



# REPORT TO THE VERMONT LEGISLATURE

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## Agency of Human Services

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## Department of Disabilities Aging, and Independent Living

### Adult Protective Services Annual Report

**In accordance with  
Act 156 (2020); 33 V.S.A. §6916: The Older Vermonters Act**

**Submitted to:** House Committee on Human Services  
Senate Committee on Health & Welfare

**Submitted by:** Dr. Jill Bowen  
Commissioner

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*It's the Agency of Human Services' mission is to improve the conditions and well-being of Vermonters and protect those who cannot protect themselves.*

 VERMONT

## LEGISLATIVE REQUEST

### Protective Services Annual Report for State Fiscal Year 2025

#### 33 V.S.A. § 6916. ANNUAL REPORT

On or before January 15 of each year, and notwithstanding the provisions of 2 V.S.A. § 20(d), the Department shall report to the House Committee on Human Services and the Senate Committee on Health and Welfare regarding the Department's adult protective services activities during the previous fiscal year, including:

- (1) the number of reports of abuse, neglect, or exploitation of a vulnerable adult that the Department's Adult Protective Services program received during the previous fiscal year and comparisons with the two prior fiscal years;
- (2) the Adult Protective Services program's timeliness in responding to reports of abuse, neglect, or exploitation of a vulnerable adult during the previous fiscal year, including the median number of days it took the program to make a screening decision;
- (3) the number of reports received during the previous fiscal year that required a field screen to determine vulnerability and the percentage of field screens that were completed within 10 calendar days;
- (4) the number of reports of abuse, neglect, or exploitation of a vulnerable adult that were received from a facility licensed by the Department's Division of Licensing and Protection during the previous fiscal year;
- (5) the numbers and percentages of reports received during the previous fiscal year by each reporting method, including by telephone, e-mail, Internet, facsimile, and other means;
- (6) the number of investigations opened during the previous fiscal year and comparisons with the two prior fiscal years;
- (7) the number and percentage of investigations during the previous fiscal year in which the alleged victim was a resident of a facility licensed by the Department's Division of Licensing and Protection;
- (8) data regarding the types of maltreatment experienced by alleged victims during the previous fiscal year, including:
  - (A) the percentage of investigations that involved multiple types of allegations of abuse, neglect, or exploitation, or a combination;
  - (B) the numbers and percentages of unsubstantiated investigations by type of maltreatment; and

- (C) the numbers and percentages of recommended substantiations by type of maltreatment;
- (9) the Department's timeliness in completing investigations during the previous fiscal year, including both unsubstantiated and recommended substantiated investigations;
- (10) data on Adult Protective Services program investigator caseloads, including:
  - (A) average daily caseloads during the previous fiscal year and comparisons with the two prior fiscal years;
  - (B) average daily open investigations statewide during the previous fiscal year and comparisons with the two prior fiscal years;
  - (C) average numbers of completed investigations per investigator during the previous fiscal year; and
  - (D) average numbers of completed investigations per week during the previous fiscal year;
- (11) the number of reviews of screening decisions not to investigate, including the number and percentage of these decisions that were upheld during the previous fiscal year and comparisons with the two prior fiscal years;
- (12) the number of reviews of investigations that resulted in an unsubstantiation, including the number and percentage of these unsubstantiations that were upheld during the previous fiscal year and comparisons with the two prior fiscal years;
- (13) the number of appeals of recommendations of substantiation that concluded with the Commissioner, including the number and percentage of these recommendations that the Commissioner upheld during the previous fiscal year and comparisons with the two prior fiscal years;
- (14) the number of appeals of recommendations of substantiation that concluded with the Human Services Board, including the numbers and percentages of these recommendations that the Board upheld during the previous fiscal year and comparisons with the two prior fiscal years;
- (15) the number of appeals of recommendations of substantiation that concluded with the Vermont Supreme Court, including the numbers and percentages of these recommendations that the Court upheld during the previous fiscal year and comparisons with the two prior fiscal years;
- (16) the number of expungement requests received during the previous fiscal year, including the number of requests that resulted in removal of an individual from the Adult Abuse Registry;

(17) the number of individuals placed on the Adult Abuse Registry during the previous fiscal year and comparisons with the two prior fiscal years; and

(18) the number of individuals removed from the Adult Abuse Registry during the previous fiscal year.

