

## Cumulative Elder Financial Abuse Statutes

Updated as of January 26, 2015

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<i>State</i>	<i>Bill Number or Citation</i>	<i>Summary</i>
<b>AL</b>	2013 SB 29	Creates the crimes of financial exploitation of an elderly person in the first, second, and third degree and provides penalties. <b>Signed by governor (Act 307) on 5/23/13</b>
<b>AK</b>	AS 44.21.410, AS 44.21.415, AS 47.24.015	Creates a state office of elder abuse to combat fraud against older persons.
<b>AZ</b>	HB 2344 2009	Permits a person in a position of trust to use an incapacitated or vulnerable adult's assets only in the incapacitated or vulnerable adult's best interest and not for the benefit of the person who is in the position of trust unless the superior court gives prior approval of the transaction or the transaction is specifically authorized in a valid general or nongeneral power of attorney. <b>Signed by Governor (Ch. 119) on 7/13/09</b>
<b>AZ</b>	HB 2560 2012	Permits reasonable costs and attorney fees to be awarded in a civil action related to the financial exploitation of a vulnerable adult. <b>Signed by Governor (Ch. 163) on 4/3/12</b>
<b>AZ</b>	SB 1341 2013	Provides that a person is not exploited by a transfer of assets if the primary purpose of the transfer is to obtain or maintain eligibility for benefits or benefits for supplemental security income, Medicare, or veterans' administration programs and the transfer of assets is between the person and person's spouse, disabled child, a trust for the benefit of the person's spouse or disabled child or is a transfer of assets for the purpose of obtaining or maintaining eligibility for benefits. <b>Signed by Governor on 5/2/13</b>
<b>AR</b>	HB 1309 2007	Deems financial ID fraud of an elderly person a Class B Felony. <b>Signed by Governor on 2/9/07</b>
<b>CA</b>	W&I §15600- 15675	Deems elder financial abuse a crime and provides criminal and civil penalties. <b>Financial institutions are listed among "mandated reporters" of elderly financial abuse requiring officers and employees of such institutions to report suspected abuse.</b>
<b>CA</b>	AB 2249 (Ch. 234)	Requires financial institutions to furnish account information, upon request, to a county adult protective services offices and long-term care ombudsman, when those entities are investigating the financial abuse of an elder or dependant adult. <b>Adopted on 8/1/08</b>
<b>CA</b>	AB 1525 2012	<b>Includes a person or entity engaged in money transmission in the definition of a mandated reporter of suspected financial abuse of an elder or dependent adult.</b> <b>Signed by Governor on 9/27/12 (Ch. 632)</b>
<b>CA</b>	AB 2149 2012  AB 140 2013	Requires agreement to settle civil action for financial abuse of an elder or dependent adult, prohibits any provision that prohibits contact or cooperation with the county adult protective services agency, the local law enforcement agency, the long-term care ombudsman, the California Department of Aging, the Department of Justice, or the Licensing Certification Division of the State Department of Public Health. <b>Signed by Governor on 9/27/12 (Ch. 644)</b> Changes the definition of undue influence to mean excessive persuasion that causes another person to act or refrain from acting by overcoming that person's free will and results in inequity, requires, in determining whether the result was produced by undue influence, the vulnerability of the victim, the influencer's apparent authority, the actions or tactics used by the influencer, and the equity of the result, specifies that an inequitable result, without more, is not sufficient to prove undue influence, and defines undue influence without superseding or

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		interfering with the common law of undue influence. <b>Signed by Governor on 10/10/13 (Ch. 668)</b>
<b>CO</b>	C.R.S. 18-6.5-108	<b>Requires personnel at financial institutions to report suspected elder financial abuse.</b>
<b>CO</b>	C.R.S. 13-14-101	Increases criminal penalties for persons or businesses that engage in unfair or deceptive practices, fraud, or financial exploitation against a person 60 years or older.
