



Elder Abuse and Elder Financial Exploitation Statutes

The federal government, states, commonwealths, territories and the District of Columbia all have laws designed to protect older adults from elder abuse and guide the practice of adult protective services agencies, law enforcement agencies, and others. These laws vary considerably from state to state.

Displaying 1 - 25 of 382

Citation

Statute

*Civil Financial
Exploitation*

§ 192.2400
R.S.Mo. (2022)

TITLE 8. PUBLIC HEALTH AND WELFARE
**CHAPTER 192. DEPARTMENT OF
HEALTH AND SENIOR SERVICES**
ADULT DAY CARE PROGRAMS

Protective Services for Adults

192.2400. Definitions

(1) **“Abuse”**, the infliction of physical, sexual, or emotional injury or harm including financial exploitation by any person, firm, or corporation and bullying;

(6) **“Eligible adult”**, a person sixty years of age or older who is unable to protect his or her own interests or adequately perform or obtain services which are necessary to meet his or her essential human needs or an adult with a disability, as defined in section 192.2005, between the ages of eighteen and fifty-nine who is unable to protect his or her own interests or adequately perform or obtain services which are necessary to meet his or her essential human needs;

Citation**Statute**

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10 G.C.A. §
21002. (2022)

Title 10. Health and Safety.
Division 1. Public Health
Chapter 2. Division of Public Welfare.
Article 10. Adult Protective Services
§ 21002. Definitions.

(l) **Financial or Property Exploitation** means illegal or improper use of an elderly or adult with a disability's money, property, or other resources for monetary or personal benefit, profit or gain. This includes, but is not limited to, theft, misappropriation, concealment, misuse or fraudulent deprivation of money or property belonging to the elderly or adult with a disability.

(b) **Adult with a Disability** is any person eighteen (18) years or older who:
(1) has a physical or mental impairment which substantially limits one (1) or more major life activities; or
(2) has a history of, or has been classified as having, an impairment which substantially limits one (1) or more major life activities.

(h) **Elderly** refers to a person age sixty (60) years or older.

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22 M.R.S. §
3472 (2022)

TITLE 22. HEALTH AND WELFARE
SUBTITLE 3. INCOME SUPPLEMENTATION
PART 2. AGED, BLIND, DISABLED OR MEDICALLY INDIGENT PERSONS
CHAPTER 958-A. ADULT PROTECTIVE SERVICES ACT
SUBCHAPTER 1. GENERAL PROVISIONS
§ 3472. Definitions

9. Exploitation. “Exploitation” means the illegal or improper use of an incapacitated or dependent adult or that adult's resources for another's profit or advantage.

2. Adult. “Adult” means any person who has attained 18 years of age or who is a legally emancipated minor.

Citation

Statute

6. Dependent adult. “**Dependent adult**” means an adult who has a physical or mental condition that substantially impairs the adult's ability to adequately provide for that adult's daily needs. “Dependent adult” includes, but is not limited to, any of the following:

- A. A resident of a nursing home licensed or required to be licensed under section 1817;
- B. A resident of a facility providing assisted living services licensed or required to be licensed pursuant to section 7801;
- C. A person considered a dependent person under Title 17–A, section 555; or
- D. A person, regardless of where that person resides, who is wholly or partially dependent upon one or more other persons for care or support, either emotional or physical, because the person suffers from a significant limitation in mobility, vision, hearing or emotional or mental functioning.

10. Incapacitated adult. “**Incapacitated adult**” means an adult who is unable to receive and evaluate information or make or communicate informed decisions to such an extent that the adult lacks the ability to meet essential requirements for physical health, safety or self-care, even with reasonably available appropriate technological assistance.

*Civil Financial
Exploitation*

31 Del. C. §
3902(12) & (24)
(2022)

TITLE 31. WELFARE

PART II. WELFARE AGENCIES

CHAPTER 39. ADULT PROTECTIVE SERVICES

§ 3902. Definitions.

As used in this chapter:

(11) “**Exploitation**” means an act of forcing, compelling, or exerting undue influence over a vulnerable adult causing the vulnerable adult to act in a way that is inconsistent with relevant past behavior, or causing the vulnerable adult to perform services for the benefit of another.

