SENATE MEMORIAL 8

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

INTRODUCED BY

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This document incorporates amendments that have been adopted during the current legislative session. The document is a tool to show the amendments in context and is not to be used for the purpose of amendments.

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

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

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

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

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

WHEREAS, senior citizens and adults with disabilities who experience financial abuse may be left without the ability to

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pay for housing, day-to-day living expenses, medical care and legal assistance; and

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

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

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

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

SPAC➡️**SRC**➡️**BE IT FURTHER RESOLVED that meetings of the task force be open to the public, subject to the same notice**

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provisions and exceptions provided in the Open Meetings Act;

and←SRC←SPAC

SPAC➡**BE IT FURTHER RESOLVED that meetings of the task**

force be open and inclusive to the extent practicable; and←SPAC

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

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

B.   the administrative office of the courts;

C.   the state's district courts, including district court judges;

D.   the office of the attorney general;

E.   the office of the state auditor;

F.   the public defender department;

G.   the New Mexico district attorney association;

H.   AARP New Mexico;

I.   the developmental disabilities planning council;

J.   disability rights New Mexico;

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

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

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

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N.   the New Mexico guardianship association;

O.   representatives from community banking and credit unions; and

P.   the senior citizens law office; and

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

BE IT FURTHER RESOLVED that copies of this memorial be transmitted to the governor, the executive director of the senior citizens law office, the chair of the legislative health and human services committee and the co-chairs of the appropriate interim committee that studies issues pertaining to courts, corrections and justice.

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