<b>CO</b>	SB 42	Requires financial institutions to inform account holders who are at-risk adults of their right to voluntarily sign and have placed in their bank records a consent form allowing release of otherwise confidential records to allow the institution to alert or notify local law enforcement and the county or district department of social services of potential financial exploitation to expedite an investigation and minimize losses, and the bill creates civil and criminal immunity for financial institutions and their employees and agents when they either disclose or fail to disclose an account holder's financial information pursuant to a signed prior consent form. <b>Signed by Governor on 6/8/10</b>
<b>CO</b>	SB 111 2013	<b>Adds personnel of banks, credit unions, S&amp;Ls and other financial institutions to the list of mandatory reporters of suspected elder financial abuse and creates civil and criminal immunity for good-faith reporters of suspected elder financial abuse.</b> <b>Signed by Governor on 5/16/13 (Ch. 233)</b>
<b>CT</b>	SB 886 2013	<b>Adds anyone paid by an institution, organization, agency, or facility to care for seniors to the list of mandated elder abuse reporters</b> and establishes a related training requirement for their employers and requires the Department of Social Services, by July 1, 2014, to begin annually reporting to the legislature on the elder abuse and neglect complaints it received in the previous calendar year. <b>Signed by Governor on 7/11/13 (Public Act 13-250)</b>
<b>DE</b>	Tit. 31, § 3910, 3913  HB 417 2014	Deems exploitation of the resources of an “infirm adult” to be a Class A misdemeanor when the value is less than \$500 a class A misdemeanor, a class G Felony when the value is between \$500 and \$5,000, a class E felony when the value is between \$5,000 and \$10,000, a class D felony when the value is between \$10,000 and \$50,000, and a class C felony when the value is more than \$50,000. Any person who has knowledge that an adult person is “infirm” is required to report exploitation to the Department of Health and Social Services. <b>Any person who has knowledge of elder financial abuse is considered a mandatory reporter.</b>  Creates a mechanism for financial institutions to use to freeze transactions that they suspect are financial exploitation of an elderly person, requires FIs to report suspected financial exploitation incidents, conveys authority to FIs to freeze transactions if DHSS discovers that financial exploitation has occurred, and <b>expands immunity to include immunity for holding transactions.</b> <b>Signed by Governor 9/30/14 (Ch. 438)</b>
<b>DC</b>	DC Code, Sec. 7-1901 et seq	<b>Reporting of suspected elder financial abuse is required of bank managers.</b>
<b>FL</b>	Title XLVI § 825.103, Title XXX §415.1034	Prohibits the exploitation of an elderly person’s assets through intimidation or deception. Title XXX §415.1034 Requires anyone who knows of, or reasonably suspects a vulnerable adult is being abused, neglected, or exploited to file a report with the central abuse hotline. <b>Statute specifically names: “Bank, savings and loan, or credit union officer, trustee, or employee” among those required to report abuse or suspected abuse. The statute provides immunity to those who file reports or participate in investigations in good faith.</b> A 2 <sup>nd</sup> degree misdemeanor is the penalty for financial institutions failing to report elder financial abuse.
