



ADULT PROTECTIVE SERVICES



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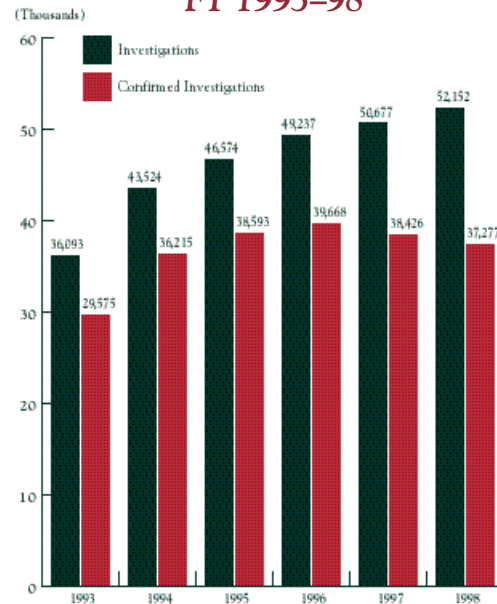
The protection of people who are elderly or have disabilities continues to be a growing issue in Texas. They make up almost a quarter of the state's total population; in 1998 there were 1.9 million persons age 65 and older and 2.5 million people with disabilities in Texas. Many live alone or are dependent 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 program areas: in-home investigations and services, facility investigations, and guardianship services.

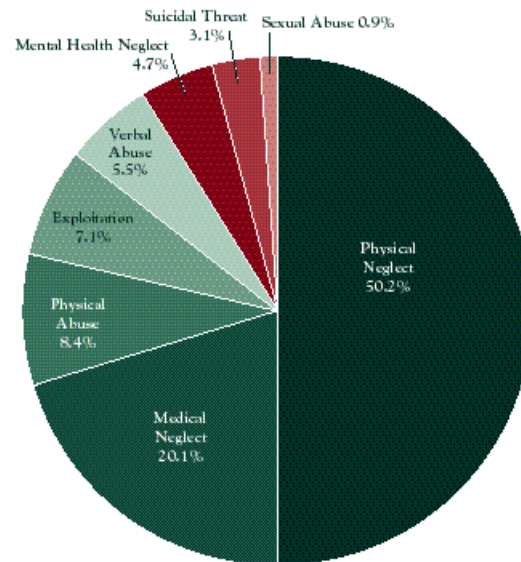
## In-home Services

The largest program area for APS is in-home investigations and provides or arranges for services to alleviate abuse, neglect, and exploitation. It provides for protection of adults with disabilities and people 65 and older who reside in their own homes, or room and board homes not subject to licensure, as well as adults

## In-home Investigations Completed FY 1993-98

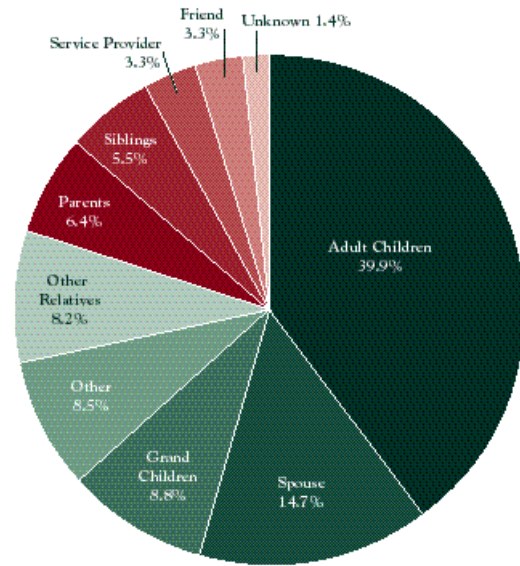


## Types of In-home Allegations



VICES

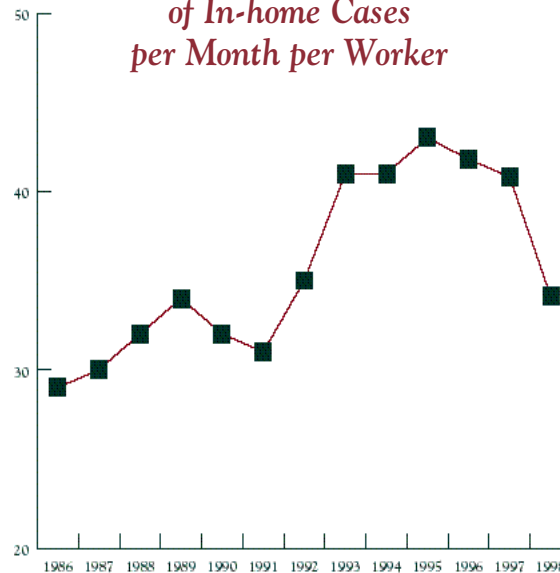
### Perpetrators in In-home Cases



living in nursing homes who are being financially exploited by someone outside the facility.

