

A LIFEBRIDGE HEALTH GROUP

CENTER FOR HOPE

Advancing hope, healing and resilience



HB161: Criminal Law - Exploitation of Vulnerable Adult or Elderly Individual - Undue Influence
House Judiciary Committee – January 27, 2022

Testimony of Adam Rosenberg, Esq., Executive Director, Center for Hope; Vice President, Violence Intervention & Prevention, LifeBridge Health

Position: **SUPPORT**

I write in SUPPORT of HB161. The Center for Hope is a comprehensive violence program that addresses violence through the lifespan, and includes child advocacy, domestic violence programs, street violence interruption programs and an elder abuse program.

Center for Hope's Elder Justice Program was created to provide an evidence-based approach to the growing -- but often overlooked -- problem of serious harm caused to older adults by family and caregivers. Based on the child advocacy center model, the project convenes a multi-disciplinary team of experts, including forensic interviewers, Baltimore City law enforcement and state's attorneys, medical and mental health professionals to review cases to identify gaps in services and systemic improvements that will better protect Maryland's senior populations.

Like child abuse, elder abuse is often a crime perpetrated by family or household members. In almost 60% of elder abuse and neglect incidents, the perpetrator is a family member. Two-thirds of perpetrators are adult children or spouses. In fiscal year 2019, Maryland authorities received over 12,000 complaints of abuse of seniors and vulnerable adults (over 7,000 for Maryland Adult Protective Services and over 5,000 complaints for Maryland Department of Aging). (Source: Md Dept of Aging FY2019 Fact Sheet).

Changes definition of "undue influence" on an elder or vulnerable adult. LBH Center for Hope supports HB347's expansion of the definition of "undue influence" from its current meaning, "domination and influence amounting to force and coercion" to include "excessive persuasion." The distinction better captures the nature of vulnerability of older and vulnerable adults.

Factors amounting to "excessive persuasion." The bill also provides courts a list of factors that provides an educational window into how abuse occurs. It directs the court to examine the victim's capacity, illness, isolation, dependency. It also focuses on defendant's actions such as controlling medication and sleep, using affection, or using secrecy or haste, or making changes at inappropriate times and places. Experience tells us that where there is financial exploitation, there is also often emotional, physical and/or sexual abuse of elders and vulnerable adults.

For all of the heretofore stated reasons, we request a **FAVORABLE** report for HB161.

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