



Elder Abuse and Elder Financial Exploitation Statutes

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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 - 3 of 3

Citation

Statute

*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 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.

Citation

Statute

"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.

Criminal

Financial

Exploitation

18 Pa. Stat. §

3922.1(a) & (f)

(2022)

Title 18. Crimes and Offenses

Part II. Definition of Specific Offenses

Article C. Offenses Against Property

Chapter 39. Theft and Related Offenses

Subchapter B. Definition of Offenses

§ 3922.1. Financial exploitation of an older adult or care-dependent person

(a) Offense defined.--A person in a position of trust who commits the offense of financial exploitation of an older adult or care-dependent person shall be subject to the criminal penalties specified under subsection (b).

(f) Definitions.--As used in this section, the following words and phrases shall have the meanings given to them in this subsection unless the context clearly indicates otherwise:

"Financial exploitation." The wrongful or unauthorized taking or attempt to take by withholding, appropriating, concealing or using the money, assets or property of an older adult or care-dependent person, including any act or omission taken by a person, including through the use of a power of attorney, guardian, custodian, trustee, personal representative or conservator of an older adult or care-dependent person or by an individual who stands in a position of trust and confidence with an older adult or care-dependent person, including business transactions to:

(1) obtain or attempt to obtain control, through deception, intimidation or undue influence, over the older adult's or care-dependent person's money, assets or property to deprive the older adult or care-dependent person of the ownership, use, benefit or possession of the older adult's or care-dependent person's money, assets or property; or

(2) convert or attempt to convert money, assets or property of the older adult or care-dependent person to deprive the older adult or care-dependent person of the ownership, use, benefit or possession of the older adult's or care-dependent person's money, assets or property.

Citation

Statute

"Care-dependent person." An adult who, due to physical or cognitive disability or impairment, requires assistance to meet needs for food, shelter, clothing, personal care or health care.

"Older adult." A person who is at least 60 years of age.

*Civil Elder
Abuse*

Pennsylvania Statutes Title 35. Health and Safety Chapter 58. Older Adults Protective Services Act Chapter 1. Preliminary Provisions

35 P.S. §§
10225.101
through
10225.5102
(2017)

"ABANDONMENT." The desertion of an older adult by a caretaker.

"ABUSE." The occurrence of one or more of the following acts: (1) The infliction of injury, unreasonable confinement, intimidation or punishment with resulting physical harm, pain or mental anguish. (2) The willful deprivation by a caretaker of goods or services which are necessary to maintain physical or mental health. (3) Sexual harassment, rape or abuse, as defined in the act of October 7, 1976 (P.L. 1090, No. 218), known as the Protection From Abuse Act.

35 P.S. §
10225.103
(2017)

"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 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.

"NEGLECT." The failure to provide for oneself or the failure of a caretaker to provide goods or services essential to avoid a clear and serious threat to physical or mental health. No older adult who does not consent to the provision of protective services shall be found to be neglected solely on the grounds of environmental factors which are beyond the control of the older adult or the caretaker, such as inadequate housing, furnishings, income, clothing or medical care.

"SERIOUS BODILY INJURY." Injury which creates a substantial risk of death or which causes serious permanent disfigurement or protracted loss or impairment of the function of a body member or organ.

"SERIOUS PHYSICAL INJURY." An injury that: (1) causes a person severe pain; or (2) significantly impairs a person's physical functioning, either temporarily or permanently.

"SEXUAL ABUSE." Intentionally, knowingly or recklessly causing or attempting to cause rape, involuntary deviate sexual intercourse, sexual assault, statutory sexual assault, aggravated indecent assault, indecent assault or