



INDEPENDENCE  
INCLUSION  
INNOVATION

February 10, 2011

TO: House Committee on Aging and Long Term Care  
FR: Tom Laing, Executive Director, InterHab  
RE: House Bill 2108, to relocate the adult protective services functions to the AG's office

Our organization wishes to thank Representative Bethell and the members of the committee for this hearing, and we appear today to offer neutral comment on House Bill 2108. We recognize HB 2108 is intended to have a beneficial effect on protecting the interests of persons who are vulnerable and who are covered by adult protective service laws. We support that sentiment, and urge that such intentionality be maintained as this issue is discussed, i.e. a focus on the persons who are the intended beneficiaries of such laws.

Many persons agree that current laws are not applied nor enforced as effectively as we all want it to be. Some of that is budgetary. The population of vulnerable citizens and the settings in which they live or are served has both grown faster than SRS capacity to manage the influx of reports. Additionally, some of the challenge results from the multiplicity of ways in which state laws address abuse, neglect and exploitation of vulnerable persons.

For any of our members who serve children and adults and seniors, they routinely intersect with multiple statutes, multiple offender registries, multiple administrative oversight agencies, and so on.

Consolidation, or at least coordination, of governance and policy is worthy of consideration, and we encourage it. A broader effort than that envisioned in 2108 may be appropriate.

We also encourage the committee to consider the implications of an APS move from SRS to the Attorney General's office. On one hand, the SRS role is primarily to assist persons in need of protective services, and recommend for penalties or prosecution those who commit acts of ANE against a vulnerable person. The attorney general's role is different. The Attorney General's role is not a social welfare role, i.e. it is not historically conversant with, nor accustomed to be responsive to, the lives and needs of persons who are in a vulnerable state. The attorney general's role is law enforcement.

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We support the prosecution of crimes against vulnerable persons, but we equally support a government approach that is focused first on ameliorating their vulnerabilities, by connecting them with needed services, advising them of their rights, encouraging their voices to be heard on their own behalves and so on. To blend these distinctly different focal points into one balanced approach for this purpose would be ideal.

Among the populations we ask you to consider as you go forward (with this or any effort to improve the lives of vulnerable persons and protect them from abuse, neglect and exploitation) are those persons who are found to be self-negligent.

Findings of self-neglect do not result in prosecution, they result in a response from government to assist the person in ways that remedy the self-neglect, by connecting them with supportive local service networks, or with concerned families, and so on. Will the attorney general's office undertake that kind of remedial intervention upon such findings? If not we are concerned that such persons will be left in worsening conditions, when in fact the information is there to trigger the sometimes very modest assistance they might need.

We are grateful that this matter is one upon which the Legislature is engaged, and hope these hearings go forward. We will participate in, and urge all affected State and community agencies to work with legislators, state agencies and law enforcement personnel to assure that the next steps we take are as positive as we can make them for those who are intended to benefit from this bill.

The committee has bitten off a major policy challenge, and even if the work to improve the worth of APS laws extends into the second year of your term, it will be worth it.