(12) “**Financial exploitation**” means the illegal or improper use, control over, or withholding of the property, income, resources, or trust funds of the elderly person or the vulnerable adult by any person or entity for any person's or entity's profit or advantage other than for the elder person or the vulnerable adult's profit or advantage. “Financial exploitation” includes, but is not limited to:

- a. The use of deception, intimidation, or undue influence by a person or entity in a position of trust and confidence with an elderly person or a vulnerable adult to obtain or use the property, income, resources, or trust funds of the elderly person or the vulnerable adult for the benefit of a person or entity other than the elderly person or the vulnerable adult;
- b. The breach of a fiduciary duty, including, but not limited to, the misuse of a power

Citation

Statute

of attorney, trust, or a guardianship appointment, that results in the unauthorized appropriation, sale, or transfer of the property, income, resources, or trust funds of the elderly person or the vulnerable adult for the benefit of a person or entity other than the elderly person or the vulnerable adult; and

c. Obtaining or using an elderly person or a vulnerable adult's property, income, resources, or trust funds without lawful authority, by a person or entity who knows or clearly should know that the elderly person or the vulnerable adult lacks the capacity to consent to the release or use of his or her property, income, resources, or trust funds.

(24) "**Vulnerable adult**" means an adult who meets the criteria set forth in § 1105c of Title 11.

Civil Financial Exploitation

320 ILCS
20/2(f-1) & (e)
(2022)

CHAPTER 320. AGING

Act 20. Adult Protective Services Act

AN ACT IN RELATION TO ADULT PROTECTIVE SERVICES

§ 320 ILCS 20/2. Definitions.

(f-1) "**Financial exploitation**" means the use of an eligible adult's resources by another to the disadvantage of that adult or the profit or advantage of a person other than that adult.

(e) "**Eligible adult**" means either an adult with disabilities aged 18 through 59 or a person aged 60 or older who resides in a domestic living situation and is, or is alleged to be, abused, neglected, or financially exploited by another individual or who neglects himself or herself. "Eligible adult" also includes an adult who resides in any of the facilities that are excluded from the definition of "domestic living situation" under paragraphs (1) through (9) of subsection (d), if either: (i) the alleged abuse or neglect occurs outside of the facility and not under facility supervision and the alleged abuser is a family member, caregiver, or another person who has a continuing relationship with the adult; or (ii) the alleged financial exploitation is perpetrated by a family member, caregiver, or another person who has a continuing relationship with the adult, but who is not an employee of the facility where the adult resides.

Citation**Statute**

*Civil Financial
Exploitation*

33 V.S.A. §
6902 (2022)

TITLE THIRTY-THREE. HUMAN SERVICES
PART 5. PROGRAMS AND SERVICES FOR VULNERABLE ADULTS
CHAPTER 69. REPORTS OF ABUSE, NEGLECT, AND EXPLOITATION OF
VULNERABLE ADULTS
SUBCHAPTER 1. REPORTS OF ABUSE OF VULNERABLE ADULTS
§ 6902. Definitions

(6) “**Exploitation**” means:

- (A) willfully using, withholding, transferring, or disposing of funds or property of a vulnerable adult without or in excess of legal authority for the wrongful profit or advantage of another;
- (B) acquiring possession or control of or an interest in funds or property of a vulnerable adult through the use of undue influence, harassment, duress, or fraud;
- (C) the act of forcing or compelling a vulnerable adult against his or her will to perform services for the profit or advantage of another;
- (D) any sexual activity with a vulnerable adult when the vulnerable adult does not consent or when the actor knows or should know that the vulnerable adult is incapable of resisting or declining consent to the sexual activity due to age or disability or due to fear of retribution or hardship, whether or not the actor has actual knowledge of vulnerable status.

(14) “**Vulnerable adult**” means any person 18 years of age or older who:

- (A) is a resident of a facility required to be licensed under chapter 71 of this title;
- (B) is a resident of a psychiatric hospital or a psychiatric unit of a hospital;
- (C) has been receiving personal care services for more than one month from a home health agency certified by the Vermont Department of Health or from a person or organization that offers, provides, or arranges for personal care; or
- (D) regardless of residence or whether any type of service is received, is impaired due to brain damage, infirmities of aging, mental condition, or physical, psychiatric, or developmental disability:
 - (i) that results in some impairment of the individual's ability to provide for his or her own care without assistance, including the provision of food, shelter, clothing, health care, supervision, or management of finances; or
 - (ii) because of the disability or infirmity, the individual has an impaired ability to protect himself or herself from abuse, neglect, or exploitation.

