

# 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 abuse, neglect, and exploitation of elderly persons and adults with disabilities
- 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 and are unable to manage their own affairs
- 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 community support is 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

## Challenges:

- Need for long-term therapeutic and residential services for aging-out CPS clients who will be maintained under guardianship of PRS as adults
- Resources to meet basic needs of indigent wards
- Affordable means of housing for persons who need supervision of medication only
- Waiting lists and other limitations in the availability of in-home care and home health care
- Shortage of resources to serve persons denied long-term care and other benefits under welfare reform
- Gaps in surrogate decision making processes for incapacitated persons in hospitals, nursing homes and community-based settings
- Lack of access to affordable health care and prescription drugs
- Inadequate community services for persons discharged from state hospitals and schools
- Lack of statewide access to adult social services for elderly persons and adults with disabilities who are at risk but not yet experiencing abuse, neglect, or exploitation

## Fiscal Year 1999 Expenditures and Staffing

### APS Staff Costs \$21,657,813

530 Direct Delivery (supervisors, workers, clerical)  
566 Total Staff

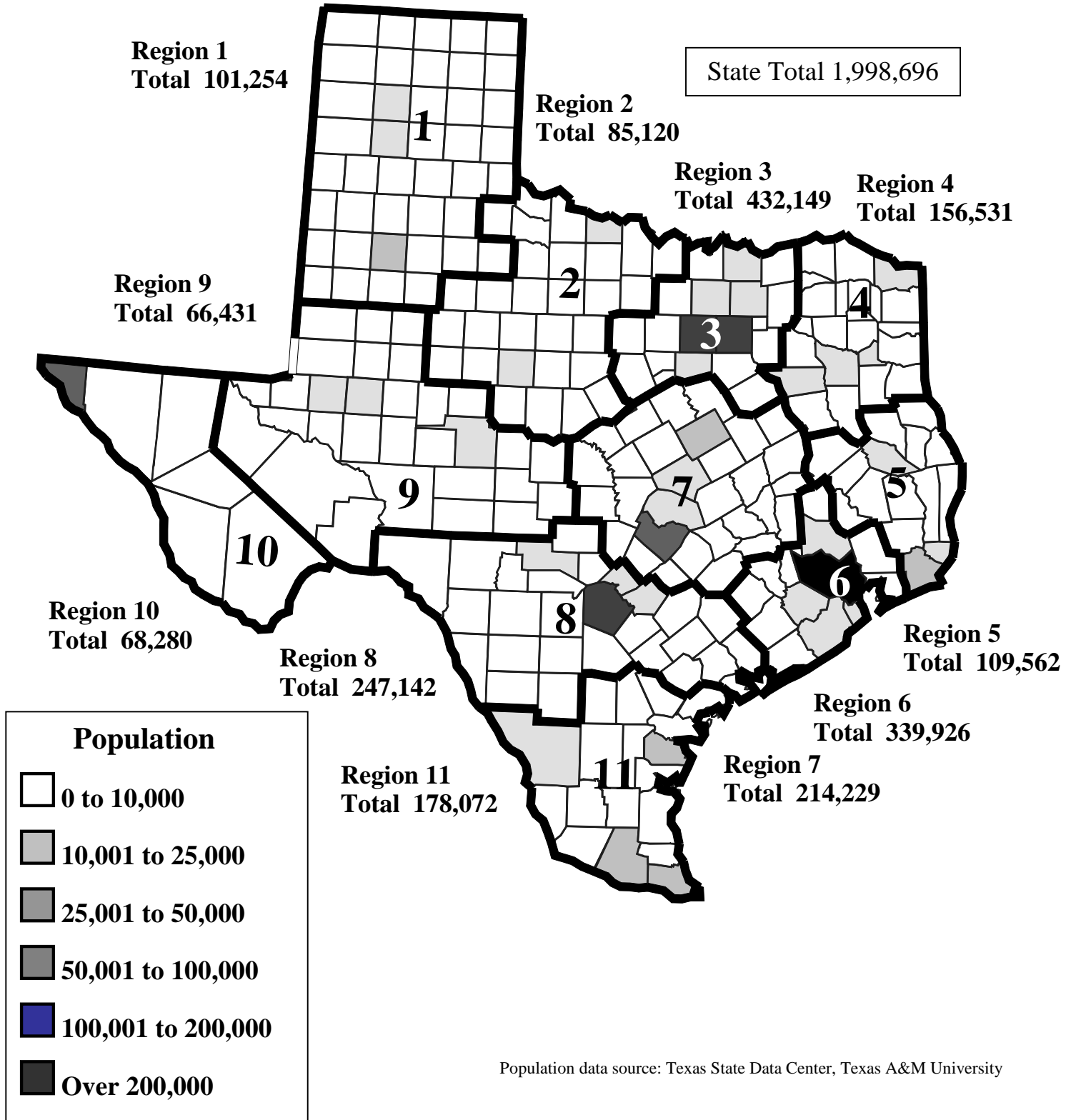
### Purchased Services Costs \$3,997,547

