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Thank you Chair Spiros, Vice-Chair Horlacher, and members of the Assembly Criminal Justice and Public Safety Committee for holding this hearing on AB 400, relating to responses to reports relating to elder adults at risk (those persons age 60 and older) and adults at risk (those persons age 18-59). As explained in the analysis by the Legislative Reference Bureau, when a report is made where there is suspected abuse, financial exploitation, neglect, or self-neglect regarding elder adults at risk, the state statutes require an investigation to determine if the report has validity, and may determine whether the elder adult is in need of protective services.

Currently, when a report of abuse, financial exploitation, neglect, or self-neglect is made regarding adults at risk, the law states that an investigation “may” be done and the investigation is not required. People with disabilities are falling through the cracks. AB 400, a bill with bipartisan support, replaces the word “may” with the word “shall”, which then requires an investigation of the report made regarding adults at risk, to include at least one of the actions specified in the current law, which are the same actions described for investigations related to elder adults at risk.

Over the last 7 years, the reports of abuse and neglect for people with disabilities have risen by 38%, and reports of abuse for elder adults have increased by 235%. Others will testify about specific incidences where reports were made, but not investigated, leading to frustration and confusion as well as continued abuse. With the moral fabric of society disintegrating and individuals having more and more difficulty using good judgement and recognizing right from wrong, it is even more important to codify the protection of vulnerable individuals, such as adults at risk. AB 400 creates parity with adults at risk and elder adults at risk. It creates one system for mandatory investigations of abuse, financial exploitation, neglect, or self-neglect.

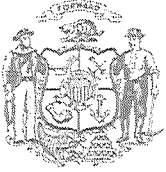
You may notice this technical fix is being requested without additional funding. Many county Human Services Departments across Wisconsin already take reports regarding adults at risk seriously and investigate them. They do this without additional funding because they care about these individuals and do their due diligence to protect them. The departments fit this into their Adult Protective Services budget, adding county tax levy to APS dollars from DHS which have been inadequate for many years. The last increase in funding for APS was in 2006.

This technical change in the state statute plans for the future. Others will speak regarding possible funding for the immediate future, but plans are for a request for additional APS funding in the next biennial budget to support investigations due to the increased percentages

of reports. The second reason for requesting this technical change is to show adults at risk and their families that these reports are taken seriously. In the counties where these reports are not investigated, by demonstrating the seriousness of the reports with codifying the requirement, there is hope that these departments will begin investigating reports of abuse, financial exploitation, neglect, or self-neglect against people with disabilities and will not neglect to do so.

AB 400 begins the investment in the State's Abuse and Neglect reporting system that protects Wisconsinites with disabilities. Future investments will occur with an increase in funding for Adult Protective Services.

Thank you for your kind attention, and for your support of this technical change in the Statute. I will be glad to answer any questions.



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*Testimony before the Assembly Committee on Criminal Justice and Public Safety
State Senator André Jacque
September 8, 2021*

Chairman Spiros and Colleagues,

Thank you for holding today's hearing on Assembly Bill 400, regarding responses to reports relating to elder adults at risk and adults at risk. I am pleased to join Rep. Rozar in this effort.

Adults with disabilities are 7 times more likely to be the victims of abuse, neglect, or exploitation. This bill will make a simple change to increase protections for adults with disabilities ages 18-59, whose abuse and neglect get reported to Adult Protective Services (APS).

Current state law requires investigation into any reports of abuse made to APS for Elder Adults (ages 60+). However, current statutes allow APS to decide not to investigate reports about adults with disabilities (adults-at-risk ages 18-59). This has led to complaints of abuse or neglect for adults at risk that don't get the review and attention they require and vulnerable people left without knowing if anyone will follow-up.

This legislation will make the investigation requirements for adults-at-risk reports the same as the requirements for elder adult reports. AB 400 bill requires an adult-at-risk agency that receives a report, or has a reason to believe an adult-at-risk is a subject of abuse, financial exploitation, neglect, or self-neglect to respond by conducting an investigation. This investigation must take at least one action already specified in the law or refer the report to another agency for investigation.

Assembly Bill 400 is supported by the Wisconsin Board for People with Developmental Disabilities, The Arc, the Alzheimer's Association, Disability Rights Wisconsin and the National Association of Social Workers – Wisconsin Chapter.

Thank you for your consideration of Assembly Bill 400.