Citation**Statute**

*Civil Financial
Exploitation*

34 V.I.C. § 452.
Definitions
(2022)

Title 34. Welfare.**Chapter 15. The Elder and Dependent Adult Abuse Prevention Act****§ 452. Definitions**

The following terms have the meaning set forth in this chapter, unless the context requires otherwise-

(c) ‘Abuse of an elder or dependent adult’ means any of the following:

- (1) Physical, emotional or financial abuse, neglect, abandonment, isolation, abduction, or other treatment resulting in physical or emotional injury, maltreatment, sexual conduct with an elder or dependent adult, or exploitation of an elder or dependent adult by any person; or
- (2) The deprivation by a care custodian of goods or services that are necessary to avoid physical or emotional injury; or
- (3) Use of a physical or chemical restraint or psychotropic medication under any of the following conditions:
 - (A) For punishment;
 - (B) For a period beyond that for which the medication was ordered pursuant to the instructions of a physician or surgeon licensed in the Virgin Islands, who is providing medical care to the elder or dependent adult at the time the instructions are given; or
 - (C) For any purpose not authorized by a physician or surgeon.

(j) **‘Dependent adult’** means any person between the ages of 18 to 59 who has physical or mental limitations that restrict the person's ability to carry out normal activities or to protect a persons' rights.

*Civil Financial
Exploitation*

35 P.S. §
10225.103
(2022)

PENNSYLVANIA STATUTES**TITLE 35. HEALTH AND SAFETY****CHAPTER 58. OLDER ADULTS PROTECTIVE SERVICES ACT****CHAPTER 1. PRELIMINARY PROVISIONS****35 P.S. § 10225.103 (2013)****§ 10225.103. Definitions**

“Exploitation.” An act or course of conduct by a caretaker or other person against an older adult or an older adult's resources, without the informed consent of the older adult or with consent obtained through misrepresentation, coercion or threats

Citation**Statute**

of force, that results in monetary, personal or other benefit, gain or profit for the perpetrator or monetary or personal loss to the older adult.

“Older adult.” A person within the jurisdiction of the Commonwealth who is 60 years of age or older.

“Older adult in need of protective services.” An incapacitated older adult who is unable to perform or obtain services that are necessary to maintain physical or mental health, for whom there is no responsible caretaker and who is at imminent risk of danger to his person or property.

*Civil Financial
Exploitation*

52-3-803, MCA
(2022)

TITLE 52. FAMILY SERVICES**CHAPTER 3. ADULT SERVICES****PART 8. MONTANA ELDER AND PERSONS WITH DEVELOPMENTAL
DISABILITIES ABUSE PREVENTION ACT****52-3-803. Definitions.**

(3) **“Exploitation”** means:

- (a) the unreasonable use of an older person or a person with a developmental disability or of a power of attorney, conservatorship, or guardianship with regard to an older person or a person with a developmental disability in order to obtain control of or to divert to the advantage of another the ownership, use, benefit, or possession of or interest in the person's money, assets, or property by means of deception, duress, menace, fraud, undue influence, or intimidation with the intent or result of permanently depriving the older person or person with a developmental disability of the ownership, use, benefit, or possession of or interest in the person's money, assets, or property;
- (b) an act taken by a person who has the trust and confidence of an older person or a person with a developmental disability to obtain control of or to divert to the advantage of another the ownership, use, benefit, or possession of or interest in the person's money, assets, or property by means of deception, duress, menace, fraud, undue influence, or intimidation with the intent or result of permanently depriving the older person or person with a developmental disability of the ownership, use, benefit, or possession of or interest in the person's money, assets, or property;
- (c) the unreasonable use of an older person or a person with a developmental disability or of a power of attorney, conservatorship, or guardianship with regard to an older person or a person with a developmental disability done in the course of an offer or sale of insurance or securities in order to obtain control of or to divert to the advantage of another the ownership, use, benefit, or possession of the person's

Citation**Statute**

money, assets, or property by means of deception, duress, menace, fraud, undue influence, or intimidation with the intent or result of permanently depriving the older person or person with a developmental disability of the ownership, use, benefit, or possession of the person's money, assets, or property.

(8) **“Older person”** means a person who is at least 60 years of age.

(9) **“Person with a developmental disability”** means a person 18 years of age or older who has a developmental disability, as defined in 53-20-102.

