



TESTIMONY OF PEOPLE ON THE GO MARYLAND

People on the Go Maryland

People on the Go is the statewide self-advocacy and systems advocacy organization run for and by those with intellectual and/or developmental disabilities.

"Our mission is to promote advocacy and civil rights throughout the state."

House Bill 282 - Adult Protective Services – Modifications

Sponsor: Chair, Judiciary Committee (By Request – Departmental – Human Services)

Committee: Judiciary

Cross-filed With: SB 182 Hearing Date Passed 1/21/2026

Date: In the House - Hearing 2/05 at 1:00 p.m.

POSITION: SUPPORT WITH AMENDMENT

Honorable Chairperson and Members of the Judiciary Committee,

People on the Go Maryland appreciates the intent of House Bill 282 to modernize and strengthen protections for vulnerable adults. We support the bill's expansion of abuse definitions to include psychological harm and sexual abuse, as well as the addition of an online reporting portal. However, we have serious concerns about provisions that may inadvertently harm people with intellectual and developmental disabilities (I/DD) and undermine their fundamental civil rights.

Concern: "Relationship of Trust" Language Narrows Protection

The bill introduces a new requirement that abuse, neglect, and exploitation can *only* be committed by individuals in a "relationship of trust" with the vulnerable adult. While the research confirms that trusted individuals—family members, caregivers, guardians, and

fiduciaries—are indeed the *most common* perpetrators of exploitation against people with I/DD, this narrow definition creates dangerous gaps in protection.

People with I/DD are four to ten times more likely to be abused than their peers without disabilities. By limiting the statute to "trusted relationships," the bill excludes protection against opportunistic exploitation by service providers, strangers, scammers, and others who may not fit the narrow definition but who nonetheless cause real harm. The law should protect against *all* forms of exploitation, not just those perpetrated by a select category of individuals.

Concern: Removal of "Person" from Exploitation Definition

The current statute defines exploitation as "the misuse of a vulnerable adult's funds, property, *or person*." The bill removes "or person" from this definition, narrowing exploitation to only financial and property-based harm. This change ignores the reality that exploitation of people with I/DD often involves coercion, manipulation, and control over their physical autonomy and personal decisions—forms of exploitation that do not neatly fit into financial categories but are equally devastating.

Concern: Subjective Investigations and Risk of Restrictive Placements

The bill requires Adult Protective Services (APS) to determine whether a person is "at risk of harm" in every investigation. While this may appear to strengthen protections, in practice it introduces a subjective standard that can lead to overly restrictive interventions.

Research shows that individuals with I/DD already face a *significantly increased risk* of being the subject of non-self-neglect APS allegations. When combined with a broad "risk of harm" assessment, this provision could be used to justify removing individuals from their homes and placing them in more restrictive, segregated settings such as group homes or institutions—even when community-based supports would be sufficient and appropriate.

This directly conflicts with the *Olmstead v. L.C.* mandate, the landmark 1999 Supreme Court decision that established that *unjustified segregation of people with disabilities constitutes discrimination* under the Americans with Disabilities Act. *Olmstead* requires that services be provided in the "most integrated setting appropriate" and that unnecessary institutionalization is a violation of civil rights.

We fear that through subjective interpretation of "risk of harm," people with I/DD may be deemed incapable of living independently and placed in restrictive settings that deprive them of their autonomy, dignity, and fundamental right to live in the community.

Protecting Civil Rights and Self-Determination

People with I/DD have the same civil rights as all Marylanders, including the right to make their own decisions, control their own lives, and live in the community. Any protective statute must be balanced with a rigorous commitment to self-determination and the *least restrictive*

alternative. Interventions like guardianship, which strip individuals of their legal rights, should be a *last resort*, not a default outcome of an APS investigation.

Best practices in adult protective services emphasize autonomy, functional assessments, and person-centered approaches. Protective measures must not become a pathway to segregation and loss of freedom.

PROPOSED AMENDMENT

People on the Go Maryland respectfully proposes the following amendments to House Bill 282 to address these concerns while maintaining strong protections for vulnerable adults:

1. Remove the "Relationship of Trust" Limitation

Strike the requirement that abuse, neglect, and exploitation can only be committed by "an individual in a relationship of trust with the vulnerable adult." Replace with language that protects vulnerable adults from harm *by any person or entity*, while acknowledging that those in positions of trust or authority have heightened responsibility and may face enhanced penalties.

2. Restore "Person" to the Exploitation Definition

Amend Section 14-101(f) to restore "or person" in the definition of exploitation, ensuring that coercion, manipulation, and control over a vulnerable adult's physical autonomy and personal decisions are recognized as forms of exploitation.

3. Add Civil Rights Safeguards to "Risk of Harm" Determinations

Amend Section 14-303 to include explicit language that:

- Any determination of "risk of harm" must be based on an individualized, functional assessment, not solely on the existence of a disability;
- Interventions must prioritize the least restrictive alternative and community-based supports consistent with the Olmstead mandate;
- Restrictive placements, including guardianship and institutional settings, may only be recommended when less restrictive options have been considered and documented as insufficient;
- The vulnerable adult has the right to participate meaningfully in all decisions, with access to supported decision-making resources; and
- Any intervention that limits an individual's autonomy or community living must be time-limited and subject to regular review.

These amendments will ensure that House Bill 282 provides robust protection against exploitation while upholding the civil rights, autonomy, and dignity of people with intellectual

and developmental disabilities. We urge the committee to adopt these changes and move forward with legislation that protects *and* empowers all Marylanders.

We respectfully request a **FAVORABLE REPORT WITH AMENDMENT** on House Bill 282.

Respectfully submitted,

People on the Go Maryland

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