State of Rhode Island and Providence Plantations
State House
Providence, Rhode Island 02903-1196
401-222-2080

Gina M. Raimondo
Governor

July 2, 2018

TO THE HONORABLE, THE SPEAKER OF THE HOUSE OF REPRESENTATIVES:

In accordance with the provisions of Article IX, Section 14 of the Constitution of the State of Rhode Island and Section 43-1-4 of the Rhode Island General Laws, I transmit, with my disapproval, 2018-H 8352 as amended, "An Act Relating to Criminal Offenses – Abuse and Exploitation of Elders – Abuse and Isolation of Elders or Dependent Adults – The Peter Falk Criminal Isolation of Elders Act."

This bill establishes the abuse or isolation of an elder or dependent adult as a felony punishable with imprisonment not exceeding three years or a fine of three thousand dollars or both. The bill also defines "isolate," "close relative," and "caregiver," among other terms, and directs the Division of Elderly Affairs to provide mediation when a court requires parties to undergo a mediation process related to guardianship.

Any abuse, manipulation, or exploitation of elders and dependent adults is deplorable and has no place in Rhode Island. No one should ever have to worry about the safety of a parent, child, or loved one, regardless of that individual's stage in life or ability to live independently. It is our responsibility as a society to protect the most vulnerable among us. I am personally committed to ensuring elders and dependent adults enjoy the safe and loving environments they deserve. Last year, I proudly signed a bill to protect persons under guardianship from mental, physical, and financial abuse.

I recognize that the intent of this legislation is to protect elders and dependent adults from abuse and isolation. That is an intent that I fully support, and I applaud the sponsors for their attention to such an important issue.

However, advocates for elders have raised several concerns that are leading me to veto this particular legislation. The advocates that have raised concerns include Maureen Maigret, Chair of the Aging in the Community Subcommittee of the Long-Term Care Coordinating Council; Meg Underwood, Rhode Island Senior Center Directors' Association; Kathy McKeon, Catholic Social Services; and Kathy Heren, Rhode Island's Long-Term Care Ombudsman. Elder advocates and advocates for Rhode Islanders with disabilities along with the Rhode Island Division of Elderly Affairs and the Rhode Island Department of Behavioral Health, Developmental Disabilities, and Hospitals are concerned that there was not sufficient

engagement in crafting this legislation and cite many potential unintended consequences for Rhode Island.

There are further concerns that the criminalization included in this bill will deter volunteer guardians that are needed to care for elders and dependent adults who are not able to live independently and also do not have other caregivers. The bill could also deter well-intentioned caregivers from crafting the best environments for the people they care for. For example, the bill criminalizes isolation, which is defined broadly to include, among other things, restricting telephone calls for any duration of time – even harassing or potentially exploitative calls unless they are restricted by court order. The ACLU is also opposed to this legislation, in large part due to the breadth of its definitions. These concerns raised by advocates suggest that the passage of this legislation would undermine the intent of this legislation.

For these reasons, I disapprove of this legislation and respectfully urge your support of this veto. I look forward to working with the sponsors and advocates on a bill we can propose next year.

Sincerely,

Gina M. Raimondo
Governor