To: Assembly Committee on Criminal Justice and Public Safety

From: Sally Flaschberger, BPDD-Wisconsin Living Well Project

RE: AB400

My name is Sally Flaschberger and I am the lead for the Wisconsin Living Well project with the Board for People with Developmental Disabilities. The Wisconsin Living Well project supports AB400 and thanks the committee for holding a hearing on this critically important issue.

Wisconsin is one of eight states to get a five-year federal grant to improve community monitoring and prevent abuse, neglect, and exploitation. Disability advocates—including the Waisman Center, Disability Rights Wisconsin, and The Arc Wisconsin—are working with Wisconsin Long-Term Care organizations, service providers, and the state to prevent abuse and neglect while also improving the response.

We have seen that incidents of abuse, neglect, and exploitation of people with disabilities are often unseen, unreported, and unaddressed. Yet the problem is pervasive. Even recognizing that many cases go unreported, in 2020, the Wisconsin Department of Health Services reported 52% of abuse or neglect cases involved people with I/DD or physical disabilities.¹ Nationally, people with intellectual and developmental disabilities (I/DD) are up to 7 times more likely than people without disabilities to be victims of abuse². People with I/DD are more reliant on paid staff and family members to help get basic needs met. They also often cannot communicate as effectively about things that have happened to them, and are less likely to be listened to. During COVID, increased risk for abuse and neglect includes higher levels of social isolation, lack of privacy, increased staff stress and overall shortages of staff available.

During the last year, the Wisconsin Living Well team worked with state agencies, experts in Wisconsin's Adult Protective Services system, professionals in our long-term care system, as well as families and people with disabilities. As part of that work, we learned there is inequity in the statutes that require investigation of claims of abuse, neglect, and financial exploitation. Currently, County APS must investigate ALL claims of abuse for people over 60. But for people with disabilities, known as Adults at Risk, County APS has discretion whether to investigate similar reports. In 2020, DHS reported statewide, 316 cases or 14% of reports adults at risk were not accepted for investigation. This bill

¹ Wisconsin's Annual Report on Abuse, Neglect, and Financial Exploitation of Adults at Risk: 2020.
<https://www.dhs.wisconsin.gov/publications/p00123-20.pdf>

makes a simple change to the statute to treat both vulnerable populations equally in the statutes and in turn provide greater protections for people with disabilities in Wisconsin.

Why is this small change so significant? Our Living Well team frequently interacts with self-advocates, families, service providers, and long-term care organizations and they all report concerns and examples about abuse report not being investigated. Self-advocates and families report contacting county APS and no action was taken. In many situations, a determination that the intervention of a family member, guardian, or service provider to provide immediate safety is deemed sufficient and so further investigation is not pursued. Without investigating each report, it becomes difficult to identify repeat offenders as well as prevent additional abuse of a person who has experienced trauma and has not seen the system respond.

The legislative fiscal bureau provided data that current state funding for County APS is \$7 million of the \$30 million needed to operate the system. Despite a 38-percent increase in reports of abuse and neglect for people with disabilities in the past 7 years, APS has had no increase in funding since the original statute was put in place over 15 years ago. Many APS units report they investigate all reports of abuse they receive, but the current funding is wholly inadequate to address the increasing numbers.

During the state budget process, legislators, people with disabilities, and other advocates requested an additional \$1.9 each year of the biennium to cover the 38% increase in reports of abuse against people with disabilities. Ultimately, this budget motion request was not included.

While significant investments in the current APS system are greatly needed, especially in light of the increased risks created by the pandemic, the changes identified in this bill are a first step. The language change would ensure that people with intellectual and developmental disabilities are assured the same response and investigation as older adults when a report is made and creates equity between the requirements for the Adult Protective Services for Adults at Risk and Elder adults.

Thank you.

Hello,

My name is Sandra Lomeli. I am here to share my daughter's story of abuse and our experience with Adult Protective Services. We hope that by sharing our story you will see why it is imperative to pass AB400-APS and change the verbiage from 'may' investigate to 'must' investigate.

This is a picture of my daughter Alex. She is 26 years old today. According to several neurologists at ProHealthcare and the Waisman center, Alex is cognitively 8 years old. Although her body will age. Her mind will forever remain a child.