State 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.

### Average Number of In-home Cases per Month per Worker

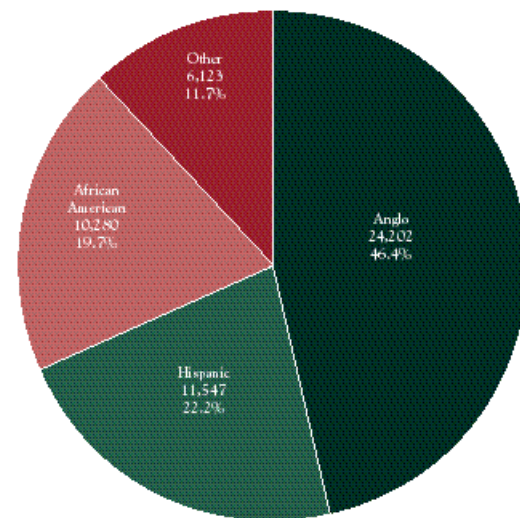


of cases investigated by APS has increased more than 176 percent.

More than 75 percent of all in-home cases reported to Adult Protective Services involve neglect, often self-neglect. Another 17.9 percent involve physical, verbal, or sexual abuse. Of that percentage, 662 were investigations of domestic violence perpetrated by a spouse or paramour. In 7.1 percent of cases, victims fall prey to exploitation. Less than 2 percent of Adult Protective Services were resolved through institutional placements in Fiscal Year 1998. The majority of services were provided in community-based settings.

In 1998, APS updated its policy regarding in-home clients to reflect changes made during the 1997 legislative session and to conserve program resources due to increasing workloads.

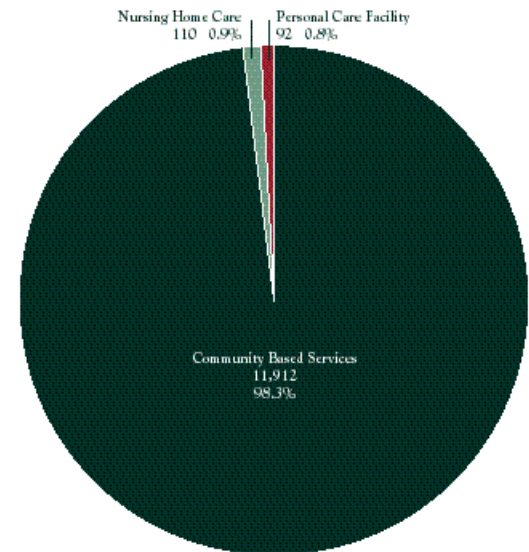
### Ethnicity of In-home Clients



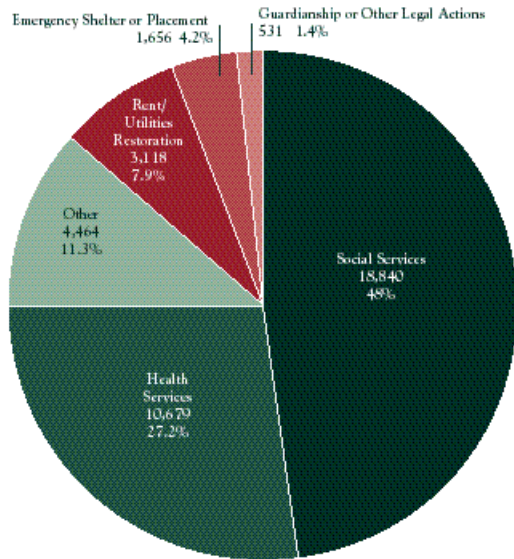
Adult Protective Services caseworkers begin an investigation within 24 hours of receiving a report. Mentally competent clients have the right to refuse any or all services. Services may include short-term personal assistance, shelter, food, medication, transportation, minor home repair, and various others.

