

# Legal Responsibility for Adult Protective Services

## Statutory References

- ◆ Federal: Title XX, Social Security Act
- ◆ State: Human Resources Code, Chapters 40 and 48; Texas Family Code, Title V; Health and Safety Code, Chapter 532 and Chapters 591-596.

## Major Provisions:

- ◆ Mandatory reporting of reports of 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 of abuse and neglect of persons served by or through Texas Department of Mental Health and Mental Retardation (TxMHMR) facilities and community MHMR centers.
- ◆ Responsibility for 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, which may include guardianship, 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
- ◆ De-institutionalization of persons who are mentally ill and/or mentally retarded when supports in the community are not adequate

- ◆ 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
- ◆ Denial of benefits, such as SSI and Medicaid, to elderly and disabled immigrants and to 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
- ◆ Not enough licensed board and care homes, TxMHMR registered homes, and adult foster homes or affordable means for housing persons who only need supervision of medication
- ◆ Waiting lists and other limitations in the availability of in-home care and home health care
- ◆ Shortage of resources to serve persons denied benefits under welfare reform
- ◆ Gaps in surrogate decision making processes for incapacitated persons in hospitals and nursing homes

## FY 1997 Expenditures and Staffing

### Adult Protective Services and Program Support

#### \$15,377,586 APS Staff Costs

- ◆ 471 Direct Delivery (supervisors, workers, clerical)
- ◆ 31 State Office Staff

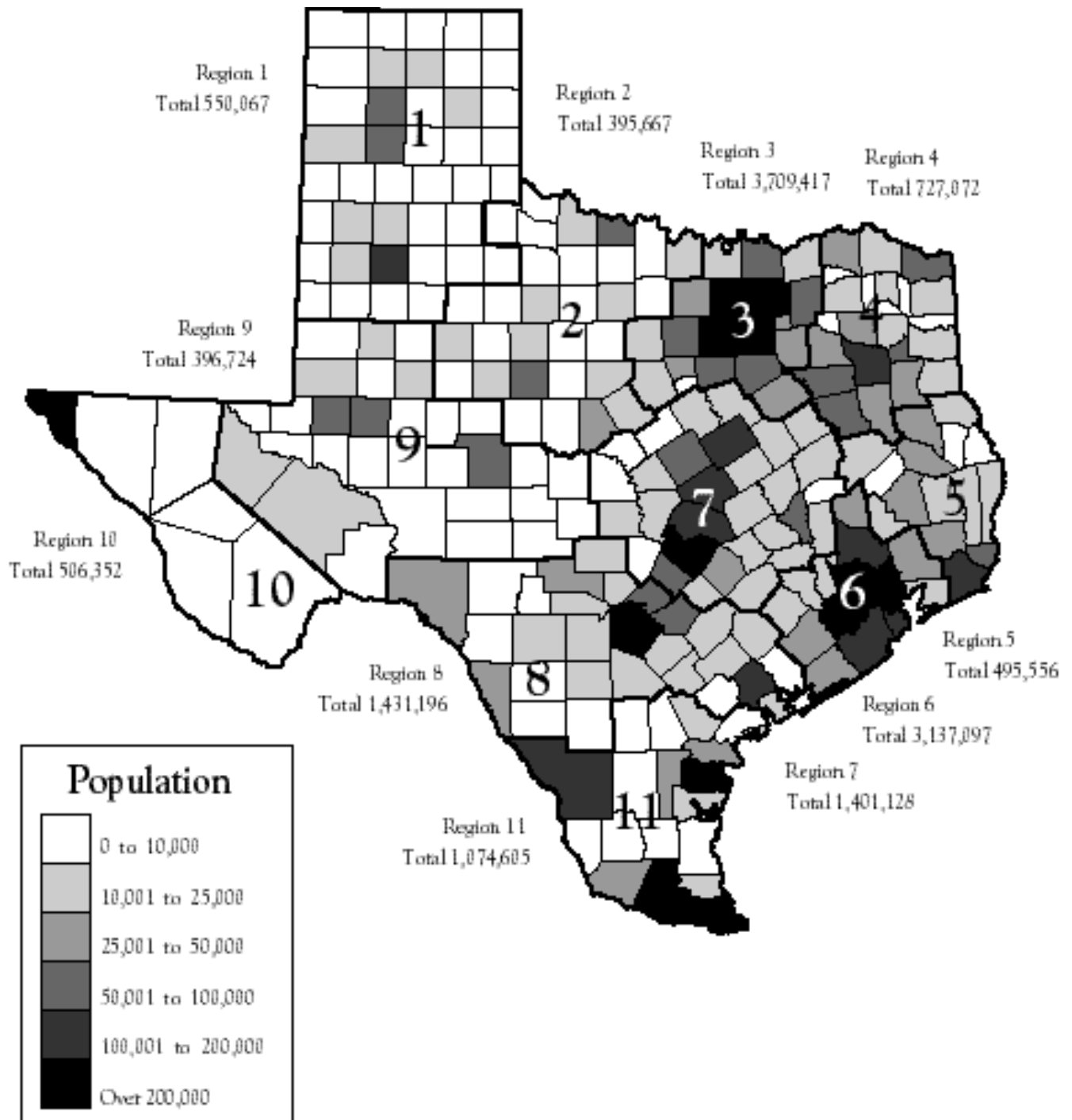
#### \$4,099,500 Purchased Services Costs

- ◆ Emergency Client Services
  - Emergency shelter
  - Nutrition/Food
  - Personal needs
  - Medical Supplies
  - . . . and many more
- ◆ Guardianship Contracts

