

# Legal Responsibility for Adult Protective Services

## Statutory References

★ *Federal: Title XX, Social Security Act*

★ *State: Chapter 48, Human Resources Code*

## Major Provisions:

- ▲ Mandatory reporting of suspected abuse, neglect, and exploitation of elderly persons and adults who are disabled.
- ▲ Receipt and investigation of all reports (unless patently false); initiation of investigations within 24 hours of receipt of report.
- ▲ Responsibility for investigations in facilities operated by the Texas Department of Mental Health and Mental Retardation (TxMHMR) and community MHMR centers.
- ▲ Responsibility of other state agencies to investigate.
- ▲ Responsibility for guardianship of persons with disabilities who age out of Child Protective Services (CPS) conservatorship.
- ▲ Assessment of the adult's capacity to understand the situation and the degree of danger it presents.
- ▲ Provision or arrangement of the services needed to prevent or alleviate maltreatment.
- ▲ Honoring the individual's right to self-determination and using the least restrictive alternative in the provision of protective services.
- ▲ Authority to seek court orders when necessary to gain access to the individual, to prevent interference with the provision of voluntary protective services, to provide emergency protective services, to access records or documents, and to initiate emergency protective services (e.g., a removal) after hours and on holidays without a court order.
- ▲ Requirement to notify law enforcement if the investigation reveals that an elderly or disabled person has been abused in a manner that constitutes a criminal offense.
- ▲ Confidentiality of case records.

## Factors Contributing to Maltreatment and Neglect

- ▲ Aging population.
- ▲ Growing number of younger persons with disabilities.
- ▲ Alcohol and drug dependency.
- ▲ Unemployment.
- ▲ Lack of affordable housing.
- ▲ Inadequate access to health care.
- ▲ Pathological family relationships/violence as a coping mechanism in society.
- ▲ Physical and mental stress of caregiving in traditionally non-violent, caring households.
- ▲ Welfare reform policies that deny SSI and Medicaid benefits to elderly and disabled immigrants and persons with disabilities related to chemical addiction.

### Obstacles to Meeting Needs:

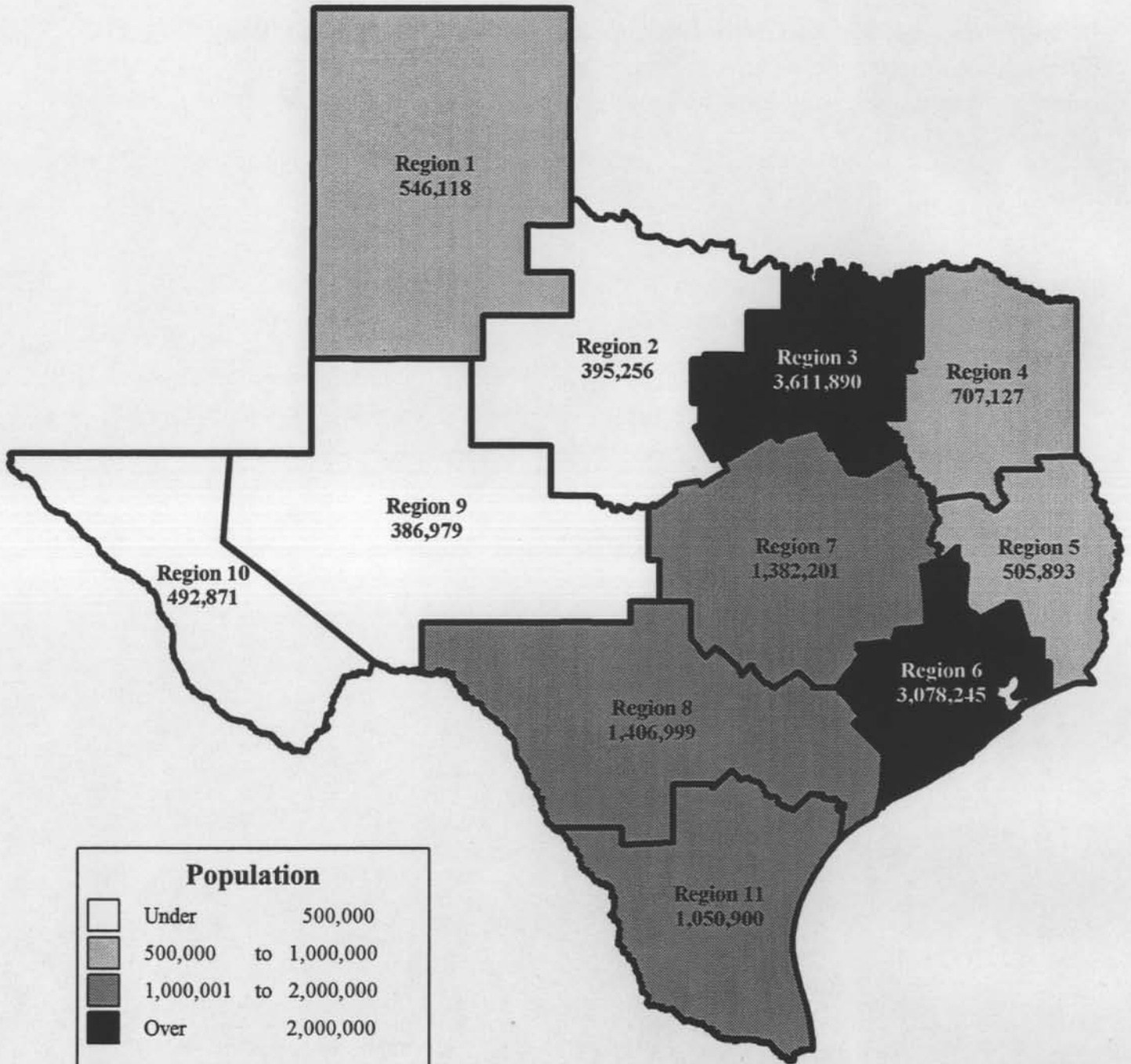
- Need for long term therapeutic and residential services for aging-out CPS clients who will be maintained under guardianship of PRS as adults.
- De-institutionalization of persons who are mentally ill and/or mentally retarded.
- Not enough licensed board and care homes, TxMHMR registered homes, and adult foster homes.
- Waiting lists for in-home care.
- Shortage of resources to serve persons denied benefits under welfare reform.

## **Review and Oversight of Other State Agency Investigations**

In September, 1995, the 74th Legislature amended Chapter 48 delegating PRS' oversight of other agencies' investigations to the respective agency boards, with agency rules governing investigations to be approved by the Health and Human Services Commission (HHSC).

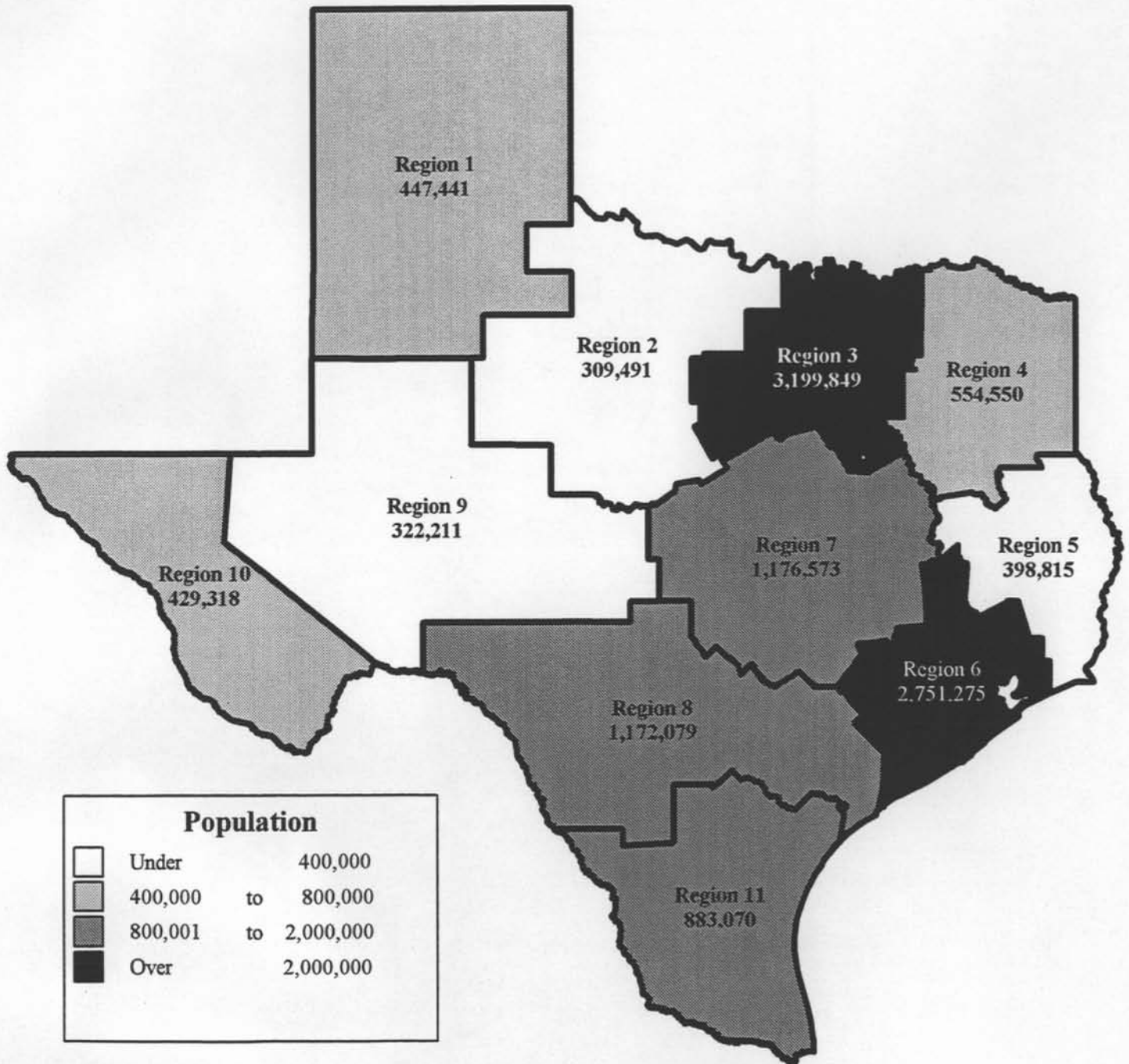
# Texas Adult Population Ages 18 and Over by Region (FY 1996)

