

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

7
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

29

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.

Legislative Review Note
as of 11-15-06 5:07 PM

Office of Legislative Research and General Counsel

Interim Committee Note
as of 12-12-06 10:28 AM

The Health and Human Services Interim Committee recommended this bill.

S.B. 7 - Exploitation of a Vulnerable Adult Amendments

Fiscal Note

2007 General Session

State of Utah

State Impact

Enactment of this bill will not require additional appropriations.

Individual, Business and/or Local Impact

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for individuals, businesses, or local governments.

12/15/2006, 2:39:56 PM, Lead Analyst: Headden, D.

Office of the Legislative Fiscal Analyst