



Topeka Independent Living Resource Center

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**Testimony addressing House Bill 2656
before the
House Committee on Long Term Care and Aging
Bob Bethell, Chair**

**Presented by:
Mike Oxford, Executive Director**

The Topeka Independent Living Resource Center (TILRC) is a civil and human rights organization. Our mission is to advocate for justice, equality and essential services for a fully integrated and accessible society for all people with disabilities. TILRC has been providing cross-age, cross-disability advocacy and services for over 30 years to people with disabilities across the state of Kansas. Our agency has been particularly interested in and committed to assuring that people who require long term care services have access to information, services and supports that offer choices; choices that promote freedom, independent lifestyles and dignity, including the dignity of risk.

Our agency has both worked with, and disagreed with, the APS system through the years with mixed experiences. We have been involved with situations where APS has not seemed to be as responsive as we would have liked. We have also been involved in situations where the APS “default,” was to move individuals living in the community into an institution, an unnecessary and potentially problematic move given the right to live in the most integrated setting promised in the Americans with Disabilities Act and the United States Supreme Court’s *Olmstead* decision. Our agency has also had experiences where APS has helped conflicted family members resolve issues to be able to support a family member with a disability, has offered resources to help clean out someone’s home that has become cluttered and dangerous because of hoarding issues, or have offered support to a person who needed help making good personal decisions.

Topeka Independent Living Resource Center (TILRC) has several questions and concerns about House Bill 2656. It wholesale moves the entire Adult Protective Services function to the chief law enforcement entity in the state. This may be a fine re-alignment to address fraud, abuse, exploitation and crime, but APS historically has a “protective” function as much as it has had investigative and prosecutorial functions.

The Attorney General’s office has neither history, nor experience providing the kind of protective services that people ought to receive. TILRC is concerned that the move of APS into the top law-enforcement agency may send a signal about APS that is unnecessarily limiting and that people will lose one of very few places to go for the kind of support and assistance that has heretofore been available. Will the AG add this “social work” type component to their duties? If so, then the line between giving aid to someone in need, and prosecution, needs to be discussed and clarified.

Advocacy and services provided by and for people with disabilities.

If the role of APS will change from offering proactive support and assistance to only addressing issues that have been investigated and are legally actionable, perhaps the "P" in the name should be changed to "Prosecutorial".

Another area of concern is that it is already difficult to get folks in need of APS intervention to reach out and ask for help. If the potential consequence for asking for such help is prosecution, a person may be even less likely to look for assistance, especially where family members are involved.

APS can be a significant source of support and assistance to people with disabilities who run into various kinds of difficulties; examples include, extra hours of attendant care, cleaning services, relocation assistance and counseling. This is a role and an emergency resource that we would encourage the state to expand, not restrict. As with many state resources in the past few years, APS has been consolidated and centralized in a manner that certainly has seemed to make it less able to respond in the proactive, supportive way than it has functioned in the past.

When well-administered and given resources, APS has been able to respond on a local level. On many occasions, this has enabled APS workers to establish personal relationships with people across time and address issues informally. It has also enabled APS to be able to identify local resources, services and supports in their home communities. The AG does not have local offices to be able to create local partnerships or build local relationships that may be a helpful resource for people struggling with personal neglect, abuse or exploitation. How will the AG be able to help someone who may need to find a payee in Johnson, Kansas, to address potential financial exploitation?

We would certainly like to see a more responsive APS, and certainly would welcome the opportunity for there to be greater jurisdiction for some type of investigative agency to address abuse, neglect and exploitation that may occur both for people living in the community and for people living in institutions. While the AG may be a potentially powerful partner in these types of situations, we hope these additional considerations will be taken into account when moving forward.

Thank you for the opportunity to present these thoughts and perspectives on this issue that affects the rights, choices and freedoms of people with disabilities in Kansas.