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H.171

An act relating to adult protective services and emergency housing transition

It is hereby enacted by the General Assembly of the State of Vermont:

Sec. 1. 33 V.S.A. chapter 69, subchapter 1 is amended to read:

Subchapter 1. Reports of Abuse of Vulnerable Adults

§ 6901. PURPOSE

(a) The purpose of this chapter is to:

(1) protect vulnerable adults whose health and welfare may be adversely affected through abuse, neglect, or exploitation; ~~provide a temporary or permanent nurturing and safe environment for vulnerable adults when necessary; and for these purposes to require the reporting of suspected abuse, neglect, and exploitation of vulnerable adults and the investigation of such reports and provision of services, when needed; and to intervene in the family or substitute care situation only when necessary to ensure proper care and protection of a vulnerable adult or to carry out other statutory responsibilities~~

(2) recognize and accommodate the barriers for vulnerable adults that may impair both their response to maltreatment and the ability to substantiate allegations of maltreatment; and

(3) require the reporting of suspected abuse, neglect, and exploitation of vulnerable adults, the investigation of such reports, and the establishment of protective services, when needed.

1        (b) The provision of protective services under this chapter shall not cause  
2        undue harm or violate the individual’s autonomy and shall provide  
3        opportunities for the vulnerable adult’s preferences to be considered.

4        § 6902. DEFINITIONS

5        As used in this chapter:

6        (1) “Abuse” means:

7                (A) Any medical treatment of a vulnerable adult that places life,  
8        health, or welfare in jeopardy or is likely to result in impairment of health that  
9        purposely, knowingly, or recklessly places the life, health, or welfare of a  
10       vulnerable adult in jeopardy or is likely to result in impairment of health to the  
11       vulnerable adult.

12                (B) Any conduct committed ~~with an intent or reckless disregard that~~  
13       ~~such conduct~~ purposely, knowingly, or recklessly that is likely to cause  
14       unnecessary harm, unnecessary pain, or unnecessary suffering to a vulnerable  
15       adult or places the life, health, or welfare of a vulnerable adult in jeopardy or is  
16       likely to result in impairment of health to the vulnerable adult.

17                (C) ~~Unnecessary or unlawful confinement or unnecessary or unlawful~~  
18       ~~restraint of a vulnerable adult~~ Confinement, seclusion, restraint, or interference  
19       with the freedom of movement of a vulnerable adult, unless necessary to  
20       ensure the health and safety of the vulnerable adults or others.

1           (D)(i) Any sexual activity or acts of a sexual nature with a vulnerable  
2 adult by a caregiver ~~who volunteers for or is paid by a caregiving facility or~~  
3 ~~program~~. This definition shall not apply to a consensual relationship between a  
4 vulnerable adult and a spouse or household member as defined in 15 V.S.A.  
5 § 1101, ~~not~~ or to a consensual relationship between a vulnerable adult and a  
6 caregiver hired, supervised, and directed by the vulnerable adult.

7           (ii) Any sexual activity or acts of a sexual nature with a vulnerable  
8 adult when the vulnerable adult does not consent or when the individual knows  
9 or should know that the vulnerable adult is incapable of resisting or consenting  
10 to the sexual activity due to age, disability, or fear of retribution or hardship,  
11 regardless of whether the individual has actual knowledge of the adult's status  
12 as a vulnerable adult.

13           (E) ~~Intentionally subjecting a vulnerable adult to behavior that should~~  
14 ~~reasonably be expected to result in intimidation, fear, humiliation, degradation,~~  
15 ~~agitation, disorientation, or other forms of serious emotional distress~~ Purposely  
16 or recklessly subjecting a vulnerable adult to behavior that a reasonable person  
17 would expect to result in serious emotional or psychological distress, including  
18 intimidation, fear, humiliation, degradation, agitation, or disorientation.

19           (F) Administration, or threatened administration, of a drug; or  
20 substance, ~~or preparation~~ to a vulnerable adult for a purpose other than  
21 legitimate and lawful medical or therapeutic treatment.

1           (G) Wrongful denial or withholding of necessary medication, care,  
2           durable medical equipment, or treatment.

3           (H) Use of deception, force, threat, undue influence, harassment,  
4           duress, or fraud to induce a vulnerable adult to request or consent to receive or  
5           refuse treatment.

6           (2) “Activities of daily living” means dressing and undressing, bathing,  
7           personal hygiene, bed mobility, toilet use, transferring, mobility in and around  
8           the home, communication, and eating.

9           (3) “Acts of a sexual nature” means fondling, exposure of genitals, and  
10          lewd and lascivious conduct.

11          (4) “Adult” means any individual who is 18 years of age or older.

12          (5) “Alleged perpetrator” means the individual alleged to have abused,  
13          neglected, or exploited the alleged victim.

14          (6) “Alleged victim” means the individual who is alleged to have been  
15          abused, neglected, or exploited by the alleged perpetrator.

16          (7) “Assessment” means a process by which Adult Protective Services  
17          gathers additional information to determine if an investigation should be  
18          opened.

19          (8) “Care” means subsistence, medical services, personal care services,  
20          mental health services, or rehabilitative services and includes assistance with  
21          activities of daily living or instrumental activities of daily living.

1           ~~(9)~~ “Caregiver” means a ~~person, agency, facility, or other organization~~  
2 ~~with responsibility for providing subsistence or medical or other care to an~~  
3 ~~adult who is an elder or has a disability, who has assumed the responsibility~~  
4 ~~voluntarily, by contract, or by an order of the court; or a person providing care,~~  
5 ~~including medical care, custodial care, personal care, mental health services,~~  
6 ~~rehabilitative services, or any other kind of care provided that is required~~  
7 ~~because of another’s age or disability;~~

8           (A) a worker or employee in a facility or program that provides care  
9 to an adult who is an elder or has a disability and who has assumed the  
10 responsibility voluntarily, by contract, or by an order of the court; or

11           (B) a person with a designated responsibility for providing care to a  
12 person that is required because of the person’s age or disability.

13           ~~(3)~~(10) “Commissioner” means the Commissioner of Disabilities,  
14 Aging, and Independent Living.

15           ~~(4)~~(11) “Department” means the Department of Disabilities, Aging, and  
16 Independent Living.

17           ~~(5)~~(12) “Employer” means a person or organization who employs or  
18 contracts with one or more individuals to care for vulnerable adults, on either a  
19 paid or volunteer basis.

20           ~~(6)~~(13) “Exploitation” means:

1           (A) willfully or knowingly using, withholding, transferring, or  
2           disposing of funds or property of a vulnerable adult without or in excess of  
3           legal authority ~~for the wrongful profit or advantage of another~~ to the detriment  
4           of a vulnerable adult;

5           (B) purposeful unauthorized access, sharing, or use of identifying  
6           information, image or likeness, personal accounts, or documents of a  
7           vulnerable adult without or in excess of legal authority to the detriment of the  
8           vulnerable adult or for the wrongful profit or advantage of another;

9           (C) breach of duty by a guardian, agent, or other fiduciary to the  
10          detriment of a vulnerable adult;

11          (D) acquiring or attempting to acquire possession or control of or an  
12          interest in funds or property of a vulnerable adult through the use of deception,  
13          force, threat, undue influence, harassment, duress, or fraud;

14          ~~(C)~~(E) ~~the act of forcing or compelling a vulnerable adult against his~~  
15          ~~or her will to perform services for the profit or advantage of another~~ refusing to  
16          return or surrender possession or control of an interest in funds or property of a  
17          vulnerable adult upon the request of a vulnerable adult or the vulnerable  
18          adult's representative;

19          ~~(D)~~(F) ~~any sexual activity with a vulnerable adult when the~~  
20          ~~vulnerable adult does not consent or when the actor knows or should know that~~  
21          ~~the vulnerable adult is incapable of resisting or declining consent to the sexual~~

1 ~~activity due to age or disability or due to fear of retribution or hardship,~~  
2 ~~whether or not the actor has actual knowledge of vulnerable status~~ knowingly  
3 failing to use a vulnerable adult's income and assets for the necessities  
4 required for that vulnerable adult's support and maintenance;

5 (G) influencing or persuading a vulnerable adult to perform services  
6 with substandard compensation for the profit or advantage of another.

7 (14) "Expungement" means the removal of an individual's name and  
8 associated identifying information from the Adult Abuse Registry.

9 (15) "Instrumental activities of daily living" means meal preparation,  
10 medication management, phone use, money management, household  
11 maintenance, housekeeping, laundry, shopping, transportation, and care of  
12 adaptive equipment.

13 (16) "Interested person" means a representative of the vulnerable adult;  
14 Adult Protective Services staff; the Commissioner of Disabilities, Aging, and  
15 Independent Living; or the Commissioner's designee.

16 (17) "Investigative summary report" means the document that  
17 summarizes the investigation conducted by Adult Protective Services and  
18 includes a recommendation to substantiate or unsubstantiate the investigated  
19 allegations against the alleged perpetrator.

20 (18) "Lewd or lascivious conduct" has the same meaning as in  
21 13 V.S.A. § 1375.

1           (19) “Maltreatment” means abuse, neglect, or exploitation as defined in  
2           this section. “Maltreatment” does not include self-neglect.

3           (20) “Mandatory reporter” means an individual with an obligation to  
4           report allegations of maltreatment of vulnerable adults pursuant to 6903 of this  
5           title.

6           ~~(7)(21)(A)~~ “Neglect” means purposeful ~~or~~ knowing, or reckless failure  
7           or omission by a caregiver that has resulted in, or could be expected to result  
8           in, physical or psychological harm, including a failure or omission to:

9                   (i) provide care or arrange for goods or services necessary to  
10           maintain the health or safety of a vulnerable adult, including food, clothing,  
11           medicine, shelter, supervision, and medical services, unless the caregiver is  
12           acting pursuant to the wishes of the vulnerable adult or ~~his or her~~ the  
13           vulnerable adult’s representative, or an advance directive, as defined in  
14           18 V.S.A. § 9701;

15                   (ii) make a reasonable effort, in accordance with the authority  
16           granted the caregiver, to protect a vulnerable adult from abuse, neglect, or  
17           exploitation by others;

18                   (iii) carry out a plan of care for a vulnerable adult ~~when such~~  
19           ~~failure results in or could reasonably be expected to result in physical or~~  
20           ~~psychological harm or a substantial risk of death to the vulnerable adult,~~ unless  
21           the caregiver is acting pursuant to the wishes of the vulnerable adult or ~~his or~~



1 ~~her~~ the vulnerable adult's representative, or an advance directive, as defined in  
2 18 V.S.A. § 9701; or

3 (iv) report significant changes in the health status of a vulnerable  
4 adult to a physician, nurse, or immediate supervisor, when the caregiver is  
5 employed by an organization that offers, provides, or arranges for personal  
6 care.