<b>FL</b>	HB 409 2014	Deletes requirement that property of elderly person or disabled adult be obtained by deception or intimidation in order to constitute exploitation, specifies

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		<p>additional circumstances that constitute breach of fiduciary duty, defines when unlawful appropriation occurs, creates a presumption that certain inter vivos transfers result from exploitation, provides for jury instructions concerning presumption of exploitation, revises valuation of funds, assets, or property involved for determining degrees of offenses of exploitation of elderly person or disabled adult, and provides for return of property seized from defendant to victim before trial in some cases.</p> <p><b>Signed by Governor on 6/20/14 (Ch. 2014-200)</b></p>
<b>GA</b>	ST 30-5-8, ST 30-5-4	<p>Makes the abuse, neglect or exploitation of an elder person a felony. Requires an employee of a financial institution to report known or reasonably suspected financial exploitation to an adult protection agency or to law enforcement. Failure to report is deemed a misdemeanor. Reporters and institutions acting in good faith are immune from civil and criminal liability for false reports.</p>
<b>HI</b>	SB 1400 2007	<p>Requires financial institutions to report suspected instances of financial abuse against elder or dependant adults but provides immunity to anyone who makes a report in good faith with reasonable belief action is warranted.</p> <p><b>Signed by Governor on 5/24/07</b></p>
<b>HI</b>	HB 2150 2008	<p>Adds financial exploitation to the adult protection statute and defines it to include the wrongful or negligent taking, withholding, misappropriation, or use of a vulnerable adult's money, real property, or personal property, including breaches of fiduciary relationships, unauthorized taking of personal assets, misappropriation, misuse, or transfer of money from a personal or joint account, or intentional or negligent failure to effectively use a vulnerable adult's income and assets for the necessities required for the vulnerable adult's support and maintenance.</p> <p><b>Adopted on 6/9/08</b></p>
<b>HI</b>	SB 102 2013	<p>Requires a financial institution to report suspected financial abuse against an elder to county police rather than DHS immediately by telephone, followed by a written report by email, and requires all financial institutions to implement training for employees on reporting requirements.</p> <p><b>Signed by Governor as Act 216 on 7/2/13</b></p>
<b>IL</b>	320 ILCS 20/3	<p>Requires the Department on Aging to solicit financial institutions to provide information to the general public about financial exploitation of the elderly and related financial fraud or abuse. The Department is also required to coordinate efforts among other agencies such as the Office of the Attorney General, the State Police, the Illinois Law Enforcement Training Standards Board, the State Triad, the Illinois Criminal Justice Information Authority, the Departments of Public Health, Public Aid, and Human Services, the Family Violence Coordinating Council, the Illinois Violence Prevention Authority, and other entities that may impact awareness of, and response to, elder abuse, neglect, and financial exploitation.</p>
<b>IL</b>	HB 3986 2012	<p>Provides that the Department on Aging or the agency designated to receive mandated reports of elder abuse, neglect, financial exploitation, or self-neglect may establish a manner in which a mandated reporter can make a report of elder abuse, neglect, financial exploitation, or self-neglect through an internet reporting tool.</p> <p><b>Signed by Governor on 7/30/12 (Public Act 97-0860)</b></p>
<b>IL</b>	HB 5266 2012	<p>Expands the list of persons and agencies with access to records generated as a result of a report of elder abuse, neglect, financial exploitation, or self-neglect to include a law enforcement agency, fire department agency, or fire protection district having jurisdiction pursuant to a written agreement between a provider agency and the law enforcement agency, fire department agency, or fire protection district.</p> <p><b>Signed by Governor on 7/30/12 (Public Act 97-0864)</b></p>

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<b>IL</b>	HB 5653 2012	Allows prosecutors to file a petition to freeze the assets of a defendant charged with financial exploitation of an elderly person or a person with a disability in cases that involve amounts over \$5,000. <b>Signed by Governor on 7/30/12 (Public Act 97-0865)</b>
<b>IL</b>	HB 948 2013  2014 SB 2955	Directs the Department on Aging to establish a centralized Adult Protective Services Helpline to report abuse, neglect, or financial exploitation of an eligible adult. <b>Signed by Governor on 7/1/13 (Public Act 98-0049)</b> Precludes any person who has been found liable for financial exploitation, abuse, or neglect of an elderly person or a person with a disability by a preponderance of evidence in a civil action from receiving property, benefit, or other interest by reason of the death of that elderly person or person with a disability. <b>Signed by Governor on 8/1/14 (Public Act 98-0833)</b>
<b>IA</b>	SF 2239 2014	Defines elder abuse to include financial exploitation relative to a vulnerable elder that occurs when a person stands in a position of trust or confidence with the vulnerable elder and knowingly and by undue influence, deception, coercion, fraud, or extortion, obtains control over or otherwise uses or diverts the benefits, property, resources, belongings, or assets of the vulnerable elder, and it permits a vulnerable elder person or a substitute petitioner to sue for equitable relief that the court considers necessary to prevent or remedy the financial exploitation, authorizes a court to order a defendant to refrain from exercising control over the funds, benefits, property, resources, belongings, or assets of the vulnerable elder, to return custody or control of funds, benefits, property, resources, belongings, or asset to the vulnerable elder, to follow instructions of the guardian, conservator, or attorney in fact of the vulnerable elder, and to prohibit the defendant from transferring the funds, benefits, property, resources, belongings, or assets of the vulnerable elder to any person other than the vulnerable elder. <b>Signed by Governor on 5/2/14</b>
<b>KS</b>	§ 39-1431	"A bank trust officer or any other officers of financial institutions" who has "reasonable cause to believe that an adult is being or has been abused, neglected or exploited" is required to report the information in a "reasonable manner" to the department of social and rehabilitation services. Failure to make a report by a mandatory reporter is a class B misdemeanor. The statute provides civil immunity for false reports filed in good faith and prohibits a company from dismissing someone for solely for reports filed under this act.