## Executive Summary

Adult Protective Services (APS) is one of two branches in DAIL's Division of Licensing and Protection (the other being the Survey and Certification survey and regulatory component). APS assesses and investigates allegations of abuse, neglect, and exploitation of vulnerable adults and implements protective services, as necessary, to limit future maltreatment. APS currently has 21 employees, down from 29 employees last year (calendar year 2024) due to exhausted federal funds for limited-service positions. Since SFY21, APS has maintained 11 limited-service positions, and has reallocated some DAIL internal funds to retain 4 of these 11 positions in SFY25. Of the remaining 21 total positions, there are 10 permanent home-based investigators who travel throughout the state to investigate allegations of maltreatment.

A new APS statute was passed by the Vermont Legislature and signed by the Governor on July 1<sup>st</sup>, 2023. SFY25 marks the second year the new APS statute has been in effect and the first full year staff have operationalized all services under the new APS statute. The new statute updated the nearly half-century-old statute to center victims' rights and better serve Vermont's vulnerable adults. Additionally, the new statute created a new, bifurcated approach to APS reports that are screened-in for response from APS. Under the old statute, the only option for a screened-in report was an investigation. This was limiting in instances where a report did not immediately rise to the level of alleging statutory maltreatment or identifying statutory vulnerability. The new statute allows for differentiated responses to either investigate a screened-in report where maltreatment of a vulnerable adult is alleged, or to conduct a field assessment where those allegations may be absent in the report but there are still safety concerns or potential for unreported maltreatment.

This differentiated response of "investigations" and "assessments" has proven very successful, with assessments accounting for a significant majority of APS screened-in cases (671 assessments and 405 investigations). Assessments allow for an easier means to open an APS case, and an assessment will escalate to an investigation if evidence of maltreatment of a vulnerable adult is discovered during the assessment. Assessments also take the place of what was previously termed a "field screen" under the old statute and includes vulnerability screening as part of its standard function. Because of this change, past reported elements on "field screens" and other outdated statutory elements are no longer germane to this report. Those instances of outdated reporting elements are noted below, and *Appendix A* details recommended changes to the data elements to better match the current statutory requirements.

The new APS statute has brought about many positive changes in the service and protection of vulnerable adults in Vermont. One notable exception was the omission of “caregiver negligence” from the definitions of maltreatment that define the scope of APS operations and protections. Since the new APS Statute was implemented, the Federal Department of Health and Human Services’ Administration for Community Living (ACL) issued a Federal rule that requires states’ APS programs to define “Neglect” to include acts of negligence.

The Department of Aging and Independent Living (DAIL) recognizes that this change in definition raised concerns among some partners in the health care sector. In response, the Department facilitated a collaborative process during FY25 that brought together interested stakeholders to identify a policy solution for consideration by the Vermont Legislature, with the goal of updating the APS statute to align with the requirements of the federal rule. The working group has arrived at a workable solution all parties agree to, and the Department is looking forward to the opportunity to present this proposed solution to the Vermont Legislature in the 2026 Legislative session.

In the decade prior to this statutory change (SFY13-SFY23), reports to APS increased 115%. The work is challenging but critical, and the need to maintain quality and efficiency in APS operations is necessary to ensure a baseline of available staff hours per case. Relatedly, a significant development during the past year was the deployment of a new information management system. The Department of Aging and Independent Living (DAIL), in collaboration with the Agency of Digital Services, contracted with Brite Systems to design and implement a digital records and case management system built on the Salesforce platform. This multi-year initiative was deployed in phases throughout SFY25, and the Salesforce-based case management system is now fully operational.

## **Reporting Elements**

Included below are details on the eighteen (18) required reporting elements as specified in the Older Vermonters Act (33 V.S.A. § 6916).

### **Reporting Elements**

- (1) the number of reports of abuse, neglect, or exploitation of a vulnerable adult that the Department’s Adult Protective Services program received during the previous fiscal year and comparisons with the two prior fiscal years.*

APS received 4,141 reports of maltreatment (abuse, neglect, and/or exploitation) in State Fiscal Year 2025. In SFY24 APS received 3,947; and in SFY23, APS received 3,985.

- (2) the Adult Protective Services program’s timeliness in responding to reports of abuse, neglect, or exploitation of a vulnerable adult during the previous fiscal year, including the median number of days it took the program to make a screening decision.*

APS responded to reports within a median 1.6 calendar days in SFY25. This median number is calculated by the time elapsed between the report date/time and resolution date/time of that report.

*(3) the number of reports received during the previous fiscal year that required a field screen to determine vulnerability and the percentage of field screens that were completed within 10 calendar days.*

Field screens are no longer a part of APS practice. Since the statute change on July 1, 2023, the purpose of a field screen has been incorporated within the assessment process.

