

SB 0175_MDL_Letter of Support.pdf

Uploaded by: Antonio Salazar

Position: FAV

January 19, 2021

Senate Finance Committee

Chairman: Senator Delores G. Kelley

SB 175 - Fiduciary Institutions - Investigation of Financial Abuse and Financial Exploitation - Records Disclosure

Re: Letter of Support

The Maryland Office of the Commissioner of Financial Regulation believes that this legislation will further enhance the ability of fiduciary institutions to protect vulnerable adults against financial exploitation. Financial exploitation of vulnerable adults represents a rapidly growing problem and fiduciary institutions serve an important role in identifying and responding to such exploitation.

The General Assembly has previously recognized this role by adopting legislation requiring fiduciary institutions to report cases of suspected financial exploitation to State adult protective services (APS) agencies and requiring the fiduciary institution to disclose relevant financial records to APS agencies in many situations. However, gaps in the current law may unnecessarily restrict the ability of fiduciary institutions to provide relevant financial records to APS agencies under certain circumstances. Similarly, current laws restrict the ability of APS agencies to share information with fiduciary institutions that could aid such fiduciary institutions in investigating and responding to possible cases of financial exploitation. These gaps and restrictions operate to limit the effectiveness of both fiduciary institutions and APS agencies in combating financial exploitation.

The Maryland Office of the Commissioner of Financial Regulation believes that this legislation closes those gaps and removes those restrictions but does so in a limited manner which does not unnecessarily infringe on consumers' rights of financial privacy or burden fiduciary institutions. Staff from the Maryland Commissioner of Financial Regulation and a number of other interested agencies and stakeholders were afforded the opportunity to provide input into the draft bill.

For that and the foregoing reasons, the Maryland Office of the Commissioner of Financial Regulation supports this legislation.

CCCSMD TESTIMONY SB 175.pdf

Uploaded by: David Hall

Position: FAV



Consumer Credit Counseling Service of MD & DE, Inc.
6315 Hillside Court, Suite B, Columbia MD 21046
P 410 747-2050 E info@cccsmd.org

Testimony SB 175
Senate Finance Committee
February 19, 2022
Position: FAVORABLE

Dear Chair Kelley and Members of the Senate Finance Committee:

Since 1966 Consumer Credit Counseling Service of Maryland and Delaware, Inc. (CCCSMD), a Maryland 501c3 non-profit housing and credit counseling agency, has provided tens of thousands of Maryland residents with financial education, debt management solutions and budgeting tools to improve their financial well-being.

Since 2018 CCCSMD has led the annual statewide awareness campaign **Protect Week** in partnership with the Office of the Maryland Attorney General, the Maryland Department of Aging, the Maryland Department of Human Services and a coalition of state agencies and community partners to provide a variety of resources to Marylanders, educating them on the many forms of abuse, neglect and financial exploitation of older adults.

CCCSMD also advocates for consumer protection legislation whenever possible and in this regard I am writing today in support of SB 175. This bill arises out of the work of Project SAFE, which is a coalition of many public and private entities concerned about elder financial exploitation. Project SAFE's work revealed that there were some communication issues between Adult Protective Services (APS) and fiduciary institutions. Sometimes APS, when investigating reports of financial exploitation, has difficulty getting financial records promptly from certain banks and credit unions. Banks and credit unions are concerned that they cannot always get feedback from APS on financial exploitation cases that they had reported to APS. SB 175 addresses both of these issues and will improve communication in both directions.

If passed, SB 175 will be a win for APS and a win for fiduciary institutions. But more importantly, it will be a win for Maryland's vulnerable adults and seniors who are subjected to financial exploitation and abuse.

We respectfully request a favorable report for SB 175.

Sincerely,

Helene D. Raynaud
President/CEO

SB0175_DHS_FAV.pdf

Uploaded by: Denise Conway

Position: FAV

Date: January 19, 2022

Bill number: SB0175

Committee: Finance Committee

Bill title: **Fiduciary Institutions - Investigations of Financial Abuse and Exploitation**

DHS Position: **FAVORABLE**

The Maryland Department of Human Services, thanks the Committee for the opportunity to provide support for Senate Bill 175 (SB175).

