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Human Services Committee

Senate Bill 2164 - January 15, 2025

Testimony of Grace Larsen, P&A Disabilities Advocate

Greetings Madam Chair Lee and members of the Human Services Committee. My name is Grace Larsen and I am a Disabilities Advocate at the North Dakota Protection and Advocacy Project (P&A). P&A provides protective services and advocacy at no cost to eligible individuals with disabilities. These services include information and referral, self-advocacy assistance, advocacy representation, legal representation, and investigations of abuse, neglect, and exploitation. As a Disabilities Advocate, I work with clients every day to help them resolve disability-related issues and to ensure that they are being treated humanely.

P&A supports Senate Bill 2164 as it protects individuals with disabilities who are alleged to have been financially exploited by a caretaker, relative, or any person having a fiduciary relationship with them. Financial exploitation occurs when a person with a fiduciary responsibility takes or misuses the property or financial resources of a person with developmental disabilities or mental illness by means of undue influence, breach of fiduciary relationship, deception, theft, or other unlawful or improper means.

Many individuals with disabilities rely on others to aide them in managing their finances; these fiduciary roles can include a representative payee, guardian, custodian, or other trusted person who meets the definition of a caretaker. Such individuals may have access to the person with a disability's checking, savings, and other financial accounts, often as joint accounts. These trusted individuals are also responsible for paying rent, utilities, food, clothing, medication, and all other necessities to meet basic living needs.

When a person with a disability is financially exploited by a trusted person in a fiduciary role, the consequences for the person with the disability are serious and can be devastating. P&A has investigated exploitation cases with grave consequences to individuals with disabilities. For instance loss of housing due to rent and utilities not being paid; loss of services such as food stamps, housing and utility assistance, Medicaid, and Medicare; and loss of employment due to not having money for public transportation to get to work, which can lead to eviction and cause homelessness. Unpaid debts and evictions affect credit scores and future ability to rent a place to live.

Upon receipt of any report of suspected abuse, neglect, exploitation P&A assess the need for an investigation of the report. If P&A determines the report is warranted, P&A investigates or can work with other appropriate entities to ensure an investigation is completed. In financial exploitation reports, P&A must have access to bank records to determine if financial exploitation has occurred.

Recently I have worked investigations of exploitation where banks were not willing to comply with existing state and federal law regarding P&A's access to records. This has made it impossible to complete investigation into the alleged exploitation of individuals with disabilities. Not being able to access records impacts P&A's ability to complete its statutorily required work. Beyond that it puts people with disabilities in a position to be continually exploited. When P&A can appropriately access records, we can establish findings, conduct risk management, and safeguard that person from further harm.

I ask that you please support SB 2164. Thank you for your time and consideration.

Grace Larsen
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