13,564,479



# Texas Younger Adult Population Ages 18 to 64 by Region (FY 1996)

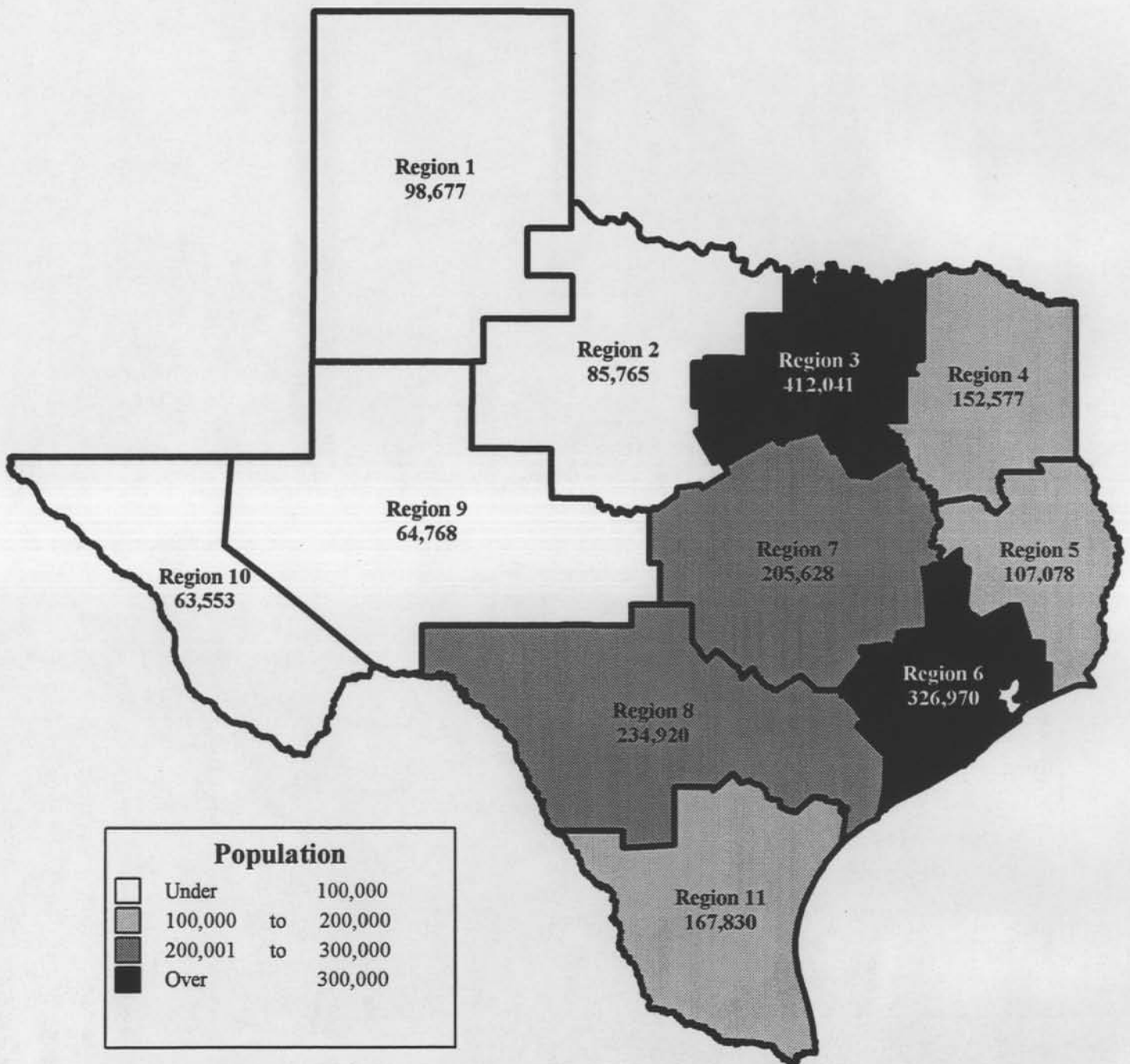
11,644,672



# Texas Older Adult Population Ages 65 and Over

by Region (FY 1996)

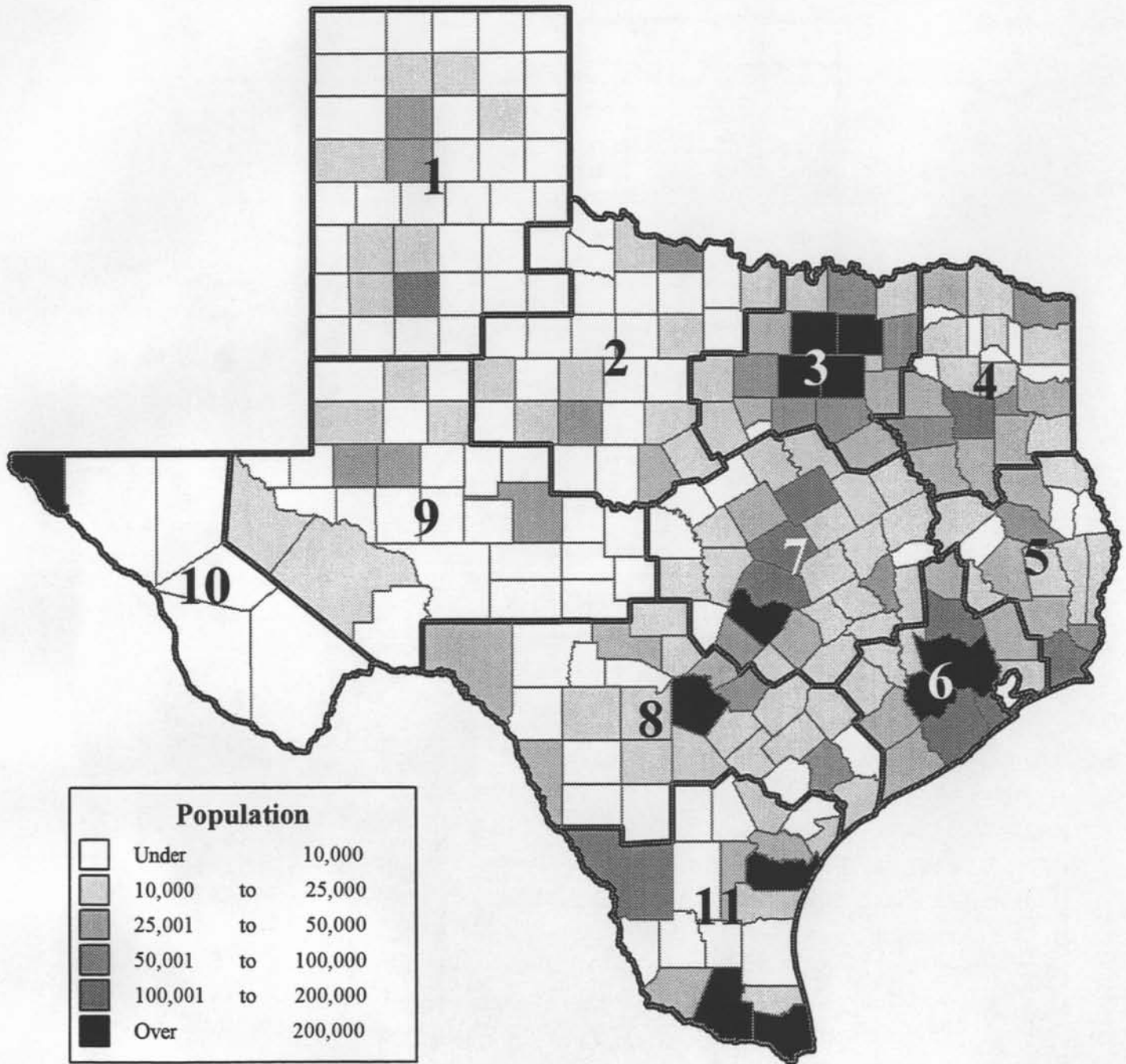
1,919,807



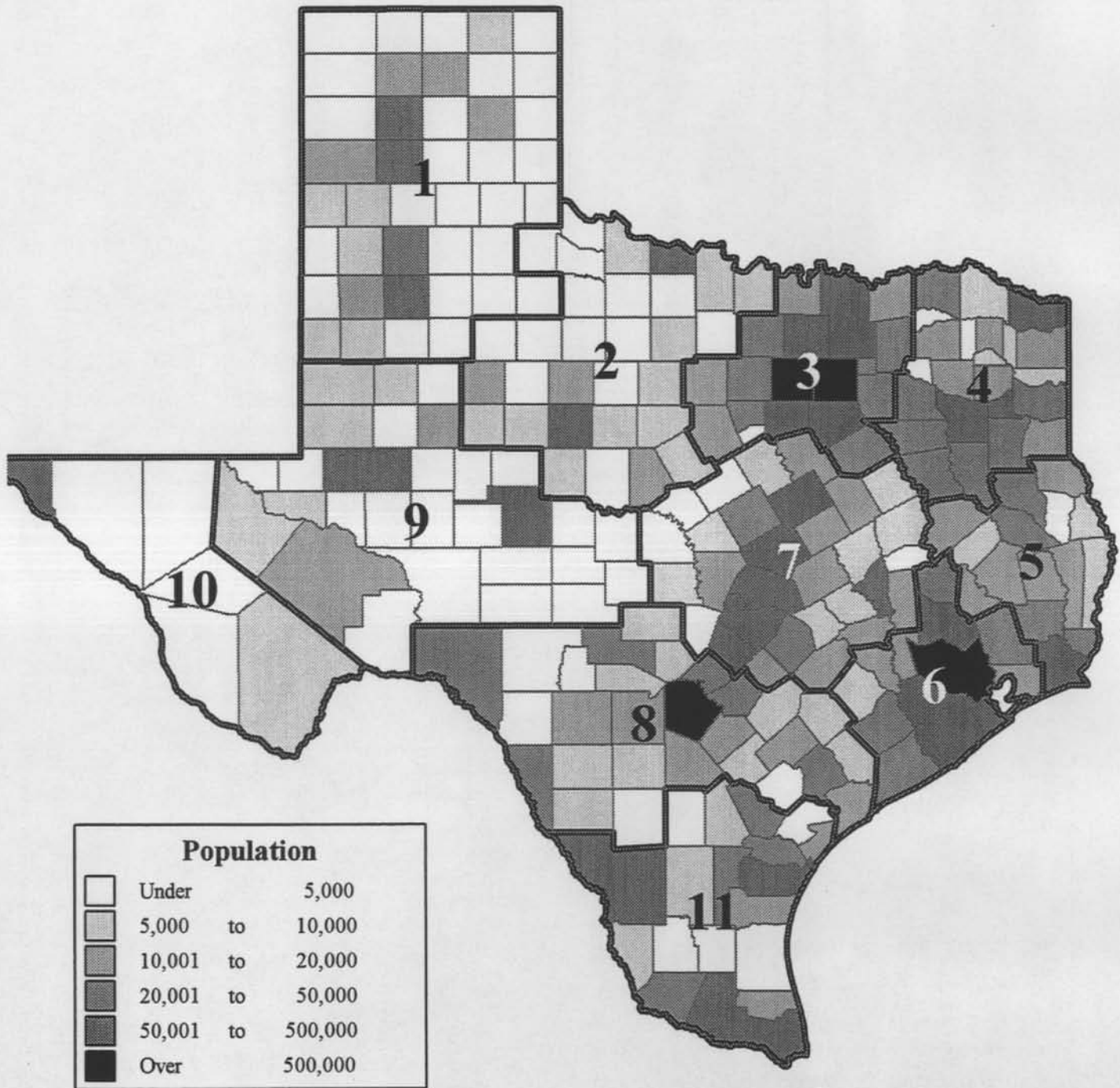
# Texas Total Adult Population Ages 18 and Over