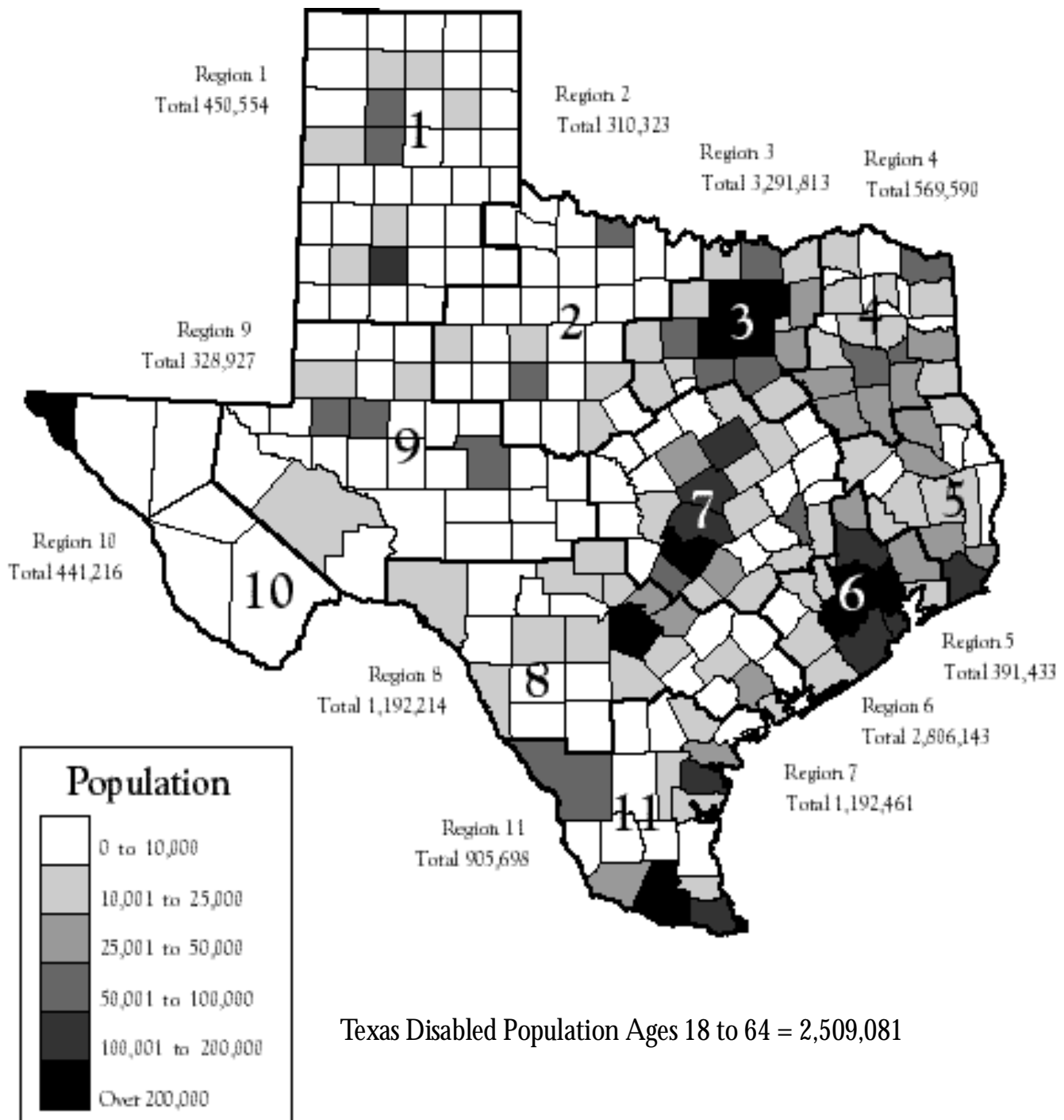
#### \$4,029,107 MHMR Investigations Staff Costs (Facility and Community MHMR Centers)

- ◆ E113 Direct Delivery (supervisors, workers, clerical)
- ◆ 13 State Office Staff

