

To: The Chair and Members of the House Judiciary Committee  
Fr: The Maryland/DC Chapter of the National Academy of Elder Law Attorneys  
Date: February 11, 2025  
Re: HB 604 - Vulnerable and Senior Adults - Theft of Property by Caregiver, Family Member, or Household Member – Prohibition

Position: Support with Amendment

The Maryland/DC Chapter of the National Academy of Elder Law Attorneys is an organization of attorneys dedicated to serving our seniors. We are pleased to support HB-604 as a positive step toward protecting seniors from the ever increasing threats of exploitation, particularly by trusted caregivers and family.

However, there are asset transfers that may appear suspicious, but are in fact essential to securing long-term care for seniors needing those services. The drafters of the SAFE Act recognized the potential for confusion and the possibility of the misuse of the SAFE Act's protections when they carved out an exemption for asset transfers serving the legitimate purposes of Medicaid planning or planning for estate taxes.

We encourage the Committee to consider a similar approach in HB-604. Possible language could be the following:

*(F) This Section may not be construed to impose criminal liability on a person who has made a good faith effort to assist the victim in the management of or transfer of the victim's property, including for the purposes of establishing and implementing an estate plan intended to reduce taxes or to maximize eligibility for public benefits in order to preserve assets for an identified or identifiable person.*

Harmonizing the language would protect legitimate efforts to preserve existing estate plans, while furthering efforts to protect vulnerable Marylanders.

Thank you for the opportunity to comment on this important piece of legislation. Please feel free to contact us if you have any questions or wish additional information.

Sincerely,  


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