

Procedures/Instructions for Reporting Suspected Financial Exploitation of Vulnerable Adults

N.H. RSA 421-B:5-506-A allows for immunity from administrative or civil liability if a broker-dealer, investment adviser, registered representative, investment adviser representative, or certain related persons report possible financial exploitation of an eligible adult and/or delay a disbursement related to such financial exploitation. Eligible adults are those over the age of 65 and those unable to manage personal, home, or financial affairs or delegate such responsibilities.

The law provides for the following procedure in order to make a claim of administrative or civil immunity:

- Review of requested disbursement and suspected financial exploitation *prior to* any delayed disbursement
- Firm may contact third party previously designated by the eligible adult
- Within 2 business days after the disbursement request -
 - Provide written notification of/reason for delay to parties authorized to transact business on the account (*unless* a party is believed to have engaged in the suspected/attempted financial exploitation)
 - Notify the Bureau of Securities Regulation (“the Bureau”) of the delay and complete return the Report of Suspected Financial Exploitation of Vulnerable Adult

Along with the Report, firms should also provide all relevant documents and information to the Bureau*, including:

- Account statements
- Communications and statements taken related to the delay
- Powers of attorney or other legal documents, as applicable, giving someone beside the account owner authority over the account
- Copies of complaints
- Internal investigation reports
- Within 7 days after the delayed disbursement and an internal review of suspected/attempted financial exploitation, report the results of the review to the Bureau
- Reporting firm has up to 15 business days from date of delay to decide whether there has been financial exploitation and may release the funds unless the Bureau requests the broker-dealer or investment adviser extend the delay
 - The disbursement shall then be delayed no more than 25 business days after the date of the delayed disbursement, unless sooner terminated by the Bureau or court order
 - It is requested that the reporting broker-dealer or investment adviser contact the Bureau prior to release of funds
- A court may extend the delay or order other relief at the request of the Bureau or the firm

* Please be advised that the Bureau may request other documents, at its discretion, as part of its review.



**NEW HAMPSHIRE BUREAU OF SECURITIES REGULATIONS
 REPORT OF SUSPECTED FINANCIAL EXPLOITATION
 OF VULNERABLE ADULT
 FOR USE BY QUALIFIED INDIVIDUALS PURSUANT TO N.H. RSA 421-B:5-507-A**

SECTION I – INCIDENT

Date of Incident: _____ Time: _____

SECTION II – PERSON IDENTIFIED AT RISK OF EXPLOITATION

Last Name: _____ First Name: _____ MI: _____

Sex: M F Date of Birth: _____ Social Security# _____ Phone: _____

Address: _____

Responsible Party (if applicable) Power of Attorney/Guardian/Conservator: _____

Contact Information: _____

Institution Tracking # (if any): _____

SECTION III – PERSON ALLEGEDLY RESPONSIBLE FOR EXPLOITATION

Last Name: _____ First Name: _____ MI: _____ Sex: M F

Date of Birth: _____ Relationship to Victim: _____ Social Security# _____

Address: _____

Additional Information: _____

SECTION IV – PLEASE DESCRIBE THE BASIS FOR YOUR BELIEF THAT THE CLIENT MAY BE A VULNERABLE ADULT

SECTION V – PLEASE DESCRIBE THE INCIDENT GIVING RISE TO THIS REPORT

SECTION VI – PERSON REPORTING

Name of Person Reporting: _____ Title: _____

Address: _____

Firm Name: _____ Phone#: _____ Email: _____

Third Party Contacted? Yes No Third-Party Name: _____

Legal Relationship: _____ Third Party Phone #: _____

Additional Witness/Contact Information: _____

Disbursement Delayed? Yes No

Financial Records Attached? Yes No

When finished, preserve a copy for your records and send a copy of the form to the New Hampshire Bureau of Securities Regulation by email at securities@sos.nh.gov or by fax at (603) 271-7933.