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### **Vermont Human Services Committee – February 8, 2023**

My name is Max Barrows. I live in Worcester, Vermont. I'm a Black man with a disability. I am on the autism spectrum. I work for Green Mountain Self-Advocates.

Green Mountain Self-Advocates includes more than 600 members who are people with intellectual and developmental disabilities of many religions, races, genders, sexualities, immigration and socio-economic statuses, and more. When we advocate for equal access, rights, and opportunities, we are speaking up on behalf of our **whole** community.

We agree and support the recommendation by Legal Aid that a separate section governing victim's rights be added to this bill. There also needs to be a plan on how the state will communicate these rights in plain language to the impacted by APS. Consider working with advocates with disabilities to create and post short videos that explain our rights. We would like to have a clear explanation on how to file a report and a description of what happens during an investigation.

Green Mountain Self-Advocates appreciate being asked to testify. We just found out about this bill this week. We are interested in participating in any work groups formed to implement this law.

For the rest of our testimony, we will focus on describing concerns we have about APS. People with disabilities have found that the presence of mandated reporters in our lives can have some unintended negative consequences.

It can take years for us to get the life we want with a good amount of autonomy and independence. We worry that if a report is made to APS we might lose some of our independence. Providers might decide to move us to a more restrictive setting because they want to ensure our safety. Providers might take away our rights by assigning a payee to get our social security checks or other benefits. And one of our biggest fears is that if we are a victim of abuse, a court might give us a guardian.

Some people with disabilities feel betrayed by the staff that reported a situation to APS. They don't feel they can trust their staff after a report has been made.

When we experience violence or financial abuse, staff are often worried about avoiding getting into trouble for not reporting something. Providers typically have in-house policies requiring many different people, up the chain of command, being told what happened. A person with a disability can feel very out of control when suddenly many people know this very personal and upsetting incident that happened to us. Over the years we have held focus groups with people with

disabilities to discuss mandated reporting. Some people with disabilities have said that the last person they would tell if something sexual happened to them would be people at their agency. They don't want everyone at their agency to know what happened to them. Also, people fear they will get in trouble if their agency finds out they were drinking or hanging out with the "wrong people" when they were violated. They worry they will be blamed for what happened.

If you are going to expand who is considered a vulnerable adult to everyone getting HCBS services people with disabilities need to be educated about APS. We especially need to know who is a mandated reporter and who is *not* a mandated reporter. People with disabilities have told us they want access to non-mandated reporters. They want to have control over whether or not they want to disclose abuse.

With the workforce crisis, Vermont Care Partners recently reported that about 1 out of 4 direct support positions are vacant in the Developmental Services programs. Administrators are very focused on filling positions. We need some assurance that new staff are being educated about honoring our right to be the one who makes a report to APS and not filing a report behind our back.

In situations involving sexual violence, our choice about being intimate with someone has been violated. It has been stolen from us. One important way a person can heal from being sexually assaulted is to make sure we are in charge of the decisions being made about reporting. We need to be able to make the

decision about who knows, what they know and when they know it. This gives us back some control over our situation.

We need to be educated in plain language, so we are fully in control of the decision to either talk or not talk. We need to clearly understand that we have the right not to participate in the investigation. At Green Mountain Self-Advocates, we make sure our members have the domestic and sexual violence hot line number because the hot line advocates are NOT mandated reporters. This way people can call as often as they need to talk to someone, and they can make a plan to get the help they need to heal.

We understand and respect that the state wants to protect us and keep us safe but if we are going to report abuse, we want something to happen. The last time we checked we found out that APS was substantiating less than 20% of the cases they investigated. That may not be the current rate of substantiation. The point here is that if a person with a disability is going to lose autonomy we want something to happen. It may not be worth it to make a report if nothing happens.

There needs to be more clear guidelines about when mandated reporters should call the police. Sometimes it feels like if you do not have a disability, you call the police if you are abused. And if you have a disability you go into a separate system. You are to call APS. We wonder if having the police involved would get us better results.

And people with disabilities want to know the outcome of a report made to APS. We need accessible information about how to get a report and understand all the steps APS goes through.

One recommendation we have is for APS to have an advisory board. Most if not all state departments that oversee services for people with disabilities have some sort of an advisory board. These boards hopefully include a majority of people who get services and their families. A best practice for APS would be to develop an advisory board led by the people they serve. We could all benefit from having the group meet often and weigh in on policies and practices being developed. An advisory group can be a great way for APS to get ongoing feedback and we could play a valuable role in overseeing how APS operates.

And finally, it would be helpful if this bill includes guidelines or requirements for outreach activities. People with disabilities need to understand how the APS process works. Especially if you are going to include everyone that gets HCBS services.

Thank you for your time. We pulled together these thoughts over the past 24 hours. If you have additional concerns or questions, we are glad to respond. Thank you very much for asking us to testify.