In 1999 the Gramm-Leach-Bliley Act became federal law and removed federal restrictions on financial institutions sharing certain confidential information with Adult Protective Services (APS) during an investigation of financial exploitation of vulnerable adults. This was a needed remedy, as all national data trends demonstrate that financial exploitation of vulnerable adults is an expanding crisis in our communities. In 2012, the General Assembly granted the Department's Adult Protective Services program the authority to investigate financial exploitation of vulnerable adults and expanded mandated reporters to include employees of fiduciary institutions.¹ While the 2012 legislation was an important first step, it did not address all the barriers to working across disciplines to ensure that protection of vulnerable adults occurred.

Senate Bill 175 will remove current barriers to accessing data needed to investigate allegations of financial exploitation of vulnerable adults. The bill addresses the need to share critical information as it relates to an issue that we often prefer not to discuss with anyone—finances. Everyone involved understands the right to privacy and self determination, but the very nature of an Adult Protective Services investigation is an indication of concern for a vulnerable adult's safety.

For the following reasons, the Department proposes this legislative remedy and welcomes a favorable response:

- It will synchronize existing state statutes regarding financial exploitation investigations and record sharing
- It will permit APS, financial institutions and law enforcement to work cooperatively to support vulnerable adults
- It will provide a holistic investigation process that may support the possibility of criminal findings (when appropriate)

The Department is grateful to offer our support for SB 175 and requests a favorable report.

¹ *Senate Bill 941, 2012 Legislative Session*



SB_175_Attorney General_fav Final.pdf

Uploaded by: Jeff Myers

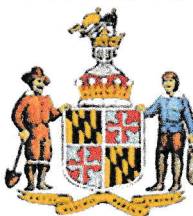
Position: FAV

BRIAN E. FROSH
Attorney General

ELIZABETH F. HARRIS
Chief Deputy Attorney General

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THE ATTORNEY GENERAL

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January 17, 2022

Senate Finance Committee
Senator Dolores G. Kelley, Chair

Written Support of the Office of the Attorney General in favor of SB 175

Dear Madam Chair:

I am pleased to report that the Office of the Attorney General supports the passage of SB 175, which amends current law to facilitate communication between fiduciary institutions and Adult Protective Services (APS) when APS is investigating possible financial abuse or exploitation of vulnerable adults.

Senate Bill 175 exists because of Project SAFE. Project SAFE is a long standing Maryland coalition of public and private entities, including the Office of the Attorney General, concerned about elder financial exploitation. You can learn more about Project SAFE on the Maryland Department of Aging's website. Go to: <https://aging.maryland.gov/Pages/elder-financial-exploitation.aspx>.

Last year a Project SAFE workgroup worked to create a standard form that all APS offices in the State could use to request financial records when investigating reports of financial exploitation. (APS is the unit of each local department of social services mandated to investigate reports of abuse of vulnerable adults, including financial exploitation. *See*, Family Law Article, Title 14, Subtitle 3.)

The standard form was to be based on a national model promulgated by the National Adult Protective Services Association. The National Association promulgated its model because the federal Gramm-Leach-Bliley Act had removed certain language in federal law that had been possible impediments to a fiduciary institution sharing customer information with an APS office investigating financial exploitation.

A standard Maryland form was desirable because various local APS offices had reported difficulties getting timely responses to record requests from some institutions. It was roundly believed that an official standard form would help in that regard.

Unfortunately, Project SAFE found that there were certain uncertainties and potential conflicts in State law that made it difficult to adopt a Maryland standard request form with which all fiduciary institutions could be comfortable. See the attached April 5, 2021, memorandum from myself to the Project SAFE workgroup describing the Maryland issues.

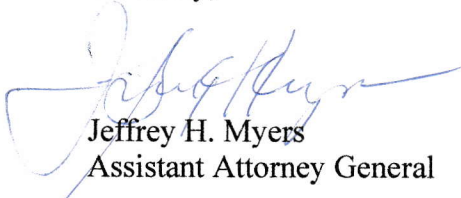
Senate Bill 175 makes certain technical changes and clarifications in the relevant statutes to resolve those issues.