## by County ( FY 1996 )

13,564,479

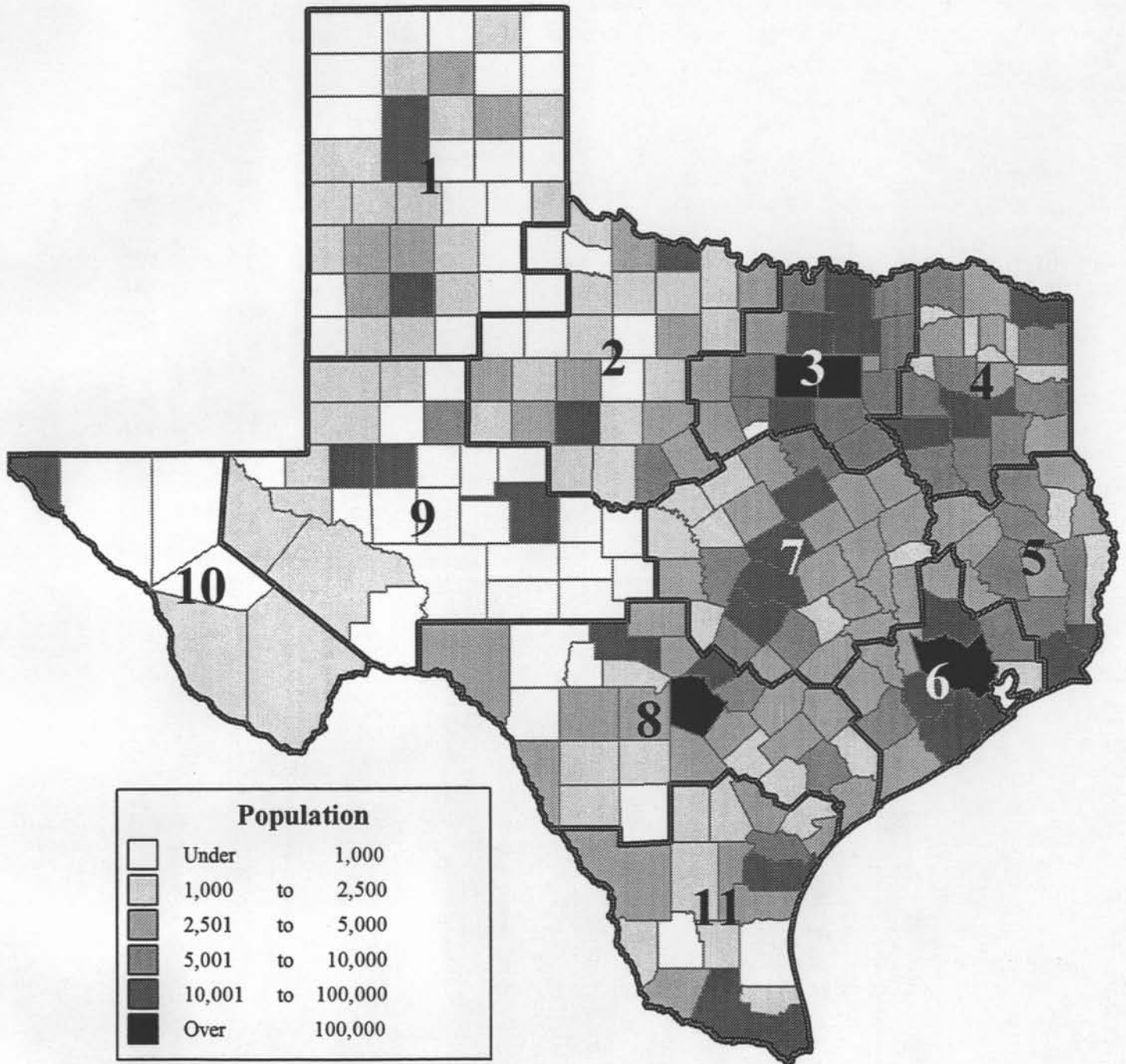


**Texas Younger Adult Population Ages 18 to 64**  
**by County ( FY 1996 )**  
**11,664,672**

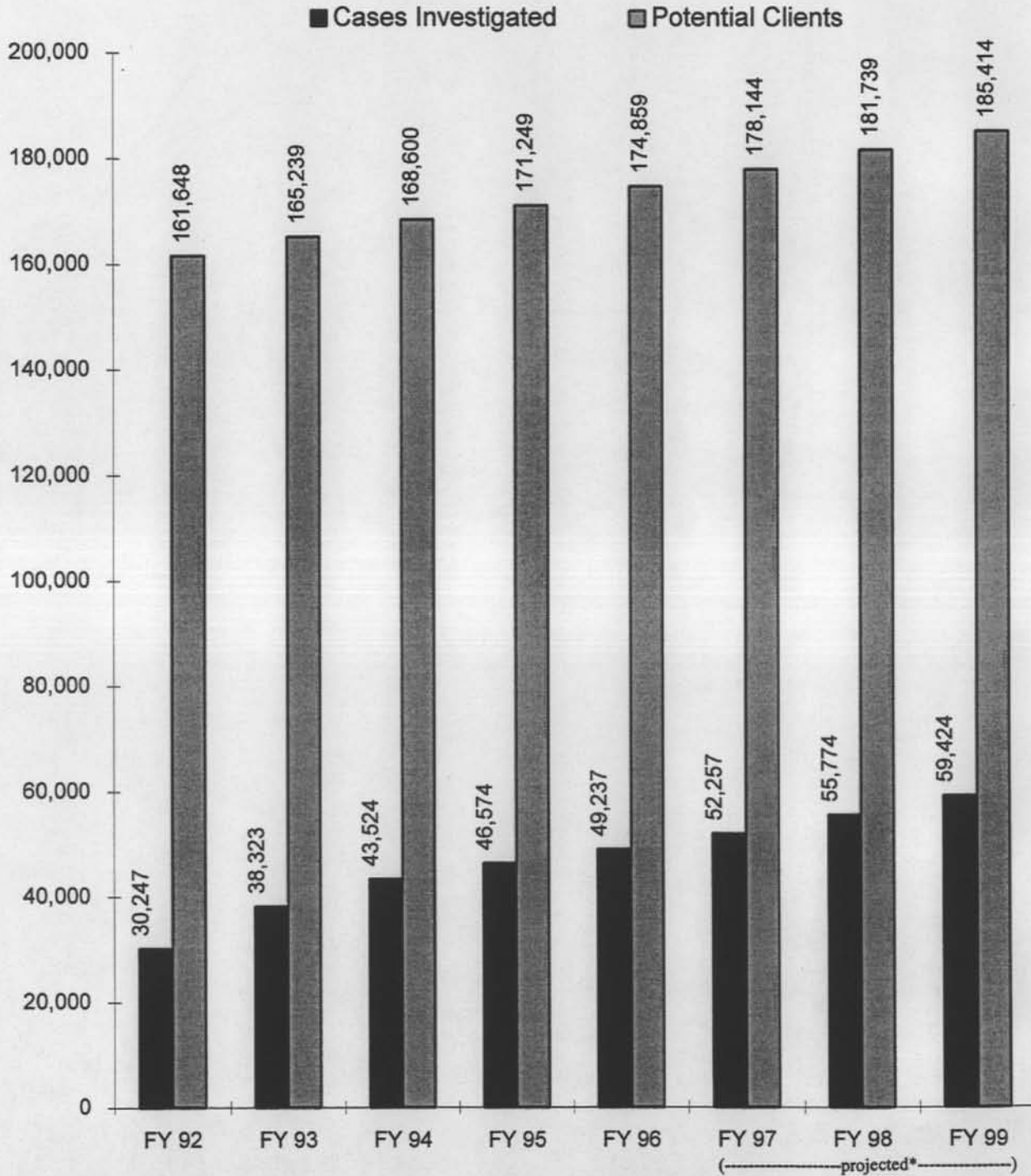




**Texas Older Adult Population Ages 65 and Over**  
**by County (FY 1996)**  
**1,919,807**

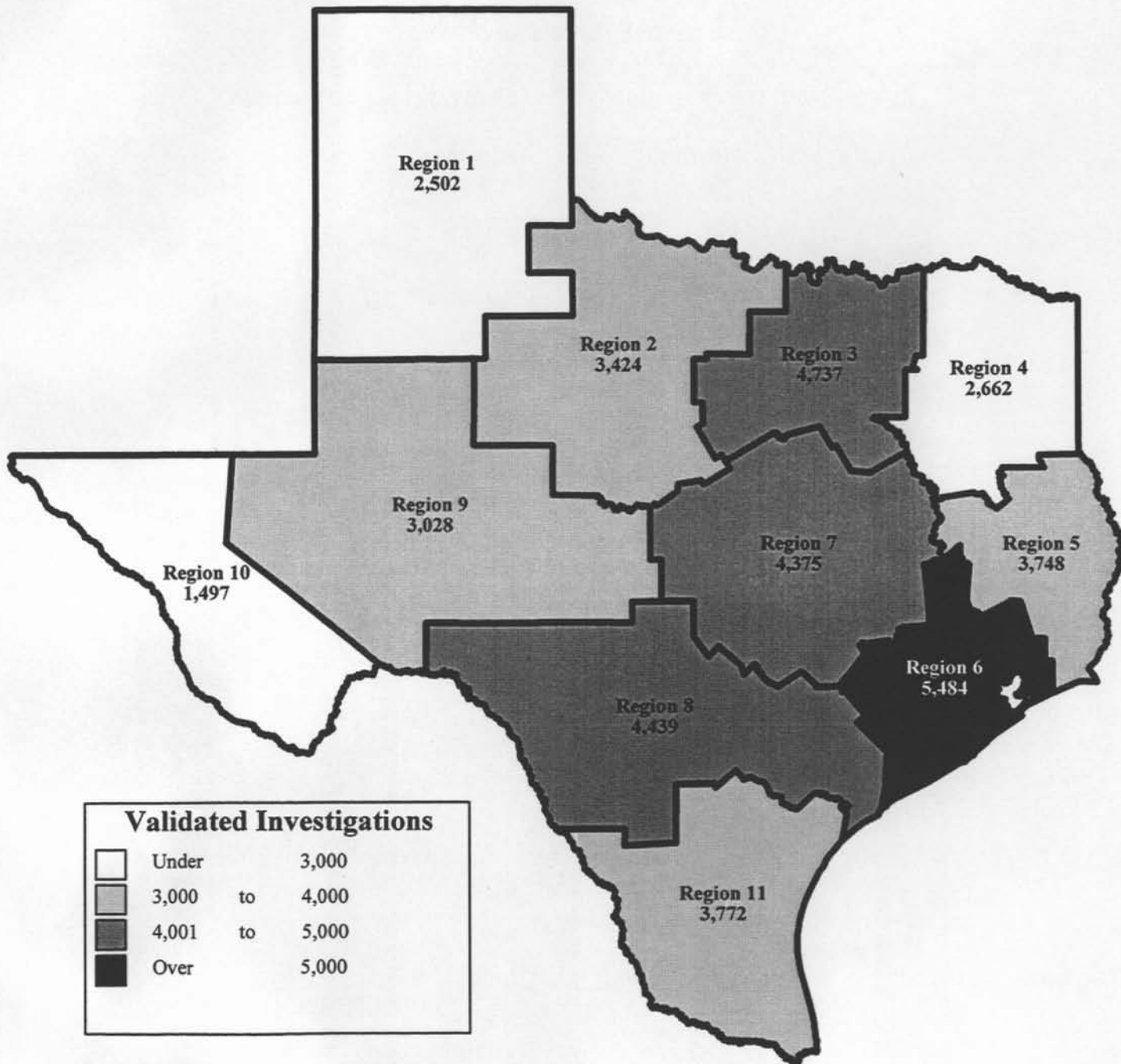


**Over 174,000 Vulnerable Adult Texans Needed Protection;  
Only 28.2% Were Reported and Received an Investigation  
During Fiscal Year 1996**



\*Projection--as of August 31, 1996.