7 (B) Neglect ~~may be repeated conduct or a single incident that has~~  
8 ~~resulted in or could be expected to result in physical or psychological harm, as~~  
9 ~~a result of subdivision (A)(i), (ii), or (iii) of this subdivision (7)~~ does not  
10 include self-neglect.

11 ~~(8)(22)~~ (22) "Plan of care" ~~includes a duty~~ means a medically approved plan  
12 of treatment, protocol, individual care plan, rehabilitative plan, plan to address  
13 activities of daily living, or similar procedure describing the care, treatment, or  
14 services to be provided to address a vulnerable adult's physical, psychological,  
15 or rehabilitative needs.

16 ~~(9)(23)~~ (23) "Protective services" means services, actions, measures, or  
17 ~~intervention~~ interventions that ~~will,~~ are intended, through voluntary agreement  
18 or through appropriate court action, to prevent further neglect, abuse, or  
19 exploitation of a vulnerable adult. Such services may include supervision,  
20 guidance, counseling, referrals, petitioning for relief from abuse, or petitioning  
21 for the appointment of a guardian, and, when necessary, assistance in the

1 ~~securing of safe and sanitary living accommodations. However, nothing in this~~  
2 ~~chapter gives the Commissioner authority to place the vulnerable adult in a~~  
3 ~~State school or hospital, except pursuant to 18 V.S.A. chapter 181 or 206.~~

4 (24) “Provider” means an individual, organization, or entity that  
5 provides care to adults known to be vulnerable.

6 (25) “Recommendation for substantiation” means that an investigation  
7 has been conducted and the Adult Protective Services investigator has  
8 concluded that the preponderance of the evidence discovered in the course of  
9 the investigation would lead a reasonable person to believe that the alleged  
10 perpetrator abused, neglected, or exploited the vulnerable adult.

11 (26) “Report” means the statements provided to Adult Protective  
12 Services from a reporter alleging that a vulnerable adult has been abused,  
13 neglected, or exploited.

14 (27) “Reporter” means the person who has submitted a report to Adult  
15 Protective Services.

16 ~~(10)(28)~~ (28) “Representative” means a court-appointed guardian, or an  
17 agent acting under an advance directive executed pursuant to 18 V.S.A.  
18 chapter 231, or an agent under a power of attorney, unless otherwise specified  
19 in the terms of the ~~advance directive~~ power of attorney.

1           (29)(A) “Self-neglect” means an adult’s inability, due to physical or  
2           mental impairment or diminished capacity, to perform essential self-care tasks  
3           including:

4                   (i) obtaining essential food, clothing, shelter, and medical care;

5                   (ii) obtaining goods and services necessary to maintain physical  
6           health, mental health, or general safety; or

7                   (iii) managing one’s own financial affairs.

8           (B) The term “self-neglect,” which is not maltreatment by another  
9           and is distinct from the definition of “neglect,” excludes individuals who make  
10           a conscious and voluntary choice not to provide for certain basic needs as a  
11           matter of lifestyle, personal preference, or religious belief and who understand  
12           the consequences of their decision.

13           ~~(14)(30)~~ “Sexual activity” means a sexual act as defined in 13 V.S.A.  
14           § 3251; other than appropriate medical care or personal hygiene, ~~or lewd and~~  
15           lascivious conduct.

16           ~~(12)(31)~~ “Substantiated report” means that the Commissioner or the  
17           Commissioner’s designee has determined, after the investigation, that a report  
18           is based upon accurate and reliable information that would lead a reasonable  
19           person to believe demonstrates, by a preponderance of the evidence, that the  
20           vulnerable adult has been abused, neglected, or exploited by the alleged  
21           perpetrator.

1           (32) “Unsubstantiated” means that an investigation has been conducted  
2           without a recommendation of substantiation. “Unsubstantiated” does not  
3           imply that maltreatment of a vulnerable adult by an alleged perpetrator did or  
4           did not occur. Reasons for unsubstantiation include:

5                   (A) the Adult Protective Services investigator’s conclusion that the  
6                   preponderance of the evidence would not lead a reasonable person to believe  
7                   that the alleged perpetrator had abused, neglected, or exploited the vulnerable  
8                   adult;

9                   (B) evidence that the alleged victim is not vulnerable;

10                   (C) evidence that maltreatment did not occur; or

11                   (D) a lack of sufficient evidence to demonstrate that the alleged  
12                   victim meets the definition of a vulnerable adult or that maltreatment occurred.

13           ~~(13)~~(33) “Volunteer” means an individual who, without compensation,  
14           provides services through a private or public organization.

15           ~~(14)~~(34) “Vulnerable adult” means any person 18 years of age or older  
16           who:

17                   (A)(i) is a resident of a facility required to be licensed under chapter  
18                   71 of this title;

19                   ~~(B)~~(ii) is a resident of a psychiatric hospital or a psychiatric unit of a  
20                   hospital;

1           ~~(C)~~(B) ~~has been~~ was receiving assistance with personal care services  
2           for more than one month from a designated home health agency ~~certified by~~  
3           ~~the Vermont Department of Health~~ or from a person or organization that offers,  
4           provides, or arranges for personal care or is determined to be clinically eligible  
5           to receive Long-Term Medicaid waiver services; or

6           ~~(D)~~(C) regardless of residence or whether any type of service is  
7           received, ~~is impaired due to~~ has a physical, mental, or developmental  
8           disability; infirmities as a result of brain damage, or a mental condition; or  
9           ~~infirmities of aging, mental condition, or physical, psychiatric, or~~  
10          ~~developmental disability~~ resulting in:

11           (i) ~~that results in some~~ impairment of the individual's ability to  
12          ~~provide for his or her own care without assistance, including the provision of~~  
13          ~~food, shelter, clothing, health care, supervision, or management of finances~~  
14          independently engage in activities of daily living or instrumental activities of  
15          daily living or to provide for some aspect of the adult's own personal care  
16          without assistance; or

17           (ii) ~~because of the disability or infirmity, the individual has an~~  
18          ~~impaired~~ some impairment of the adult's ability to protect himself or herself  
19          the adult from abuse, neglect, or exploitation.

1 § 6903. REPORTING SUSPECTED ABUSE, NEGLECT, AND  
2 EXPLOITATION OF VULNERABLE ADULTS

3 (a) ~~Any of the following, other than a crisis worker acting pursuant to 12~~  
4 ~~V.S.A. § 1614 and the State Long Term Care Ombudsman or a representative~~  
5 ~~of the Office, as defined in section 7501 of this title, who knows of or has~~  
6 ~~received information of abuse, neglect, or exploitation of a vulnerable adult or~~  
7 ~~who has reason to suspect that any vulnerable adult has been abused,~~  
8 ~~neglected, or exploited shall report or cause a report to be made in accordance~~  
9 ~~with the provisions of section 6904 of this title within 48 hours: All~~  
10 ~~employees, contractors, volunteers, or grantees who directly provide health~~  
11 ~~care, law enforcement, caregiving, counseling, education, or social services to~~  
12 ~~adults who know of information of abuse, neglect, or exploitation of a~~  
13 ~~vulnerable adult or who have reason to suspect that any vulnerable adult has~~  
14 ~~been abused, neglected, or exploited shall report in accordance with the~~  
15 ~~provisions of section 6904 of this title within two business days.~~

16 (1) ~~all employees, contractors, and grantees of the Agency of Human~~  
17 ~~Services who are involved in caregiving; If an individual listed in this~~  
18 ~~subsection is a direct witness to evidence of abuse, neglect, or exploitation, the~~  
19 ~~individual shall report or be party to a report that is made on behalf of multiple~~  
20 ~~mandatory reporters.~~

1           (2) ~~a physician, osteopath, chiropractor, physician assistant, nurse,~~  
2 ~~medical examiner, licensed nursing assistant, emergency medical services~~  
3 ~~personnel, dentist, or psychologist; If an individual listed in this subsection~~  
4 ~~knows of abuse, neglect, or exploitation of a vulnerable adult or has actual~~  
5 ~~knowledge that any vulnerable adult has been abused, neglected, or exploited,~~  
6 ~~the individual shall report unless the individual has reason to believe that the~~  
7 ~~evidence of abuse, neglect, or exploitation has already been reported.~~

8           (3) ~~a school teacher, school librarian, school administrator, school~~  
9 ~~guidance counselor, school aide, school bus driver, or school employee or~~  
10 ~~school contractor who works regularly with students; Except as provided in~~  
11 ~~subdivision (4) of this subsection (a), an individual listed in this subsection (a)~~  
12 ~~shall not refuse to make a report required by this section on the grounds that~~  
13 ~~making the report would violate a privilege or disclose a confidential~~  
14 ~~communication.~~

15           (4) A crisis worker acting pursuant to 12 V.S.A. § 1614 and the State  
16 Long-Term Care Ombudsman or a designee of the Office, as defined in section  
17 7501 of this title, shall not be required to make a report under this subsection  
18 (a) if the report would be based upon information received in a communication  
19 that is:

20           (A) made to a crisis worker or State Long-Term Care Ombudsman or  
21 a designee of the Office acting in the individual's professional capacity; and

1           (B) intended by the parties to be confidential at the time the  
2           communication is made.

3           ~~(4) a mental health professional, social worker, person or organization~~  
4           ~~that offers, provides, or arranges for personal care for vulnerable adults;~~  
5           ~~caregiver employed by a vulnerable adult; employee of or contractor involved~~  
6           ~~in caregiving for a community mental health center; law enforcement officer;~~  
7           ~~or individual who works regularly with vulnerable adults and who is an~~  
8           ~~employee of an adult day care center, area agency on aging, senior center, or~~  
9           ~~meal program designed primarily to serve vulnerable adults;~~

10          ~~(5) a hospital, nursing home, residential care home, home health agency,~~  
11          ~~or any entity providing nursing or nursing related services for remuneration;~~  
12          ~~intermediate care facility for adults with developmental disabilities; therapeutic~~  
13          ~~community residence, group home, developmental home, school or contractor~~  
14          ~~involved in caregiving; or an operator or employee of any of these facilities or~~  
15          ~~agencies.~~

16          (b) Any other concerned person not listed in subsection (a) of this section  
17          who knows of or has received a complaint of abuse, neglect, or exploitation of  
18          a vulnerable adult or who has reason to suspect that any vulnerable adult has  
19          been abused, neglected, or exploited may report or cause a report to be made in  
20          accordance with the provisions of section 6904 of this title.



