree

Threshold \$300 or less

Theft Simple Misd.

Theft Against OI Serious Misd.

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### Older Individual assault

- ▶ Section 708.2D **NEW**
- ▶ Victim is 60 or older
- ▶ Mirrors domestic violence assault; enhanced penalties