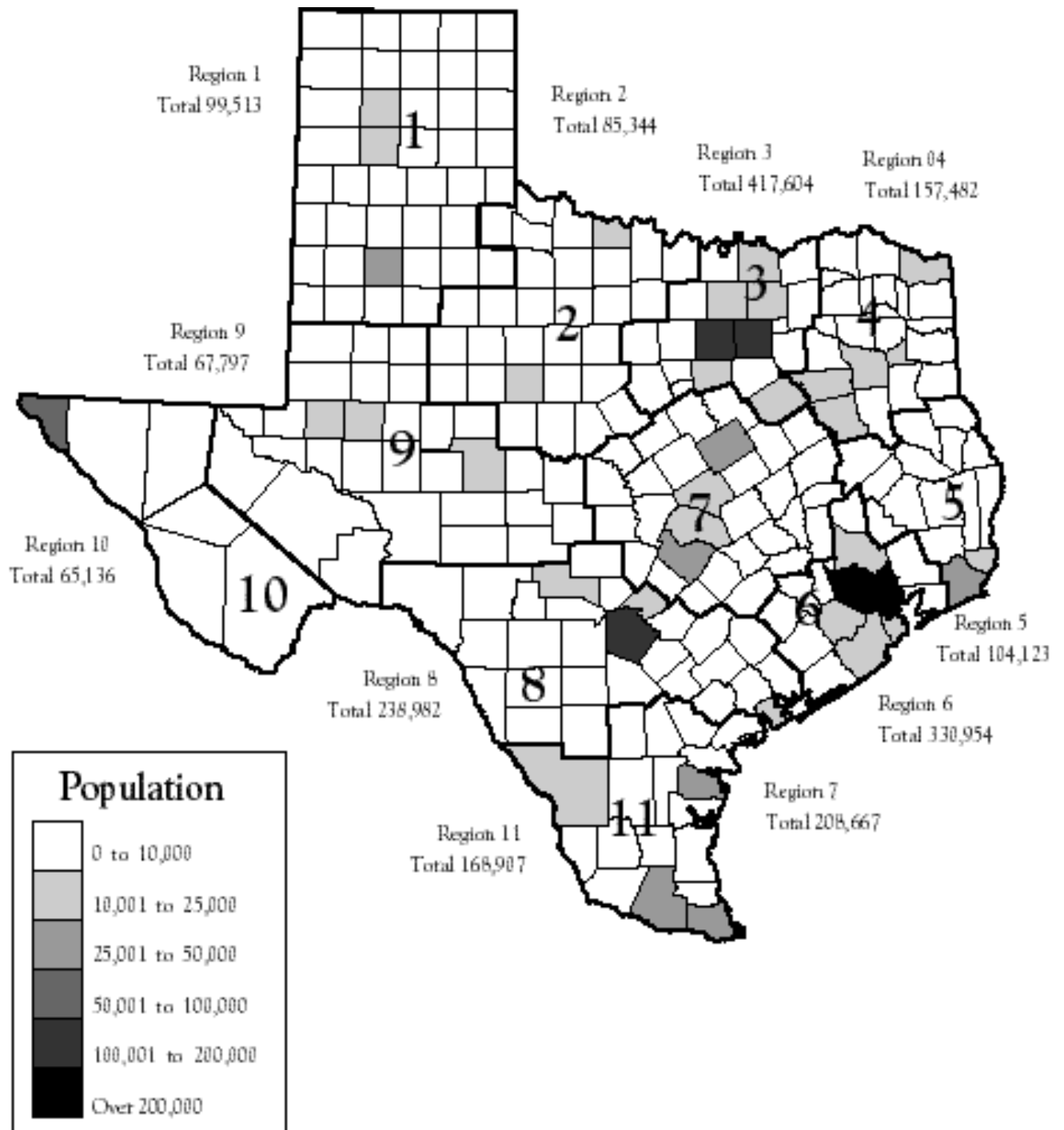
# Texas Total Adult Population Ages 18 and Over by County (1997) State Total 13,824,881



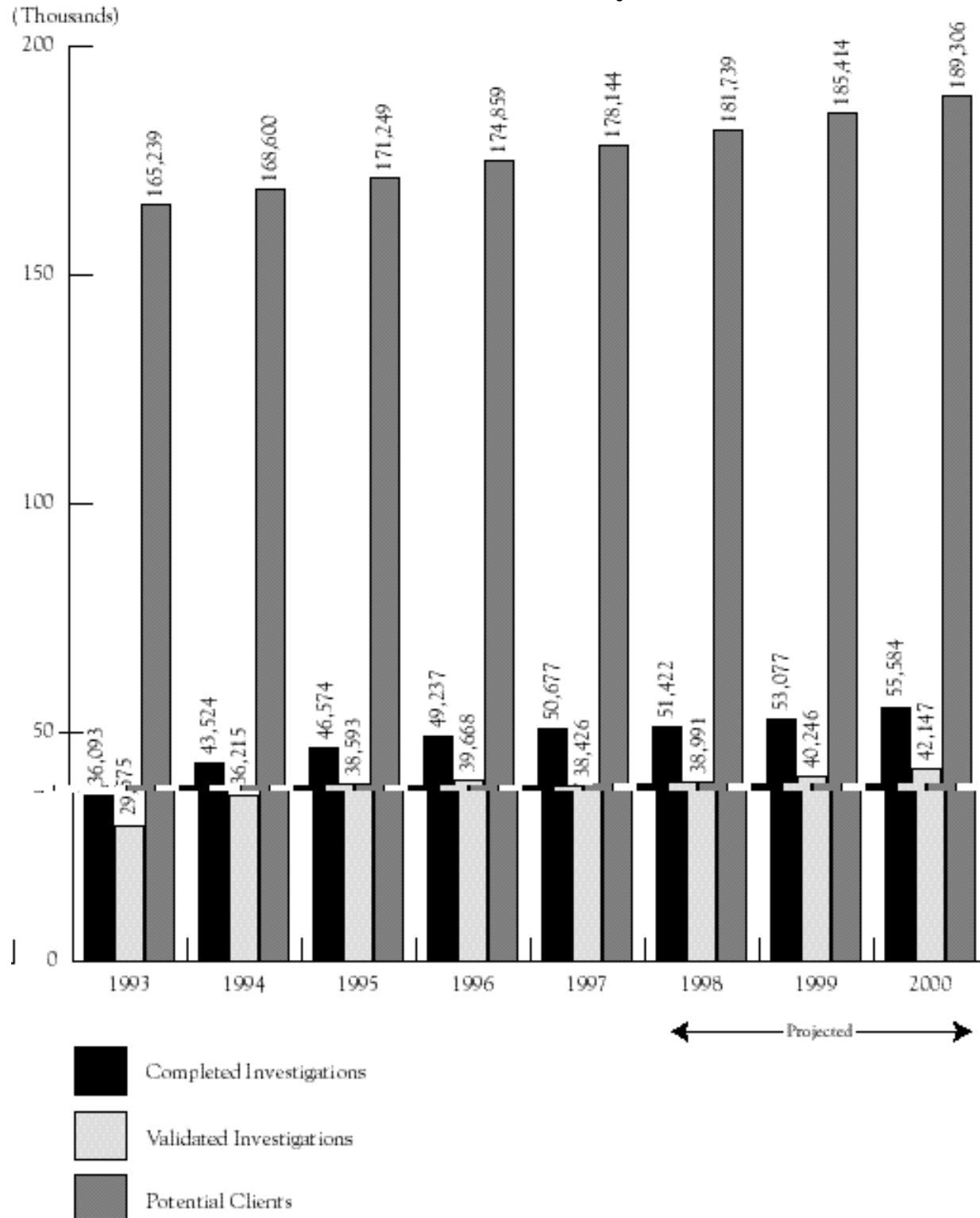
## Texas Younger Adult Population Ages 18 to 64 by County (1997) State Total 11,880,372



