

**Vermont Legal Aid Testimony**  
**House Committee on Human Services**  
**H.171 An Act Relating to Adult Protective Services**  
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Vermont Legal Aid has a long history of advocating on behalf of vulnerable adults. Vermont Legal Aid and Disability Rights Vermont, representing COVE and other interested parties, brought the lawsuit against APS for failing to adequately protect vulnerable adults in 2011. We have actively participated on the APS Advisory Committee, including conducting file reviews, and working with DAIL and APS on this reform proposal.

**1. Significant Improvements to the Law**

This proposed bill incorporates many significant changes. We generally support this reform effort and agree that modernizing the laws governing our system for protecting vulnerable adults is timely and important. As one key example, the range and scope of conduct covered as financial exploitation is significantly improved. But there is still work to be done to revise this bill in order to address areas of concern.

**2. Victim's Rights in this Process**

The vulnerable adult in these investigations is the alleged victim. They have a right to be treated with dignity and respect, and for their autonomy and privacy to be protected. We propose the addition of a separate section governing victim's rights in order to state these important overarching principles explicitly. In addition, some provisions of the proposed bill need to be revised in light of these principles in order to ensure those protections at each stage of investigation.

**3. Investigations and Assessments**

The core "reform" of APS in this proposed bill is to create two tracks for an alleged report, one for an "assessment" and one for a full investigation. The boundary line between when an assessment is appropriate and when an investigation should be required needs to be clearly articulated.

**4. Timing of APS Response: "2 Business Days"**

Current law requires that an APS investigation commence within 48 hours of receipt of the report. This proposed law changes that in several important ways. It allows APS to decide whether to "accept" a report as valid and to screen out reports that do not meet the requirements of the law. The response time is changed from 48 hours to two business days to begin the investigation or assessment.

## **Rights of Vulnerable Adults Under the Chapter**

- ( ) Vulnerable adults have the following rights under this chapter:
  - (A) The right to be treated with dignity and respect and to retain personal autonomy over their situation.
  - (B) The right to privacy of their personal and private information, including protected health information, account information and personally identifying information.
  - (C) The right to decide whether or not to participate in the investigation or assessment.
  - (D) The right to be kept informed of the status of the investigation or assessment and any administrative review or appeal.
  - (E) The right to elect whether or not to attend any hearing or appeal or to testify at any hearing or appeal.
  - (F) The right to have their view taken into consideration in the disposition of any investigation, assessment, administrative review or appeal, and to provide or submit a victim's impact statement at any stage of the process.
  - (G) The right to consent to any remedial services offered.
  - (H) The right to file a grievance with Adult Protective Services about a decision to commence or not commence an investigation or assessment, or over the conduct or circumstances of any investigation or assessment, or regarding the outcome or disposition of any investigation or assessment.