



House Civil Justice Committee

Sylvia Pla-Raith, Chair,

Ohio Coalition for Adult Protective Services

H.B. 692 Interested Party Testimony

December 3, 2020

Chair Hambley, Vice Chair Patton, Ranking Member Brown, and members of the House Civil Justice Committee, thank you for this opportunity to submit interested party testimony for House Bill 692 on behalf of the Ohio Coalition for Adult Protective Services (OCAPS).

I am Sylvia Pla-Raith and currently serve as the Chair of the Ohio Coalition for Adult Protective Service. I am the Director of the Ohio Attorney General's Elder Justice Unit since 2015 and past Social Program Administrator of Cuyahoga County Adult Protective Services.

OCAPS is a statewide coalition that strives to enhance the provision of services to adults at risk of abuse, neglect and exploitation through education and advocacy. OCAPS includes members from county adult protective services, state agencies, Area Agencies on Aging, the Ohio Attorney General's Office and many others. As an organization that advocates on behalf of older Ohioans, OCAPS remains committed to promoting elder justice and the expansion of Ohio's elder protection laws,

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Elder abuse is a devastating reality for many older Americans, but unfortunately it too often goes unreported. The debilitating results of elder abuse range from physical injury, pain, mental anguish, financial loss, violation of rights, to death. Elder abuse crosses all racial, ethnic, economic, and religious backgrounds and impacts families in every Ohio community. I am testifying today to bring attention the concerns of the Ohio Coalition of Adult Protective Services with proposed Substitute H.B. 692 and its potential impact on Ohio's elder financial exploitation victims.

The OCAPS Directors of the Board have been reviewing the substitute version of H.B. 692. We would like to thank and acknowledge the sponsor for trying to address the previous concerns of the as-introduced version of the bill that have been raised by several interested parties' groups. Though the substitute bill makes improvements, OCAPS believes that additional time to thoroughly analyze this complex bill and alleviate all of the concerns in the time remaining for this General Assembly isn't feasible. Therefore, we are opposed to passing this bill before the end of this year.

OCAPS has great concerns that with the current version of H.B. 692 there is an inherent risk of increasing case matters involving financial elder exploitation, fraud and undue influence. We believe that by creating a system of online-only creation and witnessing of electronic wills and other documents, will lead to the unintended consequences of easier access for fraudulent activity. From July 1, 2018 through June 30, 2019 a total of 31,441 reports of abuse, neglect and exploitation were received by county department of job and family services, Exploitation represented 7, 329 of these reports. In addition to wills, the bill has the potential to permit increased cases of abuse of financial powers of attorney or real estate transfer on death designations. Even if an electronic will was properly executed by the testator and two disinterested

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witnesses, opportunities for fraudulent file modification or revocation will persist until the will is admitted to probate, possibly well into the future.

We recognize that the sponsor and proponents of this bill share this concern. We are not convinced that the bill as currently drafted has sufficient safeguards in place. Electronic estate planning documents are a recent creation. Since 2017, a small handful of states have enacted electronic will statutes. We would like the opportunity to review and compare those states' statutes, along with The Uniform Electronic Wills Act drafted by the Uniform Law Commission. We also want to research whether the early adopting states have noted any significant concerns during implementation of their electronic will laws, although potential problems with electronic wills may not manifest themselves for years to come.

These are just some of the concerns the Ohio Coalition for Adult Protective Services have raised for this bill. We believe they highlight the need to move cautiously and avoid rushing any far-reaching legislation of this kind. We thank you for the opportunity to testify about our concerns. I am available to answer any questions you may have.

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