# Texas Older Adult Population Ages 65 and Over by County (1997) State Total 1,944,509

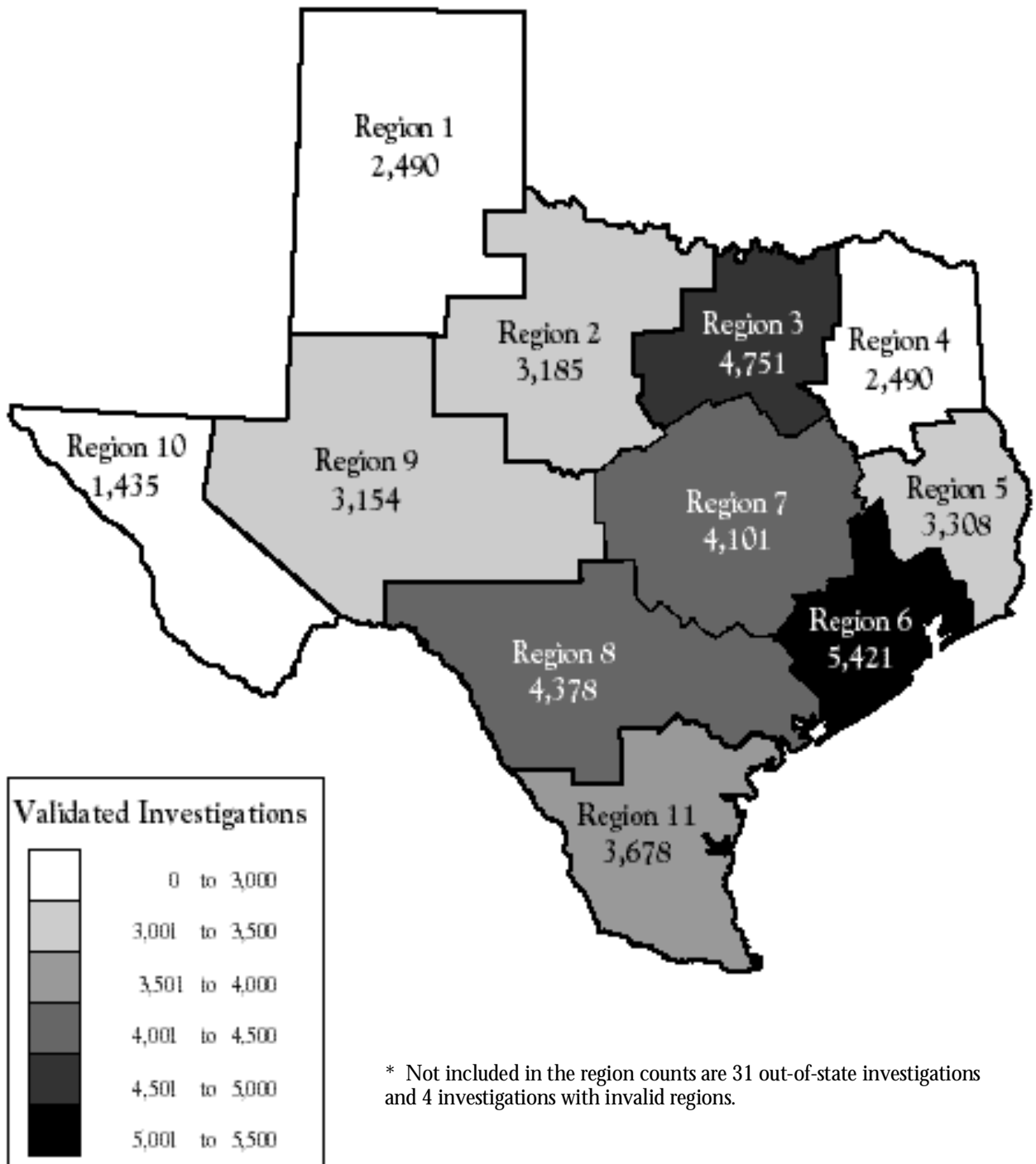


## APS Completed Investigations, Validations & Potential Clients by Fiscal Year



## Texas Adult Protective Services Validated Investigations by Region (FY 1997)

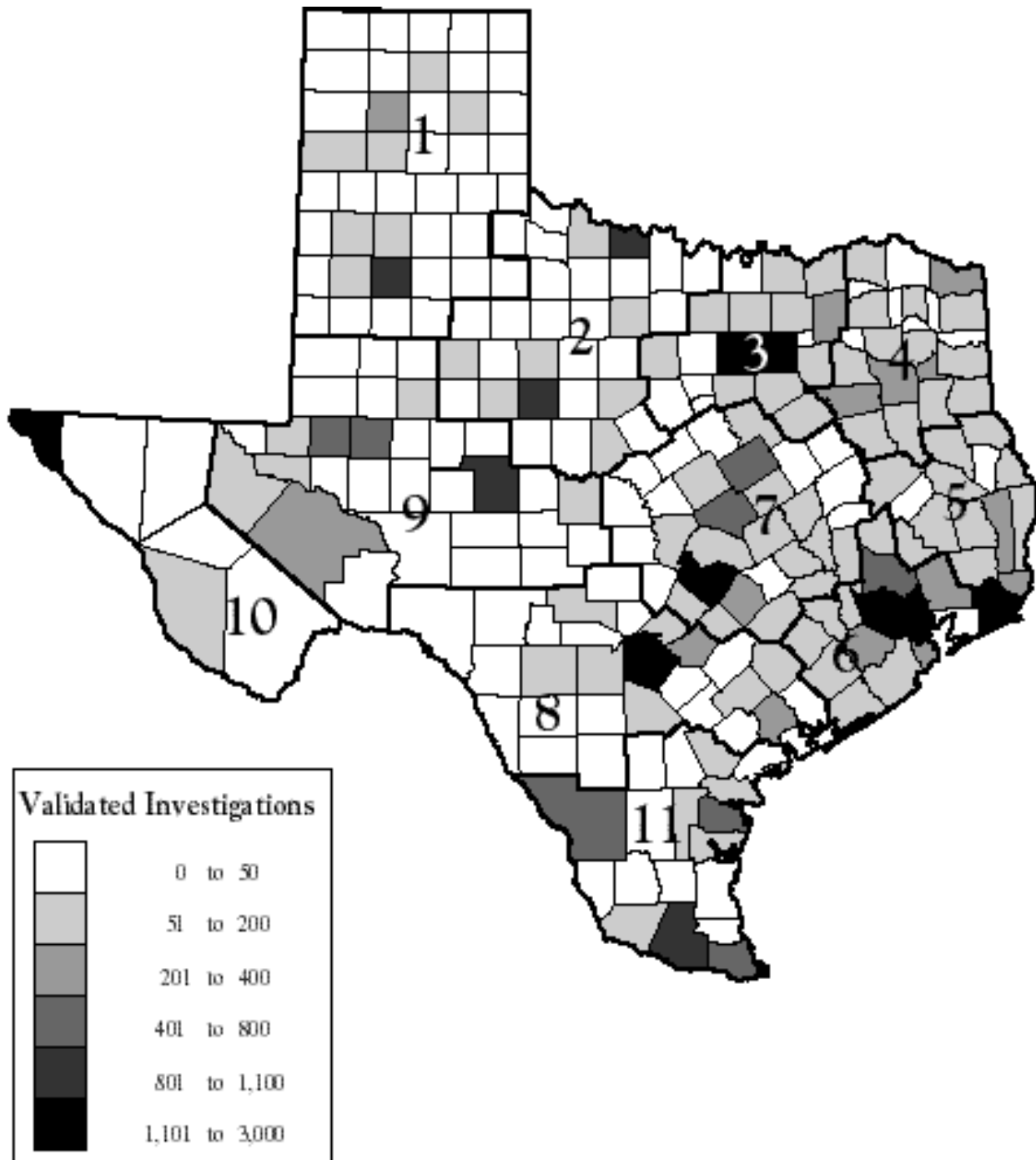
38,426\*



\* Not included in the region counts are 31 out-of-state investigations and 4 investigations with invalid regions.

