

Summary - Injunction for Protection from Exploitation/ Asset Protection Vulnerable Adults

Prior to implementation of this important legislation, there have been a variety of problems in preventing the loss of assets of a Vulnerable Adult subjected to exploitation:

- There was no process through which Vulnerable Adults or their loved ones/helpers could quickly prevent assets from being dissipated, without the necessity of hiring an attorney and a long, expensive process.
- In contrast, Florida has had a long-standing process for injunctions for domestic violence that protects citizens from violent perpetrators.
- Vulnerable Adults, meaning those with disabilities or cognitive deficits due to advanced age, often find themselves victims of asset dissipation by exploiters, who are able to obtain assets and disappear without time for sufficient judicial intervention to prevent the loss of assets. Sometimes ALL the victim's savings are taken without any recourse to the Vulnerable Adult.
- Under this new Injunction Statute, using the current framework established by Florida Statute 741 for injunctions against domestic violence, a circuit court can provide a process for "stopping the bleed" of assets in cases where Vulnerable Adults are being victimized. The proposed changes to Fla. Stat. §825.103, provide a process, **without notice to the exploiter**, for the **temporary freezing of assets** to stop exploiters from preying upon our most vulnerable citizens.
- Incapacity is not a requirement for proceeding under this new statute. The statute also provides the Court the ability to require the exploiter not to contact the victim, directly or indirectly while the matter is proceeding.
- The new statute, effective July 1, 2018, creates a quick and inexpensive method for those Vulnerable Adults, or their helpers to protect the Vulnerable Adults' assets.
- The statute further provides options for the Court to provide for essential maintenance expenses to be paid for the benefit of the Vulnerable adult during the asset freeze process.
- Once a temporary injunction is ordered, there are options for extending the asset freeze after a full hearing, or for the return of funds to the victim at the final hearing on the matter.
- This injunction provides another tool to stop exploitation and undue influence of seniors and those with disabilities. Once again, Florida is at the forefront of protecting our most vulnerable citizens from exploitation, and become a model for other states to follow. There is no comparable process anywhere in the United States.