


# Intellectual Disabilities 101

January 13, 2025



1

---

---

---

---

---

---

---

---

## Topics Covered

- Vermont's Developmental Disabilities Services System of Care
- Competency and Commitment: Act 248
- Public Guardianship for Individuals with Developmental Disabilities
- Understanding the Needs of Individuals with Intellectual Disabilities

2

---

---

---

---

---

---

---

---

## Federal Authority for Vermont Developmental Services

- Agreement with Centers for Medicare and Medicaid
- Authorized as a [Global Commitment to Health Section 1115 Demonstration](#)
- Includes State Plan and Investment services, as well as content-focused supports such as Home- and Community-Based Services (HCBS)
- Currently, Vermont has 5 HCBS programs for
  - Developmental Disabilities Services
  - Older Vermonters and Individuals with Physical Disabilities
  - Individuals Experiencing a Brain Injury
  - Children with Mental Health Conditions
  - Adults with Mental Health Conditions
- Agency of Human Services delegates oversight and management of HCBS programs to appropriate Departments (i.e., Department of Disabilities, Aging and Independent Living for oversight of DS, Brain Injury and Choices for Care)

3

---

---

---

---

---

---

---

---

## Eligibility for Developmental Disabilities Services

Basic components of eligibility:

1. **Residency:** Be a resident of Vermont. This means being physically present in Vermont with the intention to remain in Vermont and to make one's home in Vermont (in the case of a child, at least one custodial parent shall be a resident of Vermont.)
2. **Financial:** Be found eligible for Medicaid.
3. **Clinical:** Be found eligible based on diagnosis of an intellectual or developmental disability.
4. **"Access Criteria":** Supports within the Developmental Disabilities Services system have unique eligibility requirements

4

---

---

---

---

---

---

---

---

## Clinical Eligibility

<p><b>Intellectual Disability</b></p> <ul style="list-style-type: none"> <li>• Means significantly sub-average cognitive functioning that is at least two standard deviations below the mean for a similar age normative comparison group.             <ul style="list-style-type: none"> <li>• Documented by a full-scale score of 70 or below, or up to 75 or below when considering the standard error of measurement, on an appropriate norm-referenced standardized test of intelligence and</li> <li>• Resulting in significant deficits in adaptive behavior manifested before age 18.</li> </ul> </li> <li>• Includes severe cognitive deficits which result from brain injury or disease if the injury or disease resulted in deficits in adaptive functioning before age 18.</li> </ul>	<p><b>Developmental Disability</b></p> <ul style="list-style-type: none"> <li>• Means a diagnosis of an intellectual disability or autism spectrum disorder which manifested before age 18, and</li> <li>• Significant deficits in adaptive behavior which manifested before age 18</li> <li>• Vermont's definition of "Developmental Disability" differs from Federal definition</li> </ul>
---	--

5

---

---

---

---

---

---

---

---

## Clinical Eligibility Determination--IQ

- Determining an individual's IQ:
  - A determination that a person has intellectual disability for the purpose of the Developmental Disabilities Services regulations must be based upon current assessment of cognitive functioning and a review of any previous assessments of cognitive functioning. It is the responsibility of the psychologist to decide whether new cognitive testing is needed
  - Weschler Adult Intelligence Screen (WAIS) is most common tool to determine IQ
  - Determination of clinical eligibility includes review and assessment of presentation of Intellectual and/or Developmental Disability prior to age 18

6

---

---

---

---

---

---

---

---

## Clinical Eligibility Determination— Adaptive Functioning

- Must be measured by the current version of a standardized norm-referenced assessment instrument.
- Must be a standardized tool with reference to people of similar age in the general population.
  - Adaptive functioning must not be measured with an instrument that is norm-referenced only to people in institutions or people with intellectual disability or autism spectrum disorder.
- Must be current.
  - As defined as completed within the past three years, unless there is reason to think the individual's adaptive functioning has changed.
- Must indicate that the individual is performing two or more standard deviations below the mean with respect to adaptive functioning, compared to a national sample of similar-aged people.
- Should not ordinarily be performed during an emotional, behavioral or health crisis, or must be repeated once the individual stabilizes.
- Must be repeated when the individual is in a community setting if performed on while an individual is in a nursing facility or residential facility.

