

Elder Financial Abuse - State Overview

High Level Overview:
- 26 states, D.C. and Guam require employees of financial institutions to report elder financial abuse to the appropriate state agency after identifying suspicious activity: AZ, AR, CO, DE, DC, FL, GA, GU, HI, ID, IN, KS, KY, LA, MD, MS, NV, NH, NM, NC, OH, OK, RI, SC, TN, TX, UT, WY
- 10 states have granted financial institutions the authority to temporarily hold transactions on the suspicion of elder financial abuse: DE, KY, LA, MT, ND, TN, TX, VA, WA
- 9 states require fiduciary institutions to train their employees in reporting requirements and to recognize signs of elder financial abuse: CO, CT, IL, LA, MD, NV, OH, TX, WA

State	State Statute	Mandatory Reporting for Banks	Minimum Age	Controlling State Department	Account Freeze	Mandatory Training Requirement for banks?	Criminal Statute	Penalties for Failure to Report for Mandatory	Voluntary Reporting Liability
Alabama	Ala.Code § 38-9-8	No	Vulnerable adults over 18 years old	Adult Protective Services	No	No	N/A	N/A	Yes; § 38-9-9.
Alaska	AS § 47.24.010	No	65 years old or vulnerable adult or subject to supervision by the Arkansas Adult Protective Services	Arkansas Adult Protective Services Unit of the Department of Human Services	No	No	N/A	N/A	Yes; § 47.24.120.
Arizona	Arizona Rev. Stat. § 46-451	Yes, immediately	Vulnerable adults over 18 years old	Department of Adult Protective Services	No	No	§46-454	The penalty is a class 1 misdemeanor.	Yes; § 46-453.
Arkansas	Ark. Code Ann. § 12-12-1708.	Yes, within twenty-four (24) hours or on the next business day, whichever is earlier	65 years old	Department of Human Services, APS Unit	No	No	§ 12-12-1720	Class B Misdemeanor for failure to report; Class C Misdemeanor: the offense of failure to report reaches the second degree if he or she knowingly fails to make a report or cause a report to be made in the manner and time provided in this subchapter to the adult and long-term care facility resident maltreatment hotline.	Yes; § 12-12-1713.

California	Cal. Welf. & Inst. Code § 15630.1	Yes, immediately, or as soon as practicably possible	65 years old	Bureau of Medi-Cal Fraud and Elder Abuse; Criminal offenses reported to District Attorney	No	No	Cal. Penal Code §§ 368(d), 368(e)	Civil penalty not exceeding one thousand dollars (\$1,000) or if the failure to report is willful, a civil penalty not exceeding five thousand dollars (\$5,000), which shall be paid by the financial institution that is the employer of the mandated reporter	Yes; Cal.Welf. & Inst.Code § 15634
Colorado	Colo. Rev. Stat. § 18-6.5-108.	Yes, not more than 24 hours after making the observation	70 years old	Department of Human or Social Services	No	Training to detect circumstances of mistreatment or self-neglect , is strongly encouraged; § 26-3.1-106.	§ 18-6.5-108.	A Class 3 misdemeanor punishable by at least a \$50 fine and up to Six months imprisonment, or seven hundred fifty dollars fine, or both	Yes; § 18-6.5-108.
Connecticut	Conn. Gen. Stat. § 17a-412	No, any other person shall report abuse but failure is not deemed a misdemeanor	60 years old, or vulnerable adults over 18 years old	Department of Social Services, PSE Unit	No	Yes, all financial agents must complete such training within 6 months of hire; § 17b-463	N/A	N/A	Yes; § 17a-412
Delaware	Del. Code Ann. 31, § 3910	Yes, upon completion of investigation or 5 business days after identifying suspicious activity, whichever is sooner	62 years old	Department of Adult Protective Services	Yes, a financial institution shall be empowered to place a hold for 10 business days on a transaction after identifying the suspicious transaction, or 30 business days if the institution has not heard from the appropriate state agency; 31, § 3910	No	N/A	N/A	Yes; 31, § 3910
District of Columbia	D.C. Code § 7-1903	Yes, the bank or financial manager shall immediately report this belief	Vulnerable adults over 18 years old	Department of Human Services, Adult Protective Services Unit	No	No	§ 7- 1912 (a)(1)	Misdemeanor and, upon conviction, subject to a fine not exceeding \$300	Yes; § 7-1908.

