
To: Members of The Senate Judicial Proceedings Committee

From: Elena Sallitto, Member, MSBA Vulnerable Adult Exploitation Task Force *and*
MSBA Elder Law & Disability Rights Section

Date: February 12, 2020

Subject: SB407 – Office of the Attorney General - Senior and Vulnerable Adult Asset Recovery Unit

Position: Support

The Maryland State Bar Association (MSBA) Elder Law and Disability Rights Section (ELDR) and the MSBA Vulnerable Adult Exploitation Task Force support Senate Bill 407 that expands the authority and staffing of the Senior and Vulnerable Adult Asset Recovery Unity housed within the Office of the Attorney General.

Attorneys who work with vulnerable adults are witnessing a steady increase in the numbers of people victimized by abuse and exploitation. Most of the perpetrators are trusted family members and caregivers upon whom the victims may be dependent for their most basic needs. The injuries suffered are often catastrophic affecting the victim’s health, safety and welfare. Due to the victims’ advanced age or compromised health, they are unable to recover from the violation. Often, stripped of their life savings, victims are forced to rely on government programs for their needs, at huge, and unnecessary taxpayer expense. A 2009 study by the MetLife Mature Market Institute found that the financial loss from elder financial abuse is approximately \$2.6 billion. It further concludes “[i]t is estimated to cost Americans tens of billions of dollars annually in health care, social services, investigative and legal costs, and lost income and assets. Elder financial abuse is a problem in every community and among all social strata. It is underrecognized, underreported, and underprosecuted.”

The Vulnerable Adult Exploitation Task Force (“Task Force”) was organized by the Section Councils of both the Estates & Trusts Section and the ELDR Section of the Maryland State Bar Association to address the growing concerns about the exploitation of vulnerable adults. As part of its initial purpose, the Task Force seeks to provide input and insight supportive of legislation to address the abuse of vulnerable adults. In addition, the Task Force is seeking to work with legislators to create thoughtful and comprehensive civil and criminal legislation to attack this problem head on, providing protections for vulnerable adults and provide both criminal prosecutors and civil attorneys with the ability to enforce those protections. SB407 is a step forward in that direction.



520 West Fayette St., Baltimore, MD 21201
410-685-7878 | 800-492-1964
fax 410-685-1016 | ldd 410-530-3186
msba.org

Both the MSBA Joint Vulnerable Adult Task Force and the ELDR Section **supports Senate Bill # 407**. We applaud its sponsors and co-sponsors and urge a favorable report.

For any questions or to learn more about the task force, we invite you to contact

Morris Klein, Esq.
4520 E W Hwy #700,
Bethesda, MD 20814
(301) 652-4462
morrisklein@morrisklein.com

Michael W. Davis
Davis, Agnor, Rapaport & Skalny, LLC
10211 Wincopin Circle, Suite 600
Columbia, MD 21044
410-995-5800

Elena Sallitto
Stavely & Sallitto, LLC
124 South Street
Annapolis, MD 21401
410-268-9246
elena@stavelylaw.com

To: Members of The House Judiciary Committee

From: Elena Sallitto, Member; and Morris Klein, Section Chair

Date: February 12, 2020

Subject: **HB477** – Estates & Trusts- Guardianship of the Property of Disabled Persons – Court-Appointed Attorneys

Position: **Support**

The Elder Law and Disability Rights Section of the Maryland State Bar Association **supports HB477.**

This bill simply allows for the payment of attorney's fees for guardians of the property for indigent persons or where payment is the responsibility of the local Department of Social Services in the same manner as already in the law for guardians of the person. A comparison of the language in effect for Estates and Trusts Code Section 13-705(d) (for guardians of the person) with the language in this legislation shows the similarities.

There is simply no reason to distinguish payment of attorney's fees for guardians of the property and guardians of the person. This legislation removes this difference. Our section supports this legislation.

If you have any questions, please contact Elena Sallitto, Esq. 410-268-9246 elena@stavellylaw.com; or Morris Klein, Esq. 301- 652-4462, morrisklein@morrisklein.com.

To: Members of The House Judiciary Committee

From: Elena Sallitto, Member; Morris Klein, Chair; MSBA Elder Law & Disability Rights Section

Date: February 12, 2020

Subject: **Bill # HB304** – Criminal Law-Consumer Protection-Unfair, Abusive or Deceptive trade Practices – Exploitation of Vulnerable Adults

Position: **In Support, as amended (see below)**

The Maryland State Bar Association Elder Law and Disability Rights Section **SUPPORTS HB304 with the friendly amendment offered by the Vulnerable Adult Exploitation Task Force.**

The Elder Law and Disability Rights Section of the MSBA is comprised of over 700 attorneys working with vulnerable adults in every jurisdiction in the State. Over the years, we have witnessed a steady increase in the number of cases of financial exploitation perpetrated on our most vulnerable citizens. In a 40-page report issued in 2009, The MetLife Mature Market Institute reported that financial abuse of vulnerable adults exceeds \$2.6 billion annually, often stripping the victim of their entire life savings. Given their advanced age or compromised health, these victims are unable to recover from their devastating losses and become reliant on the State to provide their health needs through means tested public assistance programs such as Medicaid Long-Term Care, at huge expense to the State.

States throughout the country are looking for effective ways to stem this growing epidemic. Currently, the Maryland State Bar Association has convened a task force of Elder Law and Estate planning attorneys to review the laws currently on the books and identify ways to strengthen our ability to stop these perpetrators and try to make their victims whole. HB304, as amended, is an excellent step forward.

The amendment offered by the Vulnerable Adult Exploitation Task Force states:

(xxiv) Section 7-304 or §8-801 of the Criminal Law Article. **A CONVICTION FOR AN OFFENSE UNDER §8-801 OF THE CRIMINAL LAW ARTICLE IS NOT A PREREQUISITE FOR THE MAINTENANCE OF AN ACTION FOR A VIOLATION OF §8-801.**

1. The first part of the document discusses the importance of maintaining accurate records of all transactions and activities. It emphasizes that this is essential for ensuring transparency and accountability in the organization's operations.

2. The second part of the document outlines the various methods and tools used to collect and analyze data. It highlights the need for consistent data collection procedures and the use of advanced analytical techniques to derive meaningful insights from the data.

3. The third part of the document focuses on the implementation of data-driven decision-making processes. It describes how the organization uses the insights gained from data analysis to inform strategic planning and operational decisions, leading to improved performance and efficiency.

4. The fourth part of the document addresses the challenges and risks associated with data management and analysis. It discusses the importance of data security, privacy, and integrity, and provides strategies to mitigate these risks and ensure the reliability of the data used for decision-making.

5. The fifth part of the document concludes by summarizing the key findings and recommendations. It emphasizes the ongoing nature of data management and analysis, and the need for continuous improvement and innovation in the field.

6. The final part of the document provides a detailed appendix of references and additional resources. This section is intended to provide further information and support for those interested in exploring the topics discussed in the main body of the document.



520 West Fayette St., Baltimore, MD 21201
410-685-7878 | 800-492-1964
fax 410-685-1016 | tdd 410-539-3186
msba.org

We support the amendment to more clearly reflect the intentions behind this laudable bill.

Please contact Elena Sallitto, 410-268-9246, elena@Stavelylaw.com; or Morris Klein, 301-652-4462, morrisklein@morrisklein.com if you have any questions.