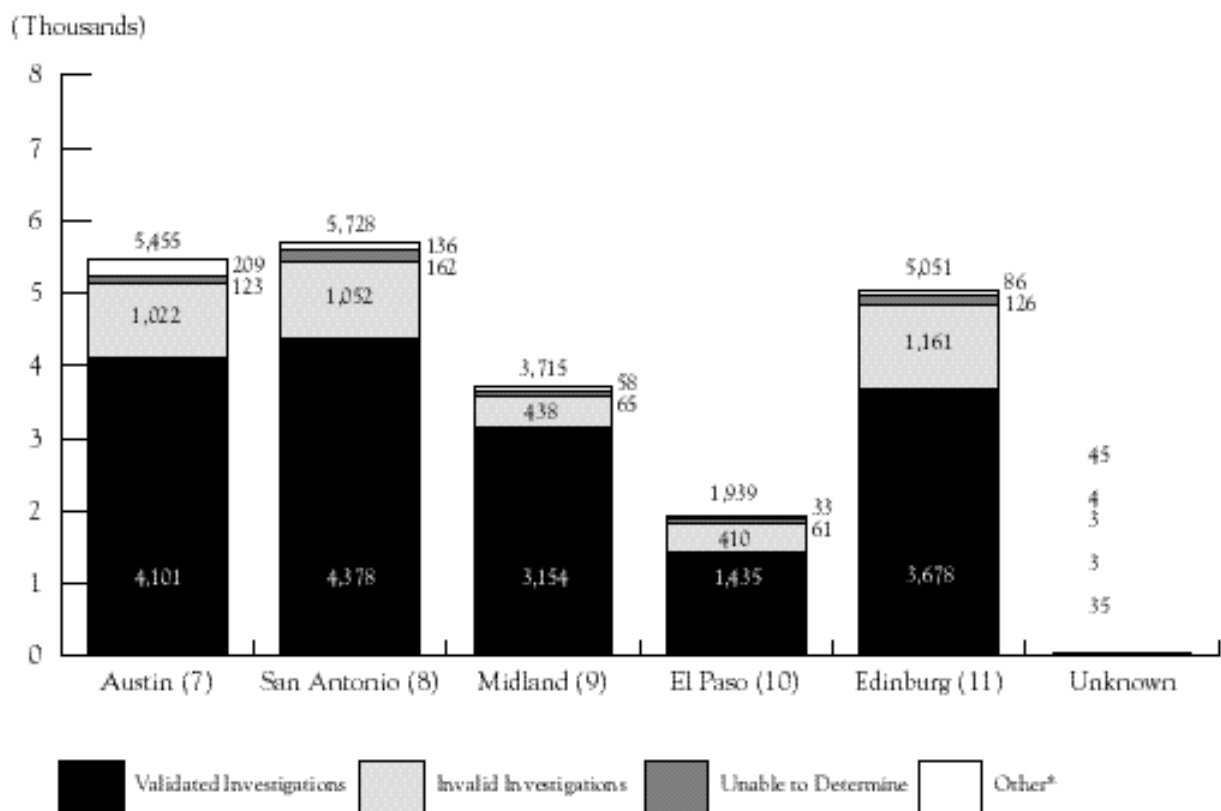
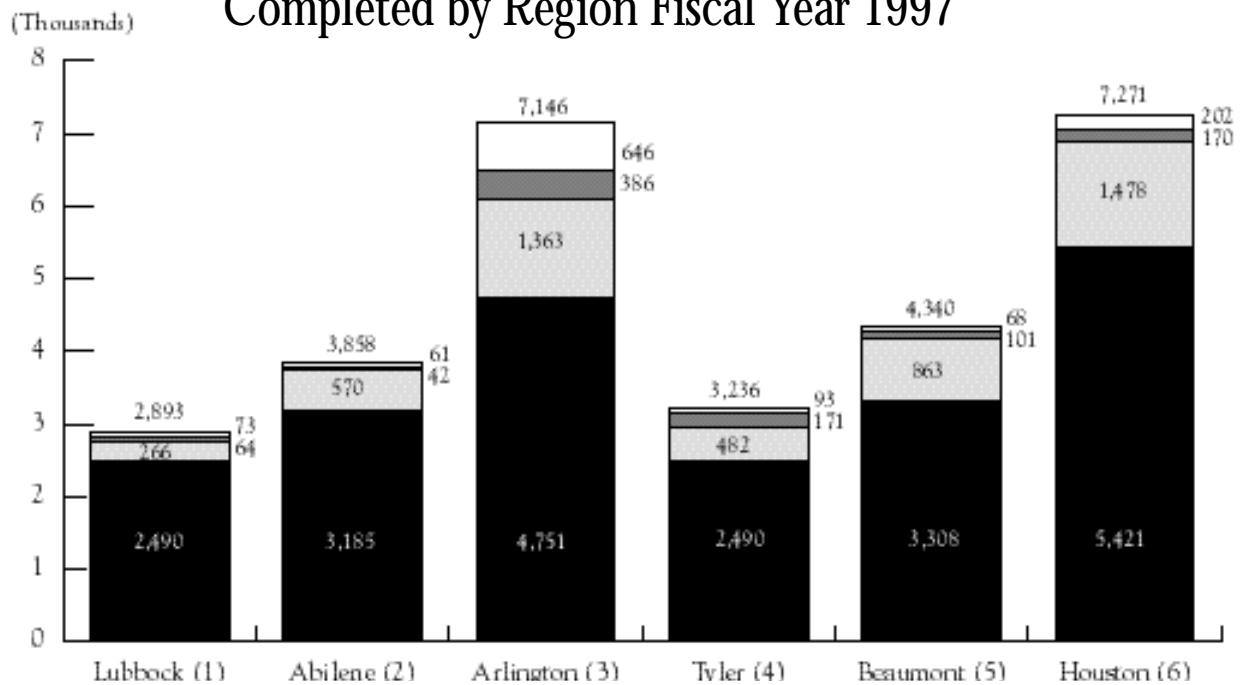