1 (c) The identity of a person who makes a report under this section shall be  
2 kept confidential unless:

3 (1) the person making the report consents to disclosure;

4 (2) a judicial proceeding results from the report; ~~or~~

5 (3) a court, after a hearing, finds probable cause to believe the report  
6 was not made in good faith and orders the Department to disclose the person's  
7 identity; or

8 (4) the reporter is listed in subdivision (a)(1) of this section, in which  
9 case the reporter's information may be shared with other investigative bodies  
10 as necessary to conduct the investigation.

11 § 6904. NATURE AND CONTENT OF REPORT; TO WHOM MADE

12 A report shall be made ~~orally or in writing~~ to the Commissioner or the  
13 Commissioner's designee as soon as possible, but in no event later than 48  
14 hours thereafter. The report may also be made to a law enforcement officer. If  
15 an oral report is made by telephone or otherwise, the Commissioner or  
16 designee shall request that it be followed within one week by a report in  
17 writing. Reports shall contain To be considered a report to the Commissioner  
18 or designee, it shall contain the name and address of the reporter as well as the  
19 names and addresses of the vulnerable adult and persons responsible for ~~his or~~  
20 ~~her~~ the vulnerable adult's care, if known; the age of the vulnerable adult; the  
21 nature of ~~his or her~~ the vulnerable adult's disability; the nature and extent of

1 the vulnerable adult's abuse, neglect, or exploitation together with any  
2 evidence of previous abuse, neglect, or exploitation of the vulnerable adult;  
3 and any other information that the reporter believes might be helpful in  
4 establishing the cause of any injuries or reasons for the abuse, neglect, or  
5 exploitation as well as in protecting the vulnerable adult. If the reporter is in  
6 possession of documentation that establishes the alleged victim's conditions,  
7 needs, or services, that shall be included in the report. Any evidence of  
8 maltreatment shall also be cited in the report. If a report of abuse, neglect, or  
9 exploitation involves the acts or omissions of the Commissioner or employees  
10 of ~~that~~ the Department, then such reports shall be directed to the Secretary of  
11 ~~the~~ Human Services, who shall cause the report to be investigated by  
12 appropriate staff other than staff of the Department.

13 \* \* \*

14 § 6906. ASSESSMENT AND INVESTIGATION

15 (a) Report of maltreatment.

16 (1) ~~The Commissioner shall cause an investigation to commence within~~  
17 ~~48 hours after receipt of a report made pursuant to section 6904 of this title~~  
18 Upon receipt of a report of maltreatment, the Department shall determine  
19 whether the report constitutes an allegation of abuse, neglect, or exploitation as  
20 defined in section 6902 of this title. The Department shall respond to reports

1 of alleged abuse, neglect, or exploitation that occurred in Vermont and to out-  
2 of-State conduct when the vulnerable adult is a resident of Vermont.

3 (2) ~~The Commissioner shall keep the reporter and the alleged victim~~  
4 ~~informed during all stages of the investigation, and shall:~~

5 (A) ~~Notify the reporter, the victim, and the victim's legal~~  
6 ~~representative, if any, in writing if Adult Protective Services or the Division of~~  
7 ~~Licensing and Protection decides not to investigate the report. The notification~~  
8 ~~shall be provided within five business days after the decision is made and shall~~  
9 ~~inform the reporter that he or she may ask the Commissioner to review the~~  
10 ~~decision.~~

11 (B) ~~Notify the reporter, the victim, and the victim's legal~~  
12 ~~representative, if any, in writing if Adult Protective Services or the Division of~~  
13 ~~Licensing and Protection refers the report to another agency. The notification~~  
14 ~~shall be provided within five business days after the referral is made.~~

15 (C) ~~Notify the reporter, the victim, and the victim's legal~~  
16 ~~representative, if any, in writing of the outcome of the investigation. The~~  
17 ~~notification shall be provided within five business days after the decision is~~  
18 ~~made and shall inform the reporter that he or she may ask the Commissioner to~~  
19 ~~review the decision. The Department shall determine whether to conduct an~~  
20 ~~assessment or an investigation, as provided for in this section, or whether to~~  
21 ~~screen out the report. An assessment may be used to determine whether an~~

1 investigation is necessary. The Department shall begin either an assessment or  
2 an investigation within one business day in all cases in which the alleged  
3 victim has experienced a life-threatening or severe injury; requires  
4 hospitalization as a result of maltreatment; was the alleged victim of sexual  
5 abuse; or is experiencing ongoing harm. The Department shall initiate an  
6 assessment or an investigation within two business days after the day of the  
7 receipt of all other accepted reports made pursuant to section 6904 of this title.  
8 The Department shall collect the following demographic information about the  
9 alleged victim and alleged perpetrator, if available, if an assessment or  
10 investigation is opened: gender, race, age, ethnicity, sexual orientation, gender  
11 identity, and disability status.

12 (3) The decision to conduct an assessment shall include consideration of  
13 the following factors:

14 (A) the severity of any alleged maltreatment and any injuries;

15 (B) the relationship between the alleged victim and alleged

16 perpetrator;

17 (C) the known history of the report; and

18 (D) the detail and specificity of information provided in the report

19 regarding the alleged victim's vulnerability and the alleged maltreatment.

20 (4) The Department shall investigate when an accepted report involves

21 allegations indicating serious maltreatment or ongoing risk of harm to the

1 alleged victim. The Department may investigate any report of maltreatment  
2 Adult Protective Services receives.

3 (5) The Department shall begin an immediate investigation if, at any  
4 time during an assessment, it appears that an investigation is appropriate.

5 (6) To the extent permitted by law, the Department may collaborate with  
6 law enforcement, health care and service providers, and other departments and  
7 agencies in Vermont and other jurisdictions to evaluate the risk to the  
8 vulnerable adult and may enter into reciprocal agreements with law  
9 enforcement, other departments and agencies, and other jurisdictions to further  
10 the purposes of this section. In no event shall the Department disclose  
11 information to other divisions, departments, or agencies unless such a  
12 disclosure is necessary to further the express purpose of this section.

13 (b) Assessment. ~~The investigation shall include, except where inclusion~~  
14 ~~would jeopardize the health, welfare, or safety of the vulnerable adult:~~

15 (1) ~~a visit to the reported victim's place of residence or place of custody~~  
16 ~~and to the location of the reported abuse, neglect, or exploitation;~~

17 ~~(2) interviews with any available witnesses to the alleged abuse, neglect,~~  
18 ~~or exploitation;~~ An assessment, to the extent that is reasonable under the facts  
19 and circumstances provided in a report, shall include the following:

20 ~~(3)(A)~~ an interview with the reporter of the alleged abuse, neglect, or  
21 exploitation and the alleged victim, which shall focus on ensuring the

1 immediate safety of the alleged victim and mitigating the future risk of harm to  
2 the alleged victim in the current environment;

3 ~~(4) an interview with the reported victim, which interview may take~~  
4 ~~place without the approval of the vulnerable adult's parents, guardian, or~~  
5 ~~caregiver, but cannot take place over the objection of the reported victim; and~~

6 ~~(5) an opportunity for the person who allegedly abused, neglected, or~~  
7 ~~exploited to be interviewed.~~

8 (B) a determination as to whether the alleged victim meets the  
9 definition of a vulnerable adult and whether the allegations, if true, meet the  
10 statutory definition of abuse, neglect, or exploitation, or any combination  
11 thereof; and

12 (C) in collaboration with the alleged victim, the identification of  
13 resources and protective service needs that reduce the risk of future abuse,  
14 neglect, or exploitation and improve or restore the care and safety of the  
15 alleged victim.

16 (2) Services offered during or at the conclusion of an assessment can  
17 only be implemented through voluntary agreement or court action.

18 (3) If the assessment is closed without resulting in an investigation,  
19 there shall be no finding of abuse, neglect, or exploitation. However, the  
20 Department shall document the outcome of the assessment.

1           (4) The Department shall provide written notice to the victim, and the  
2           victim's representative who is not the subject of the assessment, of the  
3           outcome of the assessment.

4           (c) Investigation. ~~Upon completion of the investigation, a written report~~  
5           ~~describing all evidence obtained and recommending a finding of substantiated~~  
6           ~~or unsubstantiated shall be submitted to the Commissioner or designee for final~~  
7           ~~resolution. If the recommendation is for a finding of substantiated the person~~  
8           ~~shall be given notice of the recommendation, and the evidence that forms the~~  
9           ~~basis of the recommendation, and shall be notified of how a substantiated~~  
10           ~~report might be used. The person shall be offered an opportunity to dispute the~~  
11           ~~recommendation and may, within 15 days of notification, request an~~  
12           ~~administrative hearing in front of the Commissioner or designee. Following~~  
13           ~~the hearing, or if no hearing is requested within 15 days of notification, the~~  
14           ~~Commissioner or designee shall make a finding of substantiated or~~  
15           ~~unsubstantiated, and notify the person of the decision and of the right to~~  
16           ~~appeal.~~

17           ~~(d) Within 30 days of notification that a report has been substantiated, a~~  
18           ~~person against whom a complaint has been lodged may apply to the Human~~  
19           ~~Services Board for relief on the grounds that it is unsubstantiated. The Board~~  
20           ~~shall hold a fair hearing under 3 V.S.A. § 3091. Unless the Commissioner~~  
21           ~~agrees otherwise, the fair hearing shall be given priority by the Board and an~~

1 ~~expedited hearing shall be provided, with a decision issued promptly~~  
2 ~~thereafter.~~

3 ~~(e) If a report is found to be unsubstantiated, the records shall be retained~~  
4 ~~as part of the confidential records of the Department of Disabilities, Aging, and~~  
5 ~~Independent Living. If no court proceeding is brought pursuant to subdivision~~  
6 ~~6903(c)(3) of this title within six years of the date of the notice to the person~~  
7 ~~against whom the complaint was lodged, the records relating to the~~  
8 ~~unsubstantiated report shall be destroyed after notice to such person, unless he~~  
9 ~~or she requests that the records not be destroyed.~~

10 ~~(f) If an appeal is filed pursuant to subsection (d) of this section or to a~~  
11 ~~court, the name of the individual shall not be added to the Registry until a~~  
12 ~~substantiated finding of abuse, neglect, or exploitation becomes final.~~

13 (1) The Department shall:

14 (A) Notify the reporter in writing if Adult Protective Services decides  
15 not to investigate or to conduct an assessment of the report. The notification  
16 shall be provided within five business days after the decision is made and shall  
17 inform the reporter that the reporter may ask the Commissioner to review the  
18 decision.

19 (B) Notify the alleged victim, and the alleged victim's representative,  
20 if any, in writing of the outcome of the investigation. The notification shall be  
21 provided within five business days after the decision has been made and shall



1 inform the alleged victim or the alleged victim's representative that the alleged  
2 victim or the alleged victim's representative may ask the Commissioner to  
3 review the decision.