*Civil Financial
Exploitation*

8 L.P.R.A. § 342
Definitions
(2022)

Title 8. Public Welfare and Charitable Institutions.

§ 342 Definitions

The following terms shall have the meaning stated herein below:

(e) **Financial exploitation.**- The improper use of an adult's funds, property or resources by another individual including, but not limited to, fraud, false pretenses, embezzlement, conspiracy, forgery, falsifying records, coercion, property transfers or denying them access to their wealth.

(p) **Elderly person.**- A person who is sixty (60) years of age or older.

*Civil Financial
Exploitation*

Burns Ind. Code
Ann. § 35-46-1-
12 (2022)

Title 35 Criminal Law and Procedure

Article 46 Miscellaneous Offenses

Chapter 1 Offenses Against the Family

35-46-1-12 Exploitation of dependent or endangered adult; financial exploitation of endangered adult; violation classification

Burns Ind. Code
Ann. § 12-10-3-2
(2022)

"financial exploitation" (b) A person who recklessly uses or exerts control over the personal services or the property of:

(1) an endangered adult; or

(2) a dependent;

for the person's own profit or advantage or for the profit or advantage of another person, but not for the profit or advantage of a person described in subdivision (1) or (2), commits exploitation of a dependent or an endangered adult, a Class A misdemeanor. However, the offense is a Level 6 felony if the person has a prior

Citation**Statute**

unrelated conviction under this section.

(c) A person in a position of trust who recklessly engages in self-dealing with the property of:

(1) an endangered adult; or

(2) a dependent;

commits exploitation of a dependent or an endangered adult, a Class A misdemeanor. However, the offense is a Level 6 felony if the person has a prior unrelated conviction under this section.

Title 12 Human Services**Article 10 Aging Services****Chapter 3 Adult Protective Services****12-10-3-2 “Endangered adult”**

Sec. 2. (a) Except as provided in subsection (b), as used in this chapter, **“endangered adult”** means an individual who is:

(1) at least eighteen (18) years of age;

(2) incapable by reason of mental illness, intellectual disability, dementia, habitual drunkenness, excessive use of drugs, or other physical or mental incapacity of managing or directing the management of the individual's property or providing or directing the provision of self-care; and

(3) harmed or threatened with harm as a result of:

(A) neglect;

(B) a battery offense included in IC 35-42-2; or

(C) exploitation of the individual's personal services or property.

(b) For purposes of IC 12-10-3-17, IC 35-42-2-1, IC 35-42-2-1.3, and IC 35-46-1-13,

“endangered adult” means an individual who is:

(1) at least eighteen (18) years of age;

(2) incapable by reason of mental illness, intellectual disability, dementia, or other physical or mental incapacity of managing or directing the management of the individual's property or providing or directing the provision of self-care; and

(3) harmed or threatened with harm as a result of:

(A) neglect; or

(B) battery.

*Civil Financial
Exploitation*

TITLE 26 Human Services Code

Citation

C.R.S. 26-3.1-101(4) & (1.5) (2022)

Statute

ARTICLE 3.1. PROTECTIVE SERVICES FOR ADULTS AT RISK OF MISTREATMENT OR SELF-NEGLECT

PART 1. PROTECTIVE SERVICES FOR AT-RISK ADULTS

26-3.1-101. Definitions.

(4) “**Exploitation**” means an act or omission that:

- (a) Uses deception, harassment, intimidation, or undue influence to permanently or temporarily deprive an at-risk adult of the use, benefit, or possession of any thing of value; or
- (b) Employs the services of a third party for the profit or advantage of the person or another person to the detriment of the at-risk adult; or
- (c) Forces, compels, coerces, or entices an at-risk adult to perform services for the profit or advantage of the person or another person against the will of the at-risk adult; or
- (d) Misuses the property of an at-risk adult in a manner that adversely affects the at-risk adult's ability to receive health care or health care benefits or to pay bills for basic needs or obligations.

(1.5) “**At-risk adult**” means an individual eighteen years of age or older who is susceptible to mistreatment or self-neglect because the individual is unable to perform or obtain services necessary for his or her health, safety, or welfare, or lacks sufficient understanding or capacity to make or communicate responsible decisions concerning his or her person or affairs.

