
A BILL FOR AN ACT

RELATING TO ELDER ABUSE.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Chapter 346, Hawaii Revised Statutes, is
2 amended by adding a new section to part X to be appropriately
3 designated and to read as follows:

4 "§346- Suits by vulnerable adults; financial
5 exploitation; amount of recovery. (a) Any vulnerable adult who
6 is injured by an act of financial exploitation or any person
7 authorized to act on behalf of the vulnerable adult may sue in
8 family court or any other court of competent jurisdiction for
9 damages sustained by the vulnerable adult.

10 (b) If it is proven by a preponderance of the evidence
11 that a person has engaged in financial exploitation, the family
12 court or other court of competent jurisdiction shall award
13 reasonable attorney's fees and costs to the vulnerable adult, in
14 addition to compensatory damages and all other remedies
15 otherwise provided by law.

16 (c) In addition to any award made under subsection (b), if
17 it is proven by clear and convincing evidence that the financial
18 exploitation was done wilfully, wantonly, or maliciously or



1 characterized by aggravating circumstances, the family court or
2 other court of competent jurisdiction may also award punitive
3 damages to the vulnerable adult.

4 (d) The remedies provided in this section shall not be
5 considered exclusive and shall not preclude any other criminal,
6 civil, or administrative remedy."

7 SECTION 2. This Act does not affect rights and duties that
8 matured, penalties that were incurred, and proceedings that were
9 begun before its effective date.

10 SECTION 3. New statutory material is underscored.

11 SECTION 4. This Act shall take effect upon its approval.

12

INTRODUCED BY: Kal Moor

JAN 19 2012



Report Title:

Elder Abuse; Vulnerable Adults; Suit; Financial Exploitation;
Cause of Action

Description:

Authorizes a private cause of action for financial exploitation of a vulnerable adult. Allows for attorney's fees, costs, and punitive damages.

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