

1                   **EXPLOITATION OF A VULNERABLE ADULT**

2                                   **AMENDMENTS**

3   2007 GENERAL SESSION

4   STATE OF UTAH

5                                   **Chief Sponsor: Lyle W. Hillyard**

6                                   House Sponsor: Scott L Wyatt

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8   **LONG TITLE**

9   **General Description:**

10           This bill amends the Utah Human Services Code to provide that a court may, under  
11 certain circumstances, award court costs and reasonable attorney fees to a prevailing  
12 party in an action for exploitation of a vulnerable adult.

13   **Highlighted Provisions:**

14           This bill:

15           ▶ provides that, if the plaintiff prevails in an action for exploitation of a vulnerable  
16 adult, the court may order the defendant to pay the court costs and reasonable  
17 attorney fees of the plaintiff; and

18           ▶ provides that, if the defendant prevails in an action for exploitation of a vulnerable  
19 adult, the court may order the plaintiff to pay the court costs and reasonable attorney  
20 fees of the defendant, if the action was frivolous, unreasonable, or taken in bad  
21 faith.

22   **Monies Appropriated in this Bill:**

23           None

24   **Other Special Clauses:**

25           None

26   **Utah Code Sections Affected:**

27   AMENDS:

28           **62A-3-314**, as enacted by Chapter 108, Laws of Utah 2002

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30 *Be it enacted by the Legislature of the state of Utah:*

31 Section 1. Section **62A-3-314** is amended to read:

32 **62A-3-314. Private right of action -- Estate asset -- Attorney fees.**

33 (1) A vulnerable adult who suffers harm or financial loss as a result of exploitation has  
34 a private right of action against the perpetrator.

35 (2) Upon the death of a vulnerable adult, any cause of action under this section shall  
36 constitute an asset of the estate of the vulnerable adult.

37 (3) If the plaintiff prevails in an action brought under this section, the court may order  
38 that the defendant pay the costs and reasonable attorney fees of the plaintiff.

39 (4) If the defendant prevails in an action brought under this section, the court may  
40 order that the plaintiff pay the costs and reasonable attorney fees of the defendant, if the court  
41 finds that the action was frivolous, unreasonable, or taken in bad faith.