*Civil Financial
Exploitation*

Cal Wel & Inst
Code §
15610.30 & §
15610.23 (2022)

WELFARE AND INSTITUTIONS CODE

Division 9. Public Social Services

Part 3. Aid and Medical Assistance

Chapter 11. Elder Abuse and Dependent Adult Civil Protection Act

Article 2. Definitions

§ 15610.30. Financial abuse

- (a) “**Financial abuse**” of an elder or dependent adult occurs when a person or entity does any of the following:
- (1) Takes, secretes, appropriates, obtains, or retains real or personal property of an elder or dependent adult for a wrongful use or with intent to defraud, or both.
 - (2) Assists in taking, secreting, appropriating, obtaining, or retaining real or personal property of an elder or dependent adult for a wrongful use or with intent to defraud, or both.

Citation

Statute

- (3) Takes, secretes, appropriates, obtains, or retains, or assists in taking, secreting, appropriating, obtaining, or retaining, real or personal property of an elder or dependent adult by undue influence, as defined in Section 15610.70.
- (b) A person or entity shall be deemed to have taken, secreted, appropriated, obtained, or retained property for a wrongful use if, among other things, the person or entity takes, secretes, appropriates, obtains, or retains the property and the person or entity knew or should have known that this conduct is likely to be harmful to the elder or dependent adult.
- (c) For purposes of this section, a person or entity takes, secretes, appropriates, obtains, or retains real or personal property when an elder or dependent adult is deprived of any property right, including by means of an agreement, donative transfer, or testamentary bequest, regardless of whether the property is held directly or by a representative of an elder or dependent adult.
- (d) For purposes of this section, “representative” means a person or entity that is either of the following:
- (1) A conservator, trustee, or other representative of the estate of an elder or dependent adult.
 - (2) An attorney-in-fact of an elder or dependent adult who acts within the authority of the power of attorney.

§ 15610.23 Dependent Adult

- (a) “**Dependent adult**” means a person, regardless of whether the person lives independently, between the ages of 18 and 64 years who resides in this state and who has physical or mental limitations that restrict his or her ability to carry out normal activities or to protect his or her rights, including, but not limited to, persons who have physical or developmental disabilities, or whose physical or mental abilities have diminished because of age.
- (b) “**Dependent adult**” includes any person between the ages of 18 and 64 years who is admitted as an inpatient to a 24-hour health facility, as defined in Sections 1250, 1250.2, and 1250.3 of the Health and Safety Code.

Citation**Statute**

*Civil Financial
Exploitation*

TITLE 47 Welfare, Social Services, and Institutions

Code of Ak. §
47-24-900(8) &
(21) (2022)

CHAPTER 24 Protection of Vulnerable Adults**§ 47-24-900. Definitions.**

In this chapter,

(8) “Exploitation”

(A) means unjust or improper use of another person or another person's resources for one's own profit or advantage, with or without the person's consent; and
(B) includes acts by a person who stands in a position of trust or confidence with a vulnerable adult or who knows or should know that the vulnerable adult lacks the capacity to consent that involve obtaining profit or advantage through undue influence, deception, fraud, intimidation, or breach of fiduciary duty; in this subparagraph, “fraud” has the meaning given in AS 13.26.595(1) and (2);

(21) “**Vulnerable adult**” means a person 18 years of age or older who, because of incapacity, mental illness, mental deficiency, physical illness or disability, advanced age, chronic use of drugs, chronic intoxication, fraud, confinement, or disappearance, is unable to meet the person's own needs or to seek help without assistance.

*Civil Financial
Exploitation*

TITLE 38 Public Welfare

Code of Ala. §
38-9-2(8) & (18)
(2022)

CHAPTER 9 Protection of Aged Adults And Adults With A Disability**§ 38-9-2. Definitions.**

For the purposes of this chapter, the following terms shall have the following meanings:

(8) **Exploitation.** — The expenditure, diminution, or use of the property, assets, or resources of a protected person without the express voluntary consent of that person or his or her legally authorized representative or the admission of or provision of care to a protected person who needs to be in the care of a licensed hospital by an unlicensed hospital after a court order obtained by the State Board of Health has directed closure of the unlicensed hospital. For the purpose of this

Citation

Statute

section and Sections 38-9-6 and 38-9-7, the term “unlicensed hospital” shall have the meaning ascribed to it in Section 22-21-33, and the term “licensed hospital” shall have the meaning ascribed to it in Section 22-21-20.