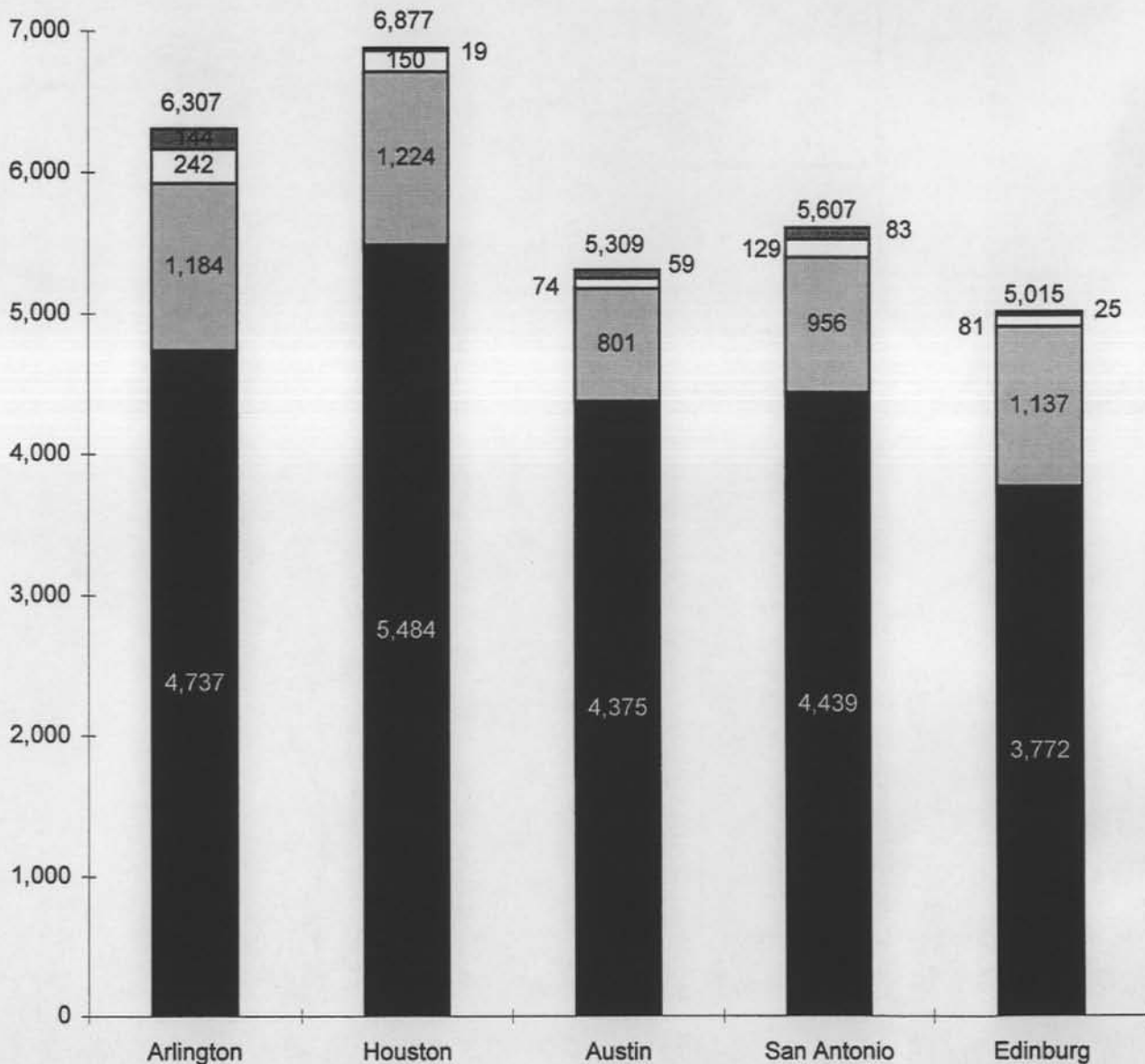
**Texas Adult Protective Services Validated  
Investigations by Region ( FY 1996 )  
39,668\***



\*Regional counts based on BJN of the worker investigating the case.

## APS Confirmed Investigations to Total Investigations Completed by Region Fiscal Year 1996

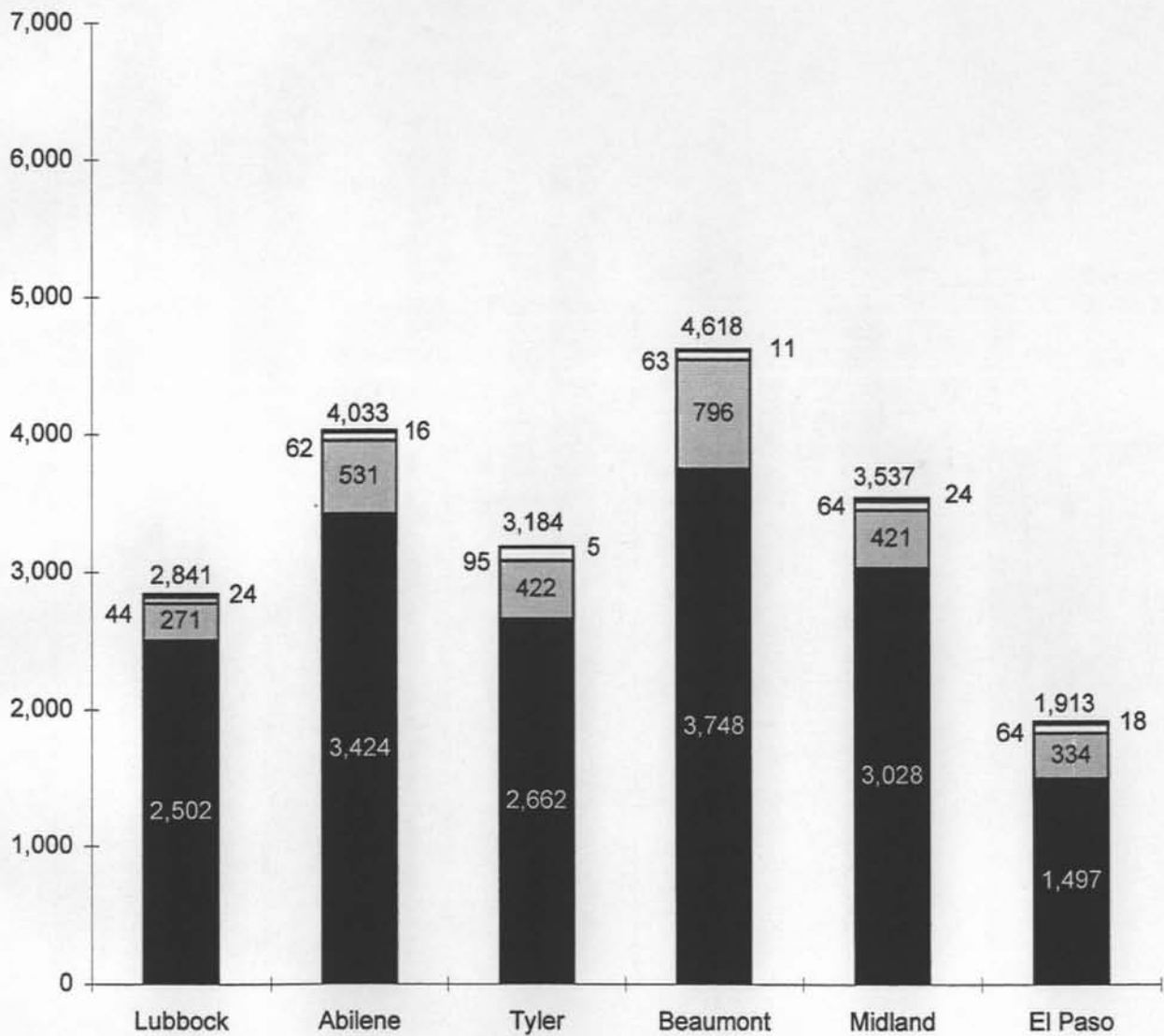
- Validated Investigations
- Invalid Investigations
- Unable to Determine
- Other\*



\*Other category refers to those cases that workers could not complete investigations for some reason: clients moved, clients died or cases were misclassified.

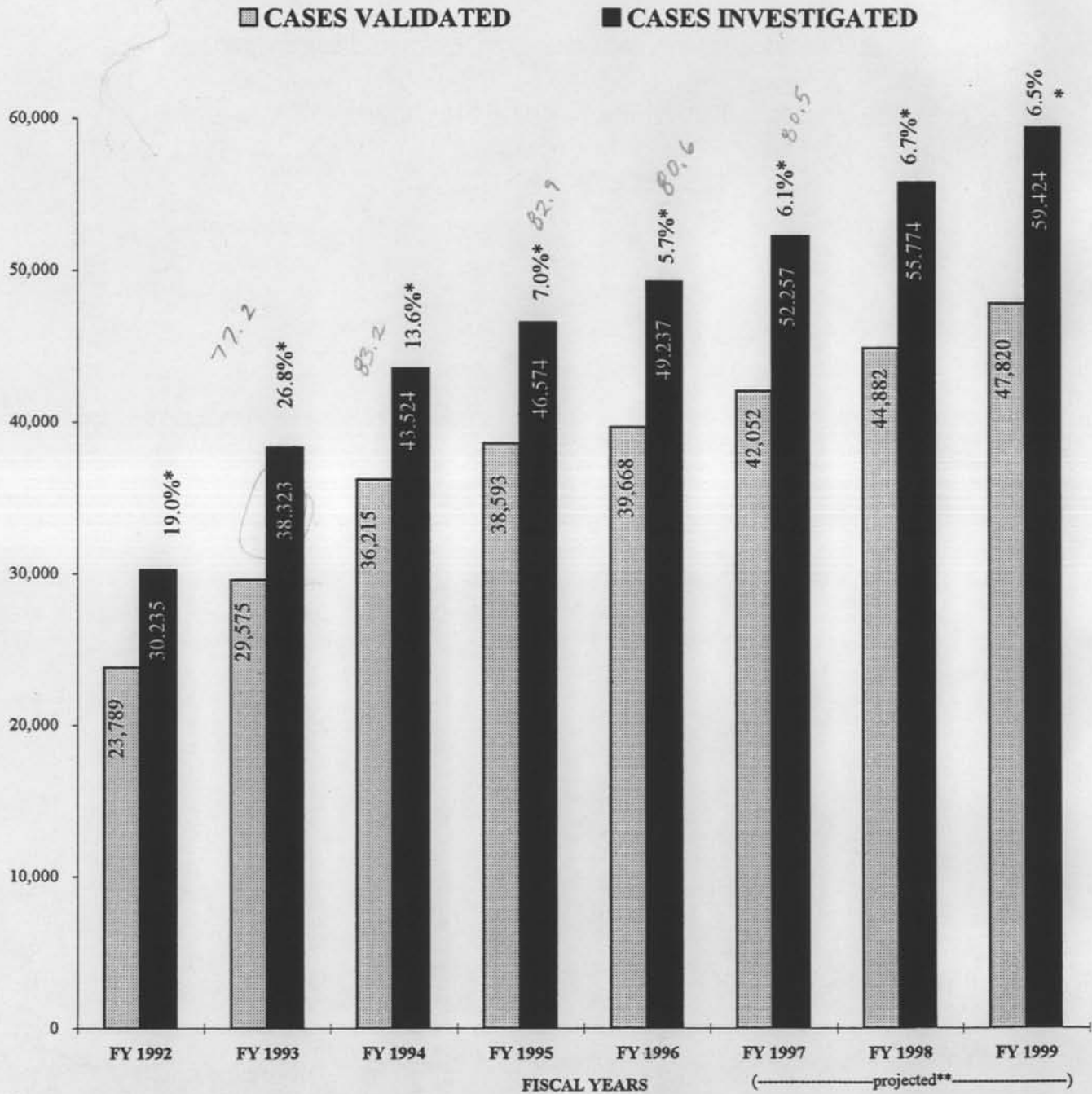
## Confirmed Investigations to Total Investigations Completed by Region Fiscal Year 1996

Validated Investigations       Invalid Investigations  
 Unable to Determine       Other\*



\*Other category refers to those cases that worker could not complete investigation for some reason: clients moved, clients died or cases were misclassified.

