

Testimony
Senate Bill 2289 - Department of Human Services
Senate Human Services Committee
Senator Lee, Chairman

February 4, 2019

Chairman Lee, and members of the Senate Human Services Committee, I am Michelle Gayette, Assistant Director for the Department of Human Services Aging Services Division (Department). I appear today in support of Senate Bill No. 2289 and to offer language suggestions that would allow the vulnerable adult to have input in situations where visitation has been restricted.

One of my roles is to oversee the Vulnerable Adult Protective Services Program (VAPS). As you know, one of the main principles when dealing with vulnerable adults is right to self-determination. To that effort, VAPS workers strive to allow the vulnerable adult to have choice in their lives and allow their voices to be heard. While this bill offers protections for vulnerable adults a few modifications to the language may also make it possible for the vulnerable adult to express their wishes in the matters described in this bill and allow vulnerable adults under age 65 the same protections. For example:

Section 1.

Page 1, lines 8 and 9. Based on experience dealing with vulnerable adults and their caregivers, it may be beneficial to clarify what legal responsibility and contractual obligation means in the definition of caregiver. Consider limiting this to legal responsibility for healthcare purposes.

Page 2, lines 1 and 2. Consider expanding the definition of vulnerable adult to include adults under the age of 65 who also may be experiencing visitation restrictions while under the care of an individual who meets the definition of caregiver. This bill appears to merge the criminal statute and the VAPS statute

definition of vulnerable adults and from the department's experience, individuals over the age of 65 may not be a vulnerable adult and individuals under the age 65 may be a vulnerable adult. It all depends on the individual and the specific facts of the situation.

Page 2, lines 18-20. As many vulnerable adults lose their voice in situations such as these, it may also be beneficial to consider providing notice of the petition and time and place of hearing to the vulnerable adult so that they may attend and speak to their wishes.

Page 2, lines 25 and 26. A vulnerable adult should have the right to express their opinions on visitation even if it's not in their best interest. They should be able to choose to have visitation with friends and family of their choosing and reasonable restrictions could be established for safety.

Page 3, lines 1 and 2. The language in the bill "must occur at the placement location of the vulnerable adult" may take away the choice of the adult to have a visit in the community or location of their choice, especially if there are no concerns related to a visit occurring away from the placement location.

This concludes my testimony, and I am happy to answer any questions you may have.