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SENATE MEMORIAL 8

54TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2020

INTRODUCED BY

Gerald Ortiz y Pino

A MEMORIAL

REQUESTING THE EXECUTIVE DIRECTOR OF THE SENIOR CITIZENS LAW OFFICE TO CONVENE A TASK FORCE TO STUDY AND MAKE RECOMMENDATIONS ON A POSSIBLE FRAMEWORK TO COMBAT THE FINANCIAL ABUSE OF SENIOR CITIZENS AND ADULTS WITH DISABILITIES.

WHEREAS, a significant portion of New Mexico's population is composed of senior citizens and adults with disabilities; and

WHEREAS, at least four hundred thirty thousand individuals in New Mexico are sixty years of age or older, comprising over twenty-one percent of the state's population; and

WHEREAS, reports of financial abuse of seniors and adults with disabilities are rising across the nation and in the state; and

WHEREAS, perpetrators of abuse against senior citizens and

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1 adults with disabilities include not only strangers, but often
2 include family members, friends or professionals that have
3 otherwise gained the trust of those individuals; and

4 WHEREAS, financial exploitation is a basis for
5 approximately twelve percent of all substantiated allegations
6 of elder abuse investigated by the adult protective services
7 division of the aging and long-term services department; and

8 WHEREAS, financial abuse of seniors and adults with
9 disabilities occurs in many different forms, including: abuse
10 of financial powers of attorney; abuse of joint ownership of
11 financial assets; bank fraud; email, mail and phone scams; and
12 property theft; and

13 WHEREAS, financial abuse is often accompanied by threats
14 to the victim of abandonment, physical abuse and neglect; and

15 WHEREAS, financial abuse not only harms the dignity and
16 security of senior citizens and adults with disabilities, but
17 also often carries irreparable and catastrophic financial
18 consequences; and

19 WHEREAS, senior citizens and adults with disabilities who
20 experience financial abuse may be left without the ability to
21 pay for housing, day-to-day living expenses, medical care and
22 legal assistance; and

23 WHEREAS, senior citizens and adults with disabilities
24 living in the state's rural areas can experience even greater
25 vulnerability due to greater isolation and limited access to

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1 resources; and

2 WHEREAS, while other states have enacted legislation to
3 specifically define, prohibit and penalize financial abuse of
4 senior citizens and adults with disabilities, New Mexico lacks
5 such legislation; and

6 WHEREAS, the study of a possible framework to combat
7 financial abuse of the state's senior citizens and adults with
8 disabilities and to specifically define, prohibit and penalize
9 such abuse would be an important step toward protecting these
10 vulnerable populations;

11 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE
12 OF NEW MEXICO that the executive director of the senior
13 citizens law office be requested to convene a task force to
14 study and make recommendations on a possible framework to
15 combat financial abuse of the state's senior citizens and
16 adults with disabilities, including proposed laws to
17 specifically define, prohibit and penalize the financial abuse
18 of senior citizens and adults with disabilities; and

19 BE IT FURTHER RESOLVED that the task force be composed of
20 representatives from:

21 A. the aging and long-term services department,
22 including representatives from its adult protective services
23 division;

24 B. the administrative office of the courts;

25 C. the state's district courts, including district

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1 court judges;

2 D. the office of the attorney general;

3 E. the office of the state auditor;

4 F. the public defender department;

5 G. the New Mexico district attorney association;

6 H. AARP New Mexico;

7 I. the developmental disabilities planning council;

8 J. disability rights New Mexico;

9 K. the elder law section and the real property,
10 trust and estate section of the state bar of New Mexico;

11 L. the New Mexico chapter of the American college
12 of trust and estate counsel;

13 M. the university of New Mexico school of law,
14 including a professor of health law;

15 N. the New Mexico guardianship association;

16 O. representatives from community banking and
17 credit unions; and

18 P. the senior citizens law office; and

19 BE IT FURTHER RESOLVED that the task force be requested to
20 prepare a written report and present its findings and
21 recommendations to the legislative health and human services
22 committee and to the appropriate interim committee addressing
23 courts, corrections and justice issues no later than November
24 1, 2020; and

25 BE IT FURTHER RESOLVED that copies of this memorial be

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1 transmitted to the governor, the executive director of the
2 senior citizens law office, the chair of the legislative health
3 and human services committee and the co-chairs of the
4 appropriate interim committee that studies issues pertaining to
5 courts, corrections and justice.

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