(18) **Protected person.** — Any person over 18 years of age subject to protection under this chapter or any person, including, but not limited to, persons with a neurodegenerative disease, persons with intellectual disabilities and developmental disabilities, or any person over 18 years of age that is mentally or physically incapable of adequately caring for himself or herself and his or her interests without serious consequences to himself or herself or others.

*Civil Financial
Exploitation*

Code of Ari. §
46-4-471(3) &
(2) (2022)

TITLE 46 Welfare

CHAPTER 4 Adult Protective Services

Article 2. Financial Exploitation

§ 46-4-471. Definitions.

In this article, unless the context otherwise requires:

(3) “**Financial exploitation**” means either of the following:

- (a) The wrongful or unauthorized taking, withholding, appropriating or use of money, assets or property of an eligible adult.
- (b) Any act or omission taken by a person, including through the use of a power of attorney, guardianship or conservatorship of an eligible adult, to either:
 - (i) Obtain control through deception, intimidation or undue influence over the eligible adult's money, assets or property to deprive the eligible adult of the ownership, use, benefit or possession of the eligible adult's money, assets or property.
 - (ii) Convert money, assets or property of the eligible adult to deprive the eligible adult of the ownership, use, benefit or possession of the eligible adult's money, assets or property.

(2) “**Eligible adult**” means either of the following:

Citation**Statute**

- (a) A person who is sixty-five years of age or older.
- (b) A person who is a vulnerable adult.

*Civil Financial
Exploitation*

TITLE 9. Family Law

Code of Ark.
§9-20-103(7) &
(6) (2022)

Subtitle 2. Domestic Relations**CHAPTER 20. Adult Maltreatment Custody Act****§ 9–20–103. Definitions.****As used in this chapter:**

(7) “**Exploitation**” means the:

- (A) Illegal or unauthorized use or management of an endangered person's or an impaired person's funds, assets, or property;
- (B) Use of an adult endangered person's or an adult impaired person's power of attorney or guardianship for the profit or advantage of one's own self or another;
- (C) Fraudulent or otherwise illegal, unauthorized, or improper act or process of an individual, including a caregiver or fiduciary, that uses the resources of an endangered or an impaired person or long-term care facility resident for monetary or personal benefit, profit, or gain or that results in depriving the person or resident of rightful access to or use of benefits, resources, belongings, or assets; or
- (D) Misappropriation of property of a long-term care facility resident

(6) “**Endangered adult**” means:

- (A) An adult eighteen (18) years of age or older who:
 - (i) Is found to be in a situation or condition that poses a danger to himself or herself; and
 - (ii) Demonstrates a lack of capacity to comprehend the nature and consequences of remaining in that situation or condition; or
- (B) An adult resident of a long-term care facility who:
 - (i) Is found to be in a situation or condition that poses an imminent risk of death or serious bodily harm to that person; and
 - (ii) Demonstrates a lack of capacity to comprehend the nature and consequences of remaining in that situation or condition;

Citation**Statute**

*Civil Financial
Exploitation*

Conn. Gen. Stat.
§ 17b-450(7) &
(1) (2022)

TITLE 17b Social Services**CHAPTER 319dd Protective Services for the Elderly****SECTION 17b-450. Definitions**

For purposes of sections 17b-450 to 17b-461, inclusive:

(7) The term “**exploitation**” refers to the act or process of taking advantage of an elderly person by another person or caregiver whether for monetary, personal or other benefit, gain or profit.

(1) The term “**elderly person**” means any resident of Connecticut who is sixty years of age or older.

*Civil Financial
Exploitation*

D.C. Code § 7-
1901 (8) (2022)
& D.C. Code §
22-3201(3) &
(4) (2022)

Division 1. Government of District**TITLE 7 Human Health Care and Safety****Subtitle 1. Protection and Care Systems****CHAPTER 19 Adult Protective Services**

When used in this chapter, the following terms shall have the meanings ascribed by this section:

(8) “**Exploitation**” means the unlawful appropriation or use of another's “property,” defined in § 22-3201, for one's own benefit or that of a 3rd person.

(F) A government-issued license, permit, or benefit.