In Fiscal Year 1998, APS completed 52,152 investigations of abuse, neglect, or exploitation involving adults living at home (in private, non-institutional settings). Of these, 37,277 were validated. In the last decade, the number

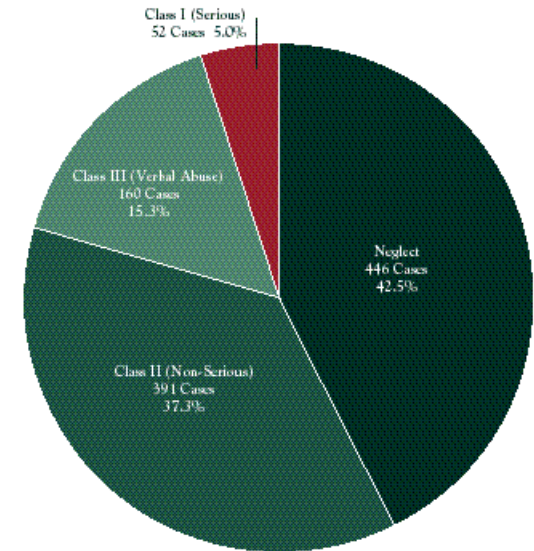
### APS Clients Receiving Nursing and Personal Care Facility Placements versus Community-based Services



### Types of In-home Services Provided



### Classifications of Abuse in Confirmed Cases



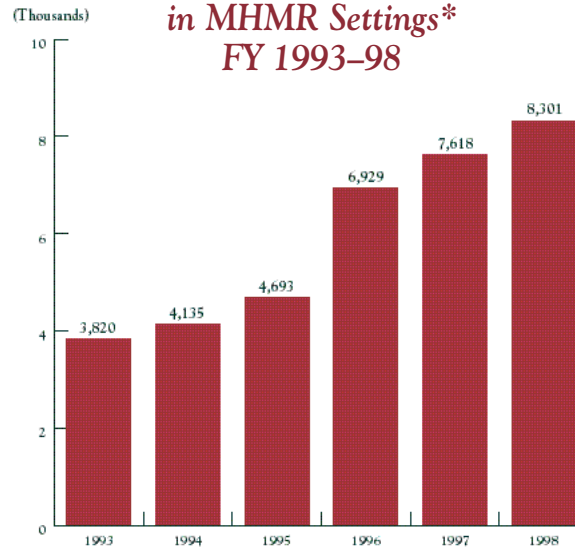
These changes included allowing competent clients to refuse investigations.

### MHMR 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 1998, APS completed 8,301 MHMR investigations, including 6,697 in MHMR facilities (state hospitals, schools and centers); 1,463 in community centers; and 49 other locations, which include home and community-based services investigations and referrals to other state agencies. In these investigations, abuse, neglect or exploitation was confirmed in 1,049 cases.

### Investigations Completed in MHMR Settings\* FY 1993-98



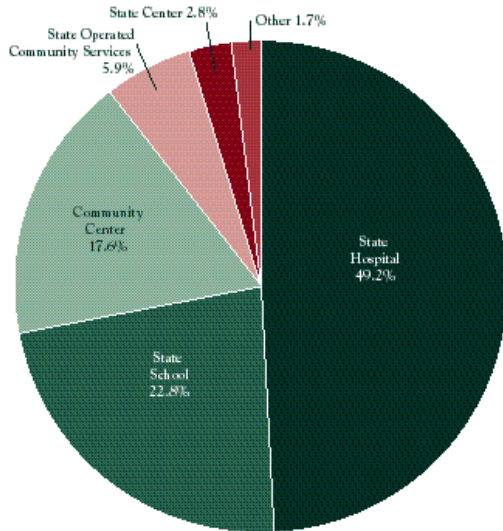
\* PRS began investigations in community centers in late Fiscal Year 1995. Data on numbers of investigations in community centers prior to that time was obtained from the Texas Department of Mental Health and Mental Retardation. The Fiscal Year 1998 total includes 147 cases categorized as "other," which include home and community-based services investigations and referrals to other state agencies.

In 1998, the agency's statewide automation system, CAPS (Child and Adult Protective System), was enhanced to incorporate additional data from investigations in MHMR facilities. These changes allow for a single, shared data system for PRS and MHMR.

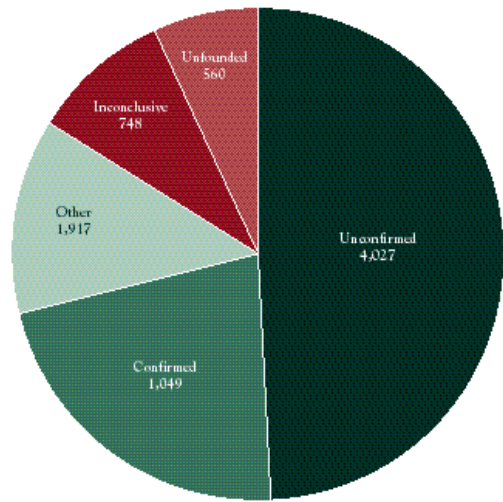
PRS continued to work collaboratively with MHMR and advocacy groups to identify policy and procedures and to improve the quality of facility investigations. A policy handbook for investigations was released in December 1997.