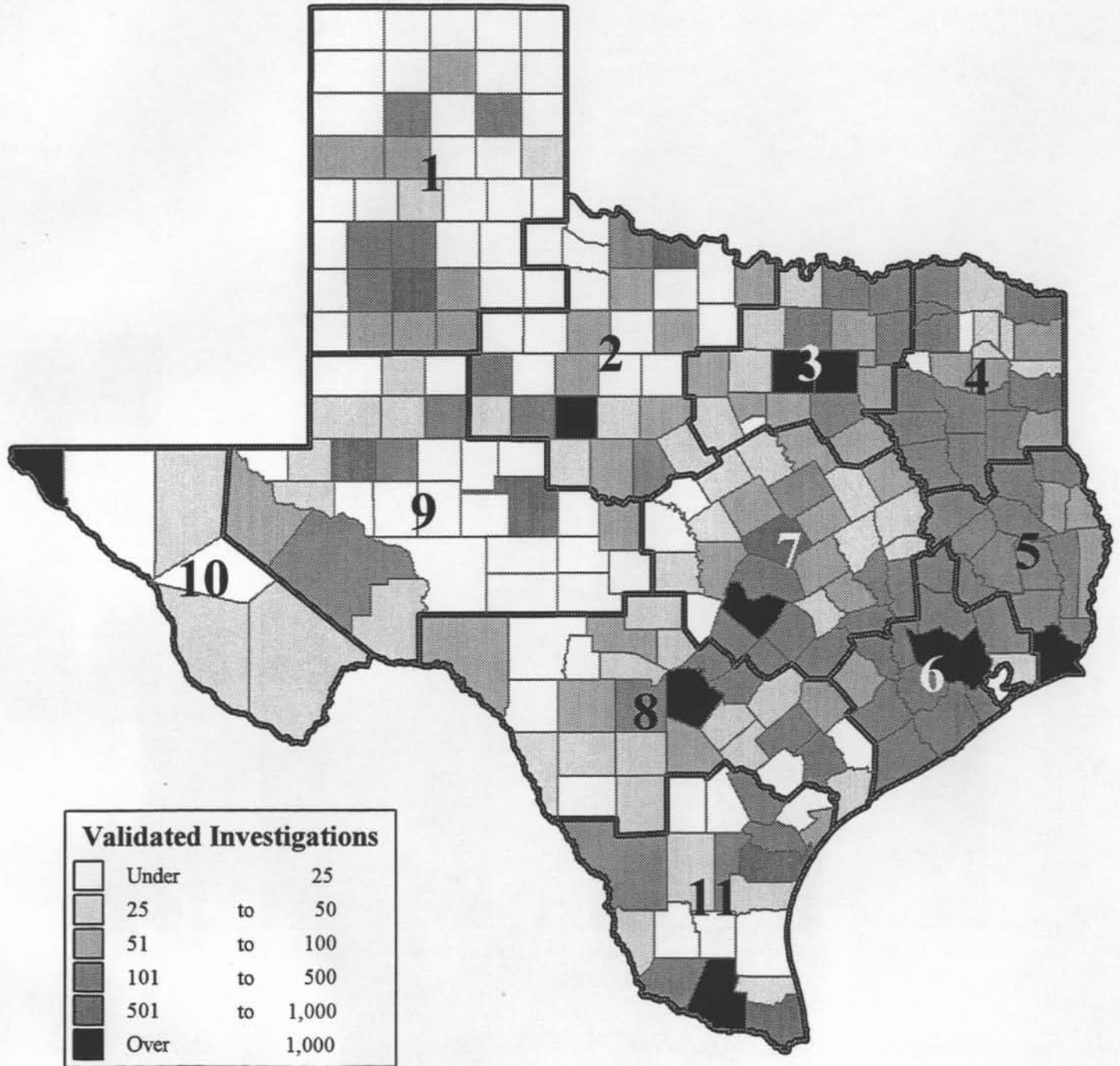
# APS INVESTIGATIONS AND VALIDATIONS BY FISCAL YEAR



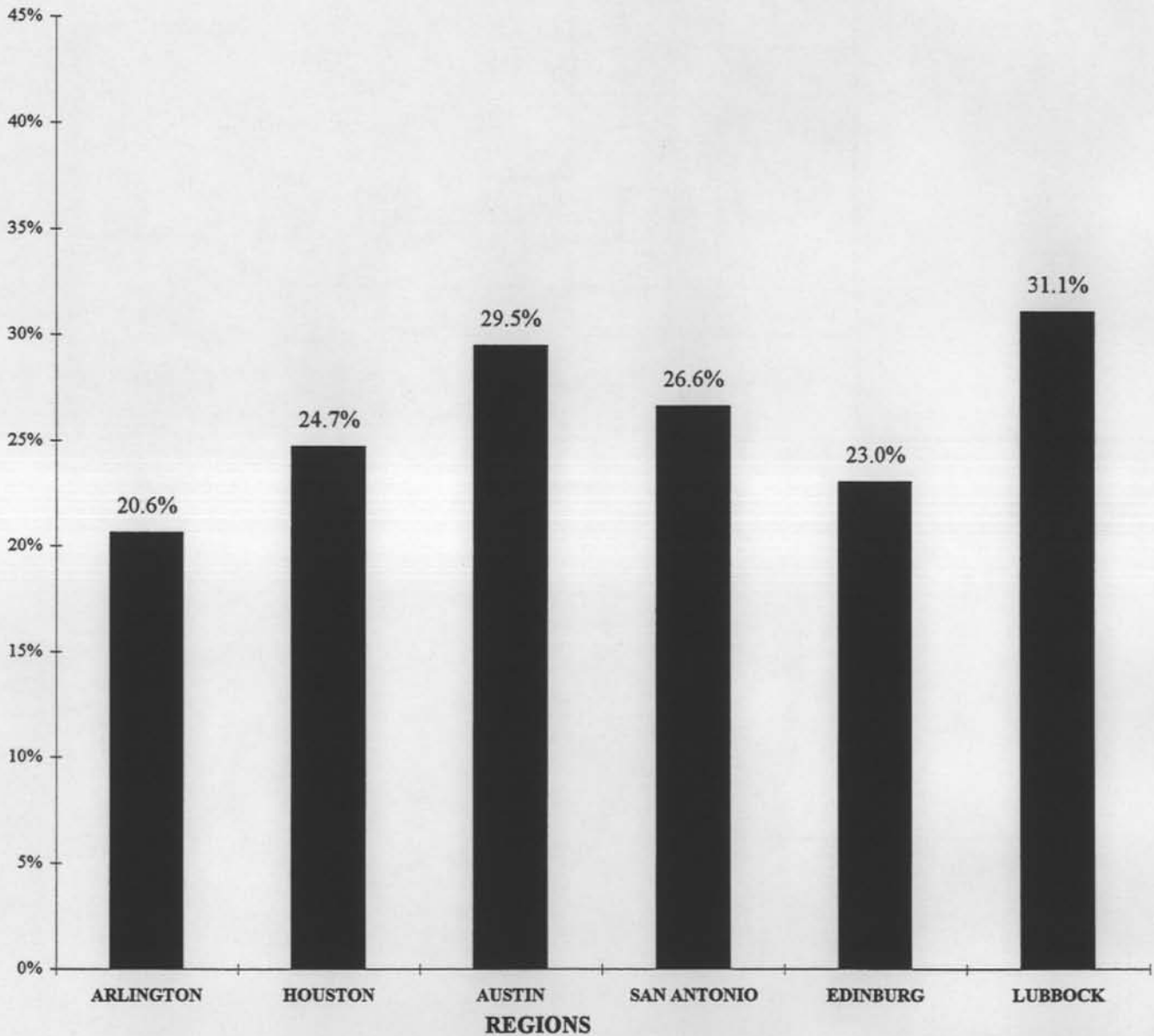
\*Indicates the percent of increase of APS investigations from the previous fiscal year.  
 \*\*projections are as of August 31, 1996.

# Texas Adult Protective Services Validated Investigations by County ( FY 1996 )

39,668



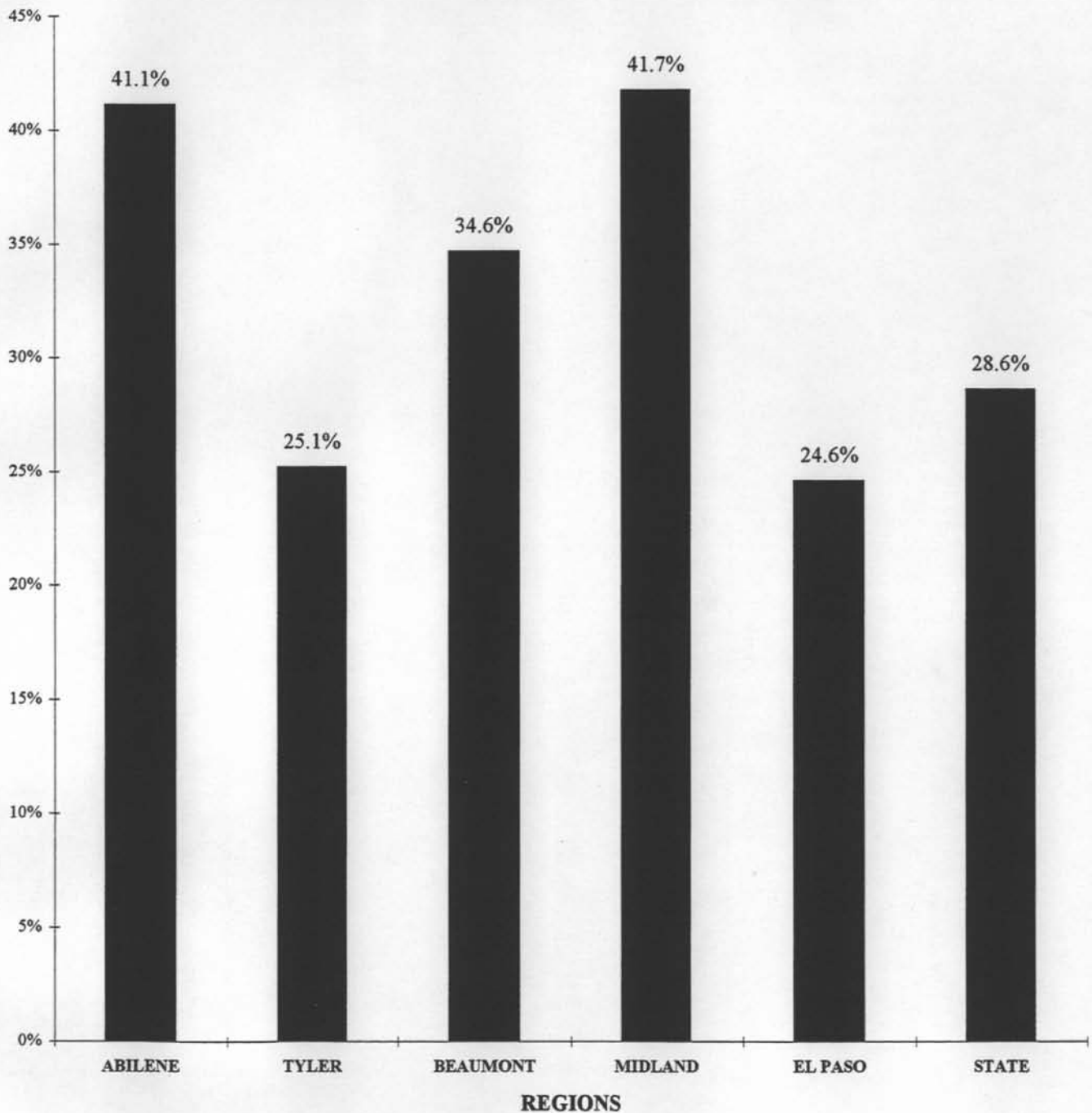
**RECIDIVISM\* OF ABUSE AND/OR NEGLECT OF  
VULNERABLE ADULTS IN IN-HOME SETTINGS BY  
REGION IN FISCAL YEAR 1996**



\*Percent of APS clients referred to APS system more than once during the fiscal year, including those clients who refused services and were referred again.