In addition, SB 175 provides an additional benefit. The Project SAFE workgroup included representation from the Maryland Bankers Association, the Maryland/DC Credit Union Association, the Maryland Department of Human Services, the Maryland Association for Bank Security, and the Maryland Commissioner of Financial Regulation, and the Office of the Attorney General. Through the workgroup's efforts, we realized there was another issue that could and should be addressed: fiduciary institutions were reporting difficulty getting feedback from APS after the institution had reported financial exploitation or abuse. This turned out to be an issue caused by certain language in a Department of Human Services statute, Human Services Article, Section 1-201.

Therefore, we also drafted SB 175 to clarify that APS may, and indeed to encourage APS to, disclose the status or final disposition of a report of possible financial exploitation or abuse made by a fiduciary institution.

If passed, SB 175 will be a win for APS and a win for fiduciary institutions. But more importantly, it will be a win for Maryland's vulnerable adults and seniors who are subjected to financial exploitation and abuse.

Sincerely,



Jeffrey H. Myers
Assistant Attorney General

To: Antonio Salazar, Commissioner of Financial Regulation; Mindy Lehman, Maryland Bankers Association; John Bratsakis, Maryland/DC Credit Union Association; Dorinda Adams, Department of Human Resources; Robert Hyde, Maryland Association for Bank Security; Ken Krach, OAG; Cathy Dryden, OAG.

From: Jeff Myers

April 5, 2021

Re: Status of draft Maryland APS template for requesting financial records when investigating possible financial exploitation of a vulnerable adult

On December 3, 2020, a draft protocol¹ for all Maryland Adult Protective Service offices to use to request records from fiduciary institutions² was distributed to certain Project SAFE members for comment, including the Maryland Bankers Association (MBA) and the Maryland/DC Credit Union Association (MDDCCUA). Thank you to all who commented on the draft. It is through the exchange of ideas like this that we can make the most effective progress.

What follows is my summary of and analysis of the feedback. Note Section III below concerns feedback received on a different, but related matter—information flow from APS to fiduciary institutions.

This is my personal effort, and does not reflect official viewpoints or policy positions of the Office of the Attorney General or the Maryland Department of Aging (let alone the Departments of Human Services or Labor).

As described in the draft protocol, the Gramm- Leach- Bliley Act, removed federal privacy impediments that might have stopped a fiduciary institution from sharing customer information with an Adult Protective Services office investigating possible financial exploitation of a vulnerable adult. However, there is apprehension among some that certain Maryland laws may contain impediments.

- I. While Maryland Family Law Article § 14-303 indicates a fiduciary institution may provide financial records to an Adult Protective Services (APS) office investigating the exploitation of a suspected vulnerable adult, Financial Institutions Article § 1-302 reads to the contrary.

A. Family Law Article § 14-303:

¹ The model protocol promoted by the National of Adult Protective Services Association served as the basis for the draft.

² While we frequently use the generic term “financial institution,” Financial Institutions Article (FIA) 1-306 is applicable only to fiduciary institutions: banks, credit unions, and savings and loans. See, FIA 1-301(b). “Financial Institutions” is a technical and broader term under the FIA as it includes all entities regulated by the FIA, including for example mortgage loan originators, which are not fiduciary institutions. See, FIA 1-101(j).

It seems clear in APS's statutory framework in the Family Law Article that a fiduciary institution may provide information in response to an APS request for records to facilitate an investigation of financial exploitation or abuse. Family Law Article, Section 14-303(c)(2) and (e) provide, with respect to APS investigations of abuse and exploitation that:

(c)(2) As appropriate, the local office on aging or the Department of Aging, local geriatric evaluation service, or any other public or private agency 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 the request by the local department.

(e) Parties participating in an investigation may share pertinent client information relevant to the investigation.

(Emphasis added.)

