

AN ACT

1 Amending the act of November 6, 1987 (P.L.381, No.79), entitled
2 "An act relating to the protection of the abused, neglected,
3 exploited or abandoned elderly; establishing a uniform
4 Statewide reporting and investigative system for suspected
5 abuse, neglect, exploitation or abandonment of the elderly;
6 providing protective services; providing for funding; and
7 making repeals," in preliminary provisions, further providing
8 for definitions; and, in reporting suspected abuse by
9 employees, providing for financial abuse.

10 The General Assembly of the Commonwealth of Pennsylvania
11 hereby enacts as follows:

12 Section 1. The definition of "abuse" in section 103 of the
13 act of November 6, 1987 (P.L.381, No.79), known as the Older
14 Adults Protective Services Act, renumbered and amended December
15 18, 1996 (P.L.1125, No.169), is amended and the section is
16 amended by adding a definition to read:

17 Section 103. Definitions.

18 The following words and phrases when used in this act shall
19 have the meanings given to them in this section unless the
20 context clearly indicates otherwise:

21 * * *

1 "Abuse." The occurrence of one or more of the following
2 acts:

3 (1) The infliction of injury, unreasonable confinement,
4 intimidation or punishment with resulting physical harm, pain
5 or mental anguish.

6 (2) The willful deprivation by a caretaker of goods or
7 services which are necessary to maintain physical or mental
8 health.

9 (3) Sexual harassment, rape or abuse, as defined in the
10 act of October 7, 1976 (P.L.1090, No.218), known as the
11 Protection From Abuse Act.

12 (4) Financial abuse.

13 No older adult shall be found to be abused solely on the grounds
14 of environmental factors which are beyond the control of the
15 older adult or the caretaker, such as inadequate housing,
16 furnishings, income, clothing or medical care.

17 * * *

18 "Financial abuse." The intentional taking or retaining of,
19 or assisting in the taking or retaining of, real or personal
20 property of an older adult by undue influence, or any other
21 means, for a wrongful purpose or with intent to defraud the
22 older adult. Financial abuse may result in the inability of the
23 older adult to fund basic necessities, including, but not
24 limited to, food, shelter, utilities, medication, health care
25 and long-term care services and support.

26 * * *

27 Section 2. The act is amended by adding a section to read:
28 Section 706.1. Financial abuse.

29 (a) General rule.--A person who commits financial abuse
30 shall be liable for:

1 (1) treble the value of the property recovered by an
2 action taken under this section; and

3 (2) reasonable attorney fees and costs associated with
4 legal action undertaken to recover the property.

5 (b) Venue.--An action for financial abuse of an older person
6 may be brought in any county in which any part of the financial
7 abuse took place, regardless of whether the defendant was
8 present in that county.

9 (c) Statute of limitations.--An action for financial abuse
10 shall be commenced within seven years after the commission of
11 the offense.

12 (d) Defense.--It shall not be a defense to financial abuse
13 that the defendant reasonably believed that the victim was not
14 an older person.

15 Section 3. This act shall take effect in 60 days.