7

---

---

---

---

---

---

---

---

---

---

## Developmental Disabilities Services Supports

### Adults

- **Home- and Community-Based Services (HCBS)**— Community-based services offered as an alternate to institutional care.
  - Children with the highest level of need may access Developmental Services HCBS (DS HCBS)
- **Targeted Case Management (TCM)** - Targeted Case Management is a Medicaid State Plan service that provides case management services to individuals who do not receive HCBS.
- **Public Guardian Services** - The Office of Public Guardian (OPG), acting under court authority, provides public guardianship where there is no friend or family member to serve as guardian, and the individual needs a public guardian to protect his or her rights or welfare.

### Children and Youth

- **Bridge Program:** Care Coordination for Children - Assist families of children and young adults under age 22 who have developmental disabilities to access and coordinate needed medical, educational, social or other services.
- **Family Managed Respite (FMR)** - Respite provides family caregivers a break to support ongoing care for a child or young adult up to age 21 with an identified health or medical health condition or developmental disability.
- **Flexible Family Funding (FFF)** - Funding is provided to eligible families of adults and children with developmental disabilities to help pay for any legal good or activity that the family chooses, such as respite, assistive technology, home modification, individual and household needs, or recreational activities.

8

---

---

---

---

---

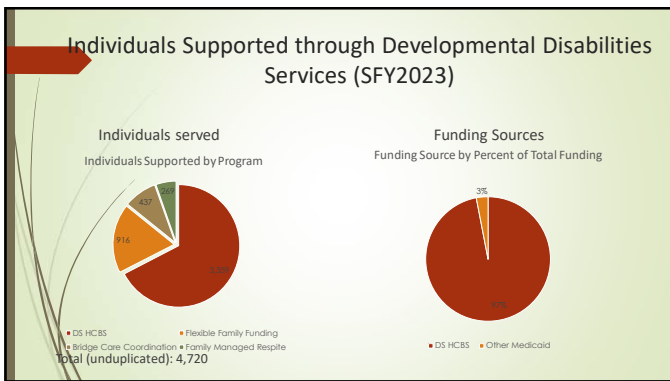
---

---

---

---

---



9

---

---

---

---

---

---

---

---

---

---

## Home- and Community-Based Services Categories

- Clinical Services
- Community Supports
- Crisis Services
- Home Supports
- Respite Support
- Service Coordination
- Supported Employment

10

---

---

---

---

---

---

---

---

### Developmental Disabilities Services Providers

All Developmental Disabilities Services are provided through a network of community agencies

10 catchment areas in Vermont with "Designated Agencies" (DA) required to provide core supports

5 "Specialized Services Agencies" (SSA) to subcontract with DA system to increase availability and customization of supports



- Champlain Community Services (CCS)
- Champlain North Center (CMC)
- Counseling Service of Addison County (CSAC)
- Families First in Southern Vermont (FFSV)
- Green Mountain Support Services (GMSS)
- Health Care and Rehabilitation Services (HCRS)
- Howard Center (HC)
- Lamoille County Mental Health Services (LCMHS)
- Lincoln Street, Inc. (LSI)
- NH Vermont, Inc. (NHV)
- Northeast Kingdom Human Services (NKH)
- Northwestern Counseling & Support Services (NCSS)
- Rutland Mental Health Services (RMHS)
- United Counseling Service of Bennington County (UCS)
- Upper Valley Services (UVS)
- Washington County Mental Health Services (WCMHS)

