

**H**oyt M., age 92,  
of Slaton,

enjoyed living in the  
same apartment he had  
called home since 1925.

But since his wife  
passed away a couple of  
years ago, he faced some  
difficulties. In 1997,  
APS investigated his  
possible self-neglect and  
fought for him to live in  
the apartment.

However, before  
summer's end, he was  
no longer able to live on  
his own due to illness.

Caseworker Michael  
Hardin was able to find  
a family member willing  
to be his guardian.

# Adult Protective Services

**T**HE PROTECTION of people who are elderly or have disabilities continues to be a growing issue in Texas. They make up almost a quarter of the state's total population; in 1997 there were 1.9 million persons age 65 and older and 2.5 million people with disabilities in Texas. Many live alone or are dependent on others for care.

Adult Protective Services (APS) is responsible for investigating abuse, neglect, and exploitation of adults who are elderly or have disabilities. These adults may live in their own homes or in

certain types of facilities. APS has three branches: in-home investigations and services, facility investigations, and guardianship services.

## **In-home Services**

The largest branch of APS is in-home investigations and services. It provides for protection of vulnerable adults age 18 and older who reside in their own homes, or unlicensed room and board homes, as well as adults living in nursing homes who are being financially exploited by someone outside the facility.

The law requires anyone who believes that an elderly or disabled person is

being abused, neglected, or exploited to report the information to PRS. The agency's 24-hour, toll-free abuse hotline is 1-800-252-5400. Adult Protective Services caseworkers begin an investigation within 24 hours of receiving a report. Mentally competent clients have the right to refuse any or all services. Services may include short-term personal assistance, shelter, food, medication, transportation, and minor home repair.

In Fiscal Year 1997, APS completed 50,677 investigations of abuse, neglect, or exploitation involving adults living at home. Of these, 38,426 were confirmed. In the last decade, the number of cases investigated by APS has increased more than 168 percent.

More than 75 percent of all in-home cases reported to Adult Protective Services involve neglect, often self-neglect. Another 15 percent involve physical, verbal, or sexual abuse. Of that percentage, 1,884 were investigations of domestic violence perpetrated by a spouse or paramour. In 7.6 percent of cases, victims fall prey to exploitation.

The 1997 legislative session passed statutes that affect in-home investigations. These laws:

- clarified that the agency is required to investigate only abuse by a person's caregiver, family member, or other individual who has an ongoing relationship with the person;
- made it an offense for a person to knowingly or intentionally make a false APS report; and

**A**lberto S., age 83, was enjoying a pleasant retirement from the Air Force in San Francisco, CA, volunteering as a singer/entertainer. One day, however, he became ill and was moved to Corpus Christi by a man he thought he could trust — someone he had raised like his own son. Before he knew it, Alberto was penniless and the “son” was throwing him out. APS caseworker Grace Rubio was able to get Alberto an apartment, furniture, initial help with rent and groceries, and got back his power of attorney from the man. “Without protective services and the hard work by Grace, I’d be in some homeless shelter,” said Alberto. “She is outstanding — a very efficient and lovely lady.”

■ gave legal protection for people whose professional communications are confidential in nature when they contact the agency regarding APS cases. This applies to attorneys, clergy members, medical practitioners, social workers, and health professionals.

An issue identified during 1997 was the role and responsibility of APS for investigating abuse and neglect in unlicensed personal care and boarding homes. During 1998, APS staff will meet with other state agencies and participate in public hearings to resolve this issue.



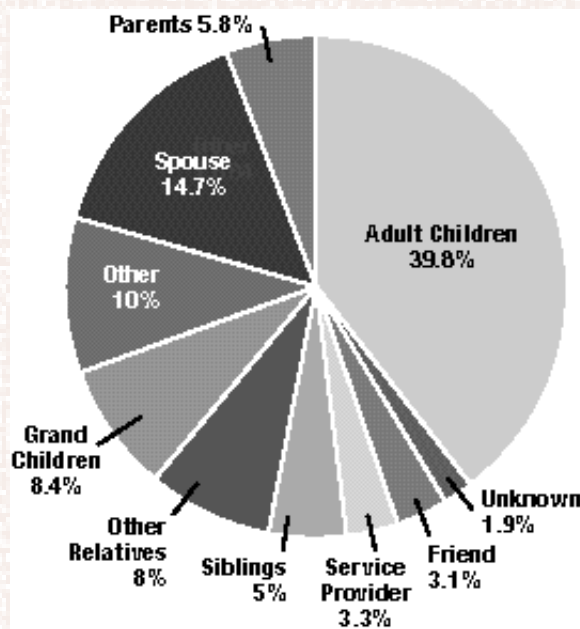
## Facility Investigations

APS is responsible for investigating abuse, neglect, and exploitation in Texas Department of Mental Health and Mental Retardation (MHMR) state schools, state hospitals, state centers, state-operated community services, community mental health/mental retardation centers, and their contractors.