<b>KY</b>	§ 209.030, Public Act Ch. 6	Requires any person "having reasonable cause to suspect" exploitation of an adult has suffered exploitation to file a report with the Cabinet for Health and Family Services. Reports and investigation cooperation provided in good faith are immune from civil and criminal liability. Public Act Ch 6 enhances the regulatory duties of the Office of Aging Services, including protection of the elderly from financial abuse. The Office of the Inspector General is responsible for the conduct of audits and investigations for detecting the perpetration of fraud or abuse of the elderly.
<b>LA</b>	RS 14:403.2, 14:93.4, RS 15:1237, R.S. 51:1402, 1404 – 1417	Financial exploitation of an adult carries a penalty of up to 10 years imprisonment and/or up to a \$10,000 fine. The statute also requires any person who suspects an adult is being exploited to file a report with a local or state law enforcement agency. The statute also removes cause of action from anyone who makes a report or cooperates with an investigation in good faith. RS 15:1237 Established the Ages and Law Enforcement Response Team Program to address problems aimed at the elderly, including financial fraud. R.S. 51:1402, 1404 – 1417 deems elder financial abuse an unfair trade practice. Fine of up to \$500 and/or 6 months incarceration.

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<b>ME</b>	HB 1002 2007	Permits financial institutions to disclose financial records to the Department of Health and Human Services when the financial institution has reasonable cause to suspect that an incapacitated or dependent adult has been or is at substantial risk of abuse, neglect or exploitation and provides immunity for good faith disclosure of financial records for this purpose. <b>Signed by Governor on 5/11/07</b>
<b>MD</b>	HB 571/SB 684 2009	Prohibits a person from using a senior or retiree credential or designation to mislead a person in connection with the offer, sale, or purchase of securities in connection with receiving consideration from another person for advising the other person as to the value, purchase, or sale of securities, or in connection with acting as a broker-dealer, agent, investment advisor, or investment advisor representative. <b>Enacted as Ch. 302 and Ch. on 5/7/09</b>
<b>MD</b>	HB 1257/ SB 941 2012  HB 723	Requires fiduciary institutions to establish and implement elder abuse detection and reporting training programs. <b>Approved by Governor on 5/2/12 as Ch. 325 and Ch. 324</b>  Requires licensed money transmitters to provide training materials on financial abuse and financial exploitation of elder adults to their agents and to include a clear, concise and conspicuous fraud warning on all transmittal forms. <b>Signed by Governor 5/5/14 (Ch. 421)</b>
<b>MI</b>	SB 459 2012	Increases penalties for financial abuse of vulnerable adults. <b>Approved by Governor on 6/19/12 as Public Act 0172-12</b>
<b>MN</b>	HF 818 2009	Authorizes financial information disclosure to law enforcement, lead agencies, or prosecuting authorities for vulnerable adult financial exploitation investigation, requires financial institutions to cooperate with a lead agency, law enforcement, or prosecuting authority that is investigating maltreatment of a vulnerable adult and comply with reasonable requests for production of financial records, and authorize suits for damages and recovery of reasonable attorney fees and costs. <b>Signed by Governor as Ch. 119 on 5/21/09</b>
<b>MO</b>	§ 660.250, 660.255	Requires any person who has a reasonable suspicion that an elder is likely to suffer "serious physical harm" must file a report with the Department of Health and Senior Services. The definition of "serious physical harm" includes "maltreatment of wasting" of financial resources by another person.