*(4) the number of reports of abuse, neglect, or exploitation of a vulnerable adult that were received from a facility licensed by the Department's Division of Licensing and Protection during the previous fiscal year.*

APS received 815 reports in SFY25 where the alleged maltreatment occurred in a nursing home, residential care home, therapeutic community residence, or assisted living residence. These reports are shared with the State's Survey & Certification component in the event that facility practices may need to be investigated.

*(5) the numbers and percentages of reports received during the previous fiscal year by each reporting method, including by telephone, e-mail, Internet, facsimile, and other means.*

In SFY25, APS received 4141 reports:

- 179 telephone reports, representing 4%
- 631 e-mail reports, representing 15%
- 3,277 internet reports, representing 79%
- 37 facsimile reports, representing less than 1%
- 17 reports from other methods, representing less than 1%

*(6) the number of investigations opened during the previous fiscal year and comparisons with the two prior fiscal years.*

APS opened 1076 cases in SFY25. In comparison, APS opened 870 cases in SFY24 and 894 investigations in SFY23.

*(7) the number and percentage of investigations during the previous fiscal year in which the alleged victim was a resident of a facility licensed by the Department's Division of Licensing and Protection.*

In SFY25, 72 investigations— representing 7% of all investigations that year— involved an alleged victim in a nursing home, residential care home, therapeutic community residence, or assisted living residence.

*(8) data regarding the types of maltreatment experienced by alleged victims during the previous fiscal year, including: (A) the percentage of investigations that involved multiple types of allegations of abuse, neglect, or exploitation, or a combination; (B) the numbers and percentages of unsubstantiated investigations by type of maltreatment; and (C) the numbers and percentages of recommended substantiations by type of maltreatment.*

In SFY25, of the total 405 completed (versus opened) investigations there were 57 investigations with combined multiple allegations of abuse, neglect, or exploitation, representing 14% of the total investigations that year.

Investigations that resulted in a recommendation of unsubstantiation by APS for each type of maltreatment (including instances where one investigation involved multiple allegations) were:

- Abuse = 171, representing 42% of 405
- Exploitation = 119, representing 29% of 405
- Neglect = 110, representing 27% of 405

Investigations that resulted in a recommendation of substantiation by APS for each type of maltreatment, including instances of multiple allegations in a single investigation and cases that were overturned in appeal and/or the recommendation was rejected, were:

- Abuse = 27, representing 7% of 405
- Exploitation = 30, representing 7% of 405
- Neglect = 10, representing 2% of 405

*(9) the Department's timeliness in completing investigations during the previous fiscal year, including both unsubstantiated and recommended substantiated investigations.*

In SFY25 405 cases investigations were completed as investigations. Of those 337 were completed in a timely manner in accordance with the APS Policy Manual, representing 76% of all APS investigations in that year. 43 unsubstantiated investigations were overdue, and 25 substantiated recommendations were overdue. 743 cases were completed as assessments. Of those 700 were completed in a timely manner and 43 were overdue.

*(10) data on Adult Protective Services program investigator caseloads, including: (A) average daily caseloads during the previous fiscal year and comparisons with the two prior fiscal years; (B) average daily open investigations statewide during the previous fiscal year and comparisons with the two prior fiscal years; (C) average numbers of completed*

*investigations per investigator during the previous fiscal year; and (D) average numbers of completed investigations per week during the previous fiscal year.*

In SFY25, the average daily caseload of each APS investigator was 22. By comparison, the average daily caseloads per investigator was 27 in SFY24 and 36 in SFY23. The average daily open caseload across all of APS in SFY24 was 287. By comparison, the average daily open caseloads was 334 in SFY24 and was 286 in SFY23. The average number of completed cases per investigator in SFY25 was 88. By comparison, the average number of completed investigations in SFY24 was 68, and SFY23 was 63. The average number of completed cases per week in SFY25 was seventeen (22). By comparison, the average number of investigations completed weekly in SFY24 was ten (17), and SFY23 was eleven (10).

*(11) the number of reviews of screening decisions not to investigate, including the number and percentage of these decisions that were upheld during the previous fiscal year and comparisons with the two prior fiscal years.*

In SFY25, the Department reviewed 13 decisions not to investigate, of which 6 (46%) decisions by APS were upheld, and 7 (54%) decisions were reversed. By comparison, In SFY24, the Department reviewed 9 decisions not to investigate, of which 5 (66%) decisions by APS were upheld, and 4 (44%) decisions were reversed. In SFY23, the Department reviewed 14 decisions not to investigate, of which 10 (71%) decisions by APS were upheld.