During Fiscal Year 1997, APS initiated 7,888 investigations, including 6,344 in MHMR facilities (state hospitals, schools and centers); 1,336 in community centers; and 84 in home and community-based services. Of these, 7,828, or 99.24%, were completed at the end of Fiscal Year 1997. For those cases completed, 1,119 were confirmed.

Legislative changes in 1997 authorized PRS to prioritize MHMR facility and community center investigations. This has improved the agency's ability to respond to its most urgent cases. Another legislative change allows APS to establish procedures for resolving disagreements with MHMR over investigative findings. The

**AVERAGE NUMBER OF IN-HOME CASES PER MONTH PER WORKER**



**PERPETRATORS IN IN-HOME CASES**

**J**efferson S. is one of several hundred residents at the Richmond State School, a facility run by the Texas Department of Mental Health and Mental Retardation. He says he is getting good treatment by MHMR staff and enjoys his job of taking care of animals. He knows if he ever has any concerns about abuse or neglect he can call the PRS Abuse Hotline. Ira Bernson, director of social services for the facility says, "It's really helpful to have an outside organization do the investigation."

program was also directed by the Legislature to jointly develop a single reporting system for MHMR facilities and community centers.

In 1998, the agency's new, statewide automation system, CAPS (Child and Adult Protective System) is being enhanced to incorporate data from investigations from MHMR facilities. This will create a single, shared system for PRS and MHMR.

During 1997, APS staff wrote a facility investigations handbook. Staff also developed and delivered training concerning the rules of evidence in facility investigations.

## **Guardianship**

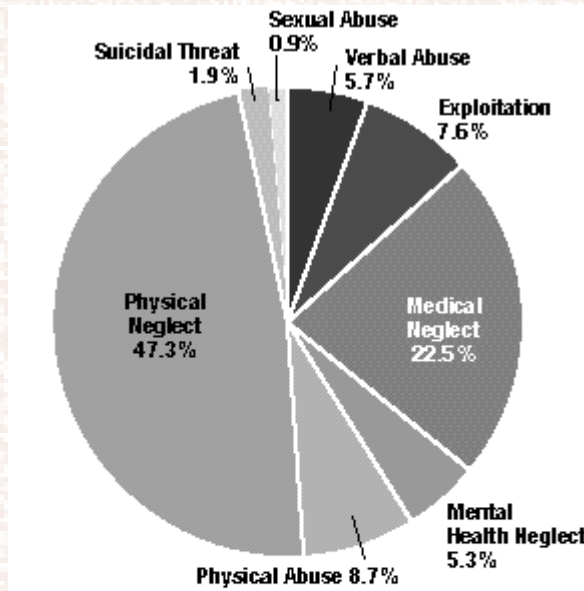
A third branch of APS is guardianship services. When a family member or interested person is not available to serve as guardian, PRS may apply for guardianship of an incapacitated adult who is:

- aging out of CPS conservatorship; or
- an elderly person or an adult with a disability who is found by PRS to be in a state of abuse, neglect, or exploitation.

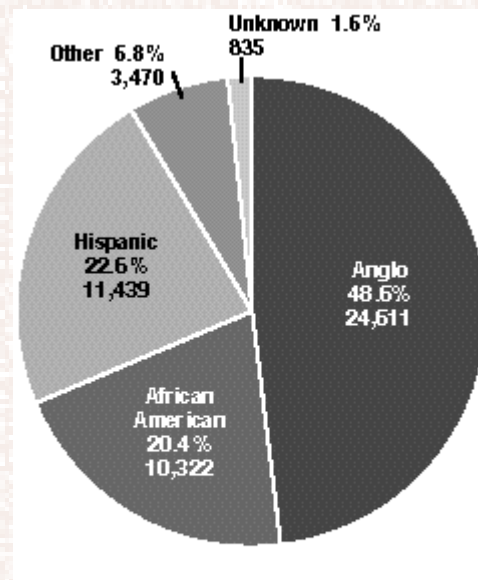
Depending on the powers granted in the court order, guardianship may involve responsibilities such as managing the estates of wards, making medical decisions, and arranging for placement.

In 1997, PRS assumed a number of guardianships previously handled through a contract with an outside organization. PRS responded by expanding contracts with other organizations and hiring additional legal protection specialists.

