



MARYLAND DEVELOPMENTAL DISABILITIES COALITION

Dedicated to the rights and quality of life for people with developmental disabilities in Maryland

Senate Judicial Proceedings Committee

Senate Bill 327: Civil Actions—Financial Exploitation of Vulnerable Adults (Maryland SAFE Act)

Position: Support

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The Maryland Developmental Disabilities (DD) Coalition is comprised of five statewide organizations that are committed to improving the opportunities and outcomes for Marylanders with intellectual and developmental disabilities (I/DD).

Health and safety is critical to our mission of ensuring that people with intellectual and developmental disabilities (I/DD) live meaningful and inclusive lives in their communities. This mandate includes protecting the financial safety of the people that the Coalition represents and supports. From this perspective, the DD Coalition supports SB 327, which creates a civil cause of action for certain people with disabilities who are financially exploited.

WHY is this legislation important?

- It is our unfortunate reality that some adults with disabilities are vulnerable and at risk of a range of exploitative or coercive behaviors including financial abuse.
- While COMAR regulations require that DDA licensed providers ensure that there is “adequate protection for the finances and property of each individual” for whom they provide supports (COMAR 10.22.02.10) and while DDA licensed providers are also subject to extensive investigatory and reporting requirements of incidents that threaten the financial welfare of people receiving community supports, these regulations only apply to those receiving services. Greater protections are needed for people with I/DD who do not receive DDA services.
- Providers have recounted stories of people with I/DD who have inherited a home or other resources, and who are suddenly approached by family members or acquaintances, who were largely or wholly absent from the person’s life until the inheritance, and who attempt to transfer the property into their own names.
- Too often, the response to financial exploitation of people with disabilities entails the restriction of their civil rights through guardianship. We support tools that can hold those responsible for exploitation accountable instead.
- The Attorney General’s office notes that abuses against vulnerable adults are escalating in our communities. Even more troubling is that for every case of abuse that is reported to authorities, experts estimate that as many as five cases go unreported.

WHAT does this legislation do?

- It creates a cause of action for financial exploitation of certain vulnerable adults, including people with I/DD. Current redress only includes investigation by adult protective services, criminal law enforcement, and costly civil remedies.

We believe this bill will provide the courts with an additional tool in protecting people with I/DD from such exploitative conduct. For additional information, contact Megan Rusciano, meganr@disabilityrightsmd.org.