

**Government of the District of Columbia**  
**Department of Insurance, Securities and Banking**

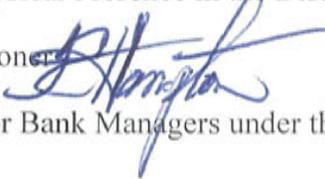


**Thomas E. Hampton**  
**Commissioner**

**BULLETIN**  
**06-BB-03-12/05**

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TO: All Banks and Thrifts with a Physical Presence in the District of Columbia

FROM: Thomas E. Hampton, Commissioner 

SUBJECT: New Reporting Requirements for Bank Managers under the Adult Protective Services Act

DATE: December 5, 2006

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This bulletin applies to all banks and thrifts with a physical presence in the District of Columbia and provides information on a new legal requirement imposed on bank managers and financial managers by the Karyn Barquin Adult Protective Services Self-Neglect Expansion Amendment Act of 2005, effective March 8, 2006 (D.C. Law 16-67; D.C. Official Code § 7-1901 *et seq.* (2001)) (“Karyn Barquin Act”). The Karyn Barquin Act amended the Adult Protective Services Act of 1984, effective March 14, 1985 (D.C. Law 5-156; D.C. Official Code § 7-1901 *et seq.* (2001)) (“Act”).

As amended, the Act imposes a legal obligation on bank managers and financial managers to report situations where they believe that an adult is in need of protective services because of abuse, neglect, or exploitation. Specifically, section 4 of the Act provides:

“[W]henever a conservator, court-appointed mental retardation advocate, guardian, health-care administrator, licensed health professional, police officer, **bank manager, financial manager**, or social worker has as a result of his or her appointment, employment, or practice substantial cause to believe that an adult is in need of protective services because of abuse, neglect, or exploitation by another, he or she shall immediately report this belief . . .”<sup>1</sup>

Bank managers and financial managers are therefore now considered “mandated reporters” under the Act.

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<sup>1</sup> D.C. Official Code § 7-1903 (2001) (emphasis added).

## Adult in Need of Protective Services

Under the Act, an “adult in need of protective services” is an individual 18 years of age or older who meets the following three criteria: (1) He or she is highly vulnerable to abuse, neglect, self-neglect, or exploitation because of a physical or mental impairment, self-neglect, or incapacity; (2) He or she has recently been or is being abused, neglected, or exploited by another or has failed to perform essential self-care tasks because of dementia or another mental or physical impairment; and (3) He or she has no one willing and able to provide adequate protection.<sup>2</sup>

## How to Make a Report

Reports shall be made to the District of Columbia’s Adult Protective Services (“APS”), which is part of the District of Columbia’s Department of Human Services. Mandated reporters, such as bank managers and financial managers, should identify themselves with the understanding that reports made to APS are deemed confidential and the name of the reporter is protected.<sup>3</sup> Reports can be either oral or written and should include as much of the following information as possible:

- The name, age, physical description, and location of the adult who is alleged to be in need of protective services;
- The name and location of the person(s) allegedly responsible for the abuse, neglect, or exploitation (unless self-neglect);
- The nature and extent of the abuse, neglect, self-neglect, or exploitation;
- The basis of the reporter’s knowledge; and
- Any other information that the reporter believes might be helpful to the investigation

A report to APS should be made if the bank manager or financial manager has substantial reason to believe that a vulnerable adult is being abused, neglected, or exploited, even if all of the information requested above is not available. Reports can be made by calling the **Adult Protective Services Hotline at (202) 541-3950**. A written report can be submitted to APS by fax at (202) 541-3964. A report to APS will initiate a confidential investigation to determine if protective services are needed to protect the vulnerable adult.

## Unique Role of the Financial Services Industry

According to BITS, a financial services industry consortium affiliated with the Financial Services Roundtable, financial institutions such as banks and thrifts are “uniquely

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<sup>2</sup> See D.C. Official Code § 7-1901(2) (2001).

<sup>3</sup> In addition, the Act grants qualified immunity to mandated reporters. Under section 9 of the Act, a mandated reporter who reports an alleged case of abuse, neglect, self-neglect, or exploitation under section 4 of the Act (D.C. Official Code § 7-1903 (2001)) “shall be immune from civil or criminal liability for so reporting if he, she, or it has acted in good faith.” D.C. Official Code § 7-1908 (2001).

positioned to assist in detecting and preventing financial fraud and exploitation of the elderly and vulnerable.”<sup>4</sup> Signs of financial exploitation include, but are not limited to:

- Sudden changes in accounts or practices, such as unexplained withdrawals of large sums of money, particularly with a vulnerable adult who is escorted by another (e.g., caregiver, family member, “friend”) who appears to be directing the changing activity patterns.
- Recent changes in authorized signers on a vulnerable adult’s financial institution signature card, particularly additions.
- Withdrawals of funds using an ATM card, particularly repetitive withdrawals over a short period inconsistent with prior usage patterns or at times, or on days, that appear unlikely to have been done by the customer (e.g., late night or very early morning withdrawals by elderly customers, withdrawals at ATMs in distant parts of town by customers who do not drive, or use of an ATM card which was only recently ordered coincident with the addition of a new authorized signer).
- Abrupt changes in a will or other financial documents.
- Unexplained disappearance of funds or valuable possessions.
- Discovery of a vulnerable adult’s signature being forged for financial transactions or for the titles to his or her possessions.
- Vulnerable adult has a companion who seems to be “calling the shots.”
- Unexplained sudden transfer of assets, particularly real property, to a family member or someone outside the family.<sup>5</sup>

#### Further Information

If you should have any questions please contact Barbara Strother at Adult Protective Services on (202) 541-3957.

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<sup>4</sup> BITS Fraud Protection Toolkit: Protecting the Elderly and Vulnerable from Financial Fraud and Exploitation, February 2006.

<sup>5</sup> The signs of financial exploitation listed in this Bulletin are taken directly from the BITS Fraud Protection Toolkit, available at [www.bitsinfo.org](http://www.bitsinfo.org). Additional information on the financial exploitation of vulnerable adults, including additional signs of financial exploitation, can be obtained from the Toolkit.