

HB 1212 -- Financial Exploitation of the Elderly

Sponsor: Cooper (158)

This bill expands protection for the elderly against financial exploitation and codifies a presumption of undue influence in any transfer of real property or major transfer of personal property for less than full consideration to another person with whom the elderly or disabled person has a confidential or fiduciary relationship. To avoid a presumption of undue influence, the elderly person can be represented by independent counsel. Confidential or fiduciary relationships can include relationships between the elderly or disabled person and a family member by blood or marriage, a health care provider, a trustee, an accountant, a friend, a neighbor, a spiritual advisor, or an attorney.

Courts may set aside any transfer where a finding of undue influence has been proved by the elderly individual.