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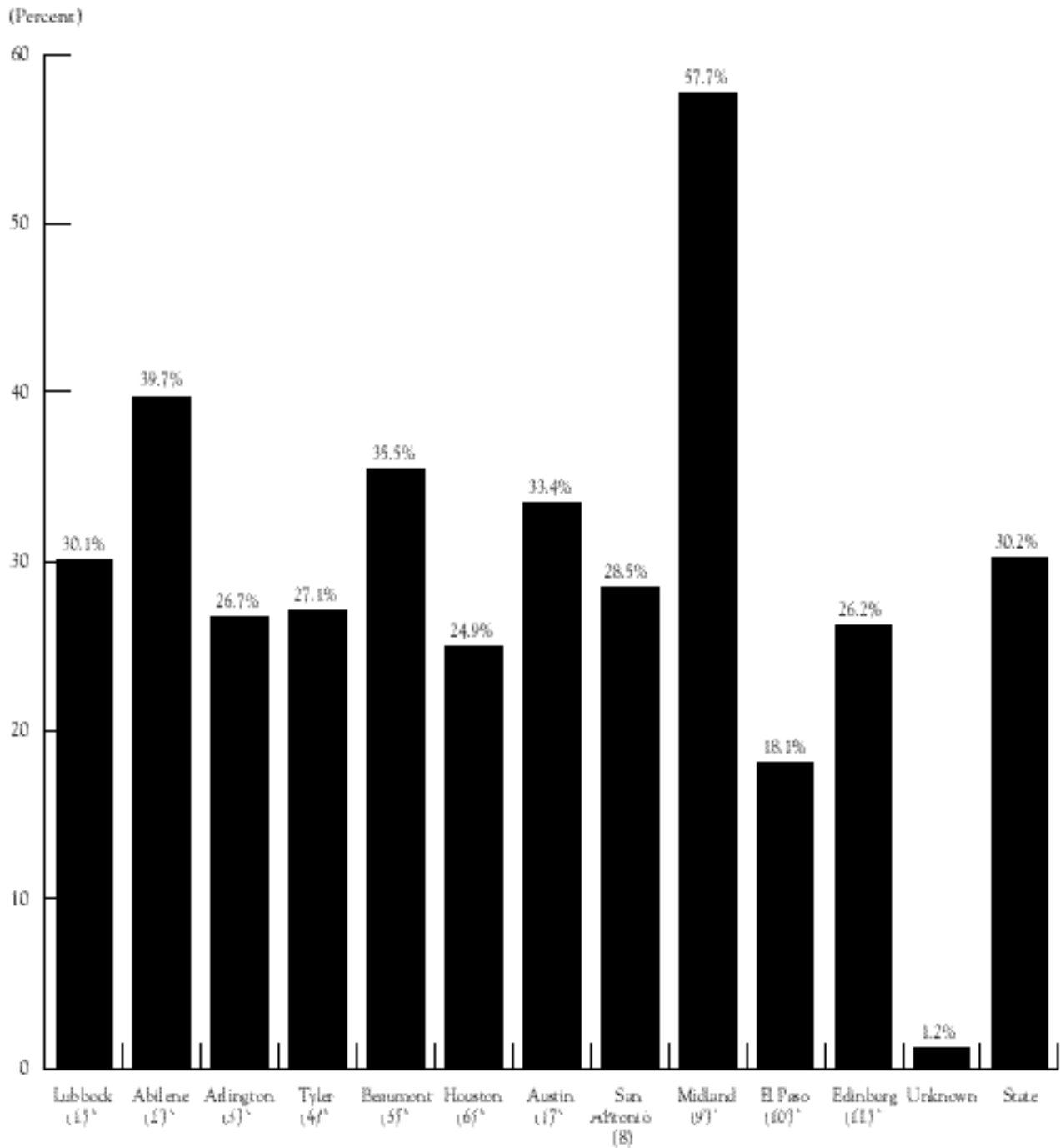