At the request of advocacy organizations, PRS began a pilot project during 1998 in San Antonio, Austin, and Dallas concerning the investigation of serious injuries in MHMR facilities. Normally, PRS staff investigate serious injuries only if they are allegedly the result of abuse or neglect. Under the project, the agency

### MHMR Investigations by Type of Facility



### Results of MHMR Facility and Community Center Investigations\*



\* "Other" refers to clients' rights, peer review, and misclassified reports referred back to facilities without PRS investigation.

is conducting investigations of all serious injuries regardless of their alleged relation to abuse or neglect.

### Guardianship

A third program area for APS is guardianship services. Guardianship is a legal means for protecting a person's rights when they cannot protect themselves. A guardian is a court-appointed person or entity that makes decisions on behalf of an incapacitated person, who is known as a ward. A guardian's duty may include protecting the ward's estate.

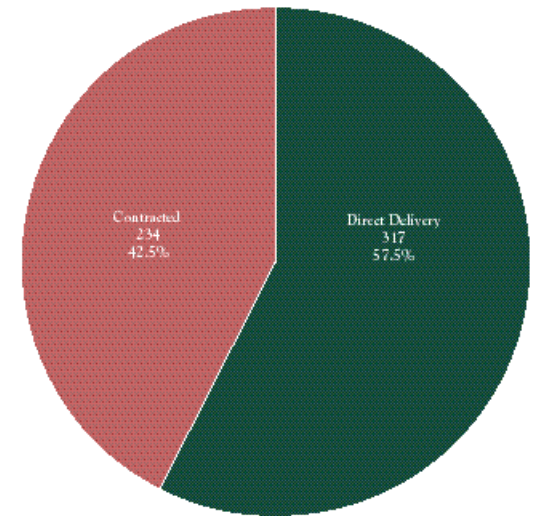
When all other options have been exhausted and no family member, other interested party, or alternative is available, PRS may seek guardianship of:

- ◆ incapacitated children reaching adulthood in CPS conservatorship; and
- ◆ incapacitated adults in APS investigations where abuse, neglect, or exploitation has been confirmed and there is no other means of protecting the person.

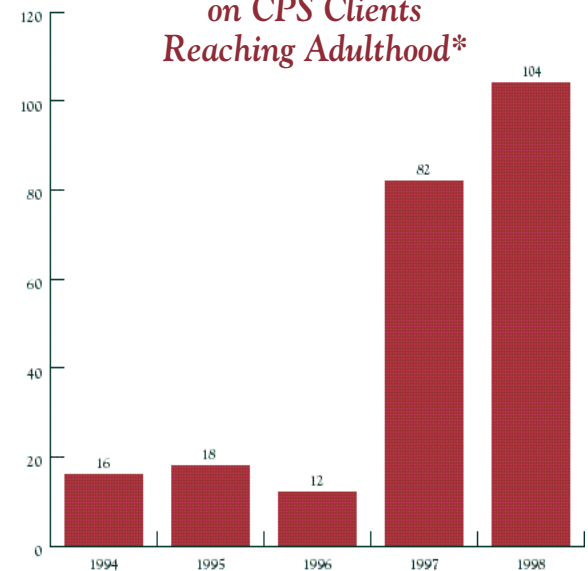
APS guardianship, which may be provided directly or through contracts with local entities, is a small part of a statewide system. APS works with family members, other interested parties, local guardianship programs, and contractors in arranging guardianship of APS clients and children aging out of CPS conservatorship.

APS must be able to access guardianship services in all Texas counties. During Fiscal Year 1998, APS designated specialized staff to provide guardianship services throughout the state, developed training and a policy and procedure manual, and implemented a statewide quality assurance program. Additionally, when available, APS contracted with local guardianship programs for services.

### Types of Guardianship



### Referrals for Guardianship on CPS Clients Reaching Adulthood\*



\*Referrals were tracked on CAPS system beginning in 1997. Data prior to that time is estimated.

PRS is generally appointed as guardian of estates either to remedy exploitation or when no other alternative exists. APS staff first seek alternatives, such as establishment of a representative payee, creation of a management trust, or appointment of an attorney, certified public accountant, or corporate fiduciary.

