

Guidelines for Handling Allegations of Abuse Made While Using Facilitated Communication 2018

The purpose of this document is to provide developmental disabilities services agencies with a clear process to follow in the event a person using facilitated communication (FC) communicates sensitive information or makes an allegation of abuse, neglect or exploitation. Because of the physical support used in FC and the potential for influence on a person's communication, additional steps must be followed when reporting an allegation and investigating it.

1. Confirming that an allegation has been made

- a. When a person who uses FC communicates a message that appears to be an allegation of abuse, neglect or exploitation, the facilitator should acknowledge the communication and continue the conversation just long enough to establish:
 - a) that the person feels safe, and b) the nature of the alleged allegation (for example, information about who, what, when and where regarding the allegation). This should be accomplished through open-ended and clarifying questions. Beyond that, the facilitator should not go into further conversation with the person about the allegation. **It is not the facilitator's role to counsel, investigate or determine the truth of the allegation.**

At this point, the facilitator should end the conversation and inform the person that because of the seriousness of the communication, (i.e., that it involves the person's health and safety), the allegation will have to be reported to an administrator in the agency. The facilitator should tell the person that he or she will be kept informed about what will happen next.

- b. The person's facilitator reports what has been communicated to their immediate supervisor. It is critical that there is actual transcript of the communication either in print or in handwriting if an electronic typing device was not used for communicating the message. The supervisor will review the transcript of the message to confirm that it is an allegation of suspected abuse, neglect or exploitation. The supervisor will consult with the appropriate administrative staff in the agency whose role it is to handle the reporting of allegations. In most circumstances, the agency should explain to the person who made the allegation that agency staff are mandatory reporters and that a report is being made to protective services.
- c. The communication must be carefully reviewed to ensure that the message is an allegation. The following types of communication will need follow-up before an allegation is reported:
 - i. The message is incomplete – such as: “My home provider kicked.”
 - ii. The message is telegraphic with parts of speech left out that would make the message clear – such as: “Joe hit stick me.”
 - iii. The message is unclear – such as: “Joe was mad and had a stick.”

- d. If the message falls into one of the categories above, it is important to have the person clarify his or her message to ensure that the message is an allegation. This clarification would happen in a meeting with the facilitator’s supervisor, person’s case manager or appropriate administrative level staff person. It is best practice to not rely solely on a single facilitator for anyone who uses FC. In a situation involving an allegation of abuse, it is strongly advised that the person be supported by another facilitator. If a second facilitator is not available, then the first facilitator could continue to support the person, but the facilitator would not be involved in asking clarifying questions. That would be the role of the supervisory level staff person.

When asking clarifying questions, it is important to ask open-ended questions. Do not use a “yes”/”no” format because of the risk of potentially leading or influencing the person. Open-ended questions will also give the person more control over what they say and when.

During the interviews and throughout the investigation, it is important to provide support and encouragement to the person. It is recommended that facilitators “acknowledge the difficulty of talking about such sensitive information [and] show appreciation for the FC user’s trust.”¹

- e. If the communication is clarified and it is determined that an allegation has been made, then a report must be made to one of the following Agency of Human Services (AHS) departments:

¹ “*Handling Sensitive Information and Allegations of Abuse Typed by FC Users: Getting and Giving Support*”, Institute on Communication and Inclusion, Syracuse University.

- i. **Vulnerable Adult and Elder Abuse, Neglect, and Exploitation Reporting Line**, Adult Protective Services (APS), Vermont Department of Disabilities, Aging, and Independent Living (DAIL) – **Call 1-800-564-1612, e-mail the report, or submit a report through the APS website.** Contact APS when it is believed that a vulnerable adult was abused, neglected, or exploited, including actions (or inaction) taken by a person or persons.
- ii. **Child Abuse Reporting Line**, Vermont Department for Children and Families (DCF) – **Call 1-800-649-5285 to make a report** (24 hours a day, 7 days a week). Contact the Child Abuse Reporting Line if you suspect that a child is being abused or neglected.

