



**Statement of the Massachusetts Bankers Association Regarding  
H.261, An Act relative to supported decision-making agreements for certain adults and  
H.264, An Act relative to supported decision making  
Joint Committee on Children, Families and Persons with Disabilities  
September 9, 2025**

On behalf of our more than 120 commercial, savings and cooperative banks and federal savings institution members with more than 72,000 employees located throughout the Commonwealth and New England, the Massachusetts Bankers Association (MBA) appreciates the opportunity to provide our comments regarding **H.261, An Act relative to supported decision-making agreements for certain adults** and **H.264, An Act relative to supported decision making**.

**Privacy & Access to Financial Documents**

Our member institutions take their responsibility to protect customer information extremely seriously – spending millions of dollars each year to ensure that sensitive personal information does not fall into the hands of bad actors and criminals. Banks are also highly regulated and are subject to regular examinations by state and federal regulators to ensure their information security standards are robust. From an MBA member standpoint, concerns remain, with respect to access to financial information and the training of their employees, that supported decision-making agreements do not give the supported decision-maker any actual decision-making authority.

It is also unclear whether a supported decision-making agreement would give the supported decision-maker the right to access the decision-maker's financial information to help them make a decision without the decision-maker – the bank customer – part of the communication.

**Financial Exploitation**

The Association, and its entire membership, are proud to be vocal advocates and front-line defenders against financial exploitation. The banking industry is, unfortunately, all too familiar with the impact unscrupulous actors can have on its customers – especially those who may be more vulnerable due to a host of reasons including disabilities. Our member institutions take their responsibility to protect customers extremely seriously, including working alongside the Division of Banks and Commonwealth's Office of Elder Affairs to develop and train their customer-facing employees on the potential warning signs of financial exploitation to help identify potential bad actors and vulnerable customers before an issue arises.

As you are aware, our members are constantly concerned with any type of change or arrangement that may unintendedly lead to the financial abuse and exploitation of vulnerable adults. To that end, there are several 'report and hold' bills before this Committee and the Joint Committee on Financial Services that address these concerns. In fact, this year, the [Association itself sponsored legislation](#) that protects vulnerable adults from financial exploitation by affording our members more "tools" to stop these potential schemes. Generally, our bill follows the New Hampshire "report and hold" law that was enacted in 2022. Importantly, our bill ensures the authority and oversight of "report and hold" instances remained under the Bank Commissioner's purview. We urge the Committee to work to ensure that appropriate

protocols and processes are in place that allow for the protection of vulnerable adults as well as protections for bank employees who act in the best interest of their clients.

### **Power of Attorney v. Supported Decision-Making**

MBA questions whether separate legal documents such as supported decision-making are necessary due to existing statutes that allow for powers of attorney, which Massachusetts banks recognize. Additional document management is also a concern. Would banks be required to have a new type of account authority designation to record supported decision-makers as authorized supporters? Otherwise, bankers would have to review the supporter agreement every time the decision maker and supporter came in. Currently, clients can bring a family member, associate, friend, etc. to help them conduct business transactions or listen in meetings or discussions with bankers. Should this legislation become law, may that practice continue or will banks be required to have supported decision-making agreements?

### **General Comments**

Thank you for considering our comments on **H.261**, *An Act relative to supported decision-making agreements for certain adults* and **H.264**, *An Act relative to supported decision making*. We look forward to working with the Committee on these bills, and other policy initiatives in the future.