11

---

---

---

---

---

---

---

---



### Commitment to the Custody of the DA/IL Commissioner under "Act 248"

12

---

---

---

---

---

---

---

---

## Competency and Commitment

- Any court before which a criminal prosecution is pending may order that a defendant be examined to determine competency to stand trial.
- The examination may be conducted by a psychiatrist or by a doctoral-level psychologist trained in forensic psychology. 13 V.S.A. § 4814
- A competency evaluation for an individual thought to have a developmental disability shall be a current evaluation by a doctoral-level psychologist trained in forensic psychology and skilled in assessing individuals with developmental disabilities. 13 V.S.A. § 4816(b)
- When a person is found to be incompetent to stand trial, has not been indicted by reason of insanity for the alleged offense, or has been acquitted by reason of insanity at the time of the alleged offense, the court must hold a hearing to determine whether the person should be committed to the custody of the Commissioner of DMH or DAIL, as appropriate. The person may be confined pending hearing for up to 21 days. 13 V.S.A. § 4820(a)
- The person is entitled to have counsel appointed from Vermont Legal Aid to represent the person and, as applicable, DMH or DAIL is entitled to appear and call witnesses at the commitment proceeding. 13 V.S.A. § 4820(b)

13

---

---

---

---

---

---

---

---

## Competency and Commitment

- Under Vermont law, if the Criminal Division of the Superior Court finds, by clear and convincing evidence, that a person, who cannot be held criminally responsible for that conduct, needs "custody, care, and habilitation," the court may issue an order of commitment to the custody of the DAIL Commissioner for up to one year.  
13 V.S.A. § 4823; see also 18 V.S.A. § 8839(4).
- This mechanism of custody, care, and supervision is commonly referred to as "Act 248," after the 1987 act which created the system.

14

---

---

---

---

---

---

---

---

## Act 248

- Prior to 1995, Title 18, Chapter 206 provided a separate court process by which people with Intellectual Disability could be institutionalized through an entirely civil procedure, even if they had not been charged with a crime. In 1995, Vermont enacted a significant policy change and repealed this civil commitment regime.
- Currently, an individual with an Intellectual Disability can only be initially committed to the custody of the DAIL commissioner by the Criminal Division upon a finding that the individual is "a person in need of custody, care, and habilitation," as that term is defined in 18 V.S.A. § 8839(4).
- Individuals with Intellectual Disability, who are committed to the custody of the DAIL Commissioner, reside exclusively in community-based (i.e., non-institutional) settings.
- Title 18, Chapter 206, Subchapter 3, "Judicial Proceeding: Persons with an Intellectual Disability Who Present a Danger of Harm to Others," (a/k/a "Act 248") was recently amended but otherwise remains intact. See 2024 Acts and Resolves No. 137

15

---

---

---

---

---

---

---

---

## Criteria for Initial Commitment

We will address each of these elements separately; however, as noted earlier, to be eligible for initial commitment by the Criminal Division to the custody of the DAIC Commissioner under Act 248, an individual must be "a person in need of custody, care, and habilitation," as that term is defined at 18 V.S.A. 8839(4).

This means that the individual must be a person:

1. with an intellectual disability;
2. who has inflicted or attempted to inflict certain injury on another or has committed an act constituting certain conduct with a child; **and**
3. for whom appropriate custody, care, and habilitation can be provided by the Commissioner in a designated program.

16

---

---

---

---

---

---

---

---

## Criteria for Initial Commitment

### Defendant must have an Intellectual Disability

To be clinically eligible for Act 248 custody and supervision, an individual must have an intellectual disability, as that term is defined in 18 V.S.A. § 8839(4)(A). The clinical components of Intellectual Disability, as set out in statute and as interpreted by the Vermont Supreme Court, include:

- manifestation before age 18;
- IQ of 70 or below (or up to 75 when taking into account the standard error of measurement (SEM)); and
- significant deficits in adaptive behavior.

17

---

---

---

---

---

---

---

---

## Criteria for Initial Commitment

### Defendant must have an Intellectual Disability

In order to meet the criteria for Intellectual Disability, the finding of an I.Q. of 70 or below (or, applying the SEM, up to 75) must occur along with concurrent deficits or impairments in present adaptive functioning (i.e., the person's effectiveness in meeting the standards expected for his or her age by his or her cultural group) in at least two (2) of the following areas: communication; self-care; home living; social/interpersonal skills; use of community resources; self-direction; functional academic skills; work; leisure; health; and safety.

18

---

---

---

---

---

---

---

---

### Criteria for Initial Commitment

The Defendant must have inflicted or attempted to inflict serious bodily injury to another or committed an act that would constitute sexual conduct with a child as defined in 13 V.S.A. § 2821 or lewd and lascivious conduct with a child as provided in 13 V.S.A. § 2602.