On July 12, 2020 at 9:15 Alex disclosed to me that she was being sexually assaulted by my then husband. Her stepfather. We were on our way to church at the time. I immediately met with the Senior Pastor at church he along with his wife questioned Alex and believed her story to be true. He helped to have my husband removed from our home. Within days I took both my adult disabled children and moved from our home in Milwaukee to Waukesha where my family and natural supports live. I didn't want her to further suffer and relive the nightmare by sleeping in the same room for the abuse occurred.

Only July 17, 2020 after reaching out to my daughters IRIS team, I called Adult Protective Services in Waukesha, where a recording advised me to leave my name and number someone would call back within 24 hrs. Two days later I received a call back only to be advised that they could not help us. As the abuse occurred in Milwaukee, I would need to call Milwaukee APS. I called APS Milwaukee and left a voicemail. When I finally received a call back from Milwaukee APS, I was advised that they could not help me as I no longer reside in their county. This volley of phone calls continued more than 8 times between July 20, 2020 and August 8, 2020.

On August 12, I received a call from an agent with Milwaukee APS. The call quickly turned into interrogation on me. The agent proceeded to question my character as a mother and as a human being. Scolding me for contacting them and not law enforcement. She advised that it was not their job to look into this. That is for the police to do. As I pleaded my daughters case reminding the agent of my daughters cognitive level I was reminded its not APS job. All they do is make sure she is not in harms way. Please keep in mind this was the first call where someone spoke with me more than 1min. And at no time did anyone ask of my daughters well-being. Let alone even ask to speak with her directly. The agent took only the verbal information that we were not currently residing in the same house as my daughter's abuser. That information was as enough for Milwaukee APS to determine that no action was needed on their part. When I inquired as to what department with the police I should call. I was told 'you do know how to dial 911 don't you?'

In parallel to my many attempts to work with APS, my daughter's new IRIS nurse, her case manager and the case managers supervisor sent several referrals over to Milwaukee APS. After finally escalating to Madison, I received another call from Milwaukee APS. A different agent this time. She took our information and advised that most likely nothing will be done. That APS relies solely on law enforcement to investigate and if they find anything and report back to APS. Then and only then will APS step in to assist.

Between July 20 and September 30, 2020, I reached out to APS in Madison, Milwaukee, and Waukesha more than 18 times. It wasn't until my last call in September of 2020 that I learned that a case was opened and closed on the same day. August 18, 2020. Noting no further action was needed.

If a person in the community such as her physician, his therapist, or group counselor did try to reach out to APS to provide them information about my daughter's case, awareness of his confession, anything. The information would never be recorded as the case was closed. Therefore, leaving nothing for law enforcement to use if they needed.

In reaching out to a fellow advocate I learned about Milwaukee Sensitive Crimes. Their team actively embraced my daughter and did everything they could to support her case. Sadly, like many developmentally disabled victims. Her abuser was never prosecuted. He is actively out in the community. Free to do as he pleases with no record of what he has done. I wholeheartedly believe, that if APS would have pursued an investigation from a social perspective, they would have clearly seen that

the abuse occurred. They would have been able to gain key information from those in her environment (family, friends, neighbors) that would have been given the judicial system what was needed to pursue charges that could have resulted prosecution.

According to Wisconsin's Annual Report on Abuse, Neglect, and Financial Exploitation of Adults at Risk: 2020 the majority of the incidents 'reported', I put 'reported' in quotes as I know in our case it took multiple calls, escalations from several people before APS even entered our case into the 'incident reporting system'. The majority of cases reported are of individuals with developmental disabilities between the ages of 18 and 40 that reported to have been sexually assaulted by someone they know. That of those cases more than 50 % had previously reported the abuse multiple times. Yet according to the report, NO action was taken. No services provided.

My daughter's case was one of the few that made it into APS reporting system. Like the other cases, my daughter's case was deemed as not warranting an investigation. She didn't even warrant a direct conversation to see if she was ok. Physically, emotionally, psychologically. To date. APS has never communicated with her.

Alex was once a vibrant, social butterfly that was going to school and had hopes of living on her own with community supports. She was a role model participant in Project Search at ProHealthcare and was awarded one of the top individuals of the program. She was on track to achieve her goal to be 'independent' by summer of 2022.