Moreover, Family Law Article 14-309, part of APS's statutory framework, seemingly would provide immunity to a fiduciary institution sharing information with APS—even if it has not previously reported to APS. Section 14-309 states, “Any person who makes or participates in making a report under this subtitle or participates in an investigation or a judicial proceeding resulting from a report under this subtitle shall have the immunity from liability described under § 5-622 of the Courts and Judicial Proceedings Article.” Supplying records in response to an investigatory request from APS should qualify a person as one who “participates in an investigation” and thereby provide immunity.

B. Financial Institutions Article § 1-302:

On the other hand, it was pointed out that there is conflicting statutory language elsewhere in the Maryland Code. Financial Institutions Article (FIA) Section 1-302 is titled “Confidentiality of Financial Records.” It provides that, except as otherwise provided in the subtitle, a fiduciary institution may not disclose any financial records of a customer unless the disclosure meets certain specified circumstances listed in Section 1-302. There are circumstances for providing financial records to the Department of Human Services, of which APS is a part, but they all relate to determining financial eligibility for public benefits. See e.g., FIA Section 1-302(1)(v). Those circumstances do not apply to APS. There are other exceptions in the subtitle, but they include disclosing documents in response to a subpoena or after filing a report of financial abuse or exploitation.

Thus, Family Law Article, Title 14, Subtitle 3, and Financial Institutions Article, Title 1, Subtitle 3, are not well synchronized and seem to conflict. Understandably, a fiduciary institution with a conservative nature (which is virtually all fiduciary institutions) might err on the side of a statute that says, “thou shall not,” as opposed to one that says, “thou may.”

II. Is a request to a fiduciary institution from APS for financial records for an exploitation investigation, a sufficient basis for a fiduciary institution to make a report to APS under FIA Section 1-306?

The MBA posed this interesting question: Can a request from APS stating that it is investigating alleged financial exploitation of a vulnerable adult and seeking a customer's records serve as a sufficient basis for a fiduciary institution to believe that a "customer has been subjected to financial exploitation" or to "have reasonable cause to suspect that" an "elder adult is the victim of financial abuse"³? Currently, there is not a definitive legal answer to this question for each and every case. Each institution has to answer this question for itself—probably on a case-by-case basis.

The answer might depend on whether APS is seeking the records of an alleged victim or perpetrator of financial exploitation or abuse. If seeking the financial records of an alleged perpetrator, a FIA Section 1-306 report would not be appropriate because FIA Section 1-306 reports are for customers who may be victims.

In some cases, a fiduciary institution might conclude that the information in the APS request is a sufficient basis to believe that a "customer has been subjected to financial exploitation" or to "have reasonable cause to suspect that" an "elder adult is the victim of financial abuse." In other matters, where the information from APS is sparse, a fiduciary institution might take the receipt of a records request from APS as a cue to conduct some internal inquiry, such as reviews of transaction records or discussions with tellers or branch managers. That internal inquiry might provide additional information that alone, or in conjunction with the APS request, could serve as the basis for filing a FIA Section 1-306 report with APS before responding to the APS request for a customer's financial records.

Some have suggested that perhaps the Commissioner of Finance could issue guidance stating that a request for records from APS should be considered a sufficient basis for a fiduciary institution to suspect financial exploitation or abuse. Then, upon receiving a request from APS, a fiduciary institution could first file a report under FIA Section 1-306, if it deemed a report appropriate, and then safely respond to the APS records request.⁴

III. Can APS provide information to a fiduciary institution that has reported suspected financial abuse or exploitation?

In addition, in response to the draft protocol we received several comments indicating that financial institutions want information from APS when they have reported to APS that a

³ Note that while we speak frequently of financial exploitation and financial abuse as interchangeable terms, FIA Section 1-306 defines these terms distinctly and differently. In FIA Section 1-306, "Financial Exploitation" is the broader term. It refers to any misuse of a customer's funds; while "Financial Abuse" is narrower and only includes misuse of the property of an "elder adult"—someone 65 or older. *See*, FIA Section 1-306(a)(4) and (5).

⁴ Fortunately, we do not have this issue with broker-dealers or investment advisers as Corporations & Associations Article § 11-307(f) makes clear that a report to APS is not a prerequisite to sharing information.

customer may be the victim of financial abuse or exploitation. The institutions are frustrated when a customer seems to continue to be duped and they have not heard back from APS as to whether an investigation was opened or closed, whether APS found financial abuse or exploitation, etc. Institutions are often trying to decide whether to report again or whether to freeze or close an account.