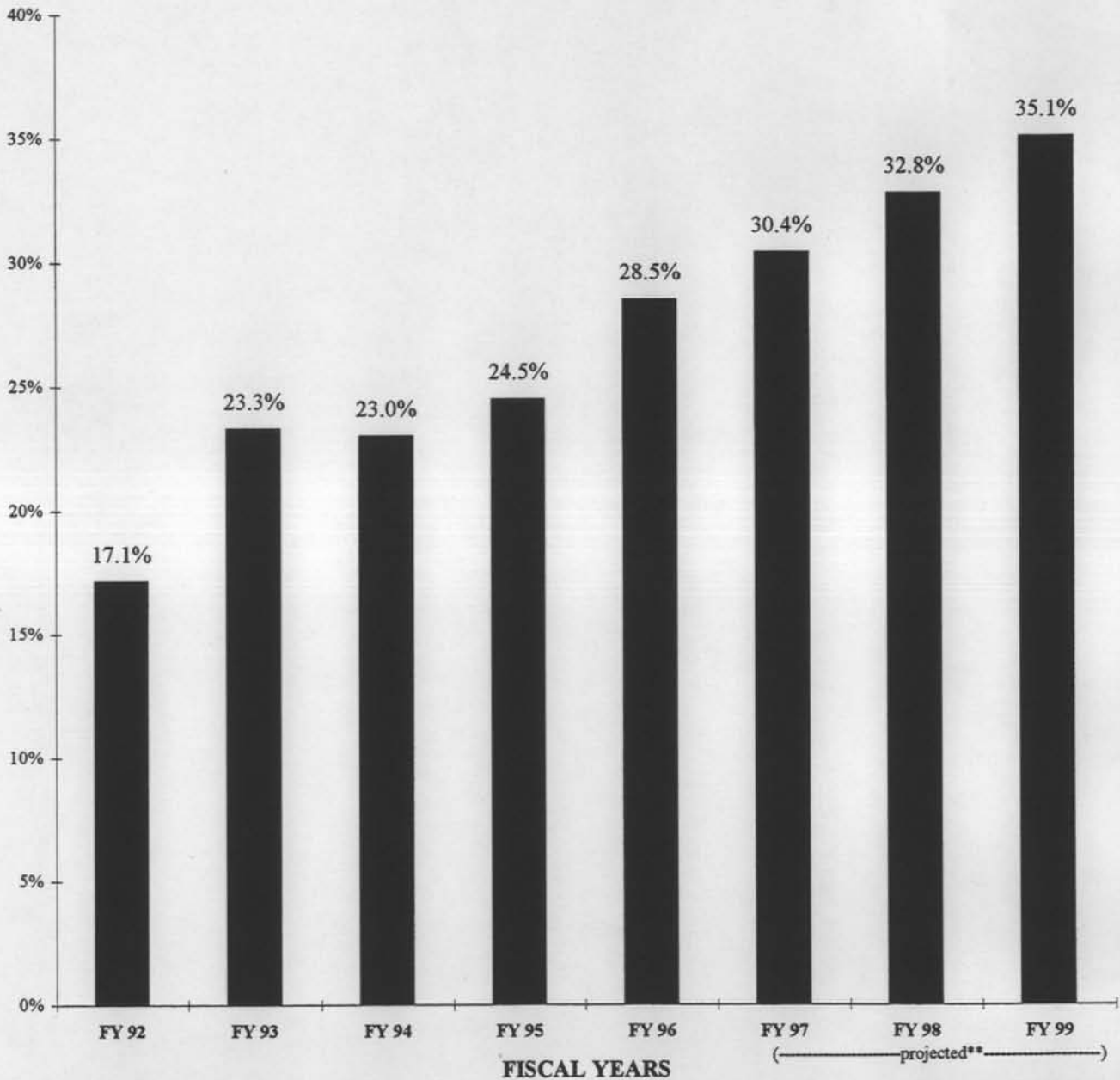


**RECIDIVISM\* RATE OF ABUSE AND/OR NEGLECT  
OF VULNERABLE ADULTS IN IN-HOME SETTINGS  
BY REGION IN FISCAL YEAR 1996**



\*Percent of APS clients referred to APS system more than once during the fiscal year, including those clients who refused services and were referred again.

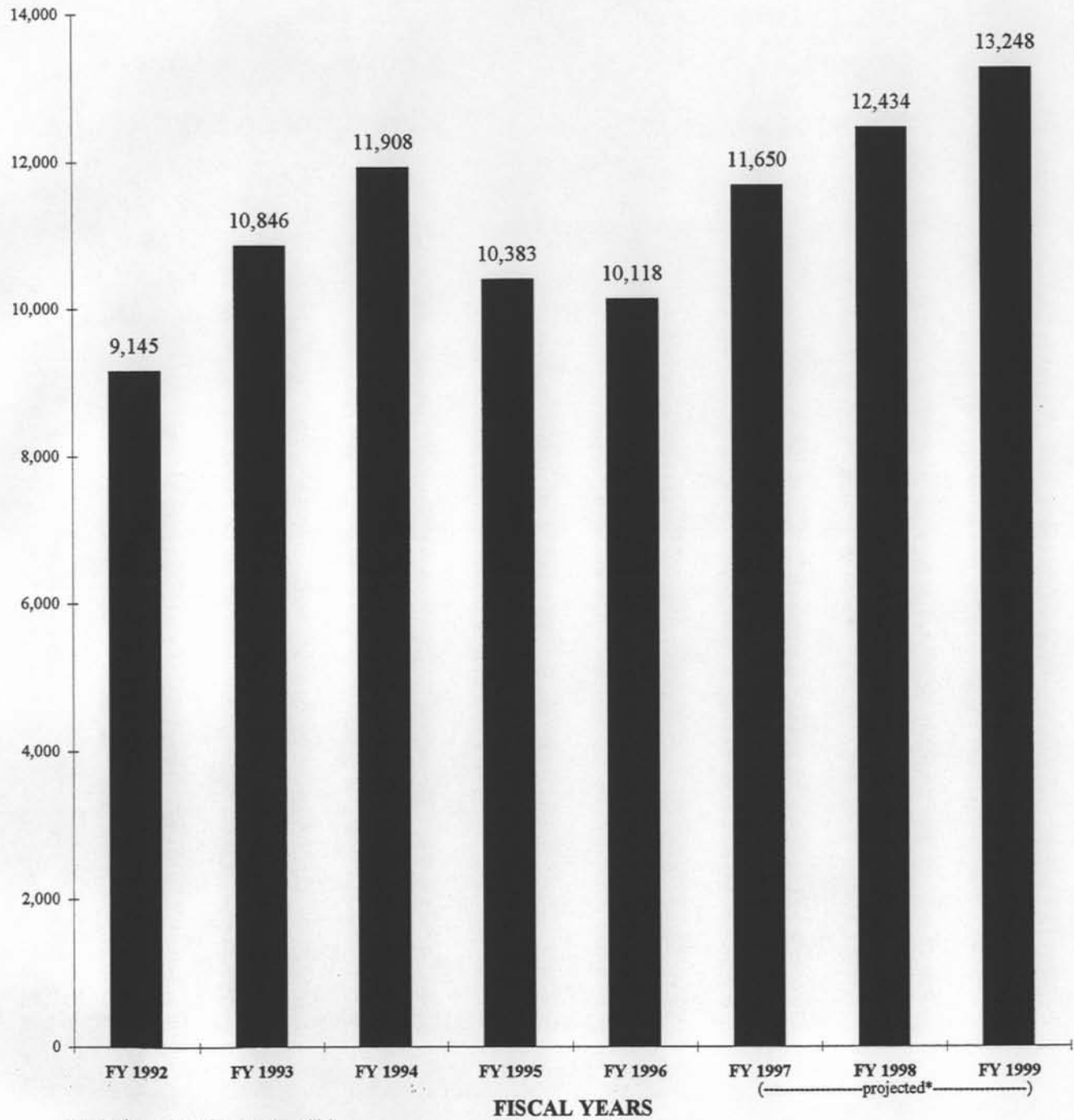
## RECIDIVISM\* OF ABUSE AND/OR NEGLECT OF VULNERABLE ADULTS IN IN-HOME SETTINGS BY FISCAL YEAR



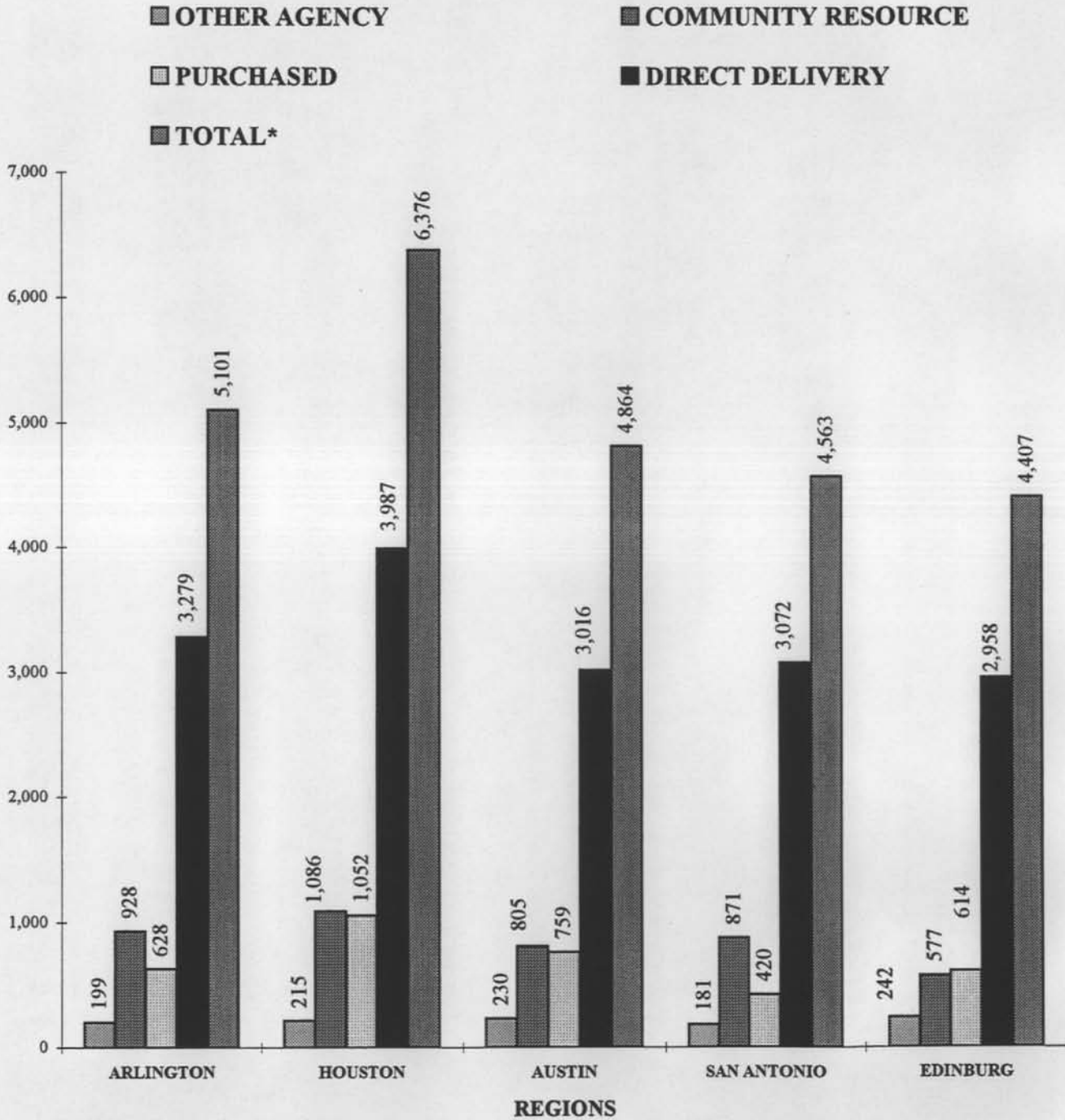
\*Percent of APS clients referred to APS system more than once during the fiscal year, including those clients who refused services and were referred again.

