

Advocacy

Maryland Jewish

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Addressing Benefits Exploitation of Older Adults and Individuals with Disabilities

There are many gaps in Maryland's law surrounding the protection of older adults and individuals with disabilities. So many of these individuals are taken advantage of by their living facilities, in-home staff, friends and family members. This bill hopes to address one area of exploitation, Government Benefits.

SB170/HB187: Criminal Law - Benefits Exploitation (Sen. Chris West/Del. Aaron Kaufman)

This bill would create a criminal offense of "benefits exploitation." Benefits exploitation would make it a felony to knowingly recruit, harbor, transport or obtain an individual for the purpose of appropriating the government benefits of an individual for the benefit of the person or another through deception, coercion, exploitation, isolation or any other means. Government benefits include but are not limited to Social Security, Medicare, Medicaid and Veterans.

Why is this important to the Jewish Community?

People in situations of abuse come to Jewish Agencies such as CHANA because they want to know their options and rights. Elder abuse is an act or failure to act that causes harm to an older adult. One in 10 community-residing older adults report being abused, and an article cited by the World Health Organization reported that elder abuse increased by 84% during the initial months of the pandemic. Elder abuse includes physical, emotional, psychological, sexual, medical and financial abuse or neglect and perpetrators of elder abuse are most often adult children or spouses. Acts of elder abuse extend throughout the criminal justice system to include assault, sexual assault, theft, fraud and other crimes, none of which sufficiently cover the exploitation of benefits.

Our agencies have served older adults who are victims of abuse for financial gain, including to receive their benefits. CHANA supported an older gentleman who was physically assaulted, deprived of food and falsely imprisoned in his basement. His abusive relatives only let him out for trips to the bank on the day after his pension and Social Security benefits were deposited. They then forced him to give the funds to them. To date, Maryland law does not specifically address the exploitation of older adults, such as this client, to gain access to their benefits.