<b>MO</b>	SB 689 2012	Adds undue influence to the types of acts that, when committed against an elder or disabled person, constitute the crime of financial exploitation. <b>Signed by Governor on 7/11/12</b>
<b>MS</b>	ST § 43-47-7	Requires any employee of a bank, savings and loan, credit union, or other financial provider who knows, suspects or "because of circumstances, should have known or suspected beyond a reasonable doubt" that a vulnerable adult is being exploited to file a report with the Department of Human Services. "Any recognized legal financial transaction shall not be considered cause to report the knowledge or suspicion of the financial exploitation of a vulnerable adult." Reports made in good faith are immune from civil and criminal liability. Misdemeanor - up to \$5,000 and/or up to 6 months in jail.
<b>NV</b>	AB 87 2007	Requires banks and credit unions to report suspected or actual elder financial abuse and impose misdemeanor for failure to report. The bill was amended to provide civil penalty for failure to report and immunity for reporting. <b>Signed by Governor on 6/4/07</b>
<b>NH</b>	161-F:46	Requires any person who suspects an adult who is, or is suspected to be incapacitated has been exploited to report such incidents or cause a report to be

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	HB 1555 2014	made. Reports made in good faith are immune from criminal and civil liability. Failure to report could result in a misdemeanor charge.  Establishes the crime of financial exploitation of an elderly, disabled or impaired adult and imposes mandatory prison terms for second or subsequent offenses. <b>Signed by Governor 6/9/14</b>
<b>NM</b>	NMSA 27-7-30	Requires reporting by any person, including financial institutions, having reasonable cause to believe that an incapacitated adult is being abused, neglected or exploited.
<b>NY</b>	CLS Gen. Bus. § 349-c	Allows for additional civil penalty for consumer fraud against elderly persons. Defines elderly as a person 65 years or older.
<b>NC</b>	§ 108A-102  SB 140 2013	Requires any person with “reasonable cause to believe” that a disabled adult is in need of “protective services” to report the suspected need to the director of the county department of social services. A need of “protective services” is defined to include protection from financial exploitation.  Increases the recognition, reporting, and prosecution of those who defraud or financially exploit disabled or older adults and continues the Task Force on Fraud Against Older Adults, as recommended by the Task Force on Fraud Against Older Adults. <b>Signed by Governor on 7/23/13 (Ch. 337)</b>
<b>OH</b>	§ 5101.60 – 5101.71	Requires any person with reasonable cause to believe a vulnerable adult is the victim of exploitation to file a report with the Department of Human Services or the local DA. Failure to file a report is punishable by up to a year in the county jail and/or a \$1,000 fine. Reports made in good faith are immune from civil or criminal liability.
<b>OK</b>	SB 398 2007	Adds the definition of “financial neglect” by a caretaker to elder abuse and exploitation statute. <b>Signed by Governor on 4/30/07</b>
<b>OK</b>	SB 492 2011	Adds financial abuse of a vulnerable adult as a reason for the Department of Human Services to take that adult into emergency protective custody. <b>Signed by Governor on 5/26/11</b>
<b>OR</b>	HB 4084 2012  Sec. 124.050	Requires financial institution, upon receipt of subpoena issued by court or on behalf of grand jury, to disclose and provide copies of financial records of persons who are alleged victims in abuse investigation. <b>Signed by Governor on 3/27/12 (Ch. 70)</b>  Any public or private official having reasonable cause to believe that any person 65 years of age or older with whom the official comes in contact, while acting in an official capacity, has suffered abuse, or that any person with whom the official comes in contact while acting in an official capacity has abused a person 65 years of age or older must report.