*(12) the number of reviews of investigations that resulted in an unsubstantiation, including the number and percentage of these unsubstantiations that were upheld during the previous fiscal year and comparisons with the two prior fiscal years.*

In SFY25, the Department reviewed zero (0) investigation that resulted in a recommendation by APS for unsubstantiation. By comparison, in SFY24, the Department reviewed zero (0) investigations that resulted in a recommendation by APS for unsubstantiation. In SFY23, the Department reviewed two (2) investigations that resulted in a recommendation by APS for unsubstantiation, and upheld both recommendations (100%)

*(13) the number of appeals of recommendations of substantiation that concluded with the Commissioner, including the number and percentage of these recommendations that the Commissioner upheld during the previous fiscal year and comparisons with the two prior fiscal years.*

The Commissioner heard 0 appeals in SFY25 of recommendations of substantiation.<sup>1</sup> In SFY24, The Commissioner heard one (1) appeal of a recommendation of substantiation. Of this 1 appeal, the Commissioner upheld 0 (0%) and reversed 1 (100%). The Commissioner heard eight (8) appeals in SFY23 of recommendations of substantiation. Of these 8 appeals, the Commissioner upheld 6 (75%) and reversed 2 (25%).

*(14) the number of appeals of recommendations of substantiation that concluded with the Human Services Board, including the numbers and percentages of these recommendations that the Board upheld during the previous fiscal year and comparisons with the two prior fiscal years.*

In SFY25, 2 appeals of recommendations of substantiation concluded with the Human Services Board. Of these 2 appeals, 1 (50%) recommendations were upheld by the Board, and 1 (50%) was overturned. In SFY24, 7 appeals of recommendations of substantiation concluded with the Human Services Board. Of these 7 appeals, 5 (71%) recommendations were upheld by the Board and 2 (29%) were overturned. In SFY23, 4 appeals of recommendations of substantiation concluded with the Human Services Board. Of these 4 appeals, 4 (100%) recommendations were upheld by the Board and 0 (0%) were overturned.

*(15) the number of appeals of recommendations of substantiation that concluded with the Vermont Supreme Court, including the numbers and percentages of these recommendations that the Court upheld during the previous fiscal year and comparisons with the two prior fiscal years.*

In SFY25, one (1) appeal of recommendations of substantiation concluded with the Vermont Supreme Court, which the Vermont Supreme Court upheld (100%). In SFY24, zero (0) appeals of recommendations of substantiation concluded with the Vermont Supreme Court. In SFY23, zero (0) appeals of recommendations of substantiation concluded with the Vermont Supreme Court.

*(16) the number of expungement requests received during the previous fiscal year, including the number of requests that resulted in removal of an individual from the Adult Abuse Registry.*

In SFY25, the Department received 14 expungement requests. Of these 14 requests, 8 resulted in expungement and removal from the Adult Abuse Registry, and 6 requests were denied.

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<sup>1</sup> Under the new APS Statute, the Department Commissioner no longer hears appeals of recommendations of substantiation; these appeals instead go to an independent reviewer. In SFY 25, 3 cases went to an independent reviewer, of which all 3 (100%) were upheld.

(17) *the number of individuals placed on the Adult Abuse Registry during the previous fiscal year and comparisons with the two prior fiscal years.*

In SFY25, 60 individuals were placed on the Adult Abuse Registry. By comparison, in SFY24, 44 individuals were placed on the Adult Abuse Registry, and in SFY23, 38 individuals were placed on the Registry.

(18) *the number of individuals removed from the Adult Abuse Registry during the previous fiscal year.*

In SFY23, 8 individuals were removed from the Adult Abuse Registry.

## Conclusion

In SFY25, APS completed a full transition to the new State statute that went into effect in SFY24. The new statute ensures broader protections and services for vulnerable adults, with the one exception being the explicit omission of “caregiver negligence” from the purview of Vermont APS operations. To meet the new Federal rule that requires APS to address negligence, the Department convened a working group of providers and healthcare stakeholders and arrived at a proposed definition and operational process that all parties could agree to. DAIL plans to work with the Vermont Legislature in 2026 to bring this proposal forward and address the shortcoming in statute to meet the Federal rule.

As the reported data elements reflect, reports to APS have increased 115% over the last decade (since the last time staffing levels were adjusted for caseloads). DAIL has restructured and reallocated some internal funds to maintain an adequate level of APS field staff serving vulnerable victims of maltreatment.

