

**SUBJECT:** Amending provisions related to financial abuse of elderly individuals

**COMMITTEE:** Human Services — committee substitute recommended

**VOTE:** 9 ayes — Frank, Rose, Campos, Hull, Klick, Manuel, Noble, Ramos, Shaheen  
0 nays

**SENATE VOTE:** On final passage (April 6) — 31 - 0

**WITNESSES:** For — Beverly Morris, Texas Grandparents Raising Grandchildren (*Registered, but did not testify*: Charles Cascio, AARP Texas; James Parnell, Dallas Police Association; Jennifer Carter, Goodwill Central Texas; Ray Hunt, Houston Police Officers' Union; Lori Henning, Texas Association of Goodwills; Linda Litzinger, Texas Parent to Parent)  
Against — None

**BACKGROUND:** Human Resources Code sec. 48.1522(a) establishes that a caseworker or supervisor of the Department of Family Protective Services (DFPS) or another state agency is required to immediately notify an appropriate law enforcement agency and provide the agency with a copy of the investigation report if, during the course of DFPS's or another state agency's investigation of reported abuse, neglect, or exploitation, the caseworker or supervisor has reason to believe that an elderly person or person with a disability has been abused, neglected, or exploited by another person in a manner that constitutes a criminal offense under any law.  
  
Some have suggested that expanding the scope of actions that could constitute financial abuse could help to address the difficulty of proving exploitation of an elderly individual or an individual with a disability in instances of financial abuse or exploitation.

**DIGEST:** CSSB 576 would establish a rebuttable presumption that any transfer,

appropriation, or use of an elderly individual's money or other property by a paid or unpaid caregiver was wrongful under the presumption of financial abuse or exploitation if it was shown during the trial of the offense that the actor knew or should have known that, at the time of the offense, the elderly individual had been diagnosed with dementia, Alzheimer's disease, or a related disorder. The bill would include an investigation under this provision in the requirement for the Department of Family Protective Services (DFPS) to follow established procedures for notifying an appropriate law enforcement agency under Human Resources Code sec. 48.1522(a).

DFPS would be required to immediately notify an appropriate law enforcement agency of a report of alleged abuse or exploitation that DFPS believed constituted an offense of financial abuse of an elderly individual, regardless of whether the report alleged conduct that constituted abuse or exploitation.

The bill would take effect September 1, 2023, and would apply only to reports received by DFPS and offenses committed on or after the effective date.