Florida	Fla. Stat. § 415.1034	Yes, immediately	60 years old, or vulnerable adults over 18	Department of Adult Protective Services	No	Not mandatory, but the department shall cooperate with agencies to provide training programs for mandatory reporters;§ 415.1105	§ 415.111	Second degree misdemeanor	Yes; § 415.1036
Georgia	Ga. Code Ann. § 30-5-4	Yes, and shall notify the person in charge of the facility to make a report	65 years old	Department of Human Services, Division of Aging Services	No	No	§ 30-5-8(b)(1)	Misdemeanor	Yes; § 30-5-4
Guam	10 Guam Code Ann. § 2952	Yes, within 48 hours	60 years old	Bureau of Adult Protective Services	No	No	§ 21005	A fine of not more than \$500.00, except that for a second or subsequent offense, such person shall be guilty of a misdemeanor	Yes; § 21004
Hawaii	Haw. Rev. Stat. § 412:3-114.5	Yes, immediately or as soon as practicably possible	60 years old	Department of Adult Protective Services	No	No	§ 412:3-114.5	Petty Misdemeanor	Yes; §346-224
Idaho	Idaho Code § 39-5303	No	Vulnerable adults over 18 years old	Department of Health and Welfare	No	Yes; § 39-5303	§ 39-5303	N/A	Yes; § 39-5303

Illinois	320 Ill. Comp. Stat. 20/2	No	60 years old, or vulnerable adults over 18	Department of Adult Protective Services	No	Yes, for current and new employees with direct customer contact; the Department of Financial and professional Regulation shall provide bi-annual reports on statistics of the training program 320 ILCS 20/3.5	320 ILCS 20/4	N/A	Yes; 320 ILCS 20/4
Indiana	Ind. Code § 12-10-3-9	Yes, a member of the staff shall immediately notify the individual in charge	65 years old, or vulnerable adults over 18	Department on Aging, Adult Protective Services Unit	No	No	§ 35-46-1-13	Class B misdemeanor	Yes; § 12-10-3-11
Iowa	Iowa Code § 235B.3	No	Vulnerable adults over 18 years old	Department of Human Services	No	No; § 235B.16	§ 235B.3	N/A	Yes; § 235B.3
Kansas	Kan. Stat. Ann. § 39-1431	Yes, immediately	Vulnerable adults over 18 years old	Department for Children and Families	No	No	§ 39-1431	Class B Misdemeanor	Yes; § 39-1432.
Kentucky	Ky. Rev. Stat. Ann. § 365.245	Yes, immediately	65 years old, or vulnerable adults over 18	Cabinet for Health and Family Services	Yes, a qualified person may place a temporary hold on a transaction on or a disbursement from an account of a specified adult. The qualified person may notify any third party reasonably associated with the adult. The hold may not last longer than 15 business days; may be extended for no longer than 25 business days; §365.245	No	§ 209.990	Class B misdemeanor, each violation constitutes a separate offense	Yes § 365.245

Louisiana	La. Stat. Ann. § 15:1504	Yes	60 years old	Office of Elderly Affairs (Governor's Office)	Yes, any delay will expire when the earliest of circumstances occur: 1) determination that the transaction will not result in exploitation 2) 15 business days pass. The delay may be extended upon receiving a request from any covered agency, up to 25 business days; 6:1374; May notify any third party associated with the eligible adult; 6:1373	A covered financial institution shall make an effort, at least annually, to notify all employees of their ability to report potential financial exploitation of an eligible adult to personnel within the institution; § 1373.	14:403.2	Misdemeanor and a fine of not more than five hundred dollars or imprisonment for not more than six months, or both.	Yes; § 1504. Also a covered financial institution is immune from liability for choosing /not choosing to withhold transactions ; 6:1376
Maine	22 Me. Rev. Stat. Ann. § 3477	No	60 years old	Department of Health and Human Services	No	No	N/A	N/A	Yes; 22 M.R.S.A. § 3479-A
Maryland	Md. Fin. Inst. Code § 1-306	Yes, by telephone within 24 hours, or by writing within 3 business days	65 years old	Department of Human Resources	No	Yes, a fiduciary institution is required to train their employees in reporting requirements and recognizing signs of potential financial abuse; Md. Fin. Inst. Code § 1-306	§ 1-305.	A fiduciary institution that fails to report is subject to (i) A civil penalty not exceeding \$1,000; or (ii) If the failure to report is willful, a civil penalty not exceeding \$5,000.	Yes; Md. Fin. Inst. Code § 1- 306
Massachusetts	Mass. Gen. Laws Ch.19A § 15	No	60 years old	Department of Elder Affairs	No	No	19A § 15	Fine of not more than \$1000	Yes; 19A § 15
Michigan	Mich. Comp. Laws § 400.11a	No	Vulnerable adults	Department of Social Services	No	No	N/A	N/A	Yes; 400.11c.