## APS Confirmed Investigations to Total Investigations Completed by Region Fiscal Year 1997



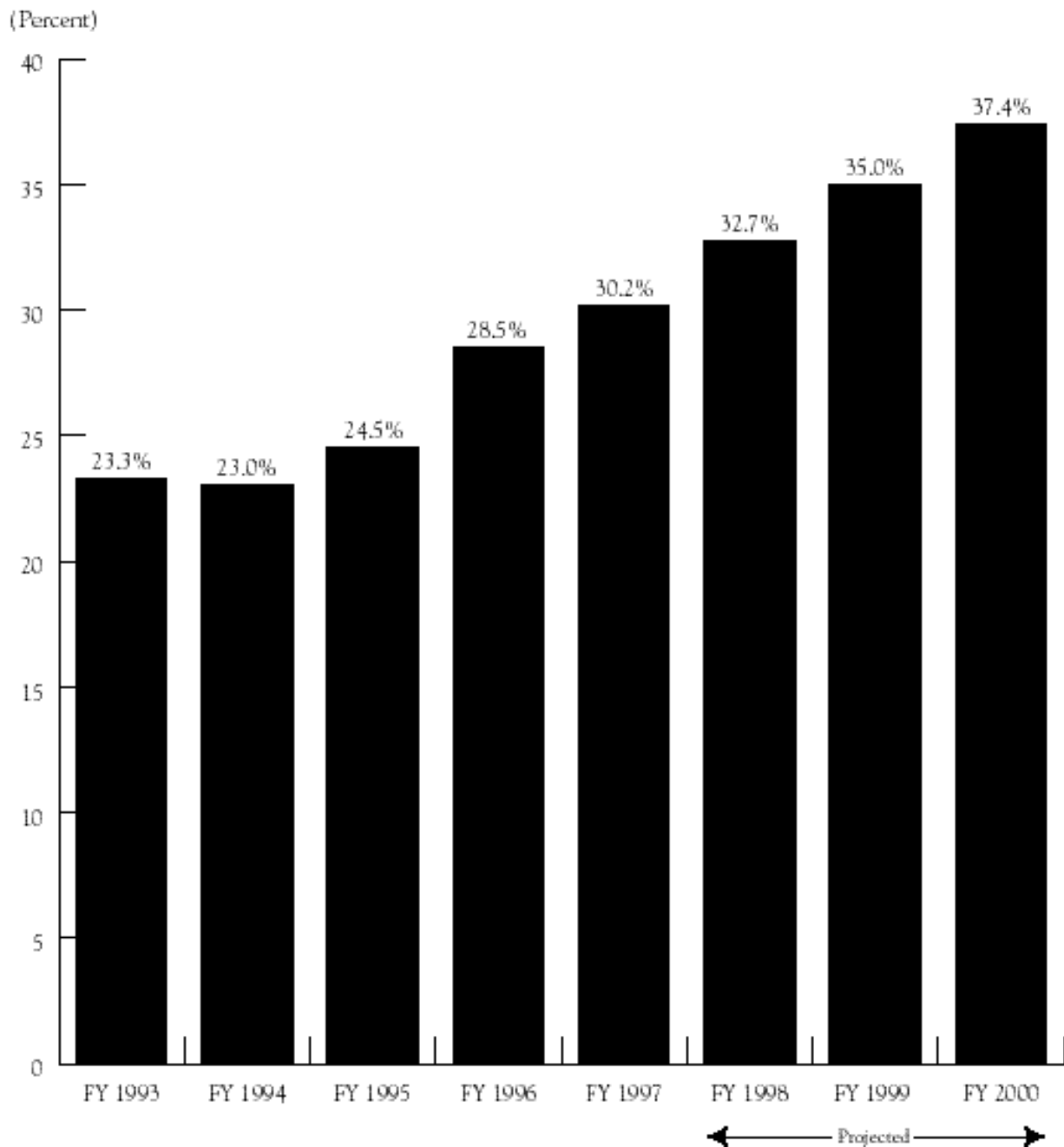
\* Other category refers to those cases that workers could not complete the investigation for some reason: Clients moved, clients died, or cases were misclassified.