In cases in which the Defendant does not so stipulate, the state must prove the conduct occurred by clear and convincing evidence.

---

---

---

---

---

---

---

---

19

### Criteria for Initial Commitment

The Commissioner must be able to provide appropriate custody, care, and habilitation for the person in a designated program

The Commissioner provides all services and supports to individuals under Act 248 supervision through partnerships with the Designated Agencies. The developmental services divisions of the Designated Agencies are charged with designing and implementing individualized plans of services for people on Act 248, and each of these "designated programs" must be tailored to meet the person's needs, ensure public safety, and monitor the person's compliance with the specific provisions of the Act 248 commitment order.

The Commissioner is required by statute to place the person committed in the least restrictive environment, consistent with the person's need for custody, care, and habilitation. 13 V.S.A. § 4823(a).

---

---

---

---

---

---

---

---

20

### Assessing Risk

The specific needs and circumstances of the individual—and the associated public safety implications—drive the development of a designated program. Homes, neighborhoods and job sites are screened to avoid situations which could present risk to the public. The level of supervision provided, and the specific activities, therapies, and services offered, all depend on the specific needs and risks associated with the individual. Many designated programs provide 24/7 supervision, education and day activities, employment support, and individual and group therapy.

On rare occasions, the current system of care has been unable to meet the needs of the individual and protect the public.

---

---

---

---

---

---

---

---

21

## Addressing Risk

Rejecting a proposal to develop a forensic facility, in which individuals committed to the custody of the DAIL Commissioner, who presented too great a risk of harm to the public if served in a non-secure community-based setting, would reside and receive services, the Vermont Legislature directed DAIL to propose alternative options for one or more secure community-based residences to support those few individuals requiring a more secure level of care than is currently available.

“Secure” means that residents may be physically prevented from leaving the residence by means of locking devices or other mechanical or physical mechanisms.

Those options are being developed in consultation with interested parties. Concurrently, DAIL is identifying “any necessary statutory modifications to uphold due process requirements,” which must be presented to the committees of jurisdiction before any funding is sought to construct, purchase, or contract for a secure community-based residence.

2024 Acts and Resolves No. 137, Sec. 27

22

---

---

---

---

---

---

---

---

## Orders of Commitment

After the Criminal Division has determined that a defendant is a “person in need of custody, care and habilitation,” it issues an order committing the person to the custody of the Commissioner. Every order requires the person to comply with their treatment plan and behavior support plan, as those plans are developed by the treatment team. Additionally, in case of elopement, all orders authorize law enforcement and hospital staff to arrest the person and return them to the Designated Program.

Act 248 orders also contain specific conditions that the person must follow, which are tailored to the specific risks associated with the individual. For example, most orders include conditions prohibiting violent or threatening behavior and the possession/use of weapons, and sexual offenders will have conditions tailored to those specific concerns.

The Commissioner has the authority to determine, for any individual under commitment and in accordance with the court order, the extent of supervision and restrictions. If restrictions appear insufficient to protect public safety, the Commissioner has the authority to increase the restrictions. There is, however, no explicit legal authority to place an individual in a locked setting or a determination that such a setting could be considered the least restrictive to meet a person’s needs.

23

---

---

---

---

---

---

---

---

## Continued Commitment

- Prior to the expiration of an order of commitment, which can be for a period of no more than 1 year, the DAIL Commissioner may seek to continue the current commitment by filing a petition in the Family Division of the Superior Court. The Commissioner’s petition must state the facts upon which the alleged need for “continued custody, care, and habilitation” is predicated. 18 V.S.A. § 8845(a)(1)
- An existing order of commitment remains in full force and effect pending the court’s decision on the Commissioner’s petition, and, absent a continuance for good cause, a hearing must be held within 14 days after the petition is filed.