Minnesota	Minn. Stat. § 626.557	No, but financial institutions are required to cooperate with authority that is investigating maltreatment of a vulnerable adult	Vulnerable adults	Department of Human Services	No	No	N/A	N/A	Yes; § 626.557
Mississippi	Miss. Code Ann. § 43-47-7	Yes, immediately	60 years old	Department of Human Services	No	No	§ 43-47-7	Misdemeanor punishable by a fine not exceeding \$5,000.00, or by imprisonment in county jail for not more than 6 months, or both. The court shall notify the appropriate licensing entity if the person convicted is a licensed professional.	Yes; § 43-47-7
Missouri	Mo. Rev. Stat. § 192.2405	No	60 years old	Department of Health and Senior Services	No	No	N/A	N/A	Yes; 192.2430
Montana	Mont. Code Ann. § 52-3-811	No	60 years old	Department of Public Health and Human Services	Yes, any delay of a transaction expires when the earliest of circumstances occur: (a) the covered financial institution determines that the transaction will not result in financial exploitation; or 15 business days pass; A bank may choose not to notify any third party; 32-1-2	No, but a covered financial institution shall make a reasonable effort, at least annually, to notify the appropriate employees of their ability to report financial exploitation; 32-1-2	N/A	N/A	Yes; 52-3-814. Also a financial institution and its staff and representatives are immune from any liability from choosing/choosing not to hold transactions; 32-1-4
Nebraska	Neb.Rev.St. § 28-372	No	65 years old	Department of Health and Human Services	No	No	N/A	N/A	Yes; 28-375.

Nevada	Nev. Rev. Stat. § 657.290	Yes, by "designated person" from the financial institution as soon as reasonably possible	60 years old	Department of Health and Human Services, Aging Division	No	Yes, banks are required to implement training not later than 6 months of employment; 657.280	§ 200.5093	Misdemeanor	Yes; 657.290
New Hampshire	N.H. Rev. Stat. § 161-F:46	Yes, immediately	60 years old	Department of Health and Human Services	No	No	§ 161-F:50	Misdemeanor	Yes; § 161-F:47
New Jersey	N.J. Rev. Stat. § 52:27D-409	No	Vulnerable adults over 18 years old	Department of Human Services; ounty Adult Protective Services Provider	No	No	N/A	N/A	Yes; 52:27D-409.
New Mexico	N.M. Stat. Ann. § 27-7-30	Yes, immediately	65 years old	Department of Aging and Long- Term Services	N/A	No	§ 27-7-30	Misdemeanor, and may be fined no more than \$10,00 per violation	Yes; § 27-7-31
New York	N.Y. Soc. Serv. § 473	No	65 years old	Department of Social Services	No	No	N/A	N/A	Yes; § 473-b
North Carolina	N.C. Gen. Stat. § 108A-115	Yes	65 years old	Department of Social Services	N/A	No	N/A	N/A	Yes; § 108A-115

