WEST VIRGINIA CODE: §31a-2C-5

§31A-2C-5. Authority to delay, refuse, or prevent certain activities.

(a) When, based on personal observation or information received from a governmental agency or law-enforcement agency, a depository institution or its employees believe that financial exploitation of an eligible adult may have occurred, has been attempted, is occurring, or is being attempted, the depository institution or its employees may, but are not required to:

(1) Delay or refuse one or more transactions with or involving the eligible adult;

(2) Delay or refuse to permit the withdrawal or disbursement of funds contained in the eligible adult's account;

(3) Prevent a change in ownership of the eligible adult's account;

(4) Prevent a transfer of funds from the eligible adult's account to an account owned wholly or partially by another person;

(5) Refuse to comply with instructions given to the depository institution by an agent or a person acting for or with an agent under a power of attorney signed or purported to have been signed by the eligible adult; or

(6) Prevent the designation or change the designation of beneficiaries to receive any property, benefit, or contract rights for an eligible adult at death.

(b) A depository institution or its employees are not required to act under subsection (a) of this section when provided with information alleging that financial exploitation may have occurred, may have been attempted, is occurring, or is being attempted, but may use their sole discretion to determine whether or not to act under subsection (a) of this section based on the information available to them at the time.

(c) The authority to delay and/or refuse a transaction set forth in subsection (a) of this section expires upon the sooner of:

(1) Fifteen business days after the date on which the depository institution first acted under subsection (a) of this section, unless the designated state agency is conducting an investigation and requests an extension, in which case it may be extended for an additional 30 days;

(2) When the depository institution is satisfied in its sole discretion that the transaction or act will not likely result in financial exploitation of the eligible adult; or

(3) Upon an order of a court of competent jurisdiction directing the release of funds.

(d) Notwithstanding any other law to the contrary, the refusal to engage in a transaction as authorized under subsection (a) of this section may not constitute the wrongful dishonor of an item under §46-4-1 *et seq*. of this code.

(e) A reasonable belief that payment of a check will facilitate the financial exploitation of an eligible adult constitutes reasonable grounds to doubt the collectability of the item for purposes of the federal Check Clearing for the 21st Century Act, 12 U.S.C. § 5001 *et seq*., the federal Expedited Funds Availability Act, 12 U.S.C. § 4001 *et seq*., and 12 C.F.R. part 229. Nothing herein, however, requires depository institutions or their employees to review the checks of eligible adults.

(f) A delay or refusal to complete a funds transfer request as authorized under subsection (a) of this section does not violate §46-4A-101 *et seq*. of this code: *Provided*, That if a transaction is delayed under subsection (a) of this section, the payment order is not considered as received until the hold is removed and the depository institution submits the payment order for processing. Funds transfer and payment order have the same meanings as defined in §46-4A-101 *et seq*. of this code.

(g) The depository institution shall maintain internal records of any delay and/or refusal of a transaction as set forth in subsection (a) of this section.