If DAIL demonstrates, by clear and convincing evidence, that the individual is a “person in need of continued custody, care, and habilitation,” the Family Division must issue an order of commitment for up to one year in a designated program in the least restrictive environment. Otherwise, the court must discharge the person from the Commissioner’s custody, and the order of discharge may be conditional or absolute. 18 V.S.A. § 8847 (a), (b)

24

---

---

---

---

---

---

---

---

## Continued Commitment

- "Person in need of continued custody, care, and habilitation" means a person:
  - (i) who was previously found to be a person in need of custody, care, and habilitation;
  - (ii) who poses a danger of harm to others; and
  - (iii) for whom appropriate custody, care, and habilitation can be provided by the Commissioner in a designated program.
- A "danger of harm to others" is shown by establishing that, in the time since the last order of commitment was issued, the person:
  - (i) has inflicted or attempted to inflict serious bodily injury to another or has committed an act that would constitute sexual conduct with a child as defined in 13 V.S.A. § 2821 or lewd and lascivious conduct with a child as provided in 13 V.S.A. § 2602 of this title; or
  - (ii) has exhibited behavior demonstrating that, absent treatment or programming provided by the Commissioner, there is a substantial likelihood that the person would inflict or attempt to inflict physical or sexual harm to another. 18 V.S.A. § 8839(3)(A)
- Finally, in determining whether one is a "person in need of continued custody, care, and habilitation," the Family Division must consider the degree to which the person has previously engaged in or complied with the program provided by the Commissioner. 18 V.S.A. § 8845(c)

25

---

---

---

---

---

---

---

---

---

---

## Right to Initiate Review

A person may initiate a judicial review in the Family Division of the Superior Court or an administrative review before the DAIL Commissioner at any time after 90 days following a current order of commitment or continued commitment and not earlier than six months after the filing of a previous application under this section. 18 V.S.A. § 8846

A person subject to commitment, continued commitment, or self-initiated review has a right to counsel. 18 V.S.A. § 8848

26

---

---

---

---

---

---

---

---

---

---

## Discharge from Custody

- In addition to discharge following a judicial review by the Family Division, a person may be administratively discharged from custody by the DAIL Commissioner if she believes that the person is not a person in need of custody, care, and habilitation or continued custody, care, and habilitation. 18 V.S.A. § 8847(a)(1), (2)
- The Commissioner has used this authority on occasion. The statute does not place limits on the Commissioner's discretion to discharge a person or provide any guidelines regarding how safe the person must be to be released.
- As a matter of practice, and after consulting with the case managers, treatment team and Department staff assigned to work with the offender, the Commissioner seeks continued commitment for offenders she determines pose any significant potential to reoffend.

27

---

---

---

---

---

---

---

---

---

---

## Discharge from Custody

Notice Requirements (18 V.S.A. § 8847(c))

The DAII Commissioner shall provide notice to the prosecutor as follows:

- at least 10 days prior to discharging the person from commitment;
- at least 10 days prior to the expiration of an order of commitment if the Commissioner is not seeking an order of continued custody, care and habilitation; or
- whenever the person elopes from custody and cannot be located, and there is reason to believe the person may be lost or poses a risk of harm to others.

Upon receipt of notice, the prosecutor shall provide notice to the victim(s) of the offense for which the person has been charged, so long as the victim has not opted out of receiving such notice. Thereafter, the victim(s) may submit a victim impact statement to the Family Division of the Superior Court.

28

---

---

---

---

---

---

---

---

## Public Guardianship for Adults with Developmental Disabilities

*Title 18, Chapter 215  
(Family Division)*

29

---

---

---

---

---

---

---

---

## Basics of Adult Guardianship in Vermont

- Private Guardianship
  - Family/friends/natural supports/private professional guardians.
  - Strongly preferred under Vermont law/policy.
  - Only ordered by Probate Division.
  - Can be "voluntary" or "involuntary."
- Public Guardianship
  - Commissioner of DAII, through the Office of Public Guardian, serves as guardian.
  - Can only be ordered when person needs a guardian *and* there are no suitable private guardians available.
  - Only "involuntary"
    - Guardianship evaluation needed.
  - Can be ordered by Family Division or Probate Division.
    - Probate: Title 14, Chapter 111, subchapter 12 ("involuntary guardianship" provisions)
      - Same statutes in Title 14 for public and private involuntary guardianships.
      - **Probate can only permanently appoint OPG for persons over age of 60!** 14 V.S.A. § 3092(a).