4 (2) The investigation shall include, except where inclusion would  
5 jeopardize the health, welfare, or safety of the vulnerable adult:

6 (A) An interview with the alleged victim, which may take place  
7 without the approval of the alleged victim's parents, guardian, or caregiver, but  
8 cannot take place over the objection of the alleged victim.

9 (B) An opportunity for the person who allegedly abused, neglected,  
10 or exploited the alleged victim to be interviewed. If the person declines to be  
11 interviewed, either through given notice or failure to respond, the alleged  
12 perpetrator shall be notified that the alleged perpetrator's declination may be  
13 noted in the investigation and may be taken into account in any potential  
14 appeal process.

15 (3) Upon completion of the investigation, the investigative summary  
16 describing pertinent evidence obtained during the course of the investigation  
17 and recommending a substantiation or unsubstantiation shall be submitted to  
18 the Commissioner or designee. Prior to substantiation, the Department shall  
19 interview the alleged perpetrator unless the alleged perpetrator declines. The  
20 investigative summary shall include a recommendation of whether placement  
21 on the Registry is appropriate. If the recommendation is for substantiation, the

1 alleged perpetrator shall be given written notice by certified mail of the  
2 recommendation and a summary of the evidence that forms the basis of the  
3 recommendation and shall be notified of any remedial options that may exist  
4 and how a substantiated report might be used. The alleged perpetrator may  
5 seek an administrative review of the Department's intention to place the  
6 alleged perpetrator's name on the Registry by notifying the Department within  
7 14 calendar days after the date listed on the Department's notice of the right to  
8 an administrative review. The Commissioner may grant an extension past the  
9 14-day period for good cause, not to exceed 28 calendar days after the date  
10 listed on the Department's notice.

11 (4) The administrative review of the Department's intention to  
12 substantiate may be stayed if there is a related case pending in the Criminal or  
13 Family Division of the Superior Court that arose out of the same incident of  
14 abuse, neglect, or exploitation that resulted in the recommendation for  
15 substantiation. During the period the administrative review is stayed, if the  
16 Department's intent is to place the alleged perpetrator's name on the Registry,  
17 it shall add the alleged perpetrator's name to the Registry with a notation that  
18 the case is pending. Upon resolution of the Superior Court criminal or family  
19 case, the alleged perpetrator may exercise the alleged perpetrator's right to  
20 review under this section by notifying the Department in writing within 28  
21 calendar days after the related court case, including any appeals, has been fully

1 adjudicated. If the alleged perpetrator fails to notify the Department within 28  
2 calendar days, the Department's decision shall become final, and no further  
3 review under this subsection is required.

4 (A) The Department shall hold an administrative review within 28  
5 calendar days after receipt of the request for review. At least 14 calendar days  
6 prior to the administrative review, the Department shall provide to the alleged  
7 perpetrator requesting an administrative review the following: the redacted  
8 investigation file, which means only the portion of the investigation file  
9 relevant to an Adult Protective Services recommendation, redacted as  
10 necessary to minimize disclosure of any confidential information; notice of  
11 time and place of the administrative review; and administrative review  
12 procedures, including information that may be submitted and mechanisms for  
13 providing information.

14 (B) At the administrative review, the alleged perpetrator who  
15 requested the review shall be provided with the opportunity to present  
16 documentary evidence or other information that supports the alleged  
17 perpetrator's position and provides information to the reviewer in making the  
18 most accurate decision regarding the allegation. In determining the weight to  
19 be given any such evidence or information, the administrative reviewer shall  
20 consider whether the alleged perpetrator had an opportunity to present the  
21 evidence or information to the investigator during the investigation and, if so,

1 the reasons for the failure to present the evidence or information at that time.

2 The Department shall have the burden of proving that, based upon a  
3 preponderance of evidence, it concluded that a reasonable person would  
4 believe that the vulnerable adult has been abused, neglected, or exploited by  
5 that alleged perpetrator. The administrative review may be held remotely by  
6 telephone or through electronic means by mutual agreement of the parties.

7 (C) The Department shall establish an administrative case review unit  
8 within the Department and may contract for the services of administrative  
9 reviewers. An administrative reviewer shall be a neutral and independent  
10 arbiter who has no prior involvement in the original investigation of the  
11 allegation.

12 (5) Within seven calendar days after the completed review, the  
13 administrative reviewer shall:

14 (A) reject the Department's recommendation of substantiation;

15 (B) accept the Department's recommendation of substantiation; or

16 (C) defer any recommendation and direct the Department to further  
17 investigate upon the recommendation of the administrative reviewer.

18 (6) If the administrative reviewer accepts the Department's  
19 recommendation of substantiation, a Registry record shall be made within two  
20 business days. If the administrative reviewer rejects the Department's  
21 recommendation of substantiation, no Registry record shall be made.

1           (7) Within seven calendar days of the decision to reject or accept the  
2           recommendation of substantiation or to defer the substantiation in accordance  
3           with subdivision (5) of this subsection, the administrative reviewer shall  
4           provide notice to the alleged perpetrator of the administrative reviewer's  
5           decision. If the administrative reviewer accepts the Department's  
6           recommendation of substantiation, the notice shall advise the alleged  
7           perpetrator of the right to appeal the administrative reviewer's decision to the  
8           Human Services Board.

9           (8)(A) If no administrative review is requested, the Department's  
10           recommendation in the case shall be final, and the alleged perpetrator shall  
11           have no further right of review under this section.

12           (B) The Commissioner may grant an exception and permit such an  
13           administrative review upon good cause shown. Good cause may include an  
14           acquittal or dismissal of a criminal charge arising from the incident of abuse,  
15           neglect, or exploitation.

16           (9) In exceptional circumstances, the Commissioner, in the  
17           Commissioner's sole and nondelegable discretion, may reconsider any decision  
18           made by an administrative reviewer. A Commissioner's decision that imposes  
19           a penalty or creates a Registry record may be appealed to the Human Services  
20           Board.

1           (10) Within 30 calendar days after the date of the notice advising that a  
2           report has been substantiated, an alleged perpetrator against whom a complaint  
3           has been lodged may apply to the Human Services Board for relief on the  
4           grounds that it is unsubstantiated. The Human Services Board shall hold a fair  
5           hearing under 3 V.S.A. § 3091. Unless the Commissioner agrees otherwise,  
6           the hearing shall be given priority by the Human Services Board, and an  
7           expedited hearing shall be provided, not later than 30 calendar days after the  
8           date of the notice advising that a report has been substantiated, and a decision  
9           shall be issued within seven calendar days after the hearing.

10           (11) If a report is found to be unsubstantiated, the records shall be  
11           retained as part of the confidential records of the Department. If no court  
12           proceeding is brought pursuant to section 6903 of this title within six years  
13           following the date of the notice to the alleged perpetrator against whom the  
14           complaint was lodged, the records relating to the unsubstantiated report may be  
15           destroyed.

16           ~~(g)~~(12) If the Human Services Board ~~or a court~~ reverses a substantiated  
17           finding, the Commissioner shall remove all information ~~in accordance with~~  
18           ~~subsection (e) of this section~~ from the Registry.

19           ~~(h)~~(13)(A) When a final determination has been made, the Commissioner  
20           shall inform the vulnerable adult or ~~his or her~~ the vulnerable adult's  
21           representative, ~~the reporter, and, if the report is substantiated, the current~~

1 ~~employer of the individual, of the outcome of the investigation and any~~  
2 ~~subsequent proceedings in writing.~~

3 (B) When a final determination of substantiation has been made, the  
4 Department shall also inform the perpetrator's current employer, if known, in  
5 writing of the outcome of the investigation and any subsequent proceedings.

6 § 6907. REMEDIAL ACTION

7 (a) ~~Coordinated treatment plan~~ Protective services. If the investigation  
8 produces evidence that the vulnerable adult has been abused, neglected, or  
9 exploited, ~~the Commissioner shall arrange for the provision of protective~~  
10 ~~services in accordance with a written coordinated treatment plan and protective~~  
11 ~~services are not in place, the Department shall pursue available protective~~  
12 ~~services.~~

13 (b) Consent to services.

14 (1) Protective services shall be provided only with the consent of the  
15 vulnerable adult, ~~his or her;~~ the vulnerable adult's guardian, agent under power  
16 of attorney, or agent under advance directive; or through appropriate court  
17 action. If the vulnerable adult does not consent, protective services shall not be  
18 provided, unless provision of protective services is ~~court-ordered~~ court  
19 ordered.

20 (2)(A) In the event that the vulnerable adult's guardian is the person  
21 responsible for the abuse, neglect, or exploitation, and the guardian ~~does not~~

1 ~~consent to the investigation or receipt of protective services, the Commissioner~~  
2 ~~may petition for removal of the guardian~~ refuses consent to the investigation or  
3 the alleged victim's protective services, the investigator may seek review of  
4 the guardian's refusal by filing a motion with the Probate Division of the  
5 Superior Court pursuant 14 V.S.A. § 3062(c).

6 (B) In the event that the vulnerable adult's agent under power of  
7 attorney is the person responsible for the abuse, neglect, or exploitation, and  
8 the agent refuses to consent to the investigation or the alleged victim's  
9 protective services, the investigator may seek review of the agent's refusal by  
10 filing a petition in Superior Court pursuant to 14 V.S.A. § 3510(b).

11 (C) In the event that the vulnerable adult's agent under advance  
12 directive is the person responsible for the abuse, neglect, or exploitation, and  
13 the agent does not consent to the investigation or the receipt of protective  
14 services, the investigator may file a petition in Probate Court pursuant to  
15 18 V.S.A. § 9718 to seek review under subdivision (b)(3) of that section as to  
16 whether the refusal is consistent with the authority granted to the agent in the  
17 advance directive.

18 (3) Failure to consent to protective services, either by the vulnerable  
19 adult or the vulnerable adult's guardian, agent under power of attorney, or  
20 agent under advance directive shall not automatically end an investigation of  
21 an alleged perpetrator.



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§ 6909. RETALIATORY ACTION BY EMPLOYER PROHIBITED

No employer or supervisor may discharge; demote; transfer; reduce pay, benefits, or work privileges; prepare a negative work performance evaluation; or take any other action detrimental to any employee who files a good faith report in accordance with the provisions of this chapter, by reason of the report. Any person making a report under this chapter shall have a civil cause of action for appropriate compensatory and punitive damages against any person who causes detrimental changes in the employment status of the reporting party by reason of ~~his or her~~ making a report. Nothing in this section grants immunity to a person reporting the person's own perpetration of maltreatment.

