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# A BILL FOR AN ACT

RELATING TO ELDER ABUSE.

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

1           SECTION 1. Chapter 663, Hawaii Revised Statutes, is  
2 amended by adding a new section to be appropriately designated  
3 and to read as follows:

4           "§663-       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 (e) As used in this section:

8 "Financial exploitation" shall have the same meaning as it  
9 has in section 346-222.

10 "Vulnerable adult" shall have the same meaning as it has in  
11 section 346-222."

12 SECTION 2. This Act does not affect rights and duties that  
13 matured, penalties that were incurred, and proceedings that were  
14 begun before its effective date.

15 SECTION 3. New statutory material is underscored.

16 SECTION 4. This Act shall take effect on July 1, 2050.



**Report Title:**

Vulnerable Adults; Financial Exploitation; Cause of Action

**Description:**

Authorizes a private cause of action for financial exploitation of a vulnerable adult. Allows for attorney's fees and costs, and punitive damages. Effective July 1, 2050. (HB2098 HD1)

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

