

Hello, my name is Nancy LaCroix. My husband and I live in Barre where our son receives services under his Home and Community Based Service Waiver. We built an Accessory Dwelling Unit on our home for our son to age in place. Our son has autism, and we are his legal guardians, as he cannot assess risks nor consent to his own contracts.

We are here to share our experience with the Fair Hearing Board for your bill, H.92. We have been advocating on behalf of our son, to receive care from his agency, in his own home, for the last 5 YEARS.

Our son has been denied these services from his agency, from DAIL and then again from the Fair Hearing officer at the Human Service Board. We cannot appeal our son's case to the Supreme Court, as there is a rule that 'no new evidence' can be submitted once the Human Service Board denies your case.

Regarding #1 of your bill, this is our experience. Our son's advocate was stopped from speaking multiple times. She was told she was not properly asking her questions. For SEVERAL hours, we heard 'denied' and 'overruled'. Neither of the 2 attorneys gave her leniency for not being an attorney herself. She was speaking our son's voice, and his voice was being denied.

Our son's advocate and I worked for months to prepare for the hearing and none of our evidence was allowed into record. We had asked for an accommodation on our son's behalf in the 'shared living provider contract' and submitted clinical records to back up our claim.

When we were allowed to speak, we were able to say a few things, but it didn't matter, as ALL evidence was denied into record. Only facts matter and the facts were not allowed in.

When the final decision came back, our son's case was denied due to lack of evidence. I'll repeat: all evidence was denied into record and our case was denied for lack of evidence.

Regarding #2 of your bill, refraining from legalese, the 2 attorneys denied EVERY piece of evidence and blocked most questions, so we were blocked from proving our case. If our case had merit, these 2 attorneys blocked it from

being heard. Is their job to determine legal merit, or to block justice?

[https://www.law.cornell.edu/wex/on_the_merits#:~:text=The%20phrase%20%E2%80%9Con%20the%20merits,facts%20presented%20in%20the%20cas](https://www.law.cornell.edu/wex/on_the_merits#:~:text=The%20phrase%20%E2%80%9Con%20the%20merits,facts%20presented%20in%20the%20case.)
e.

It was a day that haunts us and continues to haunt us. We feel the DAIL attorney and the Fair Hearing attorney violated our son's 1st Amendment Rights to put evidence into record, and his 14th Amendment Right to due process. The FAIR HEARING process appears to be an avenue to block justice, and an unconscionable waste of taxpayer dollars.

We were at the hearing because our son was given an Adverse benefit letter denying him a staffed home and told that "Shared Living" was "adequate and most cost effective". Yet, VT's H.171 Vulnerable Adult law defines our son as a vulnerable adult, regardless of residence. Shared Living is not required to be licensed, leaving our son without a way to mitigate risks as he cannot report abuse. Again, my husband and I are his legal guardians, as he cannot mitigate risks. This appears to be a bad faith contract, and we were seeking a good faith contract.

Our son's agency has given him a "take it or leave it situation", take unlicensed care, even though it is contrary to VT H.171 law.

<https://legislature.vermont.gov/Documents/2024/Docs/ACTS/ACT081/ACT081%20As%20Enacted.pdf>

The contract in question is a contract that a legal guardian cannot sign, so we have no way of mitigating the risks on our son's behalf, prior to consenting to this contract.

I respectfully request that the Human Services Committee investigate this injustice because our family is being harmed. I had questioned the ex-Deputy Commissioner of DAIL if SHE was the AUTHORITY who regulates the contract and the reply I received was 'we require a contract, but we don't regulate it'.

If DAIL does not regulate the contract than it would make sense that the Human Service Board does, as that was the next step in our grievance. If the Human Service Board had the **subject matter jurisdiction** to approve or deny any type of accommodations in the contract, then our evidence WOULD have been accepted and then confirmed or denied based on the regulations of the contract. Our son's case was not dismissed for jurisdictional reasons. His voice was never heard at all. "Subject matter jurisdiction is the power of a court to adjudicate a particular matter and provide the remedy demanded."
https://www.law.cornell.edu/wex/subject_matter_jurisdiction

We have never felt more dehumanized, exhausted and gutted by this whole unfair process and my husband and I are still feeling the effects of it. We appreciate you taking our testimony.

Thank you