



GOVERNMENT OF THE VIRGIN ISLANDS OF THE UNITED STATES
Department of Human Services

Office of the Commissioner

November 9, 2015

Honorable Janette Millin Young
Senator, 31st Legislature of the Virgin Islands
Chairperson, Committee on Economic Development,
Agriculture and Planning
St. Thomas, U.S. Virgin Islands 00804

VIA: Email (iwilliams@legvi.org) & Hand Delivery

Dear Senator Millin Young:

We are in receipt of your invitation to provide Testimony before the Committee on Economic Development, Agriculture and Planning on Bill No 31-0227, which is an Act amending Title 9, Virgin Islands Code, Chapter 23 adding Subchapter VII enacting the Virgin Islands Uniform TOD Security Registration Act. I am unable to attend tomorrows hearing in person to provide Testimony at the Earl B. Ottley Conference Room in St. Thomas and as a result to be excused.

I respectfully request however, that in my absence Mr. Duane Howell, Deputy Commissioner of Grants Administration be allowed to provide the attached written Testimony as the Department's input in regards to Bill No. 31-0227 before the Committee on Economic Development, Agriculture and Planning. I am confident that Deputy Commissioner Howell will be able to provide accurate Testimony and engage in meaningful dialogue on behalf of the Department and the identified bill before the Committee. We wish to say "Thank You" to you and the Committee for the opportunity for the Department of Human Services to provide Testimony on Bill No. 31-0227 and look forward to working together to meet the needs of our community.

Respectfully submitted,


for Vivian I. Ebbesen-Fludd, BSN, MS
Commissioner

Cc: D. Howell, Deputy Commissioner – Grants Administration



**TESTIMONY
DEPARTMENT OF HUMAN SERVICES**

**BEFORE THE
COMMITTEE ON COMMITTEE ON DEVELOPMENT, AGRICULTURE AND
PLANNING**

NOVEMBER 10TH, 2015

EARLE B. OTTLEY LEGISLATIVE HALL

Bill No. 31-0227: An Act amending Title 9, Virgin Islands Code, Chapter 23 adding Subchapter VII enacting the Virgin Islands Uniform TOD Security Registration Act.

Good Morning Senator Janette Millin Young, chairperson of the Committee on Economic Development, Agriculture and Planning, committee and non-committee members, fellow testifiers, listening and viewing audience. My name is Duane Howell, Deputy Commissioner of Grants Administration for the Department of Human Services. As communicated in the transmittal of our testimony, Commissioner Vivian I. Ebbesen-Fludd, is unable to attend today's hearing and has respectfully requested I be allowed to provide testimony on behalf of the Department of Human Services. I sit before you this morning to testify on Bill number 31-0227, an Act amending title 9 Virgin Islands Code, chapter 23 adding subchapter VII enacting the Virgin Islands Uniform TOD Security Registration Act.

As understood, Bill Number 31-0227, adopted from the Uniform Law Commission, would allow for non-probate transfer of specially registered investment securities from the account owner to their beneficiary upon the owner's death. The bill provides protection for institutions including brokers and banks who manages securities account for its customer. As indicated, the proposed

bill creates “no unwanted costs for anyone, meets a strong need of the elderly, and is without downside risks to any but those very few who continue to feed on assets passing through probate.”

The Department of Human Services commends the sponsors for taking steps to address financial securities transfer upon death and thereby assist to ease the probate process in these matters. The Department does not necessarily object to the intent of the proposed bill as presented. However, the department would like to place on record issues related to the exploitation of the elderly to ensure the committee takes into account any and all adverse consequence the enacting of Bill No. 31-0227 may have on said population. Over the past several years, there has been an uptick of financial exploitation of aging and vulnerable adults in the territory. The Office of Aging and Adult Services of the Department of Human Services frequently receives reports, complaints and referrals of suspected exploitation from persons including, financial advisors seeking protection and relief for individuals. Financial exploitation cases reported and investigated by the Office of Aging and Adult Services are as follows:

<u>Year</u>	<u>Cases</u>
2012	12
2013	8
2014	35
2015	31

The Department of Human Services continues to advocate for the protection of all including the aging and vulnerable population of our community. Clearly from the summary data presented above, the department has a vested interested to ensure sufficient protection for said population. These numbers represents intake a diverse set of cases to include social security income,

property transfers, bank accounts and investment accounts. The staff processes many cases where aging individuals in varying stages of Dementia and Alzheimer have been victimized and taken advantage by persons not to exclude their families.

The department would respectfully request the sponsors and this committee consider a review of VI Code Title 34, chapter 15; the Elder and Dependent Adult Abuse Prevention Act. Subsection 470 speaks specifically about "Financial abuse of an elder or dependent adult; bad faith." The subsection references wrongful use, bad faith and reasonable person standard. We believe this section of the VI Code provides a good framework to assist in the protection of said population, but requires strengthen to ensure persons can be prosecuted for exploitation acts committed against the aging and vulnerable population.

Thank you for the opportunity to place on record testimony for the aforementioned bill. I stand ready to answer any questions at the appropriate time.