



## **S.F. No. 2146 – Order for protection against financial exploitation of a vulnerable adult**

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**Section 1 (626.5574; Order for protection against financial exploitation of a vulnerable adult)** creates an order for protection against financial exploitation of a vulnerable adult and imposes criminal penalties for violations of an order.

**Subdivision 1 (Definitions)** defines the following terms: conservator, financial exploitation, guardian, lead investigative agency, petitioner, and vulnerable adult.

**Subdivision 2 (Jurisdiction; petition)** permits a petitioner to petition the court for an order for protection against financial exploitation of a vulnerable adult (“order”) seeking injunctive relief and any other equitable remedy the court deems just and appropriate. The petition may be filed in the county where the petitioner, respondent, or vulnerable adult resides. The petition must allege specific facts and the court must provide simple forms and clerical assistance.

**Subdivision 3 (Filing fee)** waives filing fees for both parties to the order.

**Subdivision 4 (Hearing)** requires the court to hold a hearing within 14 days of receiving the petition unless a temporary ex parte order is issued.

**Subdivision 5 (Service)** requires service in the same manner as service for orders for protection under section 518B.01. This section also requires services upon the vulnerable adult if the petitioner is not the vulnerable adult. If service on the respondent is not possible as provided under section 518B.01, the petitioner may serve the respondent using the same method used to contact the vulnerable adult and provide the court with the reasons why service was not possible under section 518B.01.

**Subdivision 6 (Maltreatment report required)** requires the petitioner to file a maltreatment report within five days of filing a petition under this section.

**Subdivision 7 (Factors)** requires the court to consider all relevant factors, including whether there have been other protective orders issued, any history of financial exploitation, the vulnerable adult's capacity to make decisions, the vulnerable adult's susceptibility to undue influence, lead investigative agency findings, and the respondent's criminal history.

**Subdivision 8 (Temporary ex parte order)** permits the court to issue a temporary ex parte order if there is an immediate and present danger of financial exploitation, there is a likelihood of irreparable harm and nonavailability of an adequate remedy, a substantial likelihood of success on the merits, the threatened injury to the vulnerable adult outweighs the possible harm to the respondent, and a temporary order protects the vulnerable adult's financial security.

**Subdivision 9 (Relief)** permits the court to issue an order if the vulnerable adult is or is in imminent danger of becoming a victim of financial exploitation, there is a likelihood of irreparable harm and nonavailability of an adequate remedy, the threatened injury to the vulnerable adult outweighs the possible harm to the respondent, and an order protects the vulnerable adult's financial security. This section provides specific relief that the court may grant, including prohibiting direct or indirect contact, freezing the vulnerable adult's assets, providing necessary directives to law enforcement.

**Subdivision 10 (Modifying or vacating an order; extensions and subsequent orders)** permits the court to vacate an order, modify the terms of an existing order, extend relief granted in an existing order, and issue a new order.

**Subdivision 11 (Copy to law enforcement agency; lead investigative agency)** requires the court administrator, within 24 hours of issuance of an order, to forward the order to the local law enforcement agency and lead investigative agency.

**Subdivision 12 (Title to real property)** clarifies that this section does not affect title to real property.

**Subdivision 13 (Violation of an order for protection)** provides enhanceable criminal penalties for a violation of an order issued under this section. A person is guilty of a misdemeanor if the person knows of the existence of an order, is prohibited from direct or indirect contact with the vulnerable adult or restrained from committing acts of financial exploitation, and violates the order by committing such conduct. A subsequent violation within ten years of a previous conviction is a gross misdemeanor. A subsequent violation following two prior convictions within ten years of the violation is a felony.

**Subdivision 14 (Admissibility of testimony in criminal proceeding)** provides that any testimony offered by a respondent in a hearing under this section is inadmissible in a criminal proceeding.

**Subdivision 15 (Other remedies available)** clarifies that the remedy under this section is in addition to other civil and criminal remedies.