



## COMMISSION ON AGING

February 14, 2018

The Honorable Joseph Vallario, Jr.  
House Office Building  
6 Bladen Street, Room 101  
Annapolis, MD 21401

Re: HB 956: Civil Action – Offense Against Vulnerable or Elderly Adult

Dear Delegate Vallario,

I am writing on behalf of the Montgomery County Commission on Aging to express our support for HB 956. This bill would authorize a victim of specified offenses against a vulnerable or older adult to bring a civil action against the person who committed those offenses; would establish that a criminal conviction is not a prerequisite for maintaining such an action; and would authorize up to three times the actual damages, plus reasonable attorney's fees and court costs.

While criminal prosecution of perpetrators such as those identified in the statute can be effective, prosecution is not always an option. A civil action provides an additional tool for recovering assets stolen from older adults, who are less likely than younger victims to be able to recover from financial losses. The ability to seek treble damages in such an action not only provides compensation commensurate with the offense, it may also serve as a disincentive for perpetrators.

However, obtaining legal representation in civil cases involving financial exploitation of vulnerable or older adults can be a significant challenge. Victims may be unable to pay a retainer to an attorney because their funds have been depleted. Victims may also suffer from cognitive impairments, or otherwise lack the personal resources needed to assist in what could be complex and time-consuming litigation. As a result, attorneys may be reluctant to take on these cases. Publicly funded legal aid organizations are rarely an option as they are severely under-resourced. The potential for attorney's fee awards and court costs included in HB 956 creates an incentive for the private bar to take on these challenging cases.

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**Department of Health and Human Services**

401 Hungerford Drive, 4th Floor, Rockville, Maryland, 20850 240-777-1120, FAX 240-777-1436  
[www.montgomerycountymd.gov/hhs](http://www.montgomerycountymd.gov/hhs)

In recent years, Maryland has made strides in strengthening services and protections for vulnerable and older adults. If enacted, HB 956 would continue this progress by expanding victims' access to legal resources and remedies. We urge your support of this bill. Thank you for your consideration

Sincerely,

Isabelle Schoenfeld, Chair  
Commission on Aging

cc: Delegate Dana Stein  
Leslie Frey  
John J. Kenney  
Montgomery County Delegation