

# Health AND Human

## SERVICES

Date:

Name of POA Founded for Abuse

Address 1

Address 2

Dear Name of POA Founded for Abuse:

You are on record as being an agent under a financial power of attorney document. Additionally, you have been named in a founded dependent adult abuse report dated \_\_\_\_\_, as having abused Adult Subject/Victim. Pursuant to Iowa Code 633B.110(2)(e), an agent's authority under a financial power of attorney terminates when the agent is named as having abused the principal in a founded dependent adult abuse report.

The termination letter does not apply to a medical power of attorney.

Iowa Code 633B.110 is summarized on the back of this notice for your reference. The Department of Health and Human Services recommends you seek the advice of an attorney as to the applicability of Iowa Code 633B.110(2)(e) to you.

Pursuant to Iowa Code 235B.6, a copy of this letter is being provide to individuals/entities as allowed by law. The entities are noted below.

Respectfully,

APW Name

APW Address 1

APW Address 2

APW Contact Info

Based on Iowa Code 235B.6, you are being provided a copy of this letter. Please be aware you are bound to redissemination laws as noted on the back of this form. You could be liable for civil remedies and/or criminal charges by violating redissemination laws.

Copies To:

Adult Subject/Victim

All Adult Subject/Victim's Financial Holding Institutions, including any of the following: Bank, Credit Union, Savings Association, Broker-Dealer, Investment Provider, Financial Advisor, Securities Administrator or other Financial Institution

Care Facility where Adult Subject/Victim resides, if applicable

Guardian of Adult Subject/Victim, if applicable

Conservator of Adult Subject/Victim, if applicable

**\*\*Please Review the back of this document for additional information\*\***

**Iowa Code §235B.6** allows various financial entities the right to obtain dependent adult abuse information as deemed necessary by the department to protect the dependent adult's resources.

**REDISSEMINATION:** A person who receives dependent adult abuse information shall not give that information to another person, unless permitted by law. If you provide dependent adult abuse information to another person, as allowed by law, you must make a written record of this action and send it within 30 days to the Central Abuse Registry, PO Box 4826, Des Moines, Iowa 50305. (Iowa Code Section 235B.8)

**CRIMINAL PENALTIES:** Any person who tries to obtain dependent adult abuse information under false pretenses, who gives false dependent adult abuse information, or who violates release of dependent adult abuse information laws may be charged with a misdemeanor. (Iowa Code Section 235B.12)

### **633B.110 Termination — power of attorney or agent authority.**

1. A power of attorney terminates when any of the following occurs:
  - a. The principal dies.
  - b. The principal becomes incapacitated, if the power of attorney is not durable.
  - c. The principal revokes the power of attorney.
  - d. The power of attorney provides that it terminates.
  - e. The purpose of the power of attorney is accomplished.
  - f. The principal revokes the agent's authority or the agent dies, becomes incapacitated, or resigns, and the power of attorney does not provide for another agent to act under the power of attorney.
2. An agent's authority terminates when any of the following occurs:
  - a. The principal revokes the authority.
  - b. The agent dies, becomes incapacitated, or resigns.
  - c. An action is filed for the dissolution or annulment of the agent's marriage to the principal or for their legal separation, unless the power of attorney otherwise provides.
  - d. The power of attorney terminates.
  - e. The agent is named as having abused the principal in a founded dependent adult abuse report.
  - f. The agent is convicted of dependent adult abuse for having abused the principal.
3. Unless the power of attorney otherwise provides, an agent's authority is exercisable until the agent's authority terminates under subsection 2, notwithstanding a lapse of time since the execution of the power of attorney.
4. Termination of a power of attorney or an agent's authority under this section is not effective as to the agent or another person that, without actual knowledge of the termination, acts in good faith under the power of attorney. An act so performed, unless otherwise invalid or unenforceable, binds the principal and the principal's successors in interest.
5. Incapacity of the principal of a power of attorney that is not durable does not revoke or terminate the power of attorney as to an agent or other person that, without actual knowledge of the incapacity, acts in good faith under the power of attorney. An act so performed, unless otherwise invalid or unenforceable, binds the principal and the principal's successors in interest.
6. Except as provided in section 633B.103, the execution of a general or plenary power of attorney revokes all general or plenary powers of attorney previously executed in this state by the principal, but does not revoke a power of attorney limited to a specific and identifiable action or transaction, which action or transaction is still capable of performance but has not yet been fully accomplished by the agent.

2014 Acts, ch 1078, §12; 2018 Acts, ch 1084, §1