It has been over a year since my daughter disclosed of the abuse that she had been enduring for more than 4 months. *The once happy go lucky extrovert is now reserved, anxious, fearful.* She has panic attacks several times a day. She is in therapy several times a week and still has trouble sleeping at night. We have a home security system and several cameras so she can see if someone comes near her room. A panic button within reach next to her bed that will set off the alarm and immediately notify local police. We have an on-going active relationship with our local law enforcement who have come by on several occasions to re-enforce that she is safe and that they will protect her should anyone try to harm her. Its been only this past month that she can go out to family functions and stay more than 30 minutes at a time. Her dream of being on her own, well, its still a dream. Just not in our foreseeable future. The trauma is deep and the healing will take a lifetime.

People with developmental disabilities long to live in the community and be an active member in society. My daughter is no exception. Agencies like Adult Protective Services were created to help a person like my daughter. When harm happens, they are supposed to help. To provide protection or at minimum verify that the individual is not being harmed. The reality is, they are not even recording incidents unless they receive a dozen phone calls.

Adult Protective Services should not be given an option. If a person calls reporting abuse, an investigation **MUST** be conducted. For the sake of the individual at risk, as well as for the safety of the community.

I pray that you will move forward to pass AB400-APS and protect your constituents.
Thank you



Alex at 25 years old



Alex at 8 Years Old



MEMORANDUM

TO: Honorable Members of the Assembly Committee on Criminal Justice and Public Safety

FROM: Sarah Diedrick-Kasdorf, Deputy Director of Government Affairs

DATE: September 8, 2021

SUBJECT: Support for Assembly Bill 400 – Responses to Reports Relating to Elder Adults at Risk and Adults at Risk

The Wisconsin Counties Association (WCA) supports Assembly Bill 400 that requires adult at risk agencies to respond to reports of adults at risk in the same manner that they respond to reports of elders at risk.

In Wisconsin, the adult protective services (APS) system is county-based. State statutes impose duties on counties relative to elder adults at risk, adults at risk, and the adult protective services system. Each county is required to identify a lead elder-adults-at-risk agency for adults ages 60 and over and an adults-at-risk agency for adults 18-59 to take primary responsibility for receiving and responding to allegations of abuse, financial exploitation, neglect, and self-neglect. Most counties combine these into a single agency. Each county is required to designate an APS agency responsible for providing protective services and protective placements to all individuals at risk, regardless of age.

The number of elder abuse reports and adults at risk incident reports has steadily risen over the years.

Year	Elder Adult at Risk Incident Reports	Adults at Risk Incident Reports
2013	6,331	2,167
2014	6,972	2,269
2015	7,323	2,322
2016	8,031	2,468
2017	8,500	2,370
2018	8,803	2,563
2019	10,033	2,974
2020	10,429	2,842

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September 8, 2021

Earlier this year, our counties started to have discussions around the increasing number of reports coming in to county APS agencies related to elders and adults at risk, along with the amount of funding provided by the state for adult protective services. Around that same time WCA received a request for a meeting from The Arc Wisconsin and the Board for People with Developmental Disabilities to discuss a modification to state statutes related to requiring county APS agencies to investigate reports of adults at risk. Following those discussions, we decided to combine our efforts and work toward a statutory change to require county APS agencies to investigate adult at risk reports, while at the same time work on a budget amendment for increased APS funding. While no funding was provided in the 2021-23 state biennial budget, Assembly Bill 400 was introduced.

Although increased APS funding was not included in the budget, the Wisconsin Counties Association still supports Assembly Bill 400. Not only is it the right thing to do, but most, if not all, counties were unaware of the “may” versus “shall” language included in the statutes and were investigating adult at risk reports anyway. Of course, WCA will be making a request for increased APS funding in the 2023-25 state biennial budget. The last GPR funding increase was in 2006 with the change in law extending county APS responsibility to those age 18-59.

WCA respectfully requests your support for Assembly Bill 400. Thank you for considering our comments.

People First Wisconsin



See Our  Ability

9/8/2021

To: Assembly Committee on Criminal Justice and Public Safety

From Cynthia Bentley, Executive Director, People First Wisconsin

Good morning. My name is Cynthia Bentley and I am the Executive Director of People First Wisconsin. People First Wisconsin is a statewide advocacy organization. We advocate for the rights of people with disabilities and without disabilities. We do not believe in segregated places and we support people living and working in their communities.

I lived and was abused at the State institution so I know what it is like to be abused. I also have friends who have been abused. Abuse happens to people with disabilities. When we talk about abuse, it is not just sexual assault but is also neglect and financial abuse. More people with disabilities are abused or neglected and you might not realize how many.

