

Ohio House Aging and Long Term Care Committee
Substitute Senate Bill 158
Proponent Testimony
Wednesday, May 23, 2018

On behalf of ACTION OHIO Coalition For Battered Women, I am submitting Proponent Testimony for Substitute Senate Bill 158, sponsored by Senator Steve Wilson. ACTION OHIO is a statewide advocacy organization with a focus on domestic violence but also including related forms of abuse (such as elder abuse).

Substitute Senate Bill 158

- **Increases penalties for theft** from a person in a protected class, misuse of credit cards, forgery, forging identification cards or selling or distributing forged identification cards, securing writings by deception, or identity fraud against a person in a protected class if the victim of any of those offenses is an elderly person.
- Adds to the list of **individuals** who, having reasonable cause to believe that an adult is being abused, neglected, or exploited, or is in a condition resulting from such abuse, neglect, or exploitation, **must immediately report** that belief to the county department of job and family services.
- Modifies the list of officials who must **sign** the continuing law **memoranda of understanding** prepared by county departments of job and family services on the procedures that must be followed by those officials related to cases of adult abuse, neglect, and exploitation.
- Requires Attorney General to distribute **public awareness publications** that provide general information on elder fraud and financial exploitation.
- Requires Director of Aging, Director of Commerce, Director of Job and Family Services, and Attorney General to develop **best practices and standards for preventing elder fraud and financial exploitation** and to **ensure resources** are available to victims.

The National Center on Elder Abuse reports that 90% of perpetrators are family members or people the victims know well, such as neighbors, friends or caregivers. Others who may take advantage of elders include professionals and others who have been entrusted long term for their special expertise or relationship and have served elders in the past, such as attorneys, bank employees, pastors and doctors or nurses. But we shouldn't ignore the door to door scams, the constant stream of telemarketing calls, the household repair crooks, and the phone calls and e-mails seeking funds for grandsons and granddaughters incarcerated and needing bail money or appeals from non-existent charities with heart-wrenching stories.

Although we may not want to believe it, there are approaches tailored to dupe most elders (no matter the educational level obtained or the alertness and competence of the individual) and times in our lives when we will each be more vulnerable to being fleeced. Those times include when forced to make a

decision on the spot without factual information, creating a sense of urgency – especially when we think that our well being depends upon it (for example, when there is a health issue), and the individual pushing one point of view enjoys our trust, for one reason or another.

Typically, most people consider elders' vulnerability due primarily to lack of knowledge about major financial issues, physical frailty or mental confusion, isolation, and the questionable behavior of loved ones. Truly, given the right set of circumstances, we are all vulnerable, but the costs and the adverse impact may be highest for elders.

According to the National Adult Protective Services Association, just 1 in 44 financial elder abuse cases are ever reported. Reasons for non-reporting include 1) lack of recognition of the losses, 2) embarrassment about being swindled, 3) lack of awareness how and where to report losses, 4) doubts that there is any chance of recovery, 5) desire not to expose a family member, 6) fear of the person who committed the act, 7) lack of access to victim services that focus on financial exploitation and fraud, and 8) apparent lack of protection and safety from pay-back by the perpetrator.

This bill seeks to close gaps in Ohio's elder abuse laws by addressing schemes of financial abuse and fraud that have become all too common in communities in Ohio and across the nation. Types of such abuse include Coercion through neglect & violence, Draining joint accounts, Frequent demands for money, Theft of Property, Mismanagement of assets, Investment schemes, Identify theft, Real estate fraud, Bequests & life insurance, and Lodgers & roommates.

The bill 1) Adds individuals most likely to observe signs of possible abuse to Ohio's list of mandated reporters, 2) Requires Attorney General's Office to increase public awareness of elder fraud and financial exploitation, and 3) Specifies the development of best practices and standards for preventing elder fraud and financial exploitation and ensures that resources will be available to victims.

In view of the devastating impact of financial exploitation and fraud, especially on elders, this bill cannot become law too soon. Not only are elders devastated by fraud and exploitation, but they may face a dramatic change in their living conditions and quality of life in the final years of their lives.

On behalf of ACTION OHIO Coalition For Battered Women, I urge committee members to support the passage of this legislation in committee and on the House floor. Thanks for your consideration of our viewpoint.

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