## Appendix A: Recommended changes to APS Annual Report to the Vermont Legislature

On March 18, 2025, APS leadership provided testimony to the House Committee on Human Services regarding the implementation and outcomes with the new APS statute. Committee Chair Representative Wood noted several of the annual APS report data were less relevant under the new statute, and requested APS submit proposed edits to the annual reporting requirements. Those proposed changes, through tracked line-item edits, are below:

### § 6916. Annual report

On or before January 15 of each year, and notwithstanding the provisions of 2 V.S.A. § 20(d), the Department shall report to the House Committee on Human Services and the Senate Committee on Health and Welfare regarding the Department’s adult protective services activities during the previous fiscal year, including:



- (1) the number of reports the Department's Adult Protective Services program received during the previous fiscal year and comparisons with the ten prior fiscal years;
- (2) the Adult Protective Services program's timeliness in responding to reports of abuse, neglect, or exploitation of a vulnerable adult during the previous fiscal year, including the median number of days it took the program to make a screening decision;
- (3) the number of reports that were received from an identified facility licensed by the Department's Division of Licensing and Protection during the previous fiscal year;
- (4) the numbers and percentages of reports received during the previous fiscal year by each reporting method, including by telephone, e-mail, Internet, facsimile, and other means;
- (5) the number of referrals conducted during the intake and screening of a report.
- (6) the number of cases opened during the previous fiscal year and comparisons with the ten prior fiscal years;
- (7) the number and percentage of investigations during the previous fiscal year in which the alleged victim was a resident of a facility licensed by the Department's Division of Licensing and Protection;
- (8) data regarding the types of maltreatment experienced by alleged victims during the previous fiscal year, including:
  - (A) the percentage of cases that involved multiple types of allegations of abuse, neglect, or exploitation, or a combination;
  - (B) the numbers and percentages of unsubstantiated investigations in total and also delineated by type of maltreatment; and
  - (C) the numbers and percentages of substantiations in total and also delineated by type of maltreatment;
- (9) the number of referrals and protections conducted as part of an open case, including for financial protections; food, housing, and utilities assistance; activities of daily living support; medical care; and legal interventions.
- (10) the Department's timeliness in completing cases during the previous fiscal year, including both unsubstantiated and recommended substantiated investigations;
- (11) data on Adult Protective Services program investigator caseloads, including:
  - (A) average daily caseloads per investigator during the previous fiscal year and comparisons with the two prior fiscal years;
  - (B) average daily open investigations statewide during the previous fiscal year and comparisons with the two prior fiscal years;
  - (C) average numbers of completed investigations per investigator during the previous fiscal year; and
  - (D) average numbers of completed investigations per week during the previous fiscal year;



(12) the average available staff hours per case during the previous fiscal year, and comparisons with the past ten years<sup>2</sup>

(13) the number of investigations which started as assessments

(14) the number of reviews of screening decisions not to open a case, including the number and percentage of these decisions that were upheld during the previous fiscal year and comparisons with the two prior fiscal years;

(15) the number of reviews of investigations that resulted in an unsubstantiation, including the number and percentage of these unsubstantiations that were upheld during the previous fiscal year and comparisons with the two prior fiscal years;

(16) the number of appeals of recommendations of substantiation that concluded with the Commissioner or independent review, including the number and percentage of these recommendations that the Commissioner or independent review upheld during the previous fiscal year and comparisons with the two prior fiscal years;

(17) the number of appeals of recommendations of substantiation that concluded with the Human Services Board, including the numbers and percentages of these recommendations that the Board upheld during the previous fiscal year and comparisons with the two prior fiscal years;

(18) the number of appeals of recommendations of substantiation that concluded with the Vermont Supreme Court, including the numbers and percentages of these recommendations that the Court upheld during the previous fiscal year and comparisons with the two prior fiscal years;

(19) the number of expungement requests received during the previous fiscal year, including the number of requests that resulted in removal of an individual from the Adult Abuse Registry;

(20) the number of individuals placed on the Adult Abuse Registry during the previous fiscal year and comparisons with the two prior fiscal years; and

(21) How many checks were run against the Adult Abuse Registry in the previous State fiscal year for names of existing or potential staff hires, and how does this number compare to the past five State fiscal years?

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<sup>2</sup> Total staff hours is calculated using permanent field positions subtracting holidays, 12 days annual leave and 3 days personal leave per position.