


Department of Disabilities, Aging and Independent Living

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| Protocol: Review of APS "Screen Outs" | Protocol #: 8 |
| Applicable to: DAIL | Issue Date: 1-29-2020 |
| Issued by: Monica Caserta Hutt, Commissioner | Revision #: |
| Authorizing Signature:  | Revision Date: |

PURPOSE

33 V.S.A. § 6906(a)(2)(A) states that the Commissioner shall notify the reporter, the victim and the victim's legal representative, if any, in writing, if Adult Protective Services (APS) decides not to investigate a report. More specifically, it states that notification shall be provided within five (5) business days after APS decides not to investigate and shall inform the reporter that he or she may ask the Commissioner to review the decision.

In order to adequately assess APS' decision, it is critical that as much relevant information as possible is available to review. To that end, a reporter, upon making a request for a Commissioner's review, shall be afforded an opportunity to provide, in writing, any and all information that describes how the alleged victim meets the statutory definition of "vulnerable adult," and the facts to support the reporter's allegation(s) that the alleged victim was maltreated. APS' receipt of a reporter's form describing this information will trigger a review of APS' decision not to investigate.

PROCEDURE

1. Upon receiving a request for a Commissioner's Review from a reporter, the Legal Unit's Administrative Services Coordinator (ASC) will:
 - a. advise the reporter that the ASC will send to the reporter for completion the APS Screening Decision Review form;
 - b. request the reporter's email address, if available;
 - c. advise the reporter of the existence of an address and contact information for APS on the form; and
 - d. instruct the reporter to return the form to APS upon completion.
2. The ASC will send the APS Screening Decision Review form to the reporter via email (preferred) or U.S. Mail.
3. If the reporter advises the ASC that they cannot complete the form without assistance, the ASC will advise the reporter that, upon receipt of the form, they may contact APS at the number listed at the top of the form, and APS staff will assist them.
4. Within five (5) business days of its receipt of a reporter's form, APS will review.

- a. If APS decides to *screen the report in* (i.e., commence an investigation), APS will promptly notify the reporter, in writing, that the investigation will proceed but not necessarily that the investigation will result in a recommendation of substantiation;
 - b. If APS determines that the report should remain *screened out*, APS shall promptly notify the ASC, via email, so that the Legal Unit and Commissioner can review the paper submission and, as needed, the contents of the APS file.
5. As necessary, and as directed by the Commissioner or designee, the ASC may schedule the matter for an in-person commissioner's review.
6. Whenever a matter remains screened out and is transferred to the Commissioner's Office, the Legal Unit will draft a final decision letter, advising the reporter of the decision of the Commissioner or designee.