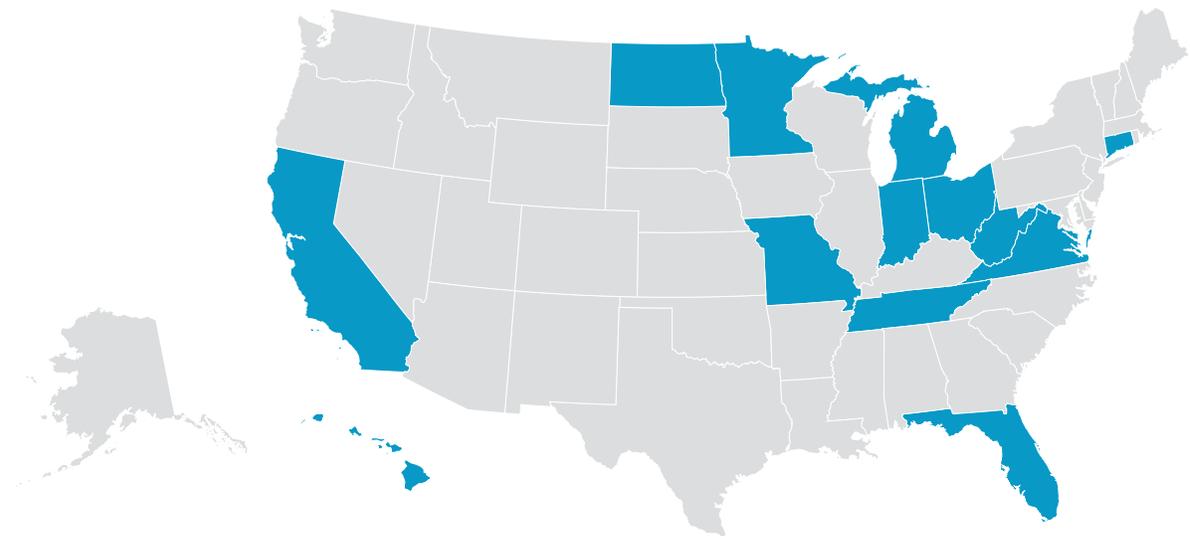


Elder Justice Policy Highlights

SEPTEMBER 2018 – FEBRUARY 2019

The elder justice legislation found in this document was elicited and finalized from the National Center on Elder Abuse (NCEA) Listserv and independent websites in February 2019. The compilation is intended to reflect highlights across the nation and does not include all legislation related to elder justice. However, updates will be sent quarterly and states are encouraged to send updates on significant legislative action to [Ageless Alliance](#). This document reflects activity in 13 states and highlights at the federal level.



California

CALIFORNIA SB 1320

▶ VIEW ONLINE

Approved by the Governor on September 18, 2018, this legislation extends eligibility for the State's confidential address program to victims of elder or dependent adult abuse. This measure will enable survivors of stalking, domestic violence, sexual assault, and human trafficking to apply for a confidential, substitute address to manage their affairs and protect their privacy from potential abusers. By expanding the scope of the program to include victims of elder or dependent abuse, this law imposes new duties on local public officials and expands the scope of an existing crime, thereby creating a state-mandated local program.

Have questions or want to share some news or legislation with us?



ONLINE: agelessalliance.org



EMAIL: info@agelessalliance.org

CALIFORNIA SB 1129

▶ VIEW ONLINE

Approved by the Governor on September 27, 2018, this legislation modifies the rebuttable presumption against making an award of temporary or permanent spousal support that is applicable to all criminal convictions for an act of domestic violence by distinguishing between a criminal conviction for a domestic violence felony and a domestic violence misdemeanor. A criminal conviction for a domestic violence felony prohibits awards relating to spousal support, attorney's fees, setting the date of separation, and retirement and pension benefits in a manner similar to a criminal conviction for a violent sexual felony. The measure authorizes the court to determine, based on the facts of a particular case, that the injured spouse is entitled to up to 100% of the community property interest in his or her retirement and pension benefits based on specified factors, including the duration of the marriage and when, based on documented evidence, incidents of domestic violence occurred. These changes are applicable to convictions that occurred on or after January 1, 2019.

Michigan

MICHIGAN HB 5813

[▶ VIEW ONLINE](#)

Approved by the Governor on December 31, 2018, this measure requires usage of a standard investigative form for incidents involving physical or financial abuse of a vulnerable adult or elder adult. Additionally under this legislation, a peace officer may investigate financial neglect, abuse, or harm after responding to an incident involving alleged physical abuse of a vulnerable adult or elder adult.