At the beginning of Fiscal Year 1998, APS assumed a number of guardianships previously handled through a contract with an outside organization. At the end of Fiscal Year 1998, APS had 234 contracted guardianships and 317 in-house guardianships, about 170 of which included guardianships of estates. Of the 170 guardianships of estates, an estimated 40 wards have estates valued at greater than \$2,000. Another 92 guardianship cases were pending on CPS clients reaching adulthood.

In cases in which PRS is appointed as guardian of the estate, a number of safeguards have been established to protect the estates of wards and manage employee and agency risk. These safeguards include strict accountability to the court, detailed and specific policy and procedures, and quality assurance.

### *Other APS Accomplishments*

- ◆ Historically, children with disabilities have had advocates in cities across the state because of the efforts of Community Resource Coordination Groups. Now, PRS has signed a memorandum of understanding with the Texas Council on Alcohol and Drug Abuse to look into the creation of similar groups to advocate for adults with chemical dependencies.
- ◆ APS assisted the Senate Interim Committee on Home Health and Assisted Living Facilities in 1998 to look at ways of improving regulations, investigations, and provision of services.



A family member had almost depleted everything Margaret J. of Arlington (right) owned and even refused to return her dog, Oreo. After intervention and assistance from caseworker Loistene Arnold (left), the Arlington Humane Society, American Airlines, *The Arlington Morning News*, TV stations, her church, Mission Arlington, and others, Margaret was back in her own home with furniture, clothing, and her dog.



**W**hen Adult Protective Services first learned about Nguyen D. (left) and her husband of Port Arthur, they were in a state of self-neglect. “They didn’t have any food,” said Chi Tran (right) their caseworker. “A family crisis forced their son to return to Vietnam and since they all lived under the same roof, they were dependent on his income. Nguyen was having heart surgery at the time, and the couple had been conned into a health maintenance organization, which made them pay extra for doctor visits.” Adult Protective Services got them enough food to last until the couple’s son returned to the United States. According to Chi, there are challenges to raising public awareness about the agency in the local Vietnamese community because it is so isolated. If it weren’t for the fact that Chi did a presentation to her church one Sunday, Nguyen and her husband probably wouldn’t have known the agency existed.

◆ In November 1997, APS teamed up with the American Public Welfare Association, which has since been renamed American Public Human Services, to present the 14th annual Adult Protective Services Conference. The event drew about 450 people from more than 40 states and several foreign countries. Its purpose was to share knowledge and training for APS practitioners, advocates, researchers, and academic representatives.

◆ In conjunction with Older Americans Month in Texas (May 1998), APS took major steps to increase public awareness about abuse, neglect, and exploitation of vulnerable adults through the creation of a community action and information kit. A collaboration between APS and the agency’s Community Initiatives division, the kit contains overviews of the APS program, public awareness materials, and various information about issues surrounding vulnerable adults. The 1998 Vulnerable Adult Abuse Prevention kit represented the first effort of its kind by APS. It can be downloaded for free via the agency’s web site at <http://www.tdprs.state.tx.us> under “Adult Protection.”

◆ APS conducted a work measurement study for its field staff. Through measurement studies, the agency can better determine how much time workers spend accomplishing specific tasks at work.

◆ APS and the agency’s Internal Audit Department collaborated in a review of the guardianship program to detect problems and improve processes and safeguards. The audit’s scope included direct delivery of services and contracted services.

To build a culturally competent system for providing services, APS staff completed a number of related projects during the year:

- ◆ Contributed four chapters to the proceedings of a conference, “*Understanding and Combating Elder Abuse in Minority Communities*,” published by the Archstone Foundation;
- ◆ Contributed the chapter, “Issues in the Provision of Adult Protective Services to Mexican-American Elders in Texas,” in the book *Understanding Elder Abuse in Minority Populations*, edited by Toshio Tataru;
- ◆ Worked with the Diversity Institute at the University of Texas at Austin’s Center for Social Work Research to promote cultural diversity and improve outreach to minority populations. This included assessing the diversity of and outreach by staff, holding focus groups with community leaders, and attempting to recruit more bilingual staff. ■



**B**ecause of an abusive relative, Mary Ann W. of Yorktown (right) had been denied freedoms all of her life that many of us take for granted—the ability to watch TV, go shopping, or take a stroll around the block. Thanks to intervention by Adult Protective Services, led by caseworker Annabel Garza Brown, she is now happily living in a personal care facility. “Annabel is a very sweet person,” said Mary Ann. “I have accomplished a lot since I have lived here, doing better every day.”