\*\*Projections are as of August 31, 1996.

## APS AVERAGE MONTHLY CASELOAD BY FISCAL YEAR

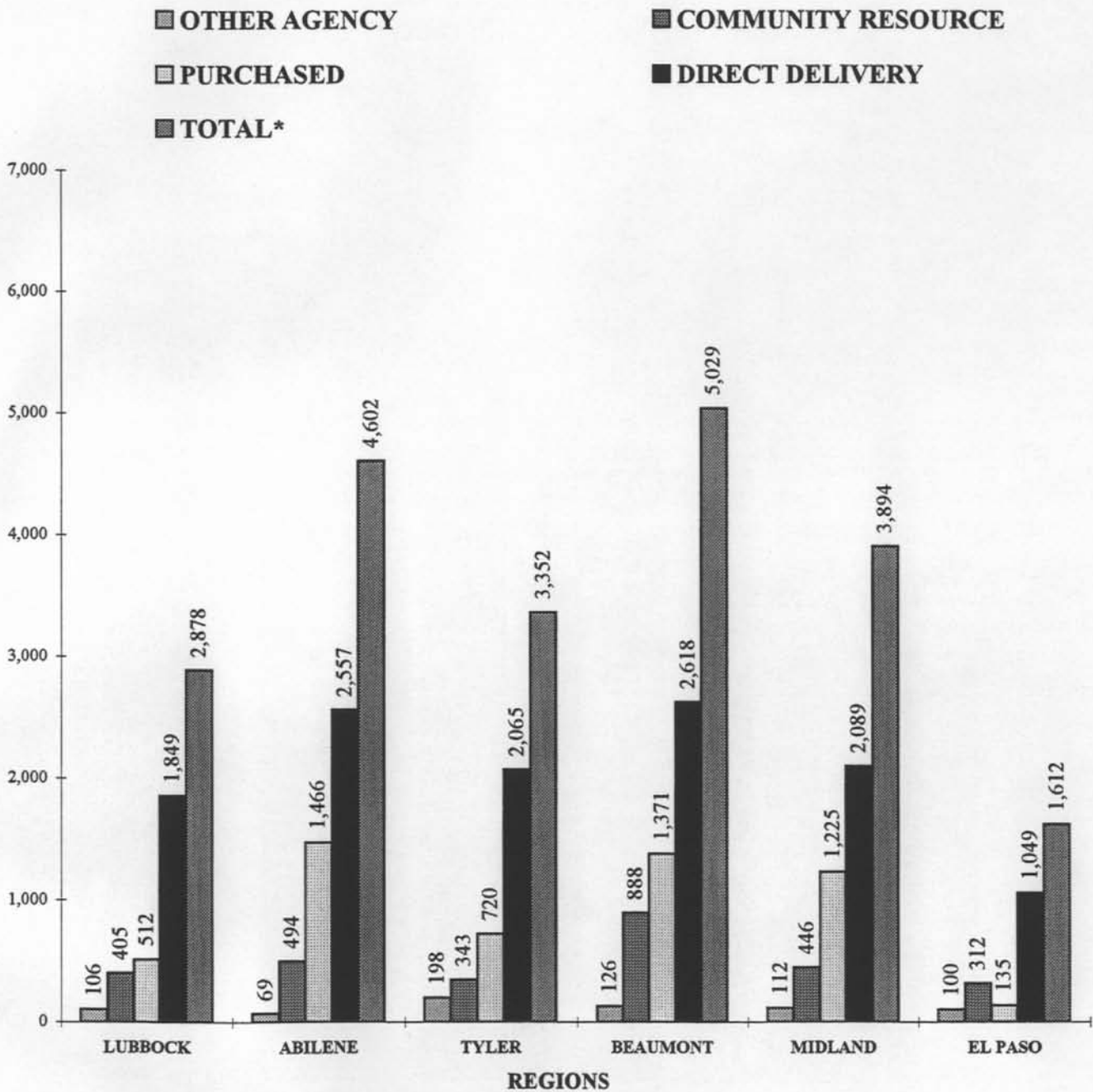


## APS CLIENTS RECEIVING SERVICES BEYOND INVESTIGATION BY REGION IN FISCAL YEAR 1996



\*Total includes legal service cases which are not shown.

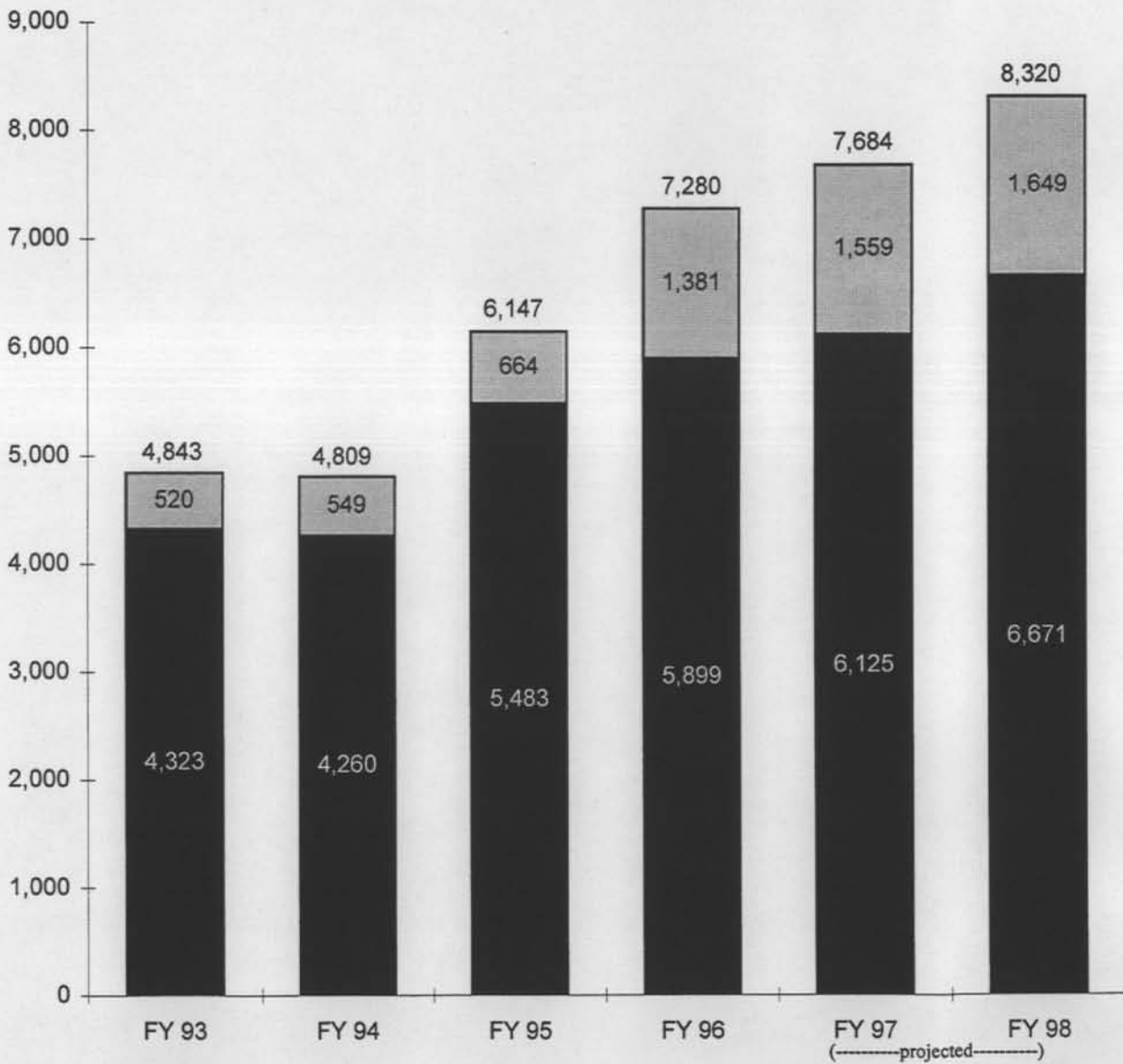
## APS CLIENTS RECEIVING SERVICES BEYOND INVESTIGATION BY REGION IN FISCAL YEAR 1996



\*Total includes legal service cases which are not shown.