It is the role of these departments to investigate the truth of the allegation.

In addition to reporting the incident to AHS, the standard protocol of the service provider must be followed. As with all reports of alleged abuse, a critical incident report must be filed with the Developmental Disabilities Services Division/DAIL and the person's guardian notified, if there is one.

In addition, if a child or vulnerable adult is in a life-threatening situation or needs immediate intervention to protect the person from harm, call 911 so that law enforcement and medical personnel can get involved immediately. A report to APS or DCF can be made after emergency services have been provided. Law enforcement or an Attorney General Medicaid Fraud investigator may also be contacted by APS if the allegations indicate the need for a criminal and/or Medicaid fraud investigation.

2. The investigative process with the APS or DCF investigator

- a. An interview is set up with the person who made the allegation. Depending on the experience of the investigator with people who use Augmentative and Alternative Communication (AAC) and FC, it may be necessary for a person at the agency to provide the investigator with basic information about FC so that he or she understands how the method works prior to meeting with the person.
- b. Transcripts of the person's communication related to the allegation are shared with the investigator.
- c. The person must have a "naïve" facilitator when being interviewed by the investigator. This is a facilitator who does not know any of the content or the topic related to the allegation. Identify who the "naïve" facilitator for the person will be in the interviews with the investigator. Because a critical step in the investigative process is to establish the authorship of the communication, (i.e., that the message with the allegation came from the person), it may be necessary to bring in a person from outside of the agency to be in this role of a "naïve" facilitator. This facilitator needs to have sufficient skills and experience with FC that they would be able to successfully support the person in the interview situation. If a naïve facilitator is not available at the agency, contact the communication specialist in the region where the agency is located.
 - i. **Western Vermont – Pascal Cheng** – HowardCenter
802-488-6527 – PascalCC@HowardCenter.org
 - ii. **Eastern Vermont – Harvey Lavoy** – Washington County Mental Health Services
802-793-4704 – HarveyL@WCMHS.org

- d. Interview times are set up with the investigator. Multiple meetings may be necessary because the person may need time to feel comfortable communicating with the investigator and may need several meetings to answer all of the investigator's questions.

3. Following the interview

- a. If the person is able to communicate the same information with the naïve facilitator as they did in their initial communication with their familiar facilitator, the APS or DCF investigator then proceeds with determining whether the allegation is true following usual investigative procedures.

- b. If the person is not able to validate the information with the naïve facilitator about the allegation that came from the initial communication about it, further actions need to be considered.

Some possible conclusions from this are:

- i. Communication did not come from the person and was influenced by the facilitator.
- ii. Communication did come from the person, but the person was not able to do successful message passing in this situation to establish authorship.
- iii. Communication did come from person but is not true (e.g., it may be a lie, fantasy, perception, etc.) Intentionality of the communication needs to be assessed.

- c. In the event that the authorship of the allegation cannot be verified with a naïve facilitator, alternative forms of message passing may also be used to further confirm the validity of the content in question. Alternate means of independent communication, such as word boards or pictures, can also be used to confirm the message.
- d. The investigator may look at other sources of evidence to determine the truth of the allegation.
- e. Situations where the authorship of the allegation cannot be verified does not necessarily mean that the abuse did not happen. It is imperative that the facilitators and the person's support team make sure the person feels safe and heard regardless of the outcome.
- f. It is also important to not jump to the conclusion that because the person was not able to demonstrate authorship in the interview with the investigator that their communication with FC is, in general, not valid or reliable. The person should continue to be supported in their use of FC and in the further development of their skills with the method.
- g. Once the investigation is completed, it is important to follow-up with the person to let them know the result of the investigation and to see how they are doing and if there is any additional support they may need.

For additional information about facilitated communication or to access the *Vermont Facilitated Communication Guidelines*, go to the [Developmental Disabilities Services Division Website](#).