Financial Exploitation Investigation Steps How does the new statutory tool to combat financial abuse of older and disabled adults fit into the existing legal landscape? IE screens Call or report received by out / CLOSE **Investigating Entity (IE)** DSS or law enforcement LAW ENFORCEMENT needs more info about **DISABLED** DSS needs more info about OR OLDER (65+) ADULT -**DISABLED ADULT** – identify warrant issued Consent by adult for financial institutions disclosure of financial records Warrant process **CURRENT AND CONTINUING:** NEW TOOL: Petition and order for is unchanged for **Inspect and freeze** issuing subpoena law enforcement AOC-CV-776 petition AOC-SP-630 AOC-CV-777 order File in county of residence G.S. 108A-106(f) G.S. 108A-116 Judge issues Notice of **Expedited HEARING** Order to authorize within two business inspection of financial days of filing records and to freeze

assets AOC-CV-778

North Carolina Administrative Office of the Courts

Combatting Financial Exploitation: A New Tool

November 2014, Rev 11/4/14

SERVE Order to give Delivery of subpoena Notice to customer (may on financial institution 26 U.S.C. 7502(f)(2) be delayed up to 30 days) if granted G.S. 53B-6. Delayed notice Financial institution files Financial institution G.S. 108A-117 Notice to Motion to Quash or releases records customer, delayed notice Modify (within 10 days) promptly **ANOTHER OPTION** G.S. 108A-116(b1) Consult with **District Attorney HEARING** within for freeze or seize two days of motion G.S. 14-112.3 Order ISSUED upholding the entry **Order ISSUED**

of order issuing subpoena;

Financial institution responds with

records G.S. 108A-116(c), 108A-113(9)

Order GRANTED

Order DENIED

granting motion

objecting subpoena