

Department of Legislative Services
Maryland General Assembly
2026 Session

FISCAL AND POLICY NOTE
First Reader

Senate Bill 182

(Chair, Judicial Proceedings Committee)(By Request -
Departmental - Human Services)

Judicial Proceedings

Adult Protective Services - Modifications

This departmental bill makes numerous changes to statutory provisions related to the reporting and investigation of abuse, neglect, self-neglect, and exploitation of vulnerable adults. This includes (1) expanding reporting methods to include an online reporting portal; (2) requiring local departments of social services to include as part of an investigation a determination of whether the vulnerable adult is at risk of harm; (3) requiring local departments to make a finding that abuse was indicated, not indicated, or undetermined; (4) repealing a provision that an investigation must be completed within 10 days if the report indicates that an emergency exists; and (5) altering and establishing numerous definitions.

Fiscal Summary

State Effect: The bill is not anticipated to materially affect State operations or expenditures. The bill may help protect federal funding by ensuring that the State is in compliance with federal requirements.

Local Effect: The bill does not materially affect local government operations or finances.

Small Business Effect: The Department of Human Services (DHS) has determined that this bill has minimal or no impact on small business (attached). The Department of Legislative Services concurs with this assessment.

Analysis

Bill Summary: The bill modifies and establishes numerous definitions that generally set forth requirements as to how allegations of abuse, neglect, self-neglect, and exploitation of vulnerable adults are reported and investigated. For example, the bill:

- expands the definition of “abuse” to include psychological harm or sexual abuse and adds a qualifier that the act is perpetrated by an individual in a relationship of trust with the vulnerable adult;
- alters the definition of “exploitation” to specify that any action must involve the nonconsensual misuse of a vulnerable adult’s funds or property by an individual in a relationship of trust with the vulnerable adult;
- modifies the definition of “neglect” to include a qualifier that the act is perpetrated by an individual in a relationship of trust with the vulnerable adult;
- defines “psychological harm” as the observable, identifiable, and substantial impairment of a vulnerable adult’s ability to function due to severe emotional distress caused by an intentional act or series of acts; and
- defines “risk of harm” as the strong likelihood that an individual will imminently experience an event, condition, injury, or other outcome that is adverse or detrimental to the individual.

The bill also defines “indicated,” “not indicated,” and “undetermined” for purposes of investigative findings.

Current Law:

Reporting Requirements

A “vulnerable adult” is an adult who lacks the physical or mental capacity to provide for the adult’s daily needs. In general, each health practitioner, police officer, or human service worker who contacts, examines, attends, or treats an alleged vulnerable adult, and who has reason to believe that the alleged vulnerable adult has been subjected to abuse, neglect, self-neglect, or exploitation must (1) notify the local department of social services and (2) if acting as a staff member of a hospital or public health agency, immediately notify and give required information to the head of the institution (or a designee). Additionally, any individual other than a health practitioner, human service worker, or police officer who has reason to believe that an alleged vulnerable adult has been subjected to abuse, neglect, self-neglect, or exploitation may file an oral or written report of the suspected abuse, neglect, self-neglect, or exploitation with the local department. Reports may be made by telephone, direct communication, in writing to the local department, or by calling the statewide reporting hotline.

To the extent it is reasonably possible, an individual who makes a report must include the following information: (1) the name, age, and home address of the alleged vulnerable adult; (2) the name and home address of the person responsible for the care of the alleged vulnerable adult; (3) the whereabouts of the alleged vulnerable adult; (4) the nature of the alleged vulnerable adult's incapacity; (5) the nature and extent of the abuse, neglect, self-neglect, or exploitation of the alleged vulnerable adult, as specified; and (6) any other information that would help to determine the cause of the suspected abuse, neglect, self-neglect, or exploitation and the identity of any individual responsible for the maltreatment.

Investigation Requirements

The local department of social services must begin a thorough investigation within five working days after the receipt of the report of suspected abuse, neglect, self-neglect, or exploitation or within 24 hours after the receipt of the report if the report indicates that an emergency exists. The investigation must include:

- a determination of whether the individual is a vulnerable adult and there has been abuse, neglect, self-neglect, or exploitation; and
- if the individual is determined to be a vulnerable adult and to have suffered abuse, neglect, self-neglect, or exploitation (1) a determination of the nature, extent, and cause of the abuse, neglect, self-neglect, or exploitation; (2) a determination of the identity of the person or persons responsible; (3) an evaluation of the home environment; and (4) a determination of any other pertinent facts.

On request of the local department, the local State's Attorney or the appropriate law enforcement agency must assist in the investigation. As appropriate, specified entities providing services or care to the alleged vulnerable adult or whose information or expertise may be of assistance in assessing risk or planning services may assist in the investigation on request by the local department. An investigation must be completed within 60 days, or 10 days if the report indicates that an emergency exists.

Based on the investigation, the local department must (1) render or assist a vulnerable adult to receive the appropriate services in the best interests of the vulnerable adult under the adult protective services (APS) program; (2) as appropriate, involve the local office on aging; (3) report to the appropriate local law enforcement agency any incident of abuse, neglect, or exploitation of an alleged vulnerable adult where the possibility of a crime being committed against the alleged vulnerable adult is indicated by information provided in the initial report or by information obtained in the course of investigation; and (4) send to the local State's Attorney and the appropriate local law enforcement agency a report of the investigation of any incident of abuse, neglect, or exploitation of an alleged vulnerable

adult, which was or should have been reported to the appropriate local law enforcement agency.

Background: DHS advises that a federal 2024 rule creates minimum standards for states' APS programs. In order to comply by the required date of May 2028, numerous changes to statutory language are required; the bill aligns definitions related to the State APS program with the new federal rule.

Additional Information

Recent Prior Introductions: Similar legislation has not been introduced within the last three years.

Designated Cross File: HB 282 (Chair, Judiciary Committee)(By Request - Departmental - Human Services) - Judiciary.

Information Source(s): Maryland Department of Aging; Montgomery County; Judiciary (Administrative Office of the Courts); Department of Human Services; Department of Legislative Services

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caw/jkb

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ANALYSIS OF ECONOMIC IMPACT ON SMALL BUSINESSES

TITLE OF BILL: Adult Protective Services - Modifications

BILL NUMBER: SB 182

PREPARED BY: Daniel Cohen

PART A. ECONOMIC IMPACT RATING

This agency estimates that the proposed bill:

X WILL HAVE MINIMAL OR NO ECONOMIC IMPACT ON MARYLAND
SMALL BUSINESS

OR

____ WILL HAVE MEANINGFUL ECONOMIC IMPACT ON MARYLAND
SMALL BUSINESSES

PART B. ECONOMIC IMPACT ANALYSIS

This legislation as drafted will have no economic impact on small businesses in Maryland.