§ 6910. INTERFERENCE BY CAREGIVER

If consent to receive protective services has been obtained in accordance with section 6907 of this title and the Commissioner has reasonable cause to believe that the caregiver is interfering with the provision of those protective services, the ~~Commissioner~~ Department may petition the Superior Court for an order enjoining the caregiver from interfering with the provision of protective services. The petition shall present facts to show that the vulnerable adult is in need of protective services, that ~~he or she or his or her guardian~~ the vulnerable adult or the vulnerable adult's representative consents to the receipt of

1 protective services, and that the caregiver has interfered with the provision of  
2 protective services. If the court, after hearing, finds that the vulnerable adult  
3 requires and consents to protective services, and has been prevented by ~~his or~~  
4 ~~her~~ the vulnerable adult's caregiver from receiving protective services; the  
5 court may issue an order enjoining the caregiver from further interference. ~~The~~  
6 ~~court may modify the terms of the coordinated treatment plan.~~

7 § 6911. RECORDS OF ABUSE, NEGLECT, AND EXPLOITATION

8 (a) Access to records.

9 (1) ~~Information obtained through reports and investigations, including~~  
10 ~~the identity of the reporter, shall remain confidential and shall not be released~~  
11 ~~absent a court order, except as follows:~~ Subject to confidentiality or privilege  
12 protections, except those provided by the Health Insurance Portability and  
13 Accountability Act of 1996, its corresponding regulations, and 18 V.S.A.  
14 § 1881, the Department's Adult Protective Services shall have access to any  
15 records or documents, including client-identifying information, financial  
16 records, and medical and psychological records, necessary to the performance  
17 of the Department's duties under this chapter. The duties include the  
18 investigation of abuse, neglect, or exploitation or the provision of protective  
19 services to a vulnerable adult. A person, agency, or institution that has a  
20 record or document that the Department needs to perform its duties under this  
21 chapter shall, without unnecessary delay, make the record or document

1 available to the Department. For the purposes of this subsection, “financial  
2 records” does not include records developed or maintained by the Department  
3 of Financial Regulation.

4 (2) The Department is exempt from the payment of a fee otherwise  
5 required or authorized by law to obtain a financial record from a person,  
6 agency, or institution or a medical record, including a mental health record,  
7 from a hospital or health care provider if the request for a record is made in the  
8 course of an investigation by the Department.

9 (3) If the Department cannot obtain access to a record or document that  
10 is necessary to properly investigate or to perform another duty under this  
11 chapter, the Department may petition the Superior Court for access to the  
12 record or document.

13 (4) On good cause shown, the court shall order the person, agency, or  
14 institution in possession or control of a record or document to allow the  
15 Department to have access to that record or document under the terms and  
16 conditions prescribed by the court.

17 (5) A person, agency, or institution in possession or control of a  
18 requested record or document is entitled to notice and a hearing on a petition  
19 filed under this section.

20 (6) Access to a confidential record under this section does not constitute  
21 a waiver of confidentiality.

1           (7) A person who in good faith makes an alleged victim's information or  
2           a copy of the information available to an investigator in accordance with this  
3           section shall be immune from civil or criminal liability for disclosure of the  
4           information unless the person's actions constitute negligence, recklessness, or  
5           intentional misconduct. Nothing in this section shall be construed to provide  
6           civil or criminal immunity to a person suspected of having abused, neglected,  
7           or exploited a vulnerable adult.

8           (b) Confidentiality of reports and documents.

9           (1)(A)(i) ~~The investigative report~~ Information obtained through reports  
10          to and assessments and investigations conducted by the Department, including  
11          the identity of the reporter, shall be confidential and shall not be released  
12          absent a court order, except the final investigative summary report shall be  
13          disclosed only to:

14                   (I)(i) the Commissioner or person designated to receive such  
15          records;

16                   (II)(ii) persons assigned by the Commissioner to investigate  
17          reports;

18                   (III)(iii) ~~the person reported to have abused, neglected, or~~  
19          exploited a vulnerable adult alleged perpetrator;

20                   (IV)(iv) the vulnerable adult or ~~his or her~~ the vulnerable adult's  
21          representative;

1                   ~~(V)~~(v) the Office of Professional Regulation when deemed  
2 appropriate by the Commissioner;

3                   ~~(VI)~~(vi) the Secretary of Education when deemed appropriate  
4 by the Commissioner;

5                   ~~(VII)~~(vii) the Commissioner for Children and Families or  
6 designee for purposes of review of expungement petitions filed pursuant to  
7 section 4916c of this title;

8                   ~~(VIII)~~(viii) the Commissioner of Financial Regulation when  
9 deemed appropriate by the Commissioner for an investigation related to  
10 financial exploitation;

11                   ~~(IX)~~(ix) a law enforcement agency; and

12                   ~~(X)~~(x) the State's Attorney, or the Office of the Attorney  
13 General, when the Department believes there may be grounds for criminal  
14 prosecution or civil enforcement action, or in the course of a criminal or a civil  
15 investigation.

16                   ~~(ii)~~(B) When disclosing information pursuant to this subdivision  
17 (1), reasonable efforts shall be made to limit the information to the minimum  
18 necessary to accomplish the intended purpose of the disclosure, and no other  
19 information, including the identity of the reporter, shall be released absent a  
20 court order.

1           ~~(B)~~(2) Relevant information may be disclosed to the Secretary of  
2           Human Services, or the Secretary’s designee, for the purpose of remediating or  
3           preventing abuse, neglect, or exploitation; to assist the Agency in its  
4           monitoring and oversight responsibilities; and in the course of a relief from  
5           abuse proceeding, guardianship proceeding, or any other court proceeding  
6           when the Commissioner deems it necessary to protect the victim, and the  
7           victim or ~~his or her~~ the victim’s representative consents to the disclosure.  
8           When disclosing information pursuant to this subdivision, reasonable efforts  
9           shall be made to limit the information to the minimum necessary to accomplish  
10          the intended purpose of the disclosure, and no other information, including the  
11          identity of the reporter, shall be released absent a court order. Disclosures  
12          necessary to conduct Adult Protective Services investigations or to make  
13          referrals to law enforcement agencies, or to divisions or grantees of the  
14          Department, shall be permitted, but reasonable efforts shall be made to limit  
15          the information to the minimum necessary to accomplish the intended purpose  
16          of the disclosure.

17           (3) Notwithstanding subdivision (a)(1) of this section, financial  
18          information made available to an adult protective services investigator  
19          pursuant to this section may be used only in a judicial or administrative  
20          proceeding or investigation directly related to a report required or authorized

1 under this chapter. Relevant information may be disclosed to the Secretary of  
2 Human Services, pursuant to subdivision (2) of this subsection.

3 ~~(C) Relevant information may be disclosed to a Family Division of~~  
4 ~~the Superior Court, upon the request of that court, in any proceeding in which:~~

5 ~~(i) a parent of a child challenges a presumption of parentage under~~  
6 ~~15C V.S.A. § 402(b)(3); or~~

7 ~~(ii) a parent of a child contests an allegation that he or she fostered~~  
8 ~~or supported a bonded and dependent relationship between the child and a~~  
9 ~~person seeking to be adjudicated a de facto parent under 15C V.S.A. §~~  
10 ~~501(a)(2).~~

11 ~~(2) Notwithstanding subdivision (1)(A) of this subsection, financial~~  
12 ~~information made available to an adult protective services investigator~~  
13 ~~pursuant to section 6915 of this title may be used only in a judicial or~~  
14 ~~administrative proceeding or investigation directly related to a report required~~  
15 ~~or authorized under this chapter. Relevant information may be disclosed to the~~  
16 ~~Secretary of Human Services pursuant to subdivision (1)(B) of this subsection,~~  
17 ~~and may also be disclosed to the Commissioner of Financial Regulation when~~  
18 ~~the investigation relates to financial exploitation of a vulnerable adult.~~

19 ~~(b)(c) The Commissioner~~ Department shall maintain a registry of  
20 substantiated caregivers that shall contain the following information:

1           ~~(1) the names of all the individuals found on the basis of a substantiated~~  
2           ~~report to have abused, neglected, or exploited a vulnerable adult; the date of~~  
3           ~~the finding; and the nature of the finding. In addition, the Commissioner shall~~  
4           ~~require that, aside from a person's name, at least one other personal identifier~~  
5           ~~is listed in the Registry to prevent the possibility of misidentification the date~~  
6           ~~and nature of the finding;~~

7           (2) the names of individuals convicted of a crime pursuant to 13 V.S.A.  
8           § 1383; and

9           (3) in addition, aside from a caregiver's name, at least one other  
10           personal identifier to prevent the possibility of misidentification.

11           ~~(e)~~(d) Disclosure of Registry information.

12           (1) The Commissioner or designee may disclose Registry information  
13           only to:

14           ~~(1)~~(A) The State's Attorney or the Attorney General.

15           ~~(2)~~(B) The public as required by the Nursing Home Reform Act of  
16           1986 and regulations promulgated under the Act.

17           ~~(3)~~(C) An employer if such information is used to determine whether  
18           to hire or retain a specific individual providing care, custody, treatment,  
19           transportation, or supervision of children or vulnerable adults. "Employer,"  
20           Notwithstanding section 6902 of this chapter, "employer," as used in this  
21           section, means a person or organization who employs or contracts with one or



1 more individuals to care for or provide transportation services to children or  
2 vulnerable adults, on either a paid or volunteer basis. The employer may  
3 submit a request concerning a current employee, volunteer, grantee, or  
4 contractor or an individual to whom the employer has given a conditional offer  
5 of a contract, volunteer position, or employment. ~~The request shall be~~  
6 ~~accompanied by a release signed by the current or prospective employee,~~  
7 ~~volunteer, grantee, or contractor.~~ If that individual has a record of a  
8 substantiated report, the ~~Commissioner~~ Department shall provide the Registry  
9 information to the employer.

10 ~~(4)~~(D) An individual seeking to determine if the individual's own  
11 name is on the Registry.

12 (E) A person or organization serving vulnerable adults by assisting  
13 with employer functions; offering, providing, or arranging for home sharing; or  
14 providing personal care services, developmental services, or mental health  
15 services for vulnerable adults. The person or organization may submit a  
16 request concerning an individual who has applied to provide such services or  
17 an individual who is already so engaged. ~~The request shall be in writing and~~  
18 ~~shall be accompanied by a release from the person applying for or already~~  
19 ~~providing such services.~~ If the person has a record of a substantiated report,  
20 the Commissioner shall provide the Registry information.

1           ~~(5)~~(F) The Commissioner for Children and Families or designee for  
2 purposes related to:

3           ~~(A)~~(i) the licensing or registration of facilities and individuals  
4 regulated by the Department for Children and Families; and

5           ~~(B)~~(ii) the Department's child protection obligations under  
6 chapters 49–59 of this title.