Ohio

OHIO SB 158

[▶ VIEW ONLINE](#)

SB 158 will be effective on March 20, 2019. This measure develops best practices and educational opportunities to combat elder fraud and exploitation and requires full restitution from offenders who are found guilty of certain fraud-related crimes against the elderly.

Keep on the Watch

National

NATIONAL S.149

[▶ VIEW ONLINE](#)

Introduced on January 16, 2019, the Stop Senior Scams Act would establish a Senior Scams Prevention Advisory Council which would collect information on the existence, use, and success of model educational materials and programs for retailers, financial services and wire-transfer companies and identify inadequacies, omissions, or deficiencies in those materials and programs and their execution in reaching employees to protect older adults. The Council would create model materials to fill inadequacies, omissions, or deficiencies that are identified.

NATIONAL H.R.7061

[▶ VIEW ONLINE](#)

Introduced on October 12, 2018, the Stamp Out Elder Abuse Act of 2018 would enable a “Stamp Out Elder Abuse” semipostal stamp to be issued. This in turn would afford members of the public to raise awareness of and combatting elder abuse, as well as propose funding for elder justice activities. The Postal Service would make the stamp available to the public for a period of no less than 2 years, beginning no later than 1 year after the date of enactment. Proceeds would be provided to the Department of Justice and the Department of Health and Human Services for the purpose of elder justice activities.

California

CALIFORNIA SB 304

[▶ VIEW ONLINE](#)

Introduced on February 15, 2019, this bill would consolidate elder abuse and fraud cases occurring across counties. Existing law provides that when more than one violation of certain specified offenses occurs in more than one jurisdictional territory, jurisdiction for any of those offenses and any other properly joinable offenses may be in any jurisdiction where at least one of the offenses occurred if all district attorneys in the counties with jurisdiction over any of the offenses agree to the venue. This bill would create a similar authority for the prosecution of specified elder abuse offenses occurring in multiple jurisdictions.

CALIFORNIA SB 314

[▶ VIEW ONLINE](#)

Introduced on February 15, 2019, this bill would make abandonment eligible for enhanced civil remedies under the state Elder Abuse Act. Existing law, the Elder Abuse and Dependent Adult Civil Protection Act, provides for the award of attorney’s fees and costs to, and the recovery of damages by, a plaintiff when it is proven by clear and convincing evidence that the defendant is liable for physical abuse or neglect, as defined, and the defendant has also been found guilty of recklessness, oppression, fraud, or malice in the commission of that abuse. This bill would extend those remedies to cases in which the defendant is liable for abandonment.

Connecticut

[CONNECTICUT SB 832](#) [▶ VIEW ONLINE](#)

In January 2019, the Senate Aging Committee introduced SB 832. This measure would provide the public with access to a searchable database of perpetrators of crimes and other substantiated abuse, neglect, exploitation or abandonment of elderly persons or persons with disabilities. The bill was filed with the Legislative Commissioners' Office on February 2, 2019.

District of Columbia

[DISTRICT OF COLUMBIA B22-0838](#) [▶ VIEW ONLINE](#)

While this bill was introduced during the previous reporting period, a public hearing for this bill was held on October 4, 2018. At this hearing, multiple advocacy groups provided panel testimony in support of the measure. The proposed bill would establish an Elder Abuse Response Team to coordinate services available to victims of elder abuse cases.

Florida

[FLORIDA HB 143](#) [▶ VIEW ONLINE](#)

Filed on January 2, 2019, HB 143 would require securities dealers, investment advisers, & associated persons to report knowledge or suspicion of abuse, neglect, or exploitation of vulnerable adults to DCF's central abuse hotline. It would also authorize such dealers, advisers, & persons to delay transaction or disbursement of funds or securities based on reasonable belief of exploitation of specified adults. Additionally, the bill requires dealers, advisers, & associated persons to make certain records available to OFR, provides specific immunity for such dealers, advisers, and persons, and provides training requirements. The bill was referred to the Insurance and Banking Subcommittee, Government Operations and Technology Appropriations Subcommittee, and Commerce Committee on January 9, 2019.

Hawaii

[HAWAII HB 691](#) [▶ VIEW ONLINE](#)

Introduced on January 22, 2019, this measure aims to provide additional protection to the elderly by making financial exploitation of an elder by a caregiver a Class A felony. This measure would take effect on July 1, 2019. The bill was referred to the Committee on Human Services & Homelessness and the House Judiciary Committee on January 24, 2019.

