



For people with intellectual and developmental disabilities

HB 17-1284—Data System Check for Employers Serving At Risk Adults

The Arc of Colorado, with all 13 local chapters of The Arc are in strong support of HB 17-1284 and thank the sponsors for bringing this important bill.

The legislative saga that led to HB 1284 started in 2007 when then Representative Gwyn Green was contacted by a constituent who was guardian for her sister, Stephanie, who has a developmental disability. Stephanie had experienced significant and substantiated abuse at the hands of a previous caregiver. The case was investigated by law enforcement and the Adams County District Attorney recommended prosecution. However, Stephanie's therapist advised that testifying would be detrimental and could lead to even worse post trauma experiences. The abusive caregiver was never prosecuted. Stephanie's sister approached Rep. Green for help concerned that employers would not have access to information about substantiated instances of abuse.

The individual in question, incidentally, was later hired by the State of Colorado for a position at one of the state's three Regional Centers -institutions providing services for people with intellectual and developmental disabilities. The state agency had no way to check on this person's background other than the required CBI background check. I believe the individual's tenure at the Regional Center was short-lived.

Crimes committed against people with intellectual disability are often labeled as abuse and neglect (rather than assault, rape or murder), which understates the criminal victimization problem. Many victims with intellectual disability may not report crimes because of their dependence on the abuser for basic survival needs. When victims do report crimes, police and court officials may not take the person's allegations seriously or be reluctant to get involved. Additionally, people with intellectual disability often don't have access to the types of support and resources they need to prosecute.

Rep. Green sponsored HB 08-1246 and HB 09-1178 to create a taskforce to study and make recommendations on developing and implementing a data base that contains the names of caregivers who have had a substantiated allegation of exploitation, neglect, physical abuse, or sexual abuse of a person with a developmental disability.

The task force report was presented to the department in 2010 and recommended -among other things--

- Legislation with supporting rules to create an Abusive Caregiver Database
- Examination of current employment law to allow former employers to share information about substantiated allegations
- Expand the abusive care giver data base to cover other vulnerable adults.

HB 17-1284 is the result of the work that began ten years ago.

We thank all who worked on the issue for the past 10 years and particularly wish to acknowledge the CDHS staff who have diligently worked with stakeholders to propose a system that protects employers and employees, maintains confidentiality, but most importantly—helps to protect vulnerable and valuable Coloradoans.



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--also testifying for the Colorado Cross Disability Coalition