

Fair Shake Network

Human Rights Fact Sheet

West Virginia Legislature Regular Session 2021

The Fair Shake Network advocates for legislation that protects people with disabilities from abuse, neglect, bullying, exploitation, and other rights violations.

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Individuals who have disabilities or who are older are at higher risk of abuse, neglect and exploitation. According to the National Center on Elder Abuse, approximately 30 percent of individuals with disabilities who need assistance with daily care, maintaining health and safety, and accessing the community have experienced some form of mistreatment. The National Council on Aging estimates that one in 10 Americans who are 60 years or older have experienced some form of elder abuse. Unfortunately, it is suspected that actual occurrences may be even greater than what is reported, for various reasons.

The definitions of abuse and exploitation vary from state to state, but they are defined by the National Council on Aging as follows:

- **Physical Abuse**—Inflicting, or threatening to inflict, physical pain or injury on a vulnerable person, or depriving them of a basic need.
- **Emotional Abuse**—Inflicting mental pain, anguish, or distress on a vulnerable person through verbal or nonverbal acts.
- **Sexual Abuse**—Non-consensual sexual contact of any kind, coercing a vulnerable person to witness sexual behaviors.
- **Exploitation**—Illegal taking, misuse, or concealment of funds, property or assets of a vulnerable person. Identity theft is also considered a form of exploitation.
- **Neglect**—Refusal or failure by those responsible to provide food, shelter, health care or protection for a vulnerable person.
- **Abandonment**—The desertion of a vulnerable person by anyone who has assumed the responsibility for care or custody of that person.

See Reverse for some important legislation concerning Human Rights

**For more information or questions contact Paul Smith at fsn@fairshake.org
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HB 2114 - Prohibits civil rights violations based on disability, gender identity or sexual orientation.

HB 2290 - Employment First Policy. The purpose of this bill is to provide for fair pay and maximized employment of disabled persons; create a state “Employment First” policy that encourages agencies to facilitate employment of disabled persons; establish a task force to initiate these policies; provide for the DHHR Bureau for Behavioral Health, Division of Rehabilitation Services, Department of Education, DHHR Bureau for Medical Services (State Medicaid Agency) and Workforce WV to implement the policy; and remove current exemption for paying minimum wages to persons in nonprofit workshops.

HB 2642 - Reentry Task Force. The purpose of this bill is to establish and create comprehensive reentry services for offenders reentering communities to reduce recidivism rates by providing standard services; family-based substance abuse services; educational services; drug treatment and mentoring services; responsible reintegration services; elderly and family reunification services; and children of incarcerated parents services.

HB 2651 - Pilot program to establish school-based mental and behavioral health services for students and families as an alternative to the standard disciplinary measures.

HB 2655 - Expands felony hate crime protections to individuals based on perceived or actual sexual orientation, gender identity, or disabilities.

HB 2671 - Updates and coordinates the financial exploitation statute with applicable rules and other related statutes. The bill clarifies proceedings regarding civil complaints and petitions for financial exploitation protective orders; includes potential criminal penalties for violation of the provisions of a financial exploitation protective order and requires notices of fines and penalties in all injunctive or protective orders.

SB 73 - Prohibits discrimination in access to organ transplants based on physical or mental disability.

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