7           ~~(6)~~(G) The Commissioner of Health or the Commissioner's designee  
8 for purposes related to oversight and monitoring of persons who are served by  
9 or compensated with funds provided by the Department of Health, including  
10 persons to whom a conditional offer of employment has been made.

11           ~~(7)~~(H) Upon request or when relevant to other states' adult protective  
12 services offices.

13           ~~(8)~~(I) The Board of Medical Practice for the purpose of evaluating an  
14 applicant, licensee, or holder of certification pursuant to 26 V.S.A. § 1353.

15           ~~(9)~~(J) The Secretary of Education or the Secretary's designee, for  
16 purposes related to the licensing of professional educators pursuant to  
17 16 V.S.A. chapter 5, subchapter 4 and chapter 51.

18           ~~(10)~~(K) The Office of Professional Regulation for the purpose of  
19 evaluating an applicant, licensee, holder of a certification, or registrant for  
20 possible unprofessional conduct, where appropriate.

1           ~~(H)~~(L) A Family Division of the Superior Court upon request of that  
2 court if it is involved in any proceeding in which:

3           ~~(A)~~(i) a parent of a child challenges a presumption of parentage  
4 under 15C V.S.A. § 402(b)(3); or

5           ~~(B)~~(ii) a parent of a child contests an allegation that ~~he or she~~ the  
6 parent fostered or supported a bonded and dependent relationship between the  
7 child and a person seeking to be adjudicated a de facto parent under 15C  
8 V.S.A. § 501(a)(2).

9           (2) The request for disclosure of Registry information pursuant to  
10 subdivisions (1)(C), (1)(E)–(G), and (1)(I)–(K) of this subsection shall be in  
11 writing and accompanied by a release from the person applying for or already  
12 providing services to children or vulnerable adults.

13           ~~(d)~~(e) An employer providing transportation services to children or  
14 vulnerable adults may disclose Registry records obtained pursuant to  
15 subdivision ~~(e)(3)(d)(1)(C)~~ of this section to the Agency of Human Services or  
16 its designee for the sole purpose of auditing the records to ensure compliance  
17 with this chapter. An employer shall provide such records at the request of the  
18 Agency or its designee. Only Registry records regarding individuals who  
19 provide direct transportation services or otherwise have direct contact with  
20 children or vulnerable adults may be disclosed.



1 injury to or the death of a vulnerable adult, the ~~Commissioner~~ Department may  
2 impose an administrative penalty of not more than ~~\$10,000.00~~ \$25,000.00 for  
3 each violation. The ~~Commissioner~~ Department shall notify the Office of  
4 Professional Regulation, or any other professional licensing board applicable  
5 to the violator, of any decision made pursuant to this subsection.

6 (b) The Department shall investigate allegations that a mandated reporter  
7 has failed to make a required report when it appears that an investigation is  
8 appropriate. Whenever the ~~Commissioner~~ Department finds, after notice and  
9 hearing, that a mandatory reporter, as defined in ~~subdivisions 6903(a)(1), (2),~~  
10 ~~(3), (4), and (5)~~ subsection 6903(a) of this title, has willfully violated the  
11 provisions of ~~subsection~~ subdivision 6903(a)(1), the ~~Commissioner~~  
12 Department may impose an administrative penalty not to exceed ~~\$500.00~~  
13 \$1,000.00 per violation. For purposes of this subsection, every 24 hours that a  
14 report is not made beyond the period for reporting required by ~~subsection~~  
15 section 6903(a) shall constitute a new and separate violation, and a mandatory  
16 reporter shall be liable for an administrative penalty of not more than ~~\$500.00~~  
17 \$1,000.00 for each 24-hour period, not to exceed a maximum penalty of  
18 ~~\$5,000.00~~ \$25,000.00 per reportable incident.

19 (c) Whenever the Department finds that a mandatory reporter willfully or  
20 knowingly withheld information, or provided false or inaccurate information,

1 the Department may impose an administrative penalty not to exceed \$1,000.00  
2 per violation.

3 (d) A person who is aggrieved by a decision under subsection (a) ~~or~~ (b),  
4 or (c) of this section may appeal that decision to the Superior Court, where  
5 either party may request trial by jury.

6 § 6914. ACCESS TO CRIMINAL RECORDS

7 (a) ~~The Commissioner may obtain from the Vermont Crime Information~~  
8 ~~Center the record of convictions of any person to the extent that the~~  
9 ~~Commissioner has determined by rule that such information is necessary to~~  
10 ~~protect vulnerable adults~~ The Commissioner may obtain from the Vermont  
11 Crime Information Center the record of convictions of any person to the extent  
12 that the Commissioner has determined that such information is necessary to  
13 protect vulnerable adults.

14 (b) ~~An employer may ask the Commissioner to obtain from the Vermont~~  
15 ~~Crime Information Center the record of convictions of a person who is a~~  
16 ~~current employee, volunteer, or contractor, or a person to whom the employer~~  
17 ~~has given a conditional offer of a contract, volunteer position, or employment.~~  
18 ~~The request shall be in writing and shall be accompanied by a release by the~~  
19 ~~current or prospective contractor or employee. If the person has a record of~~  
20 ~~convictions, the Commissioner shall inform the employer of the date and type~~  
21 ~~of conviction.~~

1       ~~(c) A person or organization serving vulnerable adults by assisting with~~  
2       ~~employer functions, offering, providing, or arranging for home sharing,~~  
3       ~~personal care services, developmental services, or mental health services for~~  
4       ~~vulnerable adults, may submit a request to the Commissioner concerning an~~  
5       ~~individual who has applied to provide such services or an individual who is~~  
6       ~~already so engaged. The request shall be in writing, and shall be accompanied~~  
7       ~~by a release from the individual applying for or already providing such~~  
8       ~~services. If the individual has a record of convictions, the Commissioner shall~~  
9       ~~inform the person or organization submitting the request of the date and type of~~  
10       ~~conviction.~~

11       ~~(d) The Commissioners of Disabilities, Aging, and Independent Living, of~~  
12       ~~Health, and of Mental Health or their designees may, for the protection of~~  
13       ~~vulnerable adults or for purposes related to oversight and monitoring of~~  
14       ~~persons who are served by or compensated with funds provided by the~~  
15       ~~Departments of Disabilities, Aging, and Independent Living, of Health, and of~~  
16       ~~Mental Health, ask the Vermont Crime Information Center for the record of~~  
17       ~~convictions of a person who is a current employee, volunteer, or contractor, or~~  
18       ~~a person to whom the employer has given a conditional offer of a contract,~~  
19       ~~volunteer position, or employment. If the individual has a record of~~  
20       ~~convictions, the Vermont Crime Information Center shall inform the~~

1 appropriate ~~Commissioner, or the Commissioner's designee,~~ department of the  
2 date and type of conviction.

3 ~~(e)(c)~~ Information released to an employer under this section shall not be  
4 released or disclosed by the employer to any person. Any person who violates  
5 this subsection shall be fined not more than \$500.00.

6 ~~(f) Volunteers shall be considered employees for purposes of this section.~~

7 ~~(g) [Repealed.]~~

8 § 6915. ACCESS TO FINANCIAL INFORMATION

9 (a) As used in this chapter:

10 (1) "A person having custody or control of the financial information"  
11 means:

12 (A) a bank as defined in 8 V.S.A. § 11101;

13 (B) a credit union as defined in 8 V.S.A. § 30101;

14 (C) a broker-dealer or investment advisor, as those terms are defined  
15 in 9 V.S.A. § 5102; or

16 (D) a mutual fund as defined in 8 V.S.A. § 3461.

17 (2) "Capacity" means an individual's ability to make and communicate  
18 a decision regarding the issue that needs to be decided.

19 (3) "Financial information" means an original or copy of, or information  
20 derived from:



1           (A) a document that grants signature authority over an account held  
2 at a financial institution;

3           (B) a statement, ledger card, or other record of an account held at a  
4 financial institution that shows transactions in or with respect to that account;

5           (C) a check, clear draft, or money order that is drawn on a financial  
6 institution or issued and payable by or through a financial institution;

7           (D) any item, other than an institutional or periodic charge, that is  
8 made under an agreement between a financial institution and another person's  
9 account held at a financial institution;

10          (E) any information that relates to a loan account or an application  
11 for a loan;

12          (F) information pertaining to an insurance or endowment policy,  
13 annuity contract, contributory or noncontributory pension fund, mutual fund,  
14 or security, as defined in 9 V.S.A. § 5102; or

15          (G) evidence of a transaction conducted directly or by electronic or  
16 telephonic means, including surveillance video, access logs, IP addresses, and  
17 any other digital logs, documents, and metadata.

18          (4) "Financial institution" means any financial services provider  
19 licensed, registered, or otherwise authorized to do business in Vermont,  
20 including a bank, credit union, broker-dealer, investment advisor, mutual fund,  
21 or investment company.

1           (b)(1) A person having custody or control of the financial information of a  
2           vulnerable adult shall make the information or a copy of the information  
3           available to an Adult Protective Services investigator upon receipt of a ~~court~~  
4           ~~order or receipt~~ of the investigator's written request or, in the instances  
5           described in subsections (d) and (e) of this section, upon receipt of a court  
6           order.

7           ~~(1)~~(2) The request shall include a statement signed by the account  
8           holder, if ~~he or she~~ the account holder has capacity, or the account holder's  
9           guardian with financial powers or agent under a power of attorney consenting  
10          to the release of the information to the investigator.

11          ~~(2)~~(c) If the vulnerable adult lacks capacity and does not have a guardian or  
12          agent, or if the vulnerable adult lacks capacity and ~~his or her~~ the vulnerable  
13          adult's guardian or agent is the alleged perpetrator, the request shall include a  
14          statement signed by the investigator asserting that all of the following  
15          conditions exist:

16                 ~~(A)~~(1) The account holder is an alleged victim of abuse, neglect, or  
17                 financial exploitation.

18                 ~~(B)~~(2) The alleged victim lacks the capacity to consent to the release  
19                 of the financial information.

20                 ~~(C)~~(3) Law enforcement is not involved in the investigation or has  
21                 not requested a subpoena for the information.

1           ~~(D)~~(4) The alleged victim will suffer imminent harm if the  
2 investigation is delayed while the investigator obtains a court order authorizing  
3 the release of the information.

4           ~~(E)~~(5) Immediate enforcement activity that depends on the  
5 information would be materially and adversely affected by waiting until the  
6 alleged victim regains capacity.

7           ~~(F)~~(6) The Commissioner of ~~Disabilities, Aging, and Independent~~  
8 ~~Living~~ has personally reviewed the request and confirmed that the conditions  
9 set forth in ~~subdivisions (A) through (E) of this subdivision (2)~~ this subsection  
10 have been met and that disclosure of the information is necessary to protect the  
11 alleged victim from abuse, neglect, or financial exploitation.