Indiana

[INDIANA SB 36](#) [▶ VIEW ONLINE](#)

Introduced on January 3, 2019, the "Elder Abuse Registry" bill would require the state's Office of Judicial Administration to establish an electronic elder and adult abuse registry containing information relating to persons convicted of a crime of elder or adult abuse. The registry would be effective July 1, 2019 and would contain information for every person convicted of a crime of elder or adult abuse. Under this measure, the office would publish the registry on the office's internet site. The registry would be searchable and available to the public and be updated at least once every 30 days. SB 36 passed the senate and was referred to the House Committee on Courts and Criminal Code on February 26, 2019.

Minnesota

[MINNESOTA SF 11](#) [▶ VIEW ONLINE](#)

Introduced on January 10, 2019, this bill would establish requirements for authorized electronic monitoring in nursing facilities and assisted living facilities. Under this measure, a resident or a resident's legal representative could conduct authorized electronic monitoring of the resident's room or private living space through the use of electronic monitoring devices placed in the room or private living space as provided in this section. Except as otherwise provided in this legislation's subdivision, a resident would need to consent to electronic monitoring in the resident's room or private living space in writing on a notification and consent form prescribed by the ombudsman for long-term care, in consultation with the department and representatives of facilities.

Missouri

MISSOURI HB 932

[▶ VIEW ONLINE](#)

Introduced on February 13, 2019, this bill would authorize the development of multidisciplinary adult protection teams by certain attorneys. Each prosecuting attorney of a county or the circuit attorney would be able to develop, maintain, and coordinate the services of one or more multidisciplinary adult protection teams. The prosecuting attorney or circuit attorney would utilize and convene the teams to supplement any protective services provided by the department of health and senior services.

North Dakota

NORTH DAKOTA HB 1107

[▶ VIEW ONLINE](#)

Introduced on January 3, 2019, HB 1107 would amend and reenact subsection 1 of section 50-10.1-03, section 50-25.2-02, subsection 1 of section 50-25.2-03, section 50-25.2-04, subsection 1 of section 50-25.2-05, and sections 50-25.2-12, 50-25.2-13, and 50-25.2-14 of the North Dakota Century Code, relating to the duties of the state long-term care ombudsman and vulnerable adult protective services. The bill would shorten the time period within which complaints against a facility must be investigated from “within nine months of the complaint against the facility” to “within one month.” It would also clarify that a long-term care ombudsman is not a mandated reporter of suspected abuse or neglect, based on federal law which states that the Ombudsman and representatives of the Office shall not report suspected abuse, neglect or exploitation of a resident when a resident or resident representative has not communicated informed consent to such report. The measure would also allow that reports be made available to a guardian or legal representative of the vulnerable adult who is the subject of a report, if the guardian or legal representative is not suspected of abusing or neglecting the vulnerable adult. This measure passed the House and was referred to the Senate Human Services Committee on February 4, 2019.

NORTH DAKOTA HB 1161

[▶ VIEW ONLINE](#)

Introduced on January 3, 2019, this bill would create and enact a new section to chapter 51-28 of the North Dakota Century Code, relating to prohibiting false information from being entered into a telephone caller identification system with the intent to deceive, defraud, or mislead; and to provide a penalty. This measure passed the House and was referred to the Senate Industry, Business and Labor Committee on February 20, 2019.

NORTH DAKOTA SB 2113

[▶ VIEW ONLINE](#)

Introduced on January 3, 2019, SB 2113 would create and enact a new section to chapter 50-10.2 of the North Dakota Century Code relating to authorized electronic monitoring of facility residents. The measure would also amend and reenact sections 12.1-31-14 and 50-10.2-01 of the North Dakota Century Code, relating to authorized electronic monitoring of facility residents and privacy, and provide a penalty. The bill passed the Senate and was referred to the House Human Services Committee on February 13, 2019.

NORTH DAKOTA HB 1378

[▶ VIEW ONLINE](#)

Introduced on January 10, 2019, this measure would create and enact a new chapter to title 30.1 of the North Dakota Century Code, relating to supported decision making, a process for making well-informed, voluntary decisions by methods less restrictive than guardianship or conservatorship. The measure passed the House and is scheduled for a Senate Committee Hearing on March 6, 2019.