30

---

---

---

---

---

---

---

---

**Title 18 (Family Court) Guardianships:  
Eligibility**

- "Person in need of guardianship," § 9302(5): A person who
  - has developmental disabilities within the meaning of § 9302(1);
    - If the person is eligible for and enrolled in Developmental Services Medicaid, clinical eligibility for a Title 18 guardianship is confirmed.
  - is unable to personally exercise some or all of the powers and responsibilities of guardianship (as set out at § 9310(a)); and
  - is not receiving the active assistance of a responsible adult to carry out the powers and responsibilities of guardianship
    - If the person needs a guardian and there is a responsible adult available to serve, that person should file a guardianship petition in Probate Court.
    - Family Court may only appoint OPG.

31

---

---

---

---

---

---

---

---

**Title 18 Guardianships:  
Powers of Guardianship – 18 V.S.A. § 9310(a)**

1. General supervision
  - residence, care, habilitation, education, employment; power to approve or withhold approval of the sale or encumbrance of real property
2. Power to approve or withhold approval of contracts
3. Power to obtain legal advice or commence/defend against judicial actions
4. Medical/dental
  - OPG shall be guided by the person's wishes/preferences.
  - Decisions to withhold/abate medical treatment for an irreversible/terminal condition shall be reviewed by the Department's ethics committee.
  - No authority to consent to sterilization, lobotomy, involuntary administration of psychotropic medications, surgery of the brain for the purpose of modifying behavior, or electroconvulsive therapy.

*The Commissioner shall exercise his or her supervisory authority in a manner that is least restrictive of the person's personal freedom consistent with the need for supervision and protection. § 9310(c).*

32

---

---

---

---

---

---

---

---

**Title 18 Guardianships:  
Procedure for Initial Petitions**

- Interested Person sends petition to State's Attorney; SA files (§ 9305)
  - OR Probate Court appoints OPG temporarily for a person with DD under § 9303(b)(1); then OPG files petition to transfer to Family under § 9303(b)(2).
- Family Court orders a guardianship evaluation (§ 9306)
- Counsel appointed
  - Vermont Legal Aid holds contract to represent Title 18 respondents.
- Hearing held
  - Two parties (right to subpoena, present, and cross-examine witnesses, see § 9309(a)):
    1. Respondent
    2. Petitioner – State's Attorney if filed under § 9305, OR OPG if filed under § 9303(b)(2)
  - "Interested Persons" (§ 9302(4)) have a right to "attend the hearing and testify." § 9309(a).

33

---

---

---

---

---

---

---

---

**Title 18 Guardianships:  
Modification/Termination — 18 V.S.A. § 9316**

- OPG completes an annual review of each person's ongoing need for guardianship. § 9314.
  - If annual review results in recommendation for modification/termination (i.e., person has gained/lost independence), OPG files appropriate motion in Family Court. § 9314(b).
- The person under guardianship or any "Interested Person" may move to modify a guardianship. § 9316(b)
- "Interested Persons" must have personal knowledge of person's welfare. See *In re C.H.*, 208 Vt. 55 (2018).

34

---

---

---

---

---

---

---

---

**Emergency Guardianship**

- Title 18 does not include a provision for emergency appointments (i.e., appointment before guardianship evaluation is completed).
  - Title 14 does allow emergency orders: "serious and irreparable harm." 14 V.S.A. § 3081.
- For persons with DD, Interested Person can file Title 14 petition in Probate with emergency motion (14 V.S.A. § 3081); Probate can appoint OPG temporarily, and then case is transferred to Family (18 V.S.A. § 9303(b)).
  - **CLUNKY!**
- Need frequently arises for youth with DD aging out of DCF custody.
  - Plain language of Title 18 doesn't expressly allow petitions to be filed before 18<sup>th</sup> birthday.
  - But some Family Court judges have exercised "inherent authority to do justice" and issued "interim" guardianship orders (pending final hearing).
    - Avoids detrimental gaps in surrogate decision-making authority without going to Probate with "emergency."
  - DCF/DAIL have proposed a legislative amendment in recent session(s) that would explicitly allow a Title 18 petition to be filed 4-6 months before the 18<sup>th</sup> birthday.
    - Would allow sufficient time before birthday for guardianship evaluation and litigation.