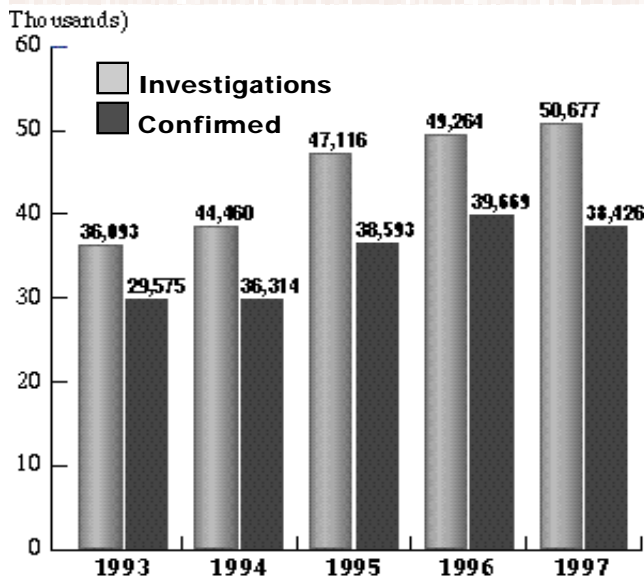
New legislation passed in 1997 had the following effects on guardianship:



**TYPES OF IN-HOME ALLEGATIONS**

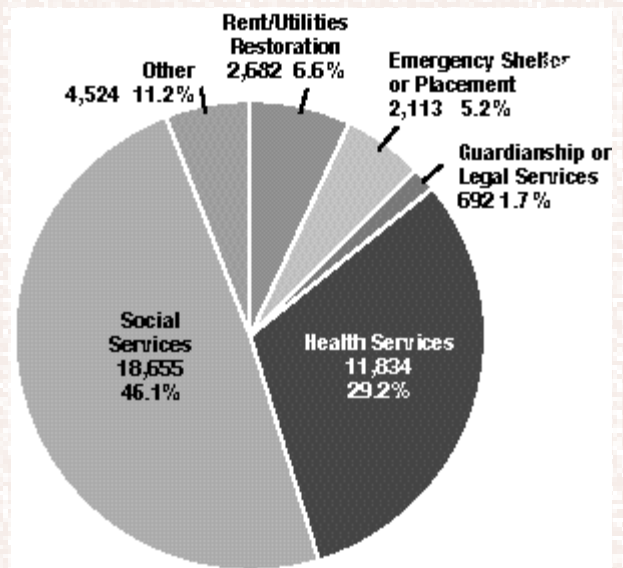


**ETHNICITY OF IN-HOME CLIENTS**



**IN-HOME INVESTIGATIONS COMPLETED\***

Prior to FY 97, the count of investigations was based on the date the investigation was ated. In FY 97, the definition was changed to the date the investigation was completed. is chart reflects the count of investigations based on the completion data for all years.



**TYPES OF IN-HOME SERVICES PROVIDED**

**V**OLUNTEERS across the state gave many hours of their time in 1997 to help APS clients. In the last year, for example, a youth group started The Bridge Project in Longview (below), a place where caseworkers can get needed resources for clients, and a bank in Midland volunteered to donate services to APS clients.

■ clarified that APS is to be appointed guardian only of victims of abuse, neglect, or exploitation, not the population as a whole;

■ established a board to develop a statewide plan to meet guardianship needs.

## Adult Protective Services

### Types of Maltreatment\*

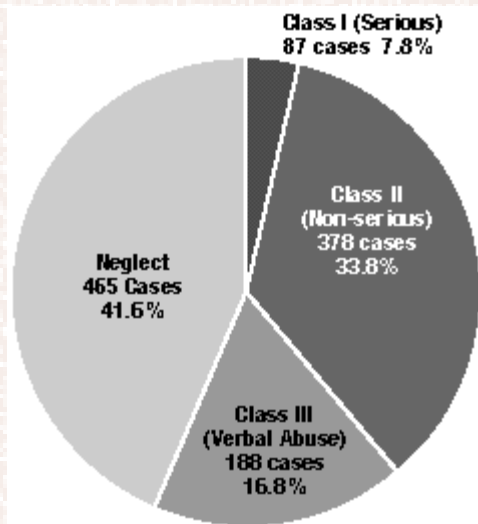
Abuse is the infliction of injury, unreasonable confinement, intimidation, or cruel punishment resulting in mental, physical, or emotional harm or pain. It includes scratches, cuts, bruises, burns, welts, scalp injury, gag marks, sprains, punctures, broken bones, bed sores, inappropriate or excessive force or corporal punishment, use of illegal chemical or bodily restraints, rape or sexual abuse, and verbal and psychological abuse.

Neglect occurs when a caregiver or person responsible for rendering services fails to provide goods or services, including medical services, that are necessary to avoid physical or emotional harm or pain. Self-neglect means the failure of a person to provide such goods or services for one's self. Neglect and self-neglect include malnourishment; dehydration; over or under medication; lack of heat, running water, or electricity, unsanitary living conditions; or lack of medical care, personal hygiene, or clothes.