## Recidivism\* of Abuse and/or Neglect of Vulnerable Adults in In-Home Settings by Region FY 1997

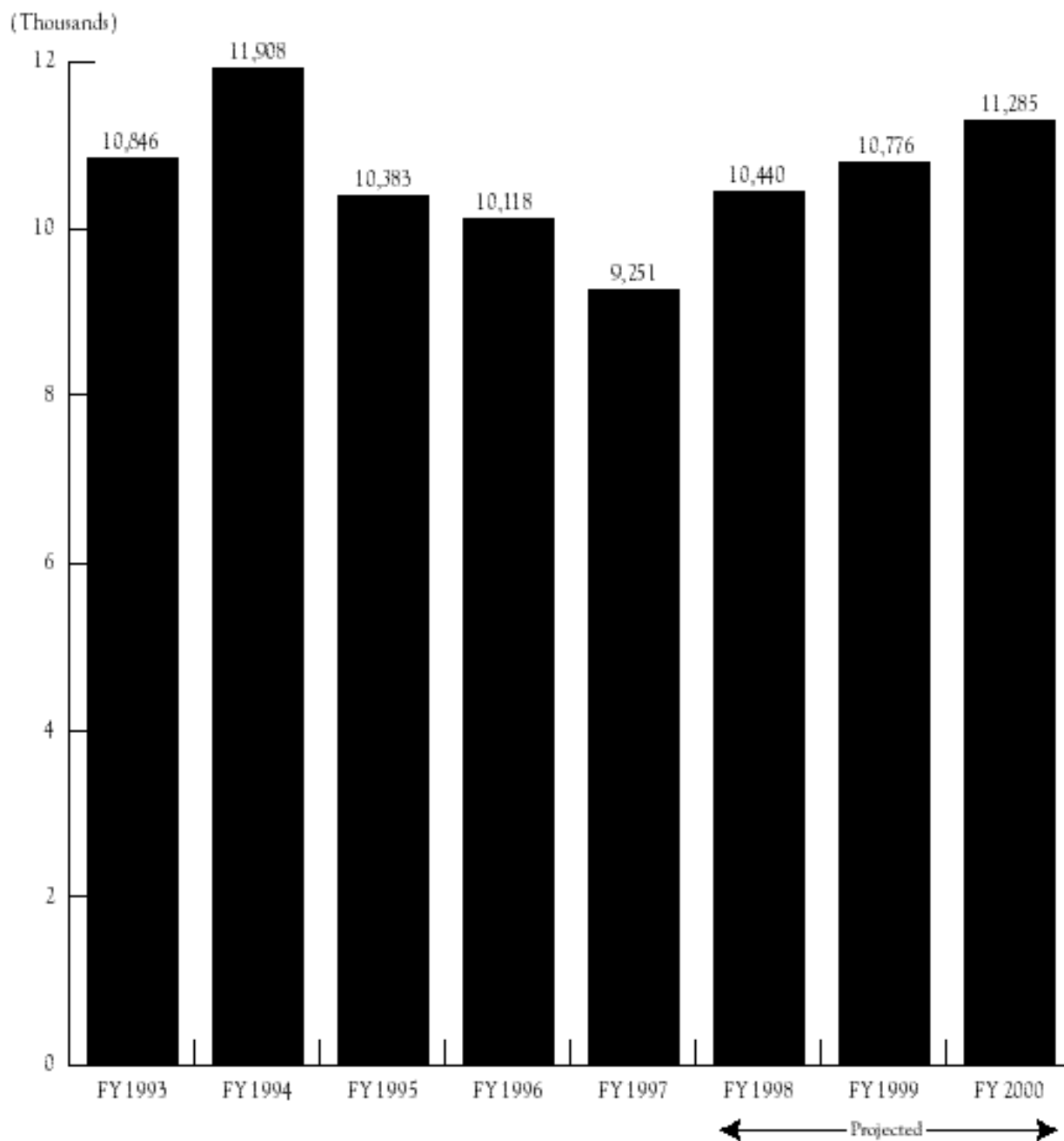


\* Percent of APS clients referred to APS system more than once during the fiscal year, including those clients who refused services and were referred again.

## Recidivism of Abuse and/or Neglect of Vulnerable Adults in In-home Settings by Fiscal Year



## Average Monthly Caseload by Fiscal Year



## APS Clients Receiving Services Beyond Investigation by Region in FY 1997

Region	Rent/ Utilities Restoration	Social Services	Emergency Shelter & Placement	Guardianship/ Legal Services	Health Services	Other	Total
Lubbock (1)	204	1,664	100	19	711	396	3,094
Abilene (2)	335	1,355	91	42	1,473	405	3,701
Arlington (3)	224	1,854	345	143	1,238	516	4,320
Tyler (4)	103	1,641	174	39	607	205	2,769
Beaumont (5)	350	1,262	148	44	1,229	424	3,457
Houston (6)	486	3,234	238	88	1,543	580	6,169
Austin (7)	276	1,835	260	93	1,098	541	4,103
San Antonio (8)	191	2,034	416	111	1,187	519	4,458
Midland (9)	345	1,211	63	27	1,228	458	3,332
El Paso (10)	58	751	111	49	414	177	1,560
Edinburg (11)	107	1,798	160	36	1,100	296	3,497
Unknown	3	16	7	1	6	7	40
Total	2,682	18,655	2,113	692	11,834	4,524	40,500

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

