



January 23, 2013

To: Senate Committee on Judiciary

From: Kathleen A. Taylor, Kansas Bankers Association

**Re: SB 19: Mistreatment of a Dependent Adult**

Mr. Chairman and Members of the Committee:

Thank you for the opportunity to present written testimony today in support of **SB 19**, which attempts to better define mistreatment of a dependent adult. The bill specifically adds a definition of “undue influence” to include the misuse of authority granted by a power of attorney, or other fiduciary relationship. It also clarifies that the misappropriation of moneys in a bank account is considered criminal mistreatment of a dependent adult and can be prosecuted.

I am fortunate to be included as a member of the Attorney General’s Senior Consumer Protection Advisory Council to study elder abuse issues in Kansas. One of the items identified early in the discussions, was the difficulty that prosecutors have when trying to prosecute those who fraudulently misuse the power granted to them under a power of attorney or other grant of fiduciary authority. We believe that this bill attempts to give prosecutors a better tool for handling these very unfortunate situations.

The Kansas Bankers Association is supportive of any measure that brings these financial abusive practices to an end. Bank officers are mandatory reporters of potential financial abusive situations under state law, and often are frustrated along with the prosecutors, when the wrongdoer is not successfully stopped.

Thank you for your time, and we would urge that when the Committee considers action on **SB 19**, that it act favorably for its passage.

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Phyllis Gilmore, Secretary

Sam Brownback, Governor

**January 22, 2013**

***Testimony of:***

Gina Meier-Hummel, Director of Prevention and Protection Services  
Department for Children and Families  
Topeka, Kansas

***Presented to:***

The Hon. Jeff King and Honorable Members  
*of the Kansas Senate Judiciary Committee:*

**DCF written testimony on SB 19**

**Chairman King, Vice-Chair Smith, Ranking Member Haley and Honored Members:**

I am Gina Meier-Hummel, Director of Prevention and Protection Services with the Kansas Department for Children and Families (DCF). Our division is responsible for the Kansas Protection Report Center (KPRC) and Adult and Protective Services (APS). Thank you for the opportunity to provide testimony in support of SB 19.

Senate Bill 19 amends mistreatment of a dependent. Currently, mistreatment of a dependent adult involves taking unfair advantage of a dependent adult's physical or financial resources by means of undue influence, coercion, harassment or other deceptive actions. SB 19 defines the term *undue influence* to include the improper use of the responsible adult's fiduciary authority, such as power of attorney, durable power of attorney, guardianship, conservatorship, or trust. Further, SB 19 adds misappropriation of or taking unfair advantage of a dependent adult, and includes money in a personal or joint account. The amendments will strengthen DCF's ability to work with law enforcement and financial institutions.

DCF supports SB 19 because it serves to further protect vulnerable adults. Strengthening the law for mistreatment of a dependent adult may increase the number of abused adults served in the Adult Protective Services Program, however the extent of the increase cannot be estimated. DCF assumes that any additional costs arising from this bill can be absorbed within the existing budget and supports the provisions identified in SB 19.

Thank you.

**Gina Meier-Hummel, Director  
DCF Prevention and Protection Services**

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