

**Subject:** An Educational Resource: Report on Capacity to Consent to Sex

Dr. Deidre S. Gifford  
Department of Social Services  
State of Connecticut

Dear Dr. Gifford:

I am bringing to your attention a report that I have written specifically for APS professionals. It is titled "Capacity to Consent to Sex: Legal Standards & Best Practices for Adult Protective Services." This publication is available online, without cost, at:

<https://spectruminstitute.org/aps-capacity-sex.pdf>

The report takes an in-depth look at a sensitive and complicated area of the law, noting differences among the states in terms of legal standards for determining capacity to consent to sex. It also discusses best practices for applying those standards in real-life situations that APS workers may encounter. The report's analysis is relevant to both elders and dependent adults when concerns about their ability to consent to sex may arise. It includes a discussion of capacity assessment standards and practices for evaluating specific reports of abuse occurring in the past as well as for assessments that relate to more generalized concerns about potential future sexual exploitation or abuse.

The report has been endorsed by an educator and by a prosecutor associated with the National Adult Protective Services Association (NAPSA). Their reviews appear below.

Please share this email and link to the report with supervisory personnel who approve educational materials and training programs for APS professionals in your state and with anyone else who may benefit from this information.

Thank you for your attention.

Thomas F. Coleman  
Legal Director  
Spectrum Institute  
<https://spectruminstitute.org/>  
(818) 482-4485

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Dear Mr. Coleman,

I've just finished reading your paper on the Capacity to Consent to Sex, and I am very impressed! I think that it is a very thorough and significant piece.

You have done, in my opinion, what most trainers, writers of trainings, policy makers, and other professionals in the Adult Protective Services and related fields would like to do; but have neither the time nor expertise to pursue. That is to address the question of capacity to consent to sex from various state perspectives, as well as from a rather human perspective.

One note as a trainer and writer/interpreter for training materials; your paper is very well researched and documented as it should be. And, I can't resist adding, for something written by an attorney, is very understandable for we mere mortals who are not attorneys.

Thank you for giving me the opportunity to read your paper. It is terrific, and much needed information.

Kevin Bigelow  
Consultant, Certificate Program  
National Adult Protective Services Association

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Dear Tom:

I am in agreement with Kevin Bigelow as to his comments about your paper.

You have taken a very delicate topic and provided a fascinating overview. It is clear that you took considerable time to research the concept of consent.

So I have no problem in attaching my name to any "endorsement" of this specific work.

I am humbled by the fact that you have reached out to me to be a "peer" critic.

Kind regards  
Paul Greenwood  
NAPSA Board Member  
Former Elder Abuse Prosecutor