## Investigations in TxMHMR Facilities, Outreach Programs, and Community Centers

Tx MHMR Facility     
  Community Center



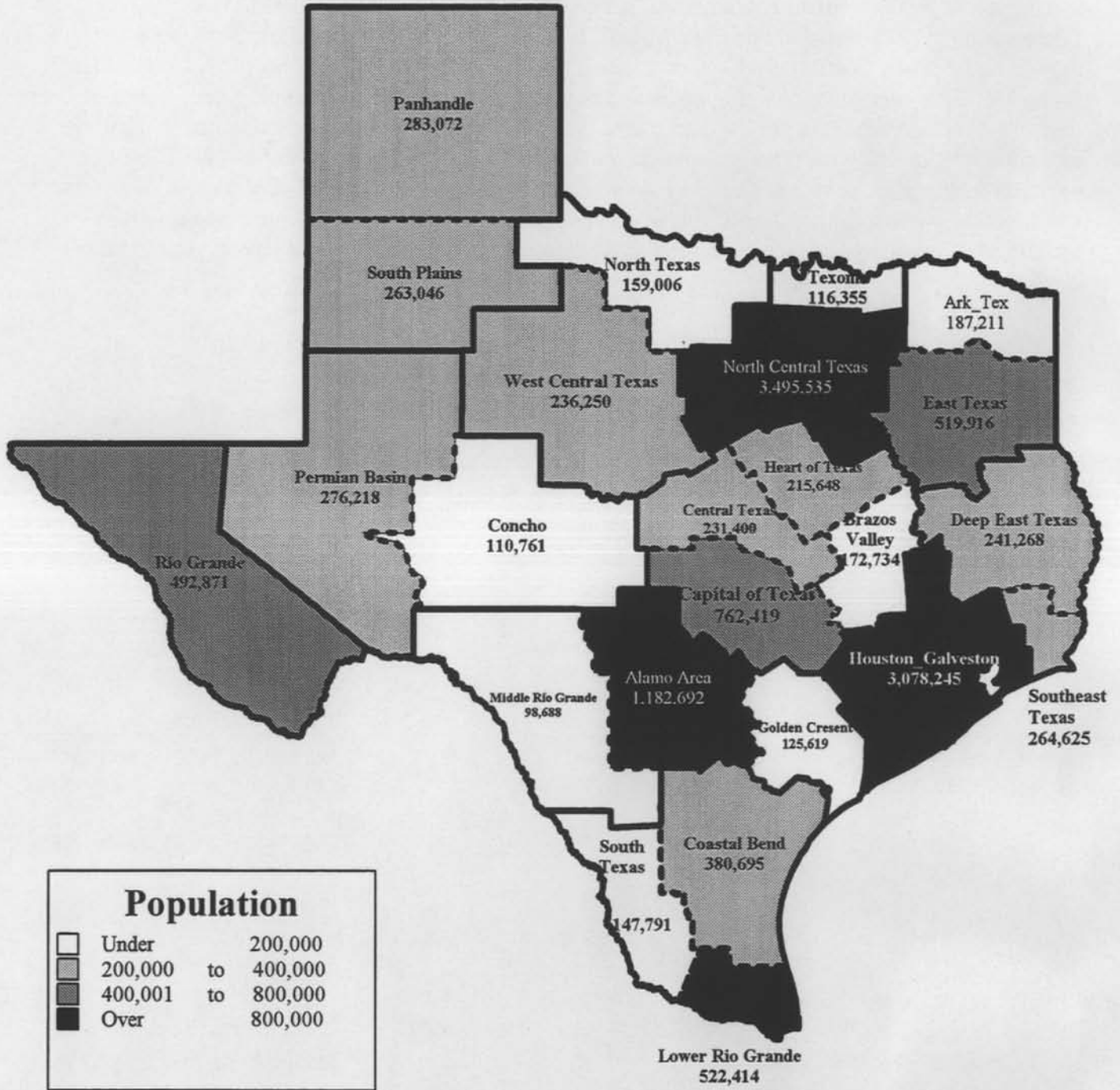
## Footnote for Legislative Data Book

The Texas Department of Protective and Regulatory Services (PRS) formally began investigating abuse and neglect in Texas Department of Mental Health and Mental Retardation (MHMR) Community Centers in July 1995. Prior to this time, MHMR reported and handled investigations of abuse and neglect in their own Community Centers. Data for FY 1992 through FY 1995 are provided by MHMR. Using MHMR's method of counting abuse and neglect reports received and investigated, counts include only one incident per victim per day and counts group incidents as one as opposed to one incident per individual victim involved in the group incident. PRS investigated 529 cases in FY 1995 (based on counting multiple incidents per day and each victim in a group incident). PRS reported 363 investigations with an intake date of July and August of FY 1995. Projections are based on PRS' method of counting investigations and reflect an average of approximately 122 reports per month in FY 1996.

# Texas Adult Population Ages 18 and Over

by COG\* ( FY 1996 )

13,564,479

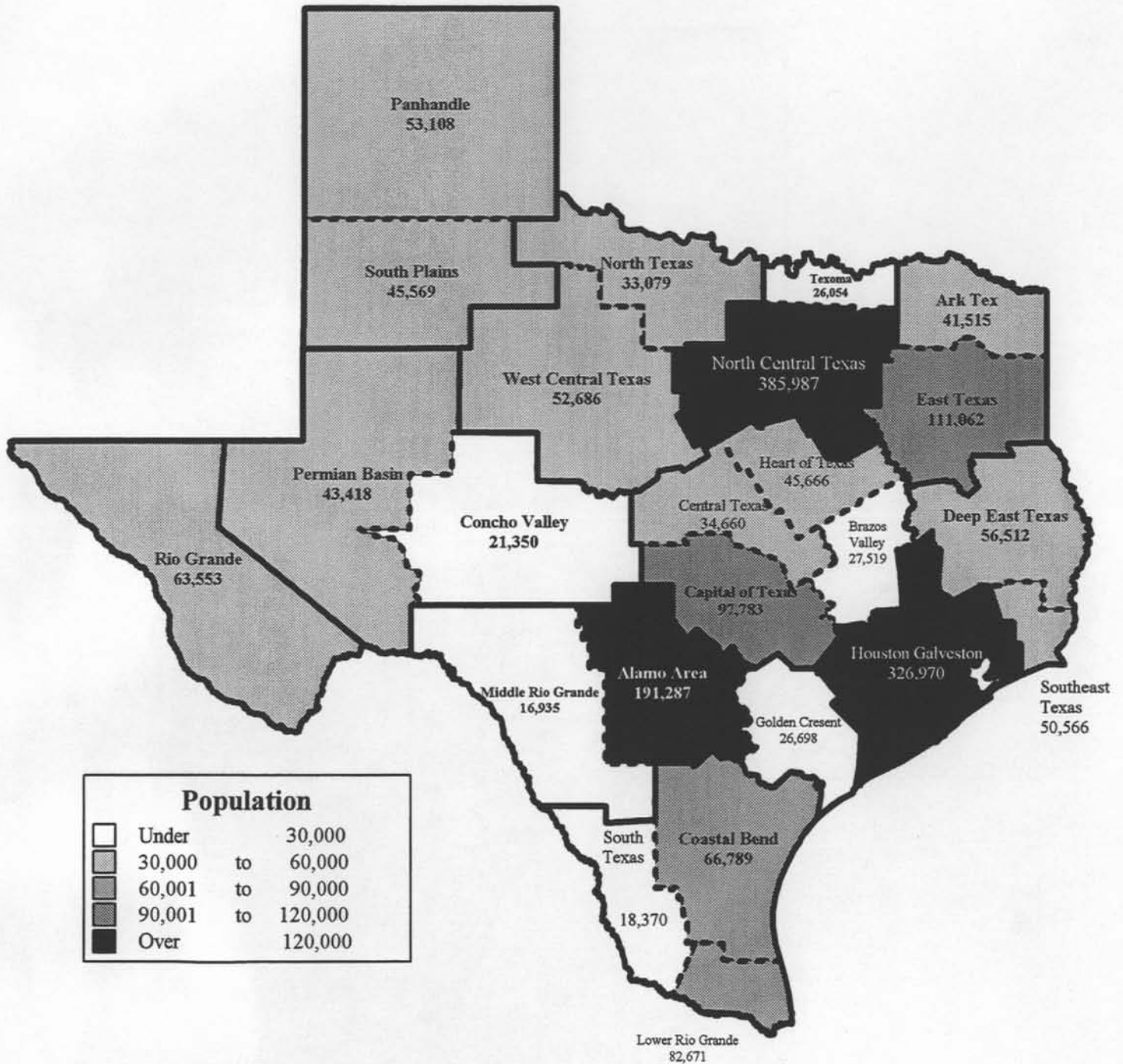


Population	
Under	200,000
200,000 to	400,000
400,001 to	800,000
Over	800,000

\*Regional councils are voluntary associations of local governments formed under Texas law. The geographic boundaries of these councils must coincide with the 24 state planning regions designated and biennially reviewed by the governor.



# Texas Older Adult Population Ages 65 and Over by COG\* ( FY 1996 ) 1,919,807



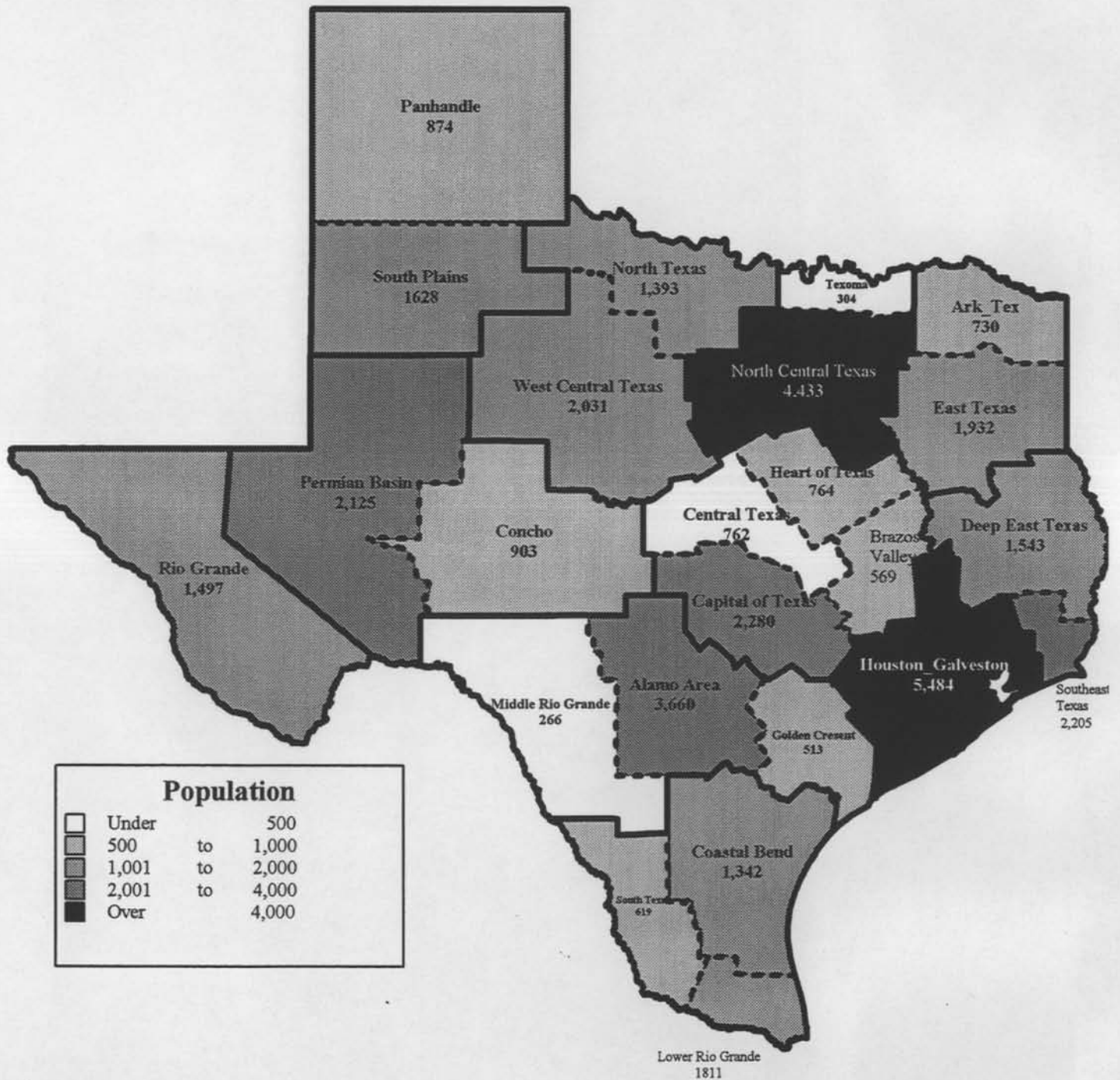
Population	
Under	30,000
30,000 to	60,000
60,001 to	90,000
90,001 to	120,000
Over	120,000

\*Regional councils are voluntary associations of local governments formed under Texas law. The geographic boundaries of these councils must coincide with the 24 state planning regions designated and biennially reviewed by the governor.

# Texas Adult Protective Services

## Validated Investigations by COG\* (FY 1996)

39,668



\*Regional councils are voluntary associations of local governments formed under Texas law. The geographic boundaries of these councils must coincide with the 24 state planning regions designated and biennially reviewed by the governor.