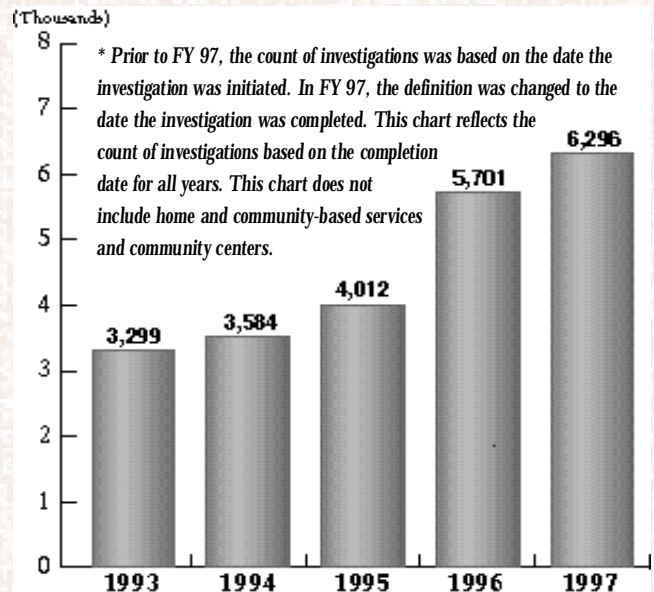
Exploitation occurs when a caregiver, family member, or other person uses an elderly or disabled person's resources for monetary or personal benefit, profit, or gain without the informed consent of the elderly or disabled person. It includes taking Social Security or SSI checks, misusing a joint checking account, and taking property and other resources.

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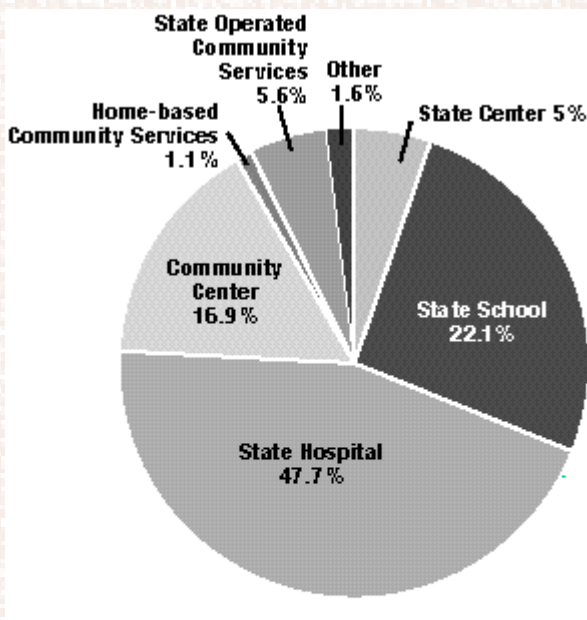
*\* These are not statutory definitions, but descriptions of types of maltreatment seen in in-home investigations.*



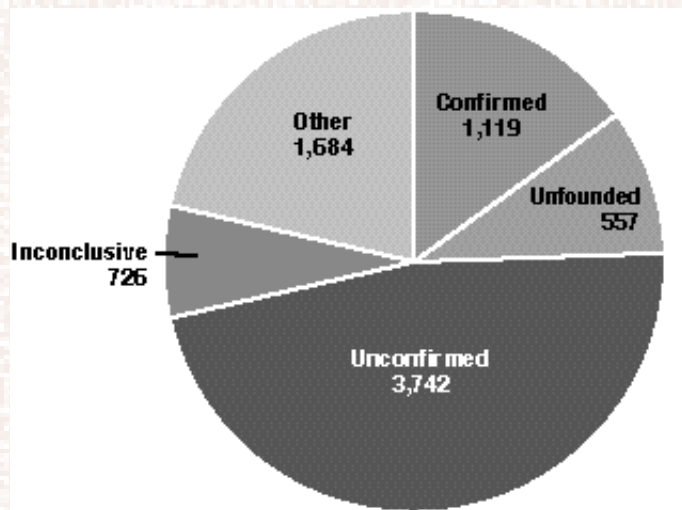
**TYPES OF ABUSE IN CONFIRMED CASES IN MHMR FACILITIES AND COMMUNITY CENTERS**



**INVESTIGATIONS COMPLETED IN MHMR FACILITIES\***



**MHMR INVESTIGATIONS BY TYPE OF FACILITY**



**INVESTIGATION FINDING IN MHMR FACILITIES AND COMMUNITY CENTERS**