

underscored material = new  
[bracketed material] = delete

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

HOUSE MEMORIAL 10

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

INTRODUCED BY

Deborah A. Armstrong

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

underscored material = new  
~~[bracketed material] = delete~~

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

.216204.2

underscoring material = new  
~~[bracketed material] = delete~~

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

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

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

25 B. the administrative office of the courts;

.216204.2

underscoring material = new  
~~[bracketed material] = delete~~

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

3 D. the office of the attorney general;

4 E. the office of the state auditor;

5 F. the public defender department;

6 G. the New Mexico district attorney association;

7 H. AARP New Mexico;

8 I. the developmental disabilities planning council;

9 J. disability rights New Mexico;

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

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

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

16 N. the New Mexico guardianship association;

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

19 P. the senior citizens law office; and

20 BE IT FURTHER RESOLVED that the task force be requested to  
21 prepare a written report and present its findings and  
22 recommendations to the legislative health and human services  
23 committee and to the appropriate interim committee addressing  
24 courts, corrections and justice issues no later than November  
25 1, 2020; and

.216204.2

underscored material = new  
~~[bracketed material]~~ = delete

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

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.