12           ~~(e)~~(d) If a guardian refuses to consent to the release of the alleged victim's  
13 financial information, the investigator may seek review of the guardian's  
14 refusal by filing a motion with the Probate Division of the Superior Court  
15 pursuant to 14 V.S.A. § 3062(c).

16           ~~(d)~~(e) If an agent under a power of attorney refuses to consent to the release  
17 of the alleged victim's financial information, the investigator may file a  
18 petition in Superior Court pursuant to 14 V.S.A. § 3510(b) to compel the agent  
19 to consent to the release of the alleged victim's financial information.

20           ~~(e)~~(f) The investigator shall include a copy of the written request in the  
21 alleged victim's case file.

1       ~~(f)~~(g) The person having custody or control of the financial information  
2 shall not require the investigator to provide details of the investigation to  
3 support the request for production of the information.

4       ~~(g)~~(h) The information requested and released shall be used only to  
5 investigate the allegation of abuse, neglect, or financial exploitation or for the  
6 purposes set forth in subdivision ~~6911(a)(1)(B)~~ 6911(b)(3) of this title and  
7 shall not be used against the alleged victim.

8       ~~(h)~~(i) The person having custody or control of the financial information  
9 shall provide the information to the investigator as soon as possible but, absent  
10 extraordinary circumstances, ~~no~~ not later than 10 business days following  
11 receipt of the investigator's written request or receipt of a court order or  
12 subpoena requiring disclosure of the information.

13       ~~(i)~~(j) A person who in good faith makes an alleged victim's financial  
14 information or a copy of the information available to an investigator in  
15 accordance with this section shall be immune from civil or criminal liability  
16 for disclosure of the information unless the person's actions constitute gross  
17 negligence, recklessness, or intentional misconduct. Nothing in this section  
18 shall be construed to provide civil or criminal immunity to a person suspected  
19 of having abused, neglected, or exploited a vulnerable adult.

20       ~~(j) The person having custody or control of the financial information of an~~  
21 ~~alleged victim may charge the Department of Disabilities, Aging, and~~

1 ~~Independent Living no more than the actual cost of providing the information~~  
2 ~~to the investigator and shall not refuse to provide the information until~~  
3 ~~payment is received. A financial institution shall not charge the Department~~  
4 ~~for the information if the financial institution would not charge if the request~~  
5 ~~for the information had been made directly by the account holder.~~

6 \* \* \*

7 § 6917. WRITTEN COMMUNICATIONS

8 Any written communications from the Department, an administrative  
9 reviewer, or the Human Services Board to the alleged victim or to the alleged  
10 perpetrator shall use plain language.

11 § 6918. RULEMAKING

12 The Commissioner shall adopt rules pursuant to 3 V.S.A. chapter 25 to  
13 implement this subchapter, including:

14 (1) conducting referrals on intakes, including:

15 (A) required referrals; and

16 (B) referrals on intake reports not accepted for assessment or  
17 investigation;

18 (2) conducting assessments, including:

19 (A) the components of an assessment;

20 (B) the determinations of an assessment; and

21 (C) timelines required for the assessment; and

1           (3) conducting investigations, including:

2           (A) the components of an investigation;

3           (B) the determinations of an investigation; and

4           (C) timelines required for the investigation.

5       Sec. 2. 33 V.S.A. chapter 69, subchapter 2 is amended to read:

6           Subchapter 2. ~~Abuse~~ Maltreatment Prevention for Vulnerable Adults

7   \* \* \*

8       § 6932. JURISDICTION AND VENUE

9           (a) The Family Division of the Superior Court shall have jurisdiction over  
10 proceedings under this subchapter.

11          (b) Emergency orders under section 6936 of this title may be issued by a  
12 judge of the Criminal, Civil, or Family Division of the Superior Court.

13          (c) Proceedings under this subchapter may be commenced in the county in  
14 which the ~~plaintiff~~ vulnerable adult resides. If the vulnerable adult has left the  
15 residence to avoid abuse, neglect, or exploitation, the ~~plaintiff~~ vulnerable adult  
16 shall have the option to bring an action in the county of the previous residence  
17 or the county of the new residence.

18       § 6933. REQUEST FOR RELIEF

19          (a) A vulnerable adult, Adult Protective Services staff, or an interested  
20 person on behalf of a vulnerable adult may seek relief from abuse, neglect, or

1 exploitation by filing a petition requesting one or ~~both~~ more of the following  
2 orders:

3 (1) an order that the defendant refrain from abusing, neglecting, or  
4 exploiting the vulnerable adult;

5 (2) an order that the defendant immediately vacate the household;

6 (3) an order that the defendant shall not contact or communicate with  
7 the vulnerable adult either directly or through a third party;

8 (4) an order that the defendant shall not come within a fixed distance  
9 from the vulnerable adult;

10 (5) an order that the defendant shall not stalk, as defined in 12 V.S.A.  
11 § 5131, the vulnerable adult;

12 (6) an order to deliver care plans, medicines, physicians' orders, and  
13 medical records to the vulnerable adult or the vulnerable adult's representative;

14 (7) an order to cooperate in the transfer of the vulnerable adult's care to  
15 ensure the vulnerable adult's safety and well-being;

16 (8) an order to immediately return any cash, checks, money, or property  
17 belonging to the vulnerable adult in the defendant's possession;

18 (9) an order to immediately return any personal documentation  
19 regarding the vulnerable adult, including identification documents, insurance  
20 information, financial records, and immigration documentation;

1 (10) an order that the defendant shall not access, dispose of, take, or  
2 transfer funds, accounts, or property from the vulnerable adult or any account  
3 in the name of the vulnerable adult;

4 (11) an order to cease any access, sharing, or use of identifying  
5 information, image, or likeness of the vulnerable adult;

6 (12) an order regarding possession, care, and control of any animal  
7 owned, possessed, leased, kept, or held as a pet by the vulnerable adult; and

8 (13) such other orders as deemed necessary to protect the vulnerable  
9 adult.

10 (b) No filing fee shall be required.

11 § 6934. NOTICE

12 Except as provided in section 6936 of this title, the court shall grant relief  
13 only after notice to the defendant and a hearing. If the petition is made by an  
14 interested person, notice shall be provided to the vulnerable adult and the court  
15 shall determine whether the vulnerable adult is capable of expressing ~~his or her~~  
16 the vulnerable adult's wishes with respect to the petition and, if so, whether the  
17 vulnerable adult wishes to pursue the petition. If the court determines that the  
18 vulnerable adult is capable of expressing ~~his or her~~ the vulnerable adult's  
19 opinion and does not wish to pursue the petition, the court shall dismiss the  
20 petition.

21 \* \* \*



1 Sec. 3. 18 V.S.A. § 9718 is amended to read:

2 § 9718. PETITION FOR REVIEW BY THE PROBATE DIVISION OF THE  
3 SUPERIOR COURT

4 (a) A petition may be filed in the Probate Division of the Superior Court  
5 under this section by:

6 (1) a principal, guardian, agent, ombudsman, a mental health patient  
7 representative, or interested individual other than one identified in an advance  
8 directive, pursuant to subdivision 9702(a)(10) of this title, as not authorized to  
9 bring an action under this section;

10 (2) a social worker or health care provider employed by or directly  
11 associated with the health care provider, health care facility, or residential care  
12 facility providing care to the principal;

13 (3) the Defender General if the principal is in the custody of the  
14 Department of Corrections;

15 (4) a representative of the State-designated protection and advocacy  
16 system if the principal is in the custody of the Department of Mental Health; ~~or~~

17 (5) an individual or entity identified in an advance directive, pursuant to  
18 subdivision 9702(a)(10) of this title, as authorized to bring an action under this  
19 section; or



1           (2) to establish legislative oversight for the transition efforts;

2           (3) that the exits from hotel and motel accommodations occur through  
3           an intentional transition process that provides dignity, oversight, collaborative  
4           efforts, and coordinated service delivery;

5           (4) that all households find or are offered alternative housing options;  
6           and

7           (5) that the Agency of Human Services negotiate rate reductions with  
8           the participating hotels and motels, with a goal of achieving rates that are at  
9           least 50 percent lower than those in effect in June 2023.

10          (c) The purposes of Secs. 5–10 of this act are:

11           (1) to direct the Joint Fiscal Committee to monitor the efforts of the  
12           Agency of Human Services in assisting households with transitioning out of  
13           the pandemic-era General Assistance Emergency Housing Program and into  
14           post-pandemic housing; and

15           (2) to allow the Agency financial flexibility and resources, if needed, to  
16           provide transition and supportive services for the vulnerable Vermonters  
17           described in 2022 Acts and Resolves No. 185, Sec. B.1100(a)(33)(A), which  
18           was added by 2023 Acts and Resolves No. 3, Sec. 45.

19          Sec. 6. EMERGENCY HOUSING TRANSITION; AGENCY OF HUMAN  
20           SERVICES; JOINT FISCAL COMMITTEE OVERSIGHT;  
21           REPORTS

1       (a) Not later than April 1, 2024, the Agency of Human Services, directly or  
2       through its community partners, shall assist in finding or offer to each  
3       household housed as of June 30, 2023 in a hotel or motel through the  
4       pandemic-era General Assistance Emergency Housing Program an alternative  
5       housing placement, unless a household secures its own housing placement.  
6       Except as provided in subdivision (2) of this subsection, the Agency shall  
7       continue to provide temporary hotel or motel housing to a household that was  
8       housed in a hotel or motel through the pandemic-era General Assistance  
9       Emergency Housing Program as of June 30, 2023 until such time as the  
10       Agency offers the household an alternative housing placement or the  
11       household secures its own housing placement, but in no event later than April  
12       1, 2024.

13       (1) Beginning on July 1, 2023, in order to maintain eligibility for  
14       temporary, continued hotel or motel housing while awaiting a housing  
15       placement, households housed in a hotel or motel through this act shall:

16               (A) participate in the coordinated entry and case management  
17       processes, including cooperating with the Agency and services providers on  
18       screening and care planning for transitioning out of the pandemic-era General  
19       Assistance Emergency Housing Program and engaging in monthly eligibility  
20       reassessments;

1           (B) engage in their own search for alternative housing options and  
2           notify their case manager, reentry team, or Agency staff if they are successful  
3           in securing a housing placement; and

4           (C) contribute 30 percent of their gross household income toward the  
5           cost of their hotel or motel housing.

6           (2) Between July 1, 2023 and April 1, 2024, the Agency of Human  
7           Services shall no longer be required to pay for a household’s hotel or motel  
8           housing if any one or more of the following occurs:

9           (A) the household is offered an alternative housing placement but  
10          does not accept the offer within 48 hours;

11          (B) the household secures its own housing placement;

12          (C) the household fails to comply with one or more of the  
13          responsibilities set forth in subdivision (1) of this subsection (a); or

14          (D) the household is asked to leave the hotel or motel housing due to  
15          misconduct.