Perhaps the reticence of APS's staff is based on the APS regulations, which provide in COMAR 07.02.16.06F, "The local department shall inform the referring party when the investigation begins and the name of the assigned caseworker. Except in accordance with a court order, local departments may not share information on a case unless it furthers the investigation or service provision or is required in reports to law enforcement officials." (Emphasis added.)

While informing the fiduciary institution that an investigation was closed, or that it was closed with a finding of exploitation or closed as unsubstantiated, might assist the institution, it will not further the investigation, and it is unlikely to further any services APS is providing.

The MBA pointed to a California statute that it felt would be beneficial in Maryland:

Notwithstanding any provision of law, a local adult protective services agency, a local law enforcement agency, and the Department of Business Oversight may disclose to a mandated reporter of suspected financial abuse of an elder or dependent adult or their employer, upon request, the general status or final disposition of any investigation that arose from a report made by that mandated reporter of suspected financial abuse of an elder or dependent adult pursuant to this section.

Cal. Welf. & Inst. Code § 15630.2(k).

IV. Conclusion.

It is my belief that we should convene ourselves as a subgroup of Project SAFE to develop legislation for next session that would clarify and enhance communication between APS and fiduciary institutions when financial exploitation or abuse is suspected. I have been gathering statutory language from other states that would be helpful to such an endeavor if you all are willing to work on a joint piece of legislation.

Cc: Melanie Senter Lubin, Securities Commissioner

sb175-2022.pdf

Uploaded by: Morris Klein

Position: FAV

To: Chair and Members of the Senate Judicial Proceedings Committee
From: Maryland State Bar Association Elder Law and Disability Rights Section
Date: January 19, 2022
Subject: SB 175: Fiduciary Institutions - Investigation of Financial Abuse and Financial Exploitation - Records Disclosure
Position: Support

The Elder Law and Disability Rights Section of the Maryland State Bar Association supports SB 175: Fiduciary Institutions - Investigation of Financial Abuse and Financial Exploitation - Records Disclosure

The Elder Law and Disability Rights Section of the Maryland State Bar Association is an attorney organization whose 579 members primarily represent senior and disabled adults. The financial exploitation of vulnerable adults continues to be a serious problem. A vulnerable adult risks financial calamity if some or all of their life savings are withdrawn from their bank account by someone with nefarious intent. Adult Protective Services is the entity charged with investigating such cases of abuse. This legislation gives APS additional necessary tools by requiring covered financial institutions (“fiduciary institutions”) to disclose certain financial records to APS as part of its investigation of suspected financial abusers or exploiters.

We urge your Committee to give a favorable report to this legislation.

/s/ Morris Klein, Section Public Policy Committee

2022 MDDCCUA - SB175- Fiduciary Institutions – Inv

Uploaded by: Providence LLC

Position: FAV



MD|DC
Credit Union Association

Chair Delores Kelley
3 East
Miller Senate Office Building
Annapolis, Maryland 21401

SB175: Fiduciary Institutions – Investigation of Financial Abuse and Financial Exploitation –
Records Disclosure

Testimony on Behalf of MD|DC Credit Union Association

Position: Favorable

Chair Kelley, Vice-Chair Feldman, and Members of the Committee:

The MD|DC Credit Union Association, on behalf of the 70+ Credit Unions and their 2.2 million members that we represent in the State of Maryland, appreciates the opportunity to testify on this legislation. Credit Unions are member-owned, not-for-profit financial cooperatives whose mission is to educate and help members achieve financial well-being.

We support this bill and are thankful for the opportunity to work through the language during the interim. Credit unions are more than willing to help where possible to ensure that instances of financial abuse or exploitation are minimized and those being abused or exploited are made whole. Clearly stating that financial institutions are protected when disclosing information to the appropriate authorities during an investigation gives our members peace of mind.

Please reach out to me at jbratsakis@mddccua.org with comments or questions.

Thank you!