35

---

---

---

---

---

---

---

---

**Practical Limitations of Guardianship**

- Guardianship authority does NOT include the power/ability to:
  - use force (or consent to the use of force) to compel compliance with decisions;
  - immediately find/secure housing/staffing/services;
  - consent to involuntary treatment/medication of any kind, § 9310(a)(4),(b);
  - overcome active resistance/refusal/decision-making by the person in any context, no matter how "unwise" the decision/conduct is.
- Guardianship cannot fix bad decision-making; it should be used only to the extent that decision-making ability does not exist.
  - Courts have declined to order/continue guardianship where evidence indicates the person refuses to follow guidance, and/or consistently and willfully acts on their own decisions—regardless of whether their decisions are objectively "good" or "reasonable."
    - "Dignity of risk."
    - As mentioned, a guardian can't compel compliance.

36

---

---

---

---

---

---

---

---

### Consider Less-Restrictive Alternatives

- The "active assistance of a responsible adult," § 9302(5)(C), can take many forms:
  - Powers of Attorney
  - Advance Directives
  - Supported Decision-Making Agreements
  - Existing direct supports that may reduce/eliminate need for guardianship
- Guardianship should always be the last resort.

37

---

---

---

---

---

---

---

---

Green Mountain Self-Advocates  
<https://gmsavt.org/>

GREEN MOUNTAIN  
 GMSA  
 SELF-ADVOCATES

Self-Advocacy...to boldly go where all have gone before

38

---

---

---

---

---

---

---

---

<b>Why Focus on People with Disabilities?</b>	80% of women and 65% of men in prisons have at least one disability	Nearly 4 times more likely to experience rape, sexual assault & aggravated assault.
	70% of serious crimes against people without disabilities resulted in prosecution or conviction, while only 5% of serious crimes against people with disabilities led to the same outcomes.	
	Only 12% of survivors with disabilities get formal services to heal from trauma.	Longer lasting victimization + more incidents of violence over a lifespan