North Dakota	N.D. Cent. Code § 6-08.5-03	No, the financial service staff may report the information but do not have a duty to make a report	65 years old	Department of Human Services	Yes; a financial service provider also has the discretion of contacting a third party including contacts the eligible adult has provided; § 6-08.5-04	No	N/A	N/A	Yes; § 6-08.5-03; A financial service provider is also immune from liability in regards to holding transactions of an eligible adult; 6-08.5-02
Ohio	Ohio Rev. Code Ann. § 5101.63	Yes, immediately	60 years old	Department of Job and Family Services	No	Banks are required to ensure that the individuals required to report have access to educational materials ; § 5101.632	N/A	N/A	Yes; § 5101.63
Oklahoma	Okla. Stat. tit. 43A, § 10-104	Yes, as soon as the person is aware of the situation	Vulnerable adults over 18 years old	Department of Human Services	No	No	43A, § 10-104.	Imprisonment in the county jail for a term not exceeding one (1) year or by a fine of not more than (\$1,000.00), or by both	Yes; 43A, § 10-104.
Oregon	Or. Rev. Stat. § 124.060	No	65 years old	Department of Consumer and Business Services	No	No	N/A	N/A	Yes; § 124.075.
Puerto Rico	35 Penn.Stat. § 10225.302	No	60 years old	The Department of Aging of the Commonwealth	No	No	N/A	N/A	Yes; 35 P.S. § 10225.302
Rhode Island	42 R.I. Gen. Laws § 42-66-8	Yes, immediately	60 years old	Department of Elderly Affairs	No	No	§ 42-66-8	A fine of not more than \$1000	Yes; § 42-66-11

South Carolina	S.C. Code Ann. § 43-35-25	Yes, within 24 hours of discovery	Vulnerable adults over 18 years old	Department of Social Services, APS Program	No	No	§ 43-35-85	A misdemeanor, and a fine of no more than \$2,500 or imprisonment of not more than one year	Yes; 43-35-5
South Dakota	S.D. Code Laws § 22-46-9	No	65 years old	Department of Human Services	No	No	N/A	N/A	Yes; § 22-46-9
Tennessee	Tenn. Code Ann. § 71-6-103.	Yes, immediately	65 years old	Department of Human Services	Yes, freeze permitted within five business days of discovery, with written notification, expires upon the earlier of: 1) 5 business days 2) 10 business days when involving securities 3)The time when the provider believes financial exploitation will not occur., or the account holder has been notified and requests to continue with the transaction; § 45-2-1203	No	§ 71-6-110	Class A misdemeanor	Yes; § 71-6-105; Immunity from holding transactions; § 45-2-1203
Texas	Tex. Fin. Code Ann. § 48.051	Yes, within five days of discovery; § 281.002	65 years old	Department of Family and Protective Services	Yes, freeze permitted within ten business days of discovery, with written notification; § 281.002	Yes, banks are expected to train their employees in reporting requirements; § 281.002	§ 48.052.	Class A misdemeanor; the offense is a state jail felony if the person suffers from an intellectual disability who resided in a state supported living center, the ICF-IID component of the Rio Grande State Center, or a facility	Yes; § 48.054
Utah	Utah Code Ann. § 62A-3-305	Yes	65 years old	Department of Adult Protective Services	No	No	. § 76-5-111.1 (2015)	class B misdemeanor	Yes; § 76-5-111.1.

Vermont	Verm. Stat. Ann. § 6903	No	Vulnerable adults over 18 years old	Department of Disabilities, Aging, and Independent Living	No	No	N/A	N/A	Yes; § 6908.
Virginia	Va. Code Ann. § 63.2-1606	No	60 years old	Department of Adult Protective Services	Yes; a financial institution staff may continue to refuse or execute a transaction for no longer than 30 business days; § 63.2-1606(L)	No	N/A	N/A	Yes; § 63.2-1606
Washington	Wash. Rev. Code § 74.34.220	No, the financial service staff may report the information in accordance to company protocol	60 years old	Department of Social and Health Services	The financial institution may refuse a transaction but must make a reasonable effort to notify all parties authorized to transact business on the account; expires upon the earlier of: 1) 10 business days when involving the sale of a security 2) 5 business	A financial institution shall provide training concerning the financial exploitation of vulnerable adults to its employees and must provide training to new hires within three months of employment;	N/A	N/A	Yes; § 74.34.220.
West Virginia	W. Va. Code § 9-6-9	No	Does not specify age, defines "incapacitated adult: as any person who cannot independently carry on daily activities	The Department of Health and Human Resources	No	No	N/A	N/A	Yes; § 9-6-12.
Wisconsin	Wis. Stat. § 46.90	No	60 years old	Department of Health Services: Adult Protective Services Unit	No	No	N/A	N/A	Yes; § 55.043(1m)(d).
Wyoming	Wyo. Stat. Ann. § 35-20-103	Yes, immediately	60 years old	Department of Family Services	No	No	§ 35-20-111(b)	A misdemeanor punishable by imprisonment for not more than one year, a fine of not more than \$1,000.00, or both	Yes; § 35-20-103