



## **H. 171– An Act Relating to Adult Protective Services**

**Jessica Barquist, Policy Director**

**February 9th, 2022**

We understand and appreciate the intent of expanding reporting to keep vulnerable adults safe and alert systems to potential abuse. Reporting suspected abuse is complex and while it is an important safety measure, it is not the only – nor always the most effective - way to help an individual. I have not had the experience of reporting suspected abuse of vulnerable adults, but as a mental health clinician, I was a mandated reporter for my youth clients and had to make reports on occasion. The amount and specificity of information required for many agencies to accept a report is more than some people on this expanded list will have and may lead to an increase in inaccurate or unusable reports.

This new definition of mandatory reporter is a significant expansion and may encompass individuals who instead should be given the tools and information to report if the situation and their role warrants it. Our current definitions of mandatory reporters are individuals who, in their roles and professional capacities, have some level of understanding of the individuals they are providing services to, the challenges they are facing and the process of reporting, including what information is required. They are trained on what it means to be a mandated reporter and how to uphold that role. Expanding the pool of individuals who are required to report will encompass many individuals who lack understanding of the individual and their situation, or knowledge of the systems, and will likely increase the number of inaccurate reports or reports with little to no information, which investigators would need to be able to accept a report.

We believe that the language already in 33 VSA § 6903 adequately captures the individuals who are qualified and best positioned to be *required* to report abuse.

Adding all employees, contractors, grantees, or volunteers, but striking “of AHS” broadens the list of mandatory reporters to include anyone at any social service agency across the state, including all designated agencies, food banks, Meals on Wheels programs or any other setting. All of these agencies would need to provide adequate training to all of their staff, contractors and volunteers related to this change.

Specifically regarding volunteers - A significant percentage of our community-based services are run primarily by volunteers. These organizations rely heavily on the goodwill of community members to donate their time and energy to support their missions. Including all volunteers as mandatory reporters may have the unintended consequence of discouraging people from volunteering at all or from taking an extra step to connect with and form relationships with the vulnerable adults in their communities.



Similarly, requiring all concerned persons to report (removing the “may” phrase) essentially makes any concerned person, other than a crisis worker, a mandated reporter. Anyone walking down the street who sees something they find concerning would be required to report, even if they had no context or understanding of the individual or the situation they were in. As long as that individual felt concerned, they would have a legal obligation to report. And if they didn’t report, they would be subject to penalties. This would dramatically increase the number of reports that may have little to no information and could potentially increase overinvolvement from agencies when an individual does not need intervention.

Encompassing all concerned persons could also unintentionally limit and restrict a vulnerable adult’s social support networks. There could be a significant risk for a vulnerable adult to rely on others for support or to talk confidentially about issues in their life. This may limit their ability to seek help from anyone outside of crisis workers without fear of reporting and/or having to deal with the stressors of responding to unnecessary or unwanted reports. We all need to be able to talk confidentially with the individuals who we trust to provide us with support and counsel - and vulnerable adults are no exception to this.

We very much appreciate the intention of this bill, but do believe that the expansion of mandatory reporting is overly broad, leading to significant unintended consequences.