I have helped people with disabilities who have been abused or neglected. Our office got a call from a person and I reached out to Milwaukee County Adult Protective Services and gave them all the information. It was reported and another advocate went to the person's house to check on the person. The person said there were bars on the window and the person wasn't allowed to use the phone. The county was not able to tell People First whether they had followed up with the person. It was a life-threatening situation. I also called the police to report the situation. The person was threatening to kill herself or staff. No one was listening to her. The experience with the county was not very helpful and because of that experience I would not recommend people call there for help.

It is very difficult for people with disabilities to report abuse. The system needs to be easier for people to report. People who can't talk can have difficulty telling people what happened to them. Adult Protective Services needs to investigate even when people have a hard time telling them what happened. They need to be held accountable and these are people's lives. They need to investigate all calls until they get the facts until it is solved. My experience has made me not want to call them again or recommend someone call them.

September 8, 2021

To: Representative Spiros, Chair

Members, Assembly Committee on Criminal Justice and Public Safety

From: Lisa Pugh, Executive Director; The Arc Wisconsin

Re: Assembly Bill 400 Relating to: responses to reports relating to elder adults at risk and adults at risk.

The Arc is the largest national community-based organization advocating for and serving people with intellectual and developmental disabilities (IDD) and their families. In Wisconsin we have 14 local chapters. Our mission is to improve access to the community for people with IDD and to ensure they are free from abuse and neglect.

Available research indicates that people with disabilities are 4 to 10 times more likely to be a victim of a crime or abuse than people without disabilities. In Wisconsin alone there has been a 38% increase in reporting of abuse/neglect in our Adult Protective Services system for adults at risk (those ages 18-59) from 2005-2019.

Nationally, and in Wisconsin the COVID-19 pandemic and the direct care workforce crisis have made things worse. People are frequently going without care or being supported by poorly trained, low-wage workers - increasing their risk of abuse or neglect. Several states have been under court order to make reporting system improvements after vulnerable people have been violently assaulted or died.

Wisconsin's system for responding to reports of abuse and neglect of people with disabilities is fragmented. People with disabilities say they are confused about who to contact, are sometimes not believed or never hear back about the results of a report. In addition, the system lacks funding; the APS system supporting vulnerable adults has not had an increase since 2006.

Recently The Arc Wisconsin took a call from a mother of a 26-year-old son who uses a wheelchair and came home from his day program with unexplained scrapes and bruises. There was no note about what happened, and her son cannot speak. She took him to the emergency room and is helping him recover at home. The day program indicated they had no idea how the injuries occurred and instead blamed Mom. This mother had no idea who to call or how to make a report.

Examples of states that are doing better than Wisconsin include New York where they have developed a central repository for all reports of allegations of abuse, neglect - tracking all reported cases to resolution and ensuring all allegations are fully investigated. A special Individual and Family Support Unit provides guidance, information, and support to victims and their families throughout the process.

In Massachusetts an independent state agency receives and screens reports of suspected abuse, neglect, and deaths through a 24-Hour Hotline, conducts investigations, ensures that the appropriate protective services are provided and offers training and education for service providers, law enforcement personnel and the public.

Tennessee's Abuse Registry is part of their holistic "Protection from Harm" system and is user friendly. All incidents are logged into a database and reviewed by the central office team weekly for trends.

The Arc Wisconsin believes our state's Adult Protective Services system needs updating and new funding. AB 400 addresses a small but important part of Wisconsin's APS system by aligning the Vulnerable Adult and Elder Adult at-Risk statutes.

Current state law requires investigation into any reports of abuse made to Adult Protective Services (APS) for Elder- Adults at Risk (ages 60+). However, current statutes give APS the option to investigate reports about adults with disabilities (Adults at Risk age 18-59). This legislation will align investigation requirements ensuring that an adult-at-risk agency that receives a report or has a reason to believe an adult-at-risk is a subject of abuse, financial exploitation, neglect, or self-neglect will respond by taking at least one investigatory action which is already specified in the law or by referring the report to another agency for investigation.

Regardless of someone's age, the way in which an investigation into an abuse claim is made should not differ. Making this simple language change will keep people safer and create more awareness about the risks vulnerable people are facing. We hope the legislature will consider adequately funding the APS system in the future.