(3) “**Property**” means anything of value. The term “property” includes, but is not limited to:

(A) Real property, including things growing on, affixed to, or found on land;

(B) Tangible or intangible personal property;

(C) Services;

(D) Credit;

(E) Debt; and

Citation

Statute

(4) **“Property of another”** means any property in which a government or a person other than the accused has an interest which the accused is not privileged to interfere with or infringe upon without consent, regardless of whether the accused also has an interest in that property. The term “property of another” includes the property of a corporation or other legal entity established pursuant to an interstate compact. The term “property of another” does not include any property in the possession of the accused as to which any other person has only a security interest.

*Civil Financial
Exploitation*

Fla. Stat. §
415.102(8a) &
(28) (2022)

TITLE XXX. SOCIAL WELFARE (Chs. 409-430)

CHAPTER 415. ADULT PROTECTIVE SERVICES

§ 415.102. Definitions of terms used in ss. 415.101-415.113

(8)(a) **“Exploitation”** means a person who:

1. Stands in a position of trust and confidence with a vulnerable adult and knowingly, by deception or intimidation, obtains or uses, or endeavors to obtain or use, a vulnerable adult's funds, assets, or property with the intent to temporarily or permanently deprive a vulnerable adult of the use, benefit, or possession of the funds, assets, or property for the benefit of someone other than the vulnerable adult; or
2. Knows or should know that the vulnerable adult lacks the capacity to consent, and obtains or uses, or endeavors to obtain or use, the vulnerable adult's funds, assets, or property with the intent to temporarily or permanently deprive the vulnerable adult of the use, benefit, or possession of the funds, assets, or property for the benefit of someone other than the vulnerable adult.

(b) “Exploitation” may include, but is not limited to:

1. Breaches of fiduciary relationships, such as the misuse of a power of attorney or the abuse of guardianship duties, resulting in the unauthorized appropriation, sale, or transfer of property;
2. Unauthorized taking of personal assets;
3. Misappropriation, misuse, or transfer of moneys belonging to a vulnerable adult from a personal or joint account; or
4. Intentional or negligent failure to effectively use a vulnerable adult's income and assets for the necessities required for that person's support and maintenance.

(28) **“Vulnerable adult”** means a person 18 years of age or older whose ability to perform the normal activities of daily living or to provide for his or her own care or

Citation**Statute**

protection is impaired due to a mental, emotional, sensory, long-term physical, or developmental disability or dysfunction, or brain damage, or the infirmities of aging.

*Civil Financial
Exploitation*

HRS § 346-222
(2022)

DIVISION 1. GOVERNMENT**TITLE 20 Social Services****CHAPTER 346 Department of Human Services****PART X. Adult Protective Services****§ 346-222. Definitions.**

For the purposes of this part:

“Financial exploitation” means the wrongful taking, withholding, appropriation, or use of a vulnerable adult’s money, real property, or personal property, including but not limited to:

- (1) The breach of a fiduciary duty, such as the misuse of a power of attorney or the misuse of guardianship privileges, resulting in the unauthorized appropriation, sale, or transfer of property;
- (2) The unauthorized taking of personal assets;
- (3) The misappropriation or misuse of moneys belonging to the vulnerable adult from a personal or joint account; or
- (4) The failure to effectively use a vulnerable adult’s income and assets for the necessities required for the vulnerable adult’s support and maintenance, by a person with a duty to expend income and assets on behalf of the vulnerable adult for such purposes.

Financial exploitation may be accomplished through coercion, manipulation, threats, intimidation, misrepresentation, or exertion of undue influence.

“Vulnerable adult” means a person eighteen years of age or older who, because of mental, developmental, or physical impairment, is unable to:

- (1) Communicate or make responsible decisions to manage the person’s own care or resources;
- (2) Carry out or arrange for essential activities of daily living; or
- (3) Protect oneself from abuse, as defined in this part.

*Civil Financial
Exploitation*

GENERAL LAWS**TITLE 39. HEALTH AND SAFETY**

Citation

Idaho Code §
39-5302(6) &
(2022)

Statute

CHAPTER 53. ADULT ABUSE, NEGLECT AND EXPLOITATION ACT
§ 39-5302. Definitions.

For the purposes of this chapter:

(6) “**Exploitation**” means an action that may include, but is not limited to, the unjust or improper use of a vulnerable adult’s financial power of attorney, funds, property, or resources by another person for profit or advantage.

(10) “**Vulnerable adult**” means a person eighteen (18) years of age or older who is unable to protect himself from abuse, neglect or exploitation due to physical or mental impairment that affects the person’s judgment or behavior to the extent that he lacks sufficient understanding or capacity to make or communicate or implement decisions regarding his person.