Sincerely,

John Bratsakis
President/CEO
MD|DC Credit Union Association

SB175_RiaRochvarg_FAV

Uploaded by: Ria Rochvarg

Position: FAV

Testimony Supporting Passage of SB 175

My name is Ria Rochvarg, and I have been a Maryland attorney for over 29 years and I primarily practice in the area of Guardianship Law. I am very active in Guardianship reform. I lecture on Guardianship Law to attorneys and judges in Maryland and I have written about Guardianship Law.

I fully support the passage of SB 175. In my many years of practice, I have seen the number of vulnerable adults who are the victims of financial abuse and/or exploitation increase exponentially. I have worked with Adult Protective Service divisions around the state of Maryland regarding these vulnerable adults. As the law is currently written, it is very difficult, if not impossible for APS to get the necessary information to assist these vulnerable adults. In most cases, a guardianship case has to be filed and an order has to be signed by a judge appointing a Temporary Guardian of the Property. Far too often, the assets are already gone.

Passing SB 175 will allow APS the much needed authority to fully investigate the financial abuse and/or exploitation of vulnerable adults. I am requesting that you vote favorably and pass SB 175.

SB 175 Fiduciary Institutions Investigation Exploi

Uploaded by: Tammy Bresnahan

Position: FAV



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**SB 175 Fiduciary Institutions - Investigation of Financial Abuse and Financial Exploitation
- Records Disclosure
Favorable
Senate Finance Committee
January 19, 2022**

Good afternoon Chair Kelley and members of the Senate Finance. I am Tammy Bresnahan Director Advocacy for AARP Maryland. As you know, AARP Maryland is one of the largest membership-based organizations in the Free State, encompassing almost 850,000 members. AARP MD and its members supports **SB 175 Fiduciary Institutions - Investigation of Financial Abuse and Financial Exploitation - Records Disclosure.**

AARP is a nonpartisan, nonprofit, nationwide organization that helps people turn their goals and dreams into real possibilities, strengthens communities and fights for the issues that matter most to families such as healthcare, employment and income security, retirement planning, affordable utilities and protection from financial abuse.

SB 175 allows Adult Protective Services (APS) investigators to request and receive financial information pertaining to an adult when APS is investigating possible fraud or exploitation of a vulnerable adult. Under current state law, financial institutions are mandatory reporters when there is suspected financial exploitation of a vulnerable adult, but the reciprocity of that information is not clearly delineated in Maryland law. This bill remedies state law so that the fiduciary is protected, and APS can follow up with the fiduciary after there is finding.

Unusual financial activity — a series of large ATM withdrawals, a flurry of stock trades or big-ticket purchases — could be clues that an older loved one is being financially exploited. And the first person to spot it might be Mom's financial adviser, or a teller at Dad's bank.

With more of the nation's savings in the hands of people over 50 and financial abuse of older adults on the rise, companies charged with protecting clients' assets are stepping up efforts to spot early signs of elder fraud and nip it in the bud, whether perpetrated by a distant, anonymous phone scammer or a relative or caregiver whispering in a vulnerable person's ear.

That awareness is fueling policies and programs centered on bolstering the role of banks, brokerage firms and other financial institutions as a line of defense against elder fraud.

AARP continues the fight against fraud, providing Americans with reliable, up-to-date information about scams and fraud, and tips to avoid them. ... A Fraud Resource Center with more than 60 tip sheets providing do's and don'ts on common scams and fraud.

Exploiting older adults is devastating to the victim and to their families. It can mean the loss of one's lifelong investment. The more tools in the toolbox for APS helps our most vulnerable and for those 50 and over. For these reason AARP supports SB 175. If you have questions, please contact Tammy Bresnahan at 410-302-8451 or at tbresnahan@aarp.org .

CASH_SB 175 Fiduciary Institutions - Investigation

Uploaded by: Tonaeya Moore

Position: FAV



**SB 175- Fiduciary Institutions- Investigation of Financial Abuse and Financial Exploitation- Records Disclosure
January 19, 2022
SUPPORT**

Chair Kelley, Vice-Chair, and members of the committee, thank you for the opportunity to provide testimony in support of Senate Bill 175. This bill would resolve issues and facilitate much needed communications between Adult Protective Services (APS) staff and Financial Institution staff.