NORTH DAKOTA SB 2179

[▶ VIEW ONLINE](#)

Introduced on January 8, 2019, this measure would create and enact chapter 6-08.5 of the North Dakota Century Code, relating to the prevention of financial exploitation and would amend and reenact section 6-08.1-03 of the North Dakota Century Code, relating to a financial institution’s duty of confidentiality. The measure passed the Senate and was referred to the House Industry, Business and Labor Committee on February 13, 2019.

NORTH DAKOTA SB 2289

[▶ VIEW ONLINE](#)

Introduced on January 14, 2019, SB 2289 would create and enact chapter 50-25.3 of the North Dakota Century Code relating to family visitation rights. Under this measure, a caregiver may not unreasonably or arbitrarily deny or restrict visitation to a family member or friend or communication or interaction between a vulnerable adult and a family member or friend. The bill also states that a family member or friend who has had visitation unreasonably or arbitrarily denied or restricted by a caregiver may file with the district court located in the county wherein the vulnerable adult resides a petition to compel visitation. The bill passed the House and is set for a reading at the House Human Services Committee on March 6, 2019.

Tennessee

TENNESSEE HB 799

[▶ VIEW ONLINE](#)

Introduced on February 5, 2019, this measure would broaden the offense of financial exploitation of an elderly or vulnerable person to include the use of a telephone or other electronic or communication device to defraud or attempt to defraud an elderly adult. This bill would also increase, in some situations, the punishment for financially exploiting an elderly adult. This bill expands the definition of financial exploitation to include the use of a telephone or other electronic or communication device for the purpose of fraudulently or deceptively obtaining or attempting to obtain money, property, or another thing of value from an elderly adult. The bill was assigned to the Criminal Justice Subcommittee on February 1, 2019.

Virginia

VIRGINIA SB 1490

[▶ VIEW ONLINE](#)

Introduced on January 8, 2019, this bill would authorize financial institution staff to refuse to execute a transaction, to delay a transaction, or to refuse to disburse funds if the financial institution staff (i) believes in good faith that the transaction or disbursement may involve, facilitate, result in, or contribute to the financial exploitation of an aged or incapacitated adult or (ii) makes, or has actual knowledge that another person has made, a report to the local department of social services or adult protective services hotline stating a good faith belief that the transaction or disbursement may involve, facilitate, result in, or contribute to the financial exploitation of an aged or incapacitated adult. The House provided a substitute to the bill which was adopted on February 22, 2019.

VIRGINIA HB 2225

[▶ VIEW ONLINE](#)

Introduced on January 8, 2019, this measure would authorize any financial institution staff who suspects that an adult has been financially exploited to provide supporting information and records to the local department of social services or the adult protective services hotline, in addition to reporting such suspected exploitation to such local department or such hotline provided for under current law. The measure passed the House and Senate. The Governor's action deadline for approving this measure is March 26, 2019.

VIRGINIA SB 1224

[▶ VIEW ONLINE](#)

Introduced on January 4, 2019, this bill would authorize local departments of social services to foster, when practicable, the creation, maintenance, and coordination of hospital and community-based multidisciplinary teams focused on the abuse and exploitation of adults 60 years of age or older or 18 years of age or older who are physically or mentally incapacitated. The bill would also allow the attorney for the Commonwealth in each jurisdiction to establish a multidisciplinary adult abuse, neglect, and exploitation response team to review cases of abuse, neglect, and exploitation of adults. Such multidisciplinary team would be established separately or in conjunction with any already existing multidisciplinary team. This measure passed the House and Senate on February 23, 2019.

West Virginia

WEST VIRGINIA HB 2618

[▶ VIEW ONLINE](#)

Introduced on January 23, 2019, HB 2618 would amend and reenact §55-7J-1 of the Code of West Virginia, 1931 and amend and reenact §61-2-29b of said code, all relating to including the use of undue influence resulting in financial or asset loss or disadvantage to an elderly person, protected person or incapacitated adult in the definitions of civil and criminal financial exploitation of elderly persons, protected persons and incapacitated adults and including the use of undue influence in the definition of the crime of an act of financial exploitation. This bill passed the House on February 15, 2019 and was referred to the Senate Judiciary Committee on February 18, 2019.

Legislation Tracked in Specific Topic Areas

Guardianship: [American Bar Association, Commission on Law and Aging](#)

Independent Financial Advisors and Firms: [The Financial Services Institute \(FSI\)](#) tracks and supports legislation in each state that provides protection and mandated reporting for independent financial advisors and firms when they suspect financial exploitation, as well as the ability to temporarily hold account transactions and support investigation efforts.

Financial Exploitation: [National Conference of State Legislatures](#)



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