*Civil Financial
Exploitation*

Iowa Code §
235B.2 (2022)

TITLE VI HUMAN SERVICES
SUBTITLE 6 CHILDREN AND FAMILIES
CHAPTER 235B DEPENDENT ADULT ABUSE SERVICES - INFORMATION
REGISTRY
Subchapter 1. GENERAL PROVISIONS
235B.2 Definitions.

5. a. “**Dependent adult abuse**” means:

- (1) Any of the following as a result of the willful or negligent acts or omissions of a caretaker:
 - (a) Physical injury to, or injury which is at a variance with the history given of the injury, or unreasonable confinement, unreasonable punishment, or assault of a dependent adult.
 - (b) The commission of a sexual offense under chapter 709 or section 726.2 with or against a dependent adult.
 - (c) Exploitation of a dependent adult which means the act or process of taking unfair advantage of a dependent adult or the adult’s physical or financial resources, without the informed consent of the dependent adult, including theft, by the use of undue influence, harassment, duress, deception, false representation, or false pretenses.
 - (d) The deprivation of the minimum food, shelter, clothing, supervision, physical or mental health care, or other care necessary to maintain a dependent adult’s life or health.

Citation

Statute

4. **“Dependent adult”** means a person eighteen years of age or older who is unable to protect the person's own interests or unable to adequately perform or obtain services necessary to meet essential human needs, as a result of a physical or mental condition which requires assistance from another, or as defined by departmental rule.

*Civil Financial
Exploitation*

K.S.A. § 39-
1430 (2022)

**Chapter 39. MENTALLY ILL, INCAPACITATED AND DEPENDENT PERSONS;
SOCIAL WELFARE**

**Article 14. REPORTING ABUSE, NEGLECT OR EXPLOITATION OF CERTAIN
PERSONS**

39-1430. Abuse, neglect or exploitation of certain adults; definitions.

As used in this act:

(e) **“Financial exploitation”** means the unlawful or improper use, control or withholding of an adult's property, income, resources or trust funds by any other person or entity in a manner that is not for the profit of or to the advantage of the adult. “Financial exploitation” includes, but is not limited to:

- (1) The use of deception, intimidation, coercion, extortion or undue influence by a person or entity to obtain or use an adult's property, income, resources or trust funds in a manner for the profit of or to the advantage of such person or entity;
- (2) the breach of a fiduciary duty, including, but not limited to, the misuse of a power of attorney, trust or a guardianship or conservatorship appointment, as it relates to the property, income, resources or trust funds of the adult; or
- (3) the obtainment or use of an adult's property, income, resources or trust funds, without lawful authority, by a person or entity who knows or clearly should know that the adult lacks the capacity to consent to the release or use of such adult's property, income, resources or trust funds.

(b)(1) **“Adult”** means an individual 18 years of age or older alleged to be unable to protect their own interest and who is harmed or threatened with harm, whether financial, mental or physical in nature, through action or inaction by either another individual or through their own action or inaction when: (A) Such person is residing in such person's own home, the home of a family member or the home of a friend;

Citation

Statute

(B) such person resides in an adult family home as defined in K.S.A. 39-1501, and amendments thereto; or (C) such person is receiving services through a provider of community services and affiliates thereof operated or funded by the Kansas department for children and families or the Kansas department for aging and disability services or a residential facility licensed pursuant to K.S.A. 39-2001 et seq., and amendments thereto. (2) "Adult" does not include persons to whom K.S.A. 39-1401 et seq., and amendments thereto, apply.

*Civil Financial
Exploitation*

KRS § 209.020
(2022)

TITLE XVII Economic Security and Public Welfare**CHAPTER 209 Protection of Adults****KRS § 209.020 Definitions for chapter**

As used in this chapter, unless the context otherwise requires:

(9) “**Exploitation**” means obtaining or using another person's resources, including but not limited to funds, assets, or property, by deception, intimidation, or similar means, with the intent to deprive the person of those resources;

(4) “**Adult**” means a person eighteen (18) years of age or older who, because of mental or physical dysfunctioning, is unable to manage his or her own resources, carry out the activity of daily living, or protect himself or herself from neglect, exploitation, or a hazardous or abusive situation without assistance from others, and who may be in need of protective services;



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