WEST VIRGINIA CODE: §31A-2C-3

§31A-2C-3. Definitions.

The terms and phrases used in this article have the following meanings:

"Account" means a contract deposit of funds between the depositor and a depository institution that is one of the following:

(A) A consumer account owned by an eligible adult, whether individually or with one or more other persons;

(B) A conservatorship or guardianship account of which the eligible adult is a beneficiary; or

(C) A line of credit owned by an eligible adult, whether individually or with one or more other persons.

"Associated third-party" means an individual that:

(A) An eligible adult has previously designated as an emergency contact for the depository institution to contact in writing, or who is the parent, spouse, adult child, sibling, or other close family member of the eligible adult;

(B) Is a co-owner, additional authorized signatory, or beneficiary on an eligible adult’s account or an agent under a power of attorney; or

(C) Is an attorney, trustee, conservator, guardian, or other fiduciary whom a court or a government agency selects to manage some or all of the financial affairs of the eligible adult.

"Depository institution" has the same meaning as defined in §31-17A-2 of this code.

"Designated state agency" means the entity responsible for receiving reports of alleged or suspected maltreatment or financial exploitation of an eligible adult, including the West Virginia Department of Human Services Bureau for Social Services and the West Virginia Attorney General.

"Eligible adult" means:

(A) A person 65 years of age or older or a person subject to §9-6-1 *et seq*. of this code; or

(B) A person 18 years or older who:

(i) Has a substantial mental or functional impairment that significantly interferes with his or her ability to make financial decisions, or for whom a guardian has been appointed under state law; and

(ii) The depository institution has actual knowledge that the person has a substantial mental or functional impairment or that a guardian has been appointed under state law.

"Financial exploitation" means:

(A) The wrongful or unauthorized taking, withholding, appropriation, expenditure, or use of money, assets, or property owned by an eligible adult; or

(B) An act or omission taken by a person, including through the use of a power of attorney, guardianship, trustee, or conservatorship of an eligible adult, to:

(i) Obtain control, through deception, intimidation, or undue influence, over the eligible adult's money, assets, or property to deprive the eligible adult of the ownership, use, benefit, or possession of the eligible adult's money, assets, or property; or

(ii) Convert money, assets, or property of the eligible adult to deprive the eligible adult of the ownership, use, benefit, or possession of the eligible adult's money, assets, or property.