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By: **Delegates McIntosh, Sophocleus, Clagett, Dypski, Malone, DeCarlo, and  
Bronrott**

Introduced and read first time: February 10, 2000  
Assigned to: Commerce and Government Matters

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Committee Report: Favorable with amendments  
House action: Adopted  
Read second time: March 23, 2000

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CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Fiduciary Institutions - Customer Financial Records - Allowable**  
3 **Disclosures**

4 FOR the purpose of allowing a fiduciary institution or an officer, employee, agent, or  
5 director of a fiduciary institution to disclose financial records relating to a an  
6 adult customer of the fiduciary institution to an adult protective services  
7 program under certain circumstances; providing that a report filed under this  
8 Act shall be deemed to protect against or prevent certain illegal or unauthorized  
9 actions or other liability; specifying certain restrictions on certain information  
10 included in a report filed under this Act; providing that a fiduciary institution or  
11 an officer, employee, agent, or director of a fiduciary institution may decline to  
12 provide certain information about a report authorized under this Act under  
13 certain circumstances; providing that there is no liability on the part of and no  
14 cause of action shall arise against, and there shall be certain immunity for, a  
15 fiduciary institution or an officer, employee, agent, or director of a fiduciary  
16 institution for certain actions or omissions involved with certain disclosures and  
17 reports under certain circumstances; providing that this Act does not create a  
18 certain duty on the part of a fiduciary institution or an officer, employee, agent,  
19 or director of a fiduciary institution; defining certain terms; and generally  
20 relating to allowable disclosures of customer financial records by fiduciary  
21 institutions.

22 BY adding to  
23 Article - Financial Institutions  
24 Section 1-306  
25 Annotated Code of Maryland

1 (1998 Replacement Volume and 1999 Supplement)

2 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
3 MARYLAND, That the Laws of Maryland read as follows:

4 **Article - Financial Institutions**

5 1-306.

6 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS  
7 INDICATED.

8 (2) "FINANCIAL EXPLOITATION" MEANS ANY ACTION WHICH INVOLVES  
9 THE MISUSE OF AN ADULT CUSTOMER'S FUNDS OR PROPERTY.

10 (3) "REPORT" MEANS AN ORAL OR WRITTEN REPORT CONCERNING  
11 FINANCIAL EXPLOITATION WHICH MAY INCLUDE ALL OR PART OF THE  
12 INFORMATION DESCRIBED IN § 14-302(D) OF THE FAMILY LAW ARTICLE.

13 ~~(A)~~ (B) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, A FIDUCIARY  
14 INSTITUTION OR AN OFFICER, EMPLOYEE, AGENT, OR DIRECTOR OF A FIDUCIARY  
15 INSTITUTION MAY DISCLOSE FINANCIAL RECORDS AND ANY OTHER INFORMATION  
16 RELATING TO A AN ADULT CUSTOMER OF THE FIDUCIARY INSTITUTION IF THE  
17 FIDUCIARY INSTITUTION OR ITS OFFICER, EMPLOYEE, AGENT, OR DIRECTOR:

18 (1) ~~HAS REASON TO BELIEVE~~ BELIEVES THAT THE ADULT CUSTOMER  
19 HAS BEEN SUBJECTED TO FINANCIAL EXPLOITATION; AND

20 (2) MAKES THE DISCLOSURE IN A REPORT TO THE ADULT PROTECTIVE  
21 SERVICES PROGRAM IN A LOCAL DEPARTMENT OF SOCIAL SERVICES ~~IN A REPORT~~  
22 ~~FILED UNDER § 14-302(C) OF THE FAMILY LAW ARTICLE.~~

23 (C) (1) A REPORT FILED UNDER THIS SECTION BY A FIDUCIARY  
24 INSTITUTION OR AN OFFICER, EMPLOYEE, AGENT, OR DIRECTOR OF A FIDUCIARY  
25 INSTITUTION SHALL BE DEEMED TO PROTECT AGAINST OR PREVENT ACTUAL OR  
26 POTENTIAL FRAUD, UNAUTHORIZED TRANSACTIONS, OR OTHER LIABILITY.

27 (2) A REPORT FILED UNDER THIS SECTION BY A FIDUCIARY  
28 INSTITUTION OR AN OFFICER, EMPLOYEE, AGENT, OR DIRECTOR OF A FIDUCIARY  
29 INSTITUTION:

30 (I) MAY NOT INCLUDE THE ADULT CUSTOMER'S SOCIAL SECURITY  
31 NUMBER, ACCOUNT NUMBER, OR ACCOUNT BALANCE; AND

32 (II) SHALL INCLUDE ONLY INFORMATION THAT IS PERTINENT TO  
33 AND SERVES TO SUBSTANTIATE THE REPORT.

34 (D) A FIDUCIARY INSTITUTION OR AN OFFICER, EMPLOYEE, AGENT, OR  
35 DIRECTOR OF A FIDUCIARY INSTITUTION MAY DECLINE TO PROVIDE TO ANY PERSON

1 INFORMATION THAT WOULD DISCLOSE OR INDICATE WHETHER A REPORT HAS OR  
2 HAS NOT BEEN FILED UNDER THIS SECTION.

3 ~~(B)~~ (E) THERE SHALL BE NO LIABILITY ON THE PART OF AND NO CAUSE OF  
4 ACTION OF ANY NATURE SHALL ARISE AGAINST, AND THERE SHALL BE IMMUNITY  
5 FROM ANY CIVIL AND CRIMINAL LIABILITY THAT WOULD OTHERWISE RESULT FOR, A  
6 FIDUCIARY INSTITUTION OR AN OFFICER, EMPLOYEE, AGENT, OR DIRECTOR OF A  
7 FIDUCIARY INSTITUTION FOR AN ACTION OR OMISSION INVOLVED WITH:

8 (1) MAKING OR PARTICIPATING IN MAKING A DISCLOSURE OR REPORT  
9 UNDER ~~SUBSECTION (A) OF THIS SECTION; OR~~

10 (2) PARTICIPATING IN AN INVESTIGATION OR A JUDICIAL PROCEEDING  
11 RESULTING FROM A REPORT FILED UNDER ~~§ 14-302(C) OF THE FAMILY LAW ARTICLE~~  
12 THIS SECTION; OR

13 (3) DECLINING TO PROVIDE INFORMATION AS DESCRIBED IN  
14 SUBSECTION (D) OF THIS SECTION.

15 ~~(C)~~ (F) THIS SECTION DOES NOT CREATE AND MAY NOT BE CONSTRUED AS  
16 CREATING, ON THE PART OF A FIDUCIARY INSTITUTION OR AN OFFICER, EMPLOYEE,  
17 AGENT, OR DIRECTOR OF A FIDUCIARY INSTITUTION, A DUTY TO MAKE A  
18 DISCLOSURE TO AN ADULT PROTECTIVE SERVICES PROGRAM OR FILE A REPORT  
19 UNDER ~~§ 14-302(C) OF THE FAMILY LAW ARTICLE~~ THIS SECTION.

20 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
21 October 1, 2000.