**T.P.I. – CRIM. 29.14(c)**

**FINANCIAL EXPLOITATION OF AN ADULT**

**(for offenses committed on or after 7/1/15 but prior to 7/1/17)**

Any person who commits the offense of financial exploitation of an adult is guilty of a crime.

For you to find the defendant guilty of this offense, the state must have proven beyond a reasonable doubt the existence of the following essential elements:

(1) that the defendantknowingly, other than by accidental means, exploited an adult.

“Adult” means a person eighteen (18) years of age or older who because of mental or physical dysfunctioning or advanced age is unable to manage such person's own resources, carry out the activities of daily living, or protect such person from neglect or hazardous or abusive situations without assistance from others and who has no available, willing, and responsibly able person for assistance and who may be in need of protective services. [A person who is mentally impaired but still competent is a person with mental dysfunction.]

“Caretaker”:

[(a) means an individual or institution who has assumed the duty to provide for the care of the adult by contract or agreement;]

[(b) includes a parent, spouse, adult child or other relative, both biological or by marriage, who:

(i) resides with or in the same building with or regularly visits the adult;

(ii) knows or reasonably should know of the adult’s mental or physical dysfunction or advanced age; and

(iii) knows or reasonably should know that the adult is unable to adequately provide for the adult’s own care;] and

[(c) does not mean a financial institution as a caretaker of funds or other assets unless such financial institution has entered into an agreement to act as a trustee of such property or has been appointed by a court of competent jurisdiction to act as a trustee with regard to the property of the adult].

“Exploit“ or “Exploitation” means the improper use by a caretaker of funds that have been paid to an adult or to the caretaker for the use or care of the adult.

“Protective services” means services undertaken by the department of human services for one who is being abused, neglected, or exploited. These services may include, but are not limited to, conducting investigations of complaints of possible abuse, neglect, or exploitation to ascertain whether or not the situation and condition of the adult in need of protective services warrants further action; social services aimed at preventing and remedying abuse, neglect, and exploitation; services directed toward seeking legal determination of whether the adult in need of protective services has been abused, neglected or exploited and procurement of suitable care in or out of the adult’s home.

"Relative" means spouse; child, including stepchild, adopted, child or foster child; parents, including stepparents, adoptive parents, or foster parents; siblings of the whole or half-blood; stepsiblings; grandparents; grandchildren, of any degree; and aunts, uncles, nieces, and nephews.

"Knowingly" means that a person acts knowingly with respect to the conduct or to circumstances surrounding the conduct when the person is aware of the nature of the conduct or that the circumstances exist. A person acts knowingly with respect to a result of the person's conduct when the person is aware that the conduct is reasonably certain to cause the result.

[The requirement of “knowingly” is also established if it is shown that the defendant acted intentionally.]

"Intentionally" means that a person acts intentionally with respect to the nature of the conduct or to a result of the conduct when it is the person's conscious objective or desire to engage in the conduct or cause the result.