

STATEMENT IN SUPPORT OF SB153 AS AMENDED

From the Maryland State Bar Association Elder Law and Disability Rights Section
Before the Senate Judicial Proceedings Committee
January 22, 2020

The Elder Law and Disability Rights Section of the Maryland State Bar Association supports HB153 as amended and applauds the sponsors for their efforts to provide redress for victims of emotional abuse.

The National Council on Aging estimates that over 5 million elderly persons suffer from some form of abuse each year and that only 1 in 14 cases are reported to authorities. Over 60% of abusers are family members, those upon whom the vulnerable adult is most dependent. According to a 2013 study published by the Arizona State University, emotional abuse is the most prevalent form of abuse against the elderly. It is also the least reported, primarily due to the fact that it leaves no visible scars. https://popcenter.asu.edu/sites/default/files/sites/default/files/problems/pdfs/elderly_abuse.pdf

The impact of emotional abuse on its victims is devastating and includes:

- Fear of future victimization, which can keep victims from reporting the abuse.
- Health problems such as high blood-pressure, digestive problems and bone or joint problems.
- Mental health problems such as depression. This can place the victim at a higher risk of further victimization.
- Loss of trust in their caregivers.
- Feelings of guilt and shame. Many blame themselves for the victimization if they see themselves as burdening others. They also feel shame that they raised children capable of such actions.
- Financial losses from treatment to deal with the consequences of the abuse.

The population addressed by SB153 comprises some of the most vulnerable among us. Further, no one is immune from falling prey to this type of victimization. Accordingly, we urge passage of this important bill with the same friendly amendment proposed by the Vulnerable Adult Exploitation Task Force, namely, to delete Criminal Law Article, Section 3-604 (a)(2)(i), in its entirety, and insert the following as Section 3-604(a)(2)(i):

(2)(i) "Abuse" means the sustaining of physical pain, severe emotional distress, or injury by a vulnerable adult as a result of cruel or inhumane treatment or as a result of a malicious act under circumstances that indicate that the vulnerable adult's health or welfare is harmed or threatened.

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