<b>RI</b>	ST § 42-66-8  SB 2884 2014	Requires any person with reasonable cause to believe a person 60 years of age or older has been exploited to file a report with the Department of Elderly Affairs. Failure to file a report is punishable by imprisonment of up to one year and/or a fine of \$1,000. § 42-66-11 provides immunity from criminal or civil liability for anyone who files a report in good faith. Up to 1 year and/or \$1,000 for violations.  Creates a rebuttable presumption that any donative transfers by persons 60 years of age or older for whom a conservator, guardian or trustee has been appointed by a probate court are products of fraud or undue influence. <b>Signed by Governor on 7/8/14</b>
<b>SC</b>	ST § 43-35-25	Requires any person with “actual knowledge” that a vulnerable adult has been exploited to report the incident within 24 hours or on the next business day to the Long Term Care Ombudsman Program or the Adult Protective Services Program.

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<b>TN</b>	ST § 71-6-103(b)(1), Cod Ann. § 71-6-120	Requires any person who with a reasonable cause to suspect the financial exploitation of an adult to file a report with the department of human services. Failure to file a required report is a Class A misdemeanor. Persons filing reports are presumed to be acting in good faith and afforded criminal and civil liability. Cod Ann. § 71-6-120: Enhances the rights of the elderly in recovering property acquired by fraud and provides for that person or by conservator or next friend the right of recovery in a civil action of compensatory damages. An elderly person is defined as a person who is 60 years of age or older.
<b>TX</b>	HUM RES § 48.051	Requires any person who suspects an elderly person is the victim of exploitation to report the information. Statute applies “without exception” to persons whose knowledge of potential exploitation is obtained through the person’s employment. Failure to report is a Class A misdemeanor. Reports filed in good faith are immune from criminal and civil liability. Knowingly filing a false report is a Class B misdemeanor.
<b>UT</b>	ST § 62A-3-305	Requires any person who suspects a vulnerable adult has been a victim of exploitation to immediately file a report with Adult Protective Services. Willful failure to file a report is a class B misdemeanor. Reports filed in good faith are immune from criminal and civil liability.
<b>VA</b>	Va. Code Ann. § 63.2-100, §63.2-1606, § 18.2-369  SB 706, SB 1258, SB 2013	Reporting of suspected financial exploitation by staff of financial institutions is permissive. False reports filed in good faith are immune from civil liability. False reports filed in bad faith are a Class 4 misdemeanor, and upon subsequent convictions a Class 2 misdemeanor.  Provides that it is a felony punishable by imprisonment for not less than one nor more than 20 years to knowingly and without legal justification, by deception, intimidation, undue influence, coercion, harassment, duress, or misrepresentation, use, obtain, convert, or take control of an incapacitated adult’s money, assets, property, or financial resources with the intent to permanently deprive the adult of the use, benefit, or possession of the property or financial resources and makes it a Class 3 felony if the violation is by a caregiver or person in a position of trust. <b>SB 1258 incorporated into SB 706; SB 706 Signed by Governor on 1/21/13</b>
<b>VT</b>	Vt. Stat. Ann. tit. 33, § 6901 et seq., 13 V.S.A. § 1380	Prohibits the wrongful or unauthorized financial exploitation of vulnerable adults. Violations of less than \$500 are punishable by up to 18 months in jail and up to a \$10,000 fine. Violations of more than \$500 is punishable by up to 10 years in jail and up to a \$10,000 fine.
<b>WA</b>	HB 2314 2012	Requires the Department of Health to establish, by rule, a state registry which contains identifying information about long-term care workers identified under this chapter who have final substantiated findings of abuse, neglect, financial exploitation, or abandonment of a vulnerable adult. <b>Signed by Governor on 3/29/12 (Ch. 164)</b>
<b>WV</b>	§ 61-2-29	Misappropriation of funds of an elderly person is a felony punishable by up to \$5,000 and between 2 and 10 years in prison. Misuse of funds connected to deception, coercion, or bodily injury or threat is punishable by up to \$5,000 and between 5 and 15 years in prison.
<b>WY</b>	ST § 35-20-103(a)	Requires any person who knows, or has reasonable cause to believe that an adult is a victim of exploitation to make a report with law enforcement or the Department of Adult Protective Services. Failure to file a required report is a misdemeanor punishable by up to one year in jail and/or up to a \$1,000 fine. Reports filed in good faith are immune from civil and criminal liability.