

Kansas Department of

Social and Rehabilitation Services

Janet Schalansky, Secretary

House Judiciary Committee
Monday, February 2, 2004

House Bill 2581
Reporting Abuse of Certain Adults

Integrated Service Delivery
Candy Shively, Deputy Secretary

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House Bill 2581 - Reporting Abuse of Certain Adults

Mr. Chairman and members of the Committee, thank you for the opportunity to appear on HB 2581. My name is Candy Shively, Deputy Secretary for the Department of Social and Rehabilitation Services.

HB 2581 would amend certain sections of the Adult Protective Services (APS) statute to permit SRS to place a hold on any account of an adult victim of fiduciary abuse or exploitation for ten days by providing written notice. The bill also allows banks, savings and loan associations, credit unions or other financial institutions to provide records to SRS upon receiving a written request for information, upon receiving a written notice that an investigation is being conducted by SRS and after sending written notice to the involved adult or the guardian.

This bill not only enables financial institutions to provide financial records to SRS without fear of liability, but also attempts to prevent/stop loss of finances to alleged victims through a ten day hold provision. As a result, it fosters greater cooperation between SRS and financial institutions in efforts to prevent financial exploitation and fiduciary abuse of vulnerable adults. Investigations of exploitation and fiduciary abuse of adults are increasing at a rate of 10% each year, since FY 2000. The complexity of investigations is also increasing. A coordinated and timely response from financial institutions, law enforcement and SRS is critical in responding to these situations.

The department supports this bill for the increased protections it offers the adult victim. This bill would help to prevent vulnerable adults from becoming dependent as a result of a loss of needed assets. Without a timely response and access to records to prevent such losses, some victims may never recover financially and may become dependent upon public benefits.

A revision to the APS statute, effective July 1, 2003, provides that law enforcement officers also have the duty to receive and investigate reports of adult abuse, neglect, exploitation or fiduciary abuse and that joint investigations may occur. In light of this revision, SRS recommends two changes to HB 2581: 1) Law enforcement agencies should also be authorized to place a hold on any account for a period of ten days when they are investigating fiduciary abuse or exploitation. 2) Law enforcement agencies should also be able to obtain financial records relevant to an investigation through a written request for such information from the financial institution. Inclusion of law enforcement in both instances provides consistency and conforms with other provisions within KSA, 2003, Supp. 39-1433 and 39-1436.

Thank you for the opportunity to provide testimony on this issue. I am available to respond to questions.