39

---

---

---

---

---

---

---

---



40

---

---

---

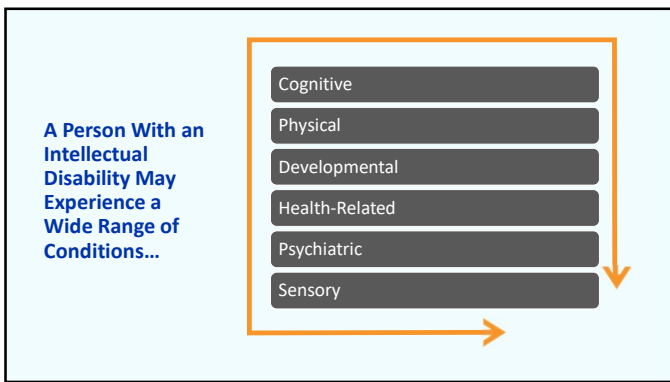
---

---

---

---

---



41

---

---

---

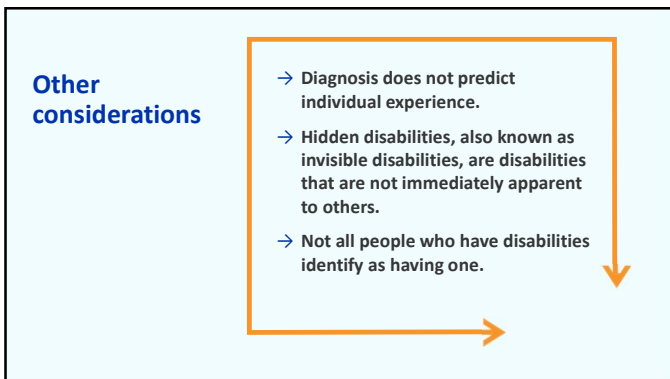
---

---

---

---

---



42

---

---

---

---

---

---

---

---



Exploitation



46

---

---

---

---

---

---

---

---

Powerlessness



47

---

---

---

---

---

---

---

---

Violence



48

---

---

---

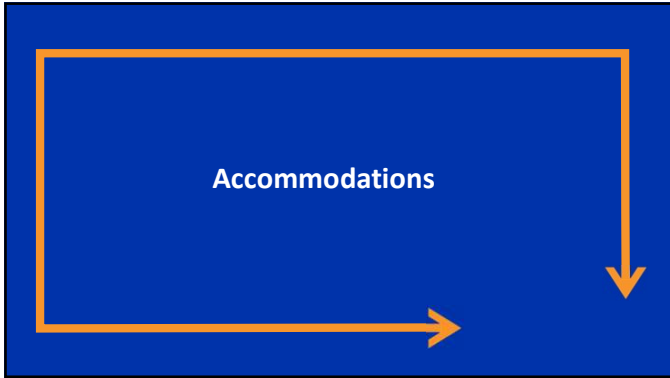
---

---

---

---

---



49

---

---

---

---

---

---

---

---

**Common Accommodations for People with Intellectual Disabilities**

- **Slow down** and plan for more time
- **Give one direction at a time.** Ask one question at a time.
- **Ask open-ended questions,** rather than “yes/no” questions
- **Give us enough time to answer.**
- **Talk directly me,** not my companion
- **Avoid asking questions about specific times or dates.** Instead, ask if it was after lunch, around your birthday, a holiday, or during the fall.
- **A quiet space** helps us focus
- **Assistive Technology.** Some of us use text-to-speech devices

50

---

---

---

---

---

---

---

---

**Common Accommodations for People with Intellectual Disabilities**

- **Use everyday words.** Repeat or re-word what you said.
- Use concrete or **visual examples.**
- In general, do not assume we can't read, but also don't assume we can.
- **Be aware of personal space** and sensory issues
- **Don't try to guess what we are saying,** or cut us off
- **Presume competence.** Don't make assumptions about what we can or cannot do.
- **Take Breaks.** We need time to process information.

51

---

---

---

---

---

---

---

---

**Identifying the need for accommodations**

- Ask about accommodations & keep asking
- Some examples:
  - Is there something I can do to make this process easier for you?
  - What do you need for me to know as we proceed?
  - What is the best way for me to communicate these steps/points, etc., to you?
  - What are your preferences in how to receive complicated information?
- Just Ask...

---

---

---

---

---

---

---

---

52



---

---

---

---

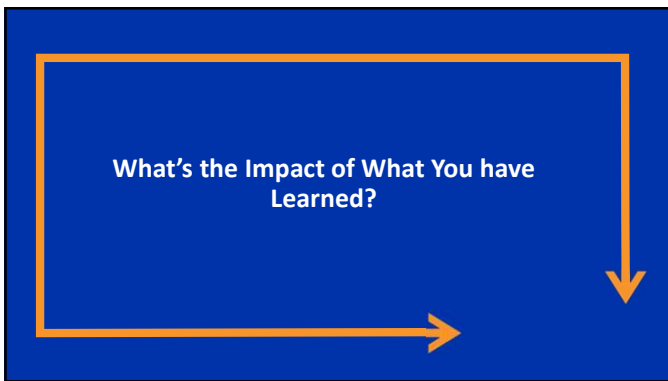
---

---

---

---

53



---

---

---

---

---

---

---

---

54

### Additional Resources

- Green Mountain Self-Advocates website: [www.gmsavt.org](http://www.gmsavt.org)
- End Abuse of People with Disabilities website: [www.endabusepwd.org](http://www.endabusepwd.org)
- National Council on Independent Living, Task Force on Violence and Abuse of People with Disabilities: [www.ncil.org](http://www.ncil.org)
- U.S. Department of Justice's ADA home page: [www.ada.gov](http://www.ada.gov)
- Disability and Business Technical Assistance Center: [www.dbtac.vcu.edu](http://www.dbtac.vcu.edu)
- Job Accommodation Network: [www.jan.wvu.edu](http://www.jan.wvu.edu)

---

---

---

---

---

---

---

---

55

### Questions?



---

---

---

---

---

---

---

---

56