



Memorandum Re: H.171 – Adult Protective Services Bill
House Judiciary Review
Sarah Robinson, Deputy Director
March 2, 2023

Thank you for your review of H. 171. The Vermont Network has been following the work of House Human Services on their comprehensive overhaul of Adult Protective Services statutes. The Vermont Network supports this effort and looks forward to this bill moving forward. We do believe that there are some areas that intersect with issues typically addressed by the House Judiciary Committee, and as such we look forward to highlighting some potential areas of the bill that might benefit from further clarification in language.

Items of Interest:

- **Definition and use of “act of sexual nature and sexual activity”:** The terms “sexual activity” and “act of a sexual nature” are included as part of the definition of abuse on page 3 (lines 3-15). Of those two terms, the term “sexual activity” is defined on page 11, lines 19-21 and references 13 V.S.A. 19 § 3251. “Acts of a sexual nature” is described and includes a list of certain acts on page 3, but does not have its own definition. We believe this makes the language somewhat confusing and would suggest defining “act of a sexual nature”.
- **Confidentiality:** We suggest some protections for crisis worker privilege in the section on confidentiality. We would suggest amending page 34 lines 14-15 to read: “Access to any records that would violate crisis worker or attorney-client privilege shall not be provided without a court order.”
- **Restorative Justice:** The bill contemplates a process for expunging names from the vulnerable adult registry. Page 43, lines 12-14 reads: “The Department shall consider the person’s completion of a restorative justice process in determining whether the person’s name should be expunged from the Registry.” Our understanding from testimony is that DAIL is operating a restorative justice pilot for vulnerable adults which may include victims of sexual harm. Given the recent and robust work of this committee on H. 41, we are somewhat concerned with the vagueness of the language “restorative justice process”. What does the “completion” of such a process constitute? Who deems it “restorative”? What safeguards are in place to ensure that removal from the registry is appropriate and what role does the victim have in this determination?
- **Orders for Relief:** Section § 6933 on pages 54-55 updates the vulnerable adult protection order statute. Lines 15-16 on page 54 reference conditions restricting a respondent’s ability to “follow or stalk” the plaintiff. We believe that the current language lacks of clarity regarding what



“stalk” means and should reference the “stalk” definition in V.S.A. 12 § 5131 in the civil order against stalking or sexual assault.

- **Notice to victims:** There are several provisions in this bill regarding victims notification. For example. The proposal highlights notice that victims receive as the result of DAIL assessments and investigations. Since these victims may be vulnerable adults, we believe that this notice should be granted to victims or an authorized representative of the victims who is not the subject of the assessment or investigation.