



MDIDC
Credit Union Association



SENIOR FINANCIAL EXPLOITATION LAWS BY JURISDICTION

- Maryland
- Delaware
- Virginia
- West Virginia
- District of Columbia

Maryland

<p>Reporting requirements: Mandatory</p>	<p>Over 65 years old and Maryland Resident: Reporting is mandatory if an employee of the fiduciary institution has direct contact with the elder adult and observes unusual behavior or circumstances suspected to be elder abuse.</p> <p>Under 65 years old: Reporting is encouraged but not mandatory if the fiduciary institution or its officer, employee, agent, or director: (1) Believes that the customer has been subjected to financial exploitation; and (2) Makes the disclosure in a report of financial exploitation to the adult protective services program in a local department of social services.</p>
<p>Reporting Information:</p>	<p>Over 65 years old and Maryland Resident: Report shall be made to:</p> <ul style="list-style-type: none"> • adult protective services agency • local law enforcement agency, or a State’s Attorney; • If the employee knows that the elder adult resides in a long-term care facility located in the State, to an ombudsman for the long-term care facility, the local law enforcement agency, or a State’s Attorney; and • Telephone notification within 24 hours and in writing within 3 business days. <p>Under 65 years old:</p> <ul style="list-style-type: none"> • Adult Protective services program in a local department of social services. <p>All Reports: Reported information may contain some or all of:</p> <ul style="list-style-type: none"> • the name, age, and home address of the alleged vulnerable adult; • the name and home address of the person responsible for the care of the alleged vulnerable adult; • the whereabouts of the alleged vulnerable adult; • the nature of the alleged vulnerable adult’s incapacity; • the nature and extent of the abuse, neglect, self-neglect, or exploitation of the alleged vulnerable adult, including evidence or information available to the reporter concerning previous injury possibly resulting from abuse, neglect, self-neglect, or exploitation; and • any other information that would help to determine: the cause of the suspected abuse, neglect, self-neglect, or exploitation; and (ii) the identity of any individual responsible for the abuse, neglect, self-neglect, or exploitation.
<p>Immunity:</p>	<p>Immunity from Civil and Criminal Liability if disclosure is made under this section.</p>
<p>Additional Requirements:</p>	<p>A fiduciary institution is not required to: (i) Investigate an allegation by an elder adult that financial abuse of the elder adult has occurred; or (ii) Make an abuse report under this subsection if the same matter already has been reported as required under this subsection.</p> <p>Fiduciary Institutions must create training plan on awareness of exploitation and how to report.</p>

Delaware	
Reporting requirements: Mandatory	Mandatory reporting if there is reasonable belief that elder exploitation (62 years of age or older in DE) has or may occur.
Reporting Info:	<p>Written reporting is required by the earlier of the date of:</p> <ul style="list-style-type: none"> • Upon completion of an investigation by a financial institution, or • 5 business days after the bank identifies a suspicious transaction pursuant to the policies, programs, plans or procedures adopted by the financial institution <p>Certain records may be provided to the Department, law enforcement, or the prosecuting attorney's office, either as part of a referral to the Department, law enforcement, or the prosecuting attorney's office, or upon request of the Department, law enforcement, or the prosecuting attorney's office pursuant to an investigation.</p>
Immunity	Immunity from Civil, Administrative and Criminal Liability if disclosure is made under this section.
Additional Information:	<p>Unless a hold is requested by the Department or the Delaware Department of Justice, a financial institution is not required to hold a transaction.</p> <p>An institution may place a hold on a proposed transaction for a period of 10 business days following the filing of the report. The proposed transaction can be held another 30 business days at the request of an investigating federal or state agency or if the financial institution has not heard from either the Department or the Delaware Department of Justice, or the financial institution may seek injunctive relief from a court of competent jurisdiction.</p>

Virginia	
Reporting Requirements: Discretionary	Any financial institution staff who suspects that an adult ((i) the adult is 60 years of age or older or (ii) the adult is 18 years of age or older and is incapacitated) has been exploited financially may report such suspected exploitation to the local department of the county or city wherein the adult resides or wherein the exploitation is believed to have occurred or to the adult protective services hotline.
Immunity	Immunity from Civil and Criminal Liability if disclosure is made under this section.

West Virginia

Reporting Requirements: Permitted	Financial institutions are permitted to report suspected cases of financial exploitation to state or federal law-enforcement authorities, the county prosecuting attorney and to the Department of Health and Human Resources, Adult Protective Services Division or Medicaid Fraud Division, as appropriate.
Additional Information	When financial exploitation is suspected and to the extent permitted by federal law, financial institutions and their employees or other business entities required by federal law or regulation to file suspicious activity reports and currency transaction reports shall also be permitted to disclose suspicious activity reports or currency transaction reports to the prosecuting attorney of any county in which the transactions underlying the suspicious activity reports or currency transaction reports occurred.
Immunity	Immunity from Civil Liability if disclosure is made under this section.

District of Columbia

Reporting Requirements: Mandatory	Whenever a bank manager or financial manager has as a result of his or her appointment, employment, or practice, substantial cause to believe that an adult is in need of protective services because of abuse, neglect, or exploitation by another, he or she shall immediately report this belief... Any person may voluntarily report an alleged case of abuse, neglect, self-neglect, or exploitation when he or she has reason to believe that an adult is in need of protective services
Reporting Information	A report may be either oral or written and shall be transmitted to the division of Adult Protective Services. Each report shall include, if known: The name, age, physical description, and location of the adult alleged to be in need of protective services; the name and location of the person(s) allegedly responsible for the abuse, neglect, or exploitation; the nature and extent of the abuse, neglect, self-neglect, or exploitation; the basis of the reporter's knowledge; and any other information the reporter believes might be helpful to an investigation.
Additional Information:	Proposed Legislation http://lims.dccouncil.us/Download/38701/B22-0422-Introduction.pdf
Immunity	Immunity from Criminal and Civil Liability if disclosure is made under this section.