**Legislative Bill Analysis**

**Bill Title:** An act amending title 34 Virgin Islands Code, chapter 15 expanding the Elder and Dependent Adult Abuse Prevention Act

**Bill Number:** Bill No. 36-0099

**Sponsor:** Angel L. Bolques, Jr.

**1.Executive Summary of Proposed Law**: This legislation amends title 34 V.I.C. chapter 15 by.

a**)** Adding newsubsections(d) and (e)**.**

Subsection (d) mandates that the Department of Human Services, immediately after concluding through an investigation that an elder or dependent adult is in imminent danger, request the Attorney General to petition the Superior Court for a temporary or permanent protective order.

The Department is also charged with the responsibility of developing emergency protocols.

Subsection (e) requires the Department to establish aa Anti-Abuse Multidisciplinary Team composed of a cadre of professionals including medical, justice and law enforcement professionals as well as social service agencies to timely handle abuse complaints.

**2. Existing Law/Background:** This bill enhances the existing statute by requiring more specific detailed actions and protocols to ensure more timely responses to abuse complaints.

**3. Key Provisions:** See, (1.) above.

**4. Stakeholders:** The entire Virgin Islands community is a stakeholder in this legislation.Elders and dependent adults would be the primary beneficiaries, but their families will also benefit. As more members of our community age the responsibilities of assuming charge of their affairs often feels daunting. This measure would give all involved a greater sense of security.

**5. Potential benefits**: Taking care of the most vulnerable in one’s community is one of the mostsacred responsibilities of government. If more consideration is given to setting adequate reasonable time limits to institute the goals of this legislation, when implemented it would serve the entire Virgin Islands community.

**6. Potential drawbacks:** The main drawback of this legislation is not the intent but the failure to include the necessary components to make this legislation viable. The intent of the legislation is clear however, the bill in its present form is inefficient as it does not prescribe any timeline for the creation of the proposed Anti-Abuse Mult-Disciplinary Team (MDT). To point out that abuse complaints are not presently addressed in a timely manner and to not mandate a specific time limit within which the MDT must be created is counterproductive. Coordinating the number of government agencies and social advocacy groups suggested to constitute the MDT while establishing efficient protocols to ensure more timely response and establishing the administrative framework of the MDT are in combination a herculean task given the multiple responsibilities with which the agency is already saddled.

It seems counterintuitive to address the need for more timely response to abuse complaints by adding the additional responsibilities outlined in the bill to an already overburdened department. To establish the MDT and the necessary internal protocols to administer and maintain it as required by this legislation within DHS’s present budget is not realistic. This is of particular concern given the recent federal cuts DHS is experiencing. Without a funding source and an assessment of continued costs this will remain an unfunded mandate.

**7. Fiscal Impact:** This legislation lacks any funding source or any assessment of costs to establish the administrative mechanisms to support it. It is unrealistic to assume that the DHS can meet the requirements of the bill within the constraints of its present budget.

**8. Legal and Constitutional Considerations:** Other than the fact that there is no funding source identified there are no legal or constitutional concerns.

**9. Public Opinion:** No public opinion polls surveys or articles were found on this matter. With our aging population, which has caused many to assume caretaker roles, it is difficult to fathom that the public would oppose working towards ensuring a more rapid response and resolution to abuse complaints.

**10. Recommendations:** Although the intent of this legislation is commendable more work to refine this bill is necessary. Most importantly there must be a realistic funding source identified for the initiatives proposed. An adequate source must address not only the start-up costs of the Multi-Disciplinary Team, but it must sustain the associated administrative costs going forward. It is difficult to assess whether the Department of Human Services and the other government agencies slated to be members of the MDS have the ability to assume the added burden of such a broad collaborative effort within the constraints of their respective budget allotments and with their often-limited personnel.