The CASH Campaign of Maryland promotes economic advancement for low-to-moderate income individuals and families in Baltimore and across Maryland. CASH accomplishes its mission through operating a portfolio of direct service programs, building organizational and field capacity, and leading policy and advocacy initiatives to strengthen family economic stability. CASH and its partners across the state achieve this by providing free tax preparation services through the IRS program 'VITA', offering free financial education and coaching, and engaging in policy research and advocacy. **Almost 4,000 of CASH's tax preparation clients earn less than \$10,000 annually. More than half earn less than \$20,000.**

The CASH Campaign of Maryland has been working with the Adult Protective Services division on a Policy Guide for investigating Financial Exploitation cases, and our staff has received feedback from many APS staff on the challenges in obtaining the needed evidence from financial institutions. CASH also conducted interviews with financial institutions who cited the difficulties in assisting APS staff on these cases. SB 175 would address these concerns by:

- Requiring a fiduciary institution to disclose certain financial records to an adult protective services program that is investigating suspected financial abuse or financial exploitation, and
- Authorizing an adult protective services agency or a law enforcement agency to share certain information with a fiduciary institution that made a report of suspected financial abuse or financial exploitation

Unfortunately, many vulnerable adults are taken advantage of by family members, caregivers, businesses, or scammers. Many times, vulnerable adults are misled, threatened, or are unaware that they are being taken advantage of. This can lead to extreme financial hardship for vulnerable adults. Most vulnerable populations are on a fixed income and have limited capacity to recover from financial abuse. APS and financial intuitions need to work together quickly to limit the financial harm to Maryland's vulnerable populations.

Thus, we encourage you to return a favorable report for SB 175.

Creating Assets, Savings and Hope

SB175_MBA_FWA

Uploaded by: Drew Jabin

Position: FWA



SB 175 – Fiduciary Institutions - Investigation of Financial Abuse and Financial Exploitation - Records Disclosure

Committee: Senate Finance Committee

Date: January 19, 2022

Position: Support with Amendments

The Maryland Bankers Association (MBA) **SUPPORTS** SB 175 with a **CLARIFYING AMENDMENT**. This bill would implement a clear reporting relationship between financial institutions and adult protective services programs, therefore strengthening protections for suspected victims of adult financial exploitation.

Elder financial exploitation costs victims billions of dollars each year and Maryland banks have continued to place high importance on enhancing their capacity to spot and stop this crime through on-going training, enhanced fraud detection technologies, and internal protocols and procedures designed to protect customers. As an active member of Project SAFE, MBA has worked with stakeholders across Maryland towards a common goal of preventing and remedying financial exploitation of vulnerable adults.

While MBA is in strong support of this legislation, a concern was raised specifically for elder Marylanders that may have decades long relationships with a particular banking institution. MBA encourages the Committee to adopt the attached amendment, which would require the notice from adult protective services programs to specify the time frame for information requested – ensuring clarity as to what the financial institution is expected to produce and focusing the scope on relevant records.

MBA strongly supports continued and increased protections of Maryland’s elder and vulnerable adults. Accordingly, the Maryland Banker Association urges the Committee issue a **FAVORABLE WITH AMENDMENTS** report on SB 175.

The Maryland Bankers Association (MBA) represents FDIC-insured community, regional, and national banks, employing more than 29,000 Marylanders and holding more than \$201 billion in deposits in over 1,300 branches across our State. The Maryland banking industry serves about 4 million customers across the State and provides an array of financial services including residential mortgage lending, business banking, estates and trust services, consumer banking, and more.

Proposed Maryland Bankers Association Amendment to Senate Bill 175

SB0175/XXXXXX/1

BY:

(To be offered in the Senate Finance Committee)

AMENDMENTS TO SENATE BILL 175

(First Reading File Bill)

AMENDMENT No. 1

On page 4, in line 25, after "INFORMATION", insert "FROM A SPECIFIED PERIOD OF TIME THAT IS".