16          (3) As used in this act, “alternative housing placements” may include  
17          shelter beds and pods; placements with family or friends; permanent housing  
18          solutions, including tiny homes, manufactured homes, and apartments;  
19          residential treatment beds for physical health, long-term care, substance use, or  
20          mental health; nursing home beds; and recovery homes.

1           (4) The temporary, continued hotel or motel housing benefit offered  
2           pursuant to this subsection (a) while awaiting a housing placement shall not be  
3           considered an entitlement, is not available to new applicants, and is limited to  
4           households in the pandemic-era General Assistance Emergency Housing  
5           Program as of June 30, 2023.

6           (b) On or before the last day of each month from July 2023 through March  
7           2024, the Agency of Human Services, or other relevant agency or department,  
8           shall report to the House Committee on Human Services, the Senate  
9           Committee on Health and Welfare, and the Joint Fiscal Committee on its  
10           progress in assisting households housed in hotels and motels with transitioning  
11           from the pandemic-era General Assistance Emergency Housing Program to  
12           alternative housing placements and on the creation of new, alternative housing  
13           solutions. Each update shall include:

14           (1) the number of households remaining in hotels and motels that have  
15           not yet been transitioned to an alternative housing placement by household  
16           size, by eligibility category, and by each Agency of Human Services district;

17           (2) the number of actual alternative housing placements made during the  
18           previous reporting period compared with the targeted number of placements  
19           for that period;

20           (3) of the households successfully transitioned to an alternative housing  
21           placement during the previous month, the number of households whose

1 screening indicated a potential need for services from each department within  
2 the Agency;

3 (4) the number of beds available for emergency housing in each Agency  
4 of Human Services district in the State, with separate reporting on the number  
5 of beds available in nursing homes and residential care homes for individuals  
6 whose screening indicates they could meet the clinical criteria for those  
7 settings and the number of emergency beds available for individuals whose  
8 screening indicates they do not meet the clinical criteria, including low-barrier  
9 shelters, beds for youth, and beds for individuals who have experienced  
10 domestic violence;

11 (5) of the households that were housed in a hotel or motel for four  
12 months or longer and transitioned out during the previous month, the number  
13 that have had all or a portion of their security deposits returned to them since  
14 leaving the hotel or motel or are awaiting the return of these funds;

15 (6) of the households that were housed in a hotel or motel for less than  
16 four months and transitioned out during the previous month, the amount of  
17 security deposit funds refunded to the State by the hotels and motels during  
18 that month;

19 (7) the number of households that have been successfully transitioned to  
20 an alternative housing placement since the previous report, the types of

1 housing settings in which they have been placed, and the supportive services  
2 they are receiving in conjunction with their housing;

3 (8) the outlook for transitioning additional households to alternative  
4 housing placements in the coming months, including an estimate of the number  
5 of households likely to be placed per month;

6 (9) a projected timeline for transitioning the remaining households to  
7 alternative housing placements;

8 (10) the average negotiated rate for rooms that the Agency paid to the  
9 hotels and motels providing the temporary, continued hotel or motel housing  
10 during the previous month;

11 (11) the status of responding to and implementing the letters of interest  
12 from community partners and municipalities for housing and supportive  
13 services;

14 (12) the status of contracts for housing and supportive services resulting  
15 from the Agency's requests for proposals (RFPs), including the Agency's May  
16 24, 2023 RFP for emergency shelter staffing and services;

17 (13) the status of grants awarded through the Housing Opportunity  
18 Program and how those grants relate to the Agency's efforts to assist  
19 households with transitioning out of the pandemic-era General Assistance  
20 Emergency Housing Program;



1           (14) once the Adverse Weather Conditions Policy takes effect again in  
2           the fall of 2023, how the Agency plans to distinguish the households that  
3           become eligible for the General Assistance Emergency Housing Program  
4           under that Policy from the households that the Agency is assisting with  
5           transitioning out of the pandemic-era General Assistance Emergency Housing  
6           Program;

7           (15) the total amount of funds expended to date on housing placements  
8           and supportive services for households transitioning out of the pandemic-era  
9           General Assistance Emergency Housing Program; and

10           (16) beginning with the September 2023 reporting period, any State  
11           rules and local regulations and ordinances that are impeding the timely  
12           development of safe, decent, affordable housing in Vermont communities in  
13           order to:

14           (A) identify areas in which flexibility or discretion are available; and

15           (B) advise whether the temporary suspension of relevant State rules  
16           and local regulations and ordinances, or the adoption or amendment of State  
17           rules, would facilitate faster and less costly revitalization of existing housing  
18           and construction of new housing units.

19           (c) On or before the last day of each month from July 2023 through March  
20           2024, the Vermont Housing and Conservation Board shall report to the House  
21           Committees on Human Services and on General and Housing; the Senate

1 Committees on Health and Welfare and on Economic Development, Housing  
2 and General Affairs; and the Joint Fiscal Committee on:

3 (1) the status of the Board's initiatives to make additional housing units  
4 available and how those initiatives support the Agency of Human Services'  
5 efforts to assist households with transitioning out of the pandemic-era General  
6 Assistance Emergency Housing Program; and

7 (2) the status of the Board's efforts to expand emergency shelter  
8 capacity, including the number of new beds available since the previous report,  
9 the number of additional beds planned, and when the additional planned beds  
10 are likely to become available.

11 (d) The Agency may hire temporary employees or contract with  
12 community-based organizations, or both, as needed to support the Agency in  
13 assisting households housed in hotels and motels with transitioning from the  
14 pandemic-era General Assistance Emergency Housing Program to alternative  
15 housing placements; to support the creation of new, alternative housing  
16 solutions; and to collect and report on the information required by subsection  
17 (b) of this section.

18 (e) On April 1, 2024, the Agency shall report to the House Committees on  
19 Appropriations, on Human Services, and on Housing and General Affairs; the  
20 Senate Committees on Appropriations, on Health and Welfare, and on  
21 Economic Development, Housing and General Affairs; and the Joint Fiscal

1 Committee the number households, if any, that were not successfully  
2 transitioned out of the pandemic-era General Assistance Emergency Housing  
3 Program into alternative housing placements and the reason why each such  
4 household was not successfully placed.

5 Sec. 7. CASH FUND FOR CAPITAL AND ESSENTIAL INVESTMENTS;

6 APPROPRIATION

7 (a) In fiscal year 2024, the balance of the Other Infrastructure, Essential  
8 Investments, and Reserves subaccount in the Cash Fund for Capital and  
9 Essential Investments established pursuant to 32 V.S.A. § 1001b, after all other  
10 transactions authorized from that subaccount by the fiscal year 2024 budget act  
11 have been satisfied, is appropriated to the Agency of Human Services to be  
12 used as needed to implement Secs. 5–10 of this act.

13 (b) The Commissioner of Finance and Management shall report to the Joint  
14 Fiscal Committee at the Committee’s July meeting the amount of the balance  
15 that was made available to the Agency of Human Services pursuant to  
16 subsection (a) of this section.

17 (c) The Agency of Human Services shall report on the amount of  
18 unobligated funds remaining, if any, from the appropriation in subsection (a) of  
19 this section as part of the Agency’s fiscal year 2024 budget adjustment  
20 presentation.

1       Sec. 8. EMERGENCY HOUSING TRANSITION; FUNDING; FISCAL  
2               YEAR 2024 BUDGET ADJUSTMENT

3           (a) The Agency of Human Services shall hold in reserve as much funding  
4           as possible from the Agency’s fiscal year 2023 closeout process as  
5           carryforward for potential investment in assisting households with  
6           transitioning out of the pandemic-era General Assistance Emergency Housing  
7           Program. The reserved funds shall not be used unless the amounts  
8           appropriated pursuant to Sec. 7 of this act are not sufficient to fully implement  
9           the phase-out of the pandemic-era General Assistance Emergency Housing  
10          Program as set forth in this act.

11          (b) The Agency of Administration is authorized to use available resources  
12          as necessary to assist in the implementation of the phase-out of the pandemic-  
13          era General Assistance Emergency Housing Program as set forth in Secs. 5–10  
14          of this act.

15          (c) The Agency of Human Services shall include relevant language and  
16          amounts in its fiscal year 2024 budget adjustment recommendations, if needed,  
17          to complete the process of phasing out the pandemic-era General Assistance  
18          Emergency Housing Program.

1       Sec. 9. AFFORDABLE HOUSING DEVELOPMENT; FISCAL YEAR 2024

2                   FUNDING

3               (a) Of the \$40,000,000.00 appropriated to the Vermont Housing and  
4               Conservation Board (VHCB) in the fiscal year 2024 budget act to provide  
5               support and enhance capacity for the production and preservation of affordable  
6               mixed-income rental housing and homeownership units:

7                   (1) \$10,000,000.00 shall be used to provide support and enhance the  
8               capacity, availability, and utilization of manufactured homes in cooperatively  
9               owned, nonprofit, and privately owned manufactured home parks with vacant  
10              and available lots. VHCB shall consult with the Department of Housing and  
11              Community Development to ensure that new investments prioritize individuals  
12              and families exiting from hotels and motels in accordance with this act.

13                  (2) VHCB shall grant \$4,000,000.00 to the Vermont State Housing  
14              Authority for the Manufactured Home Improvement and Repair Program to  
15              prevent vulnerable mobile home park residents from becoming homeless.

16                  (3) Notwithstanding 32 V.S.A. § 5(b), VHCB shall grant \$5,000,000.00  
17              to the Department of Housing and Community Development to support the  
18              Vermont Housing Improvement Program.

19                  (b) For fiscal year 2024, the VHCB shall increase its “Homeless Unit” set  
20              aside for housing projects seeking VHCB funding from 15 percent to 30

1 percent, with priority given to households exiting hotels and motels in  
2 accordance with this act.

3 Sec. 10. 2023 Acts and Resolves No. 47, Sec. 47 is amended to read:

4 Sec. 47. EFFECTIVE DATES

5 This act shall take effect on July 1, 2023, except that:

6 (1) ~~Secs. Sec. 1 (24 V.S.A. § 4414) and 2 (24 V.S.A. § 4412)~~ shall take  
7 effect on December 1, 2024, ~~except for subdivision (1)(D) of Sec. 2, which~~  
8 ~~shall take effect on July 1, 2023.~~

9 \* \* \*

10 Sec. 11. EFFECTIVE DATES

11 (a) Secs. 1–4 shall take effect on July 1, 2023.

12 (b) The remaining sections shall take effect on passage.