



Montgomery County

Office of Intergovernmental Relations

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SB 153

DATE: January 22, 2020

SPONSOR: Senator West

ASSIGNED TO: Judicial Proceedings

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POSITION: OPPOSE (Department of Health and Human Services)

Criminal Law – Abuse or Neglect of a Vulnerable Adult – Causing Severe Emotional Distress

As introduced, Senate Bill 153 expands the definition of abuse of a vulnerable adult to include deceptive or misleading statements made with malicious intent, the destruction of or harm to an animal owned by a vulnerable adult, and the malicious posting of social media content without a vulnerable adult's permission. The sponsor's amendments would remove the above criteria and instead expand the definition of abuse to mean the sustaining of the intentional and malicious infliction of severe emotional distress by use of actual or threatened harm, harassment, intimidation, humiliation, isolation, or other means that profoundly confuse or frighten a vulnerable adult.

Montgomery County's Adult Protective Services program is within the County's Department of Health and Human Services (DHHS); while the sponsor's amendments are an improvement from the bill as introduced, DHHS must respectfully oppose the bill because of the unsustainable burden it would place on the investigative resources of Adult Protective Services.

In FY18, Montgomery County Adult Protective Services saw an 11% increase in investigations and an 18% increase over that in FY19, with more than 1,000 cases in the County; the number of investigations of elder/vulnerable adult abuse cases has nearly doubled from the number of cases seven years ago. The growth in our Adult Protective Services cases has had a severe impact on staff and operations as there has not been a concurrent increase in funding from the State and we have been forced to manage the growth with essentially the same number of staff. Based on the County's aging population trend, we can expect the growth in the number of cases to increase over the next five years.

From what we can see in the Governor's proposed FY21 budget, Adult Services was essentially flat-funded, and Montgomery County did not receive additional funding for positions. If Senate Bill 153 is enacted without funding support for the resulting investigations the expanded definition of abuse would create, Adult Protective Services will be forced to make tough decisions between preventative programs, maintaining case quality, and focusing on only the most severe cases. We do not want to have to make that choice.