

## Committee on Children, Families, and Elder Affairs

### **CS/SB 106 — Exploitation of Vulnerable Adults**

by Rules Committee and Senator Martin

The bill creates a process to obtain substitute service on an unascertainable respondent in and action for an injunction to protect a vulnerable adult from exploitation. The injunction may be used to stop a proposed or initiated transfer of funds or property from a vulnerable adult to an unascertainable person.

To effectuate this substitute service, a petitioner must file a detailed affidavit with a court which shows:

- Why the petitioner believes the respondent is an unascertainable respondent and how he or she and the vulnerable adult have been in contact;
- All identifying information known to the petitioner or vulnerable adult about the unascertainable respondent;
- The facts that have lead the petitioner to believe that a proposed or initiated transfer of funds or property from a vulnerable adult to the unascertainable person is in response to a fraudulent request; and
- A petitioner's attempts to identify the unascertainable respondent.

When the petitioner files the sworn affidavit, the court must enter an order requiring the petitioner to serve the unascertainable respondent using the same means of communication that the unascertainable person used to communicate with the vulnerable adult within 2 business days after the issuance of the temporary injunction or setting of a final hearing. The petitioner must file proof that he or she has attempted to serve the unascertainable respondent.

Issuance of a written final order of injunction suspends any proposed or initiated transfer of funds or property from the vulnerable adult to the unascertainable person for 30 days. When the period expires, the funds or property will be distributed in accordance with a written court order.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2025.

*Vote: Senate 37-0; House 115-0*