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

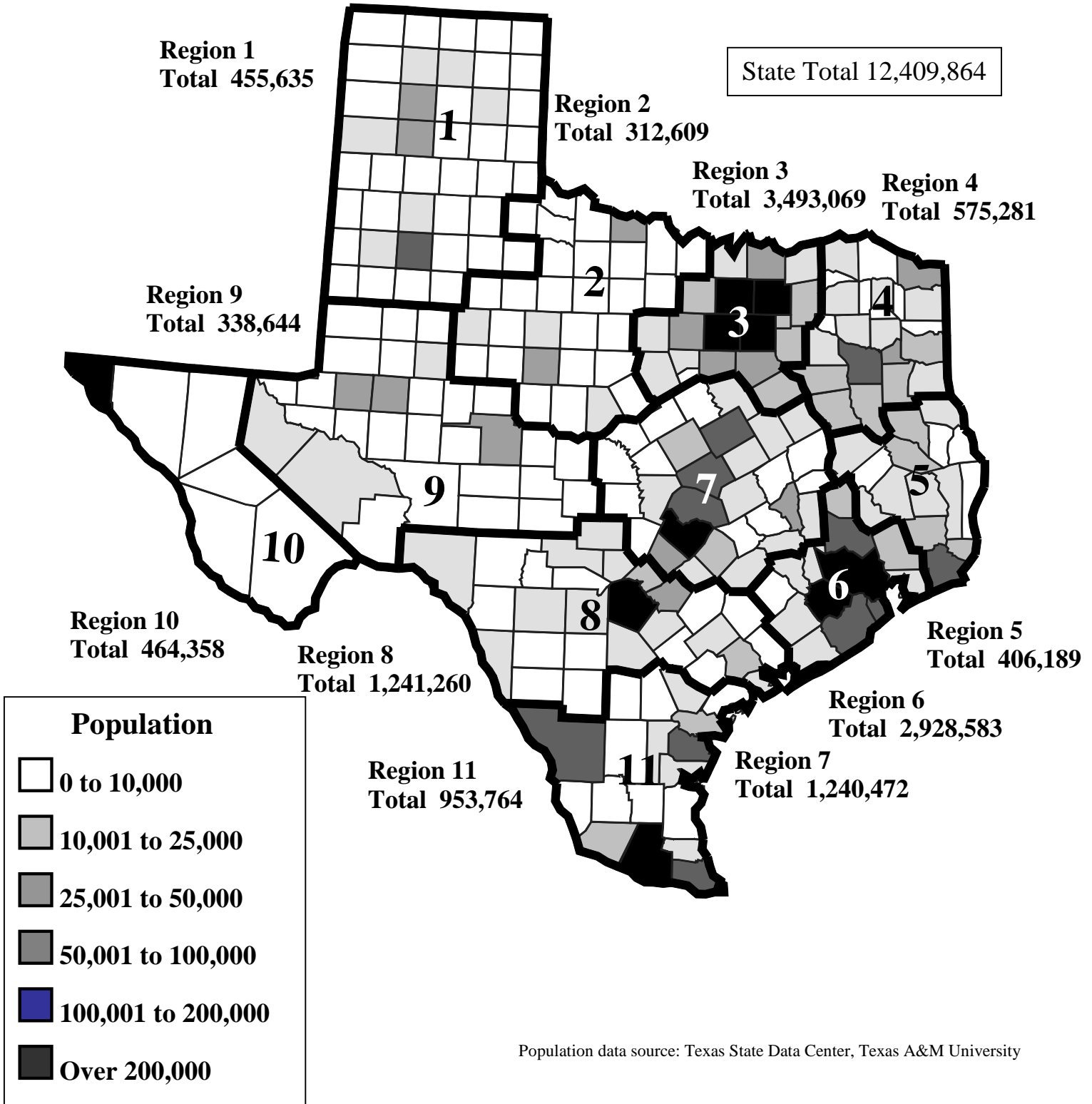
### MHMR Investigations Staff Costs (all settings) \$5,240,306

115 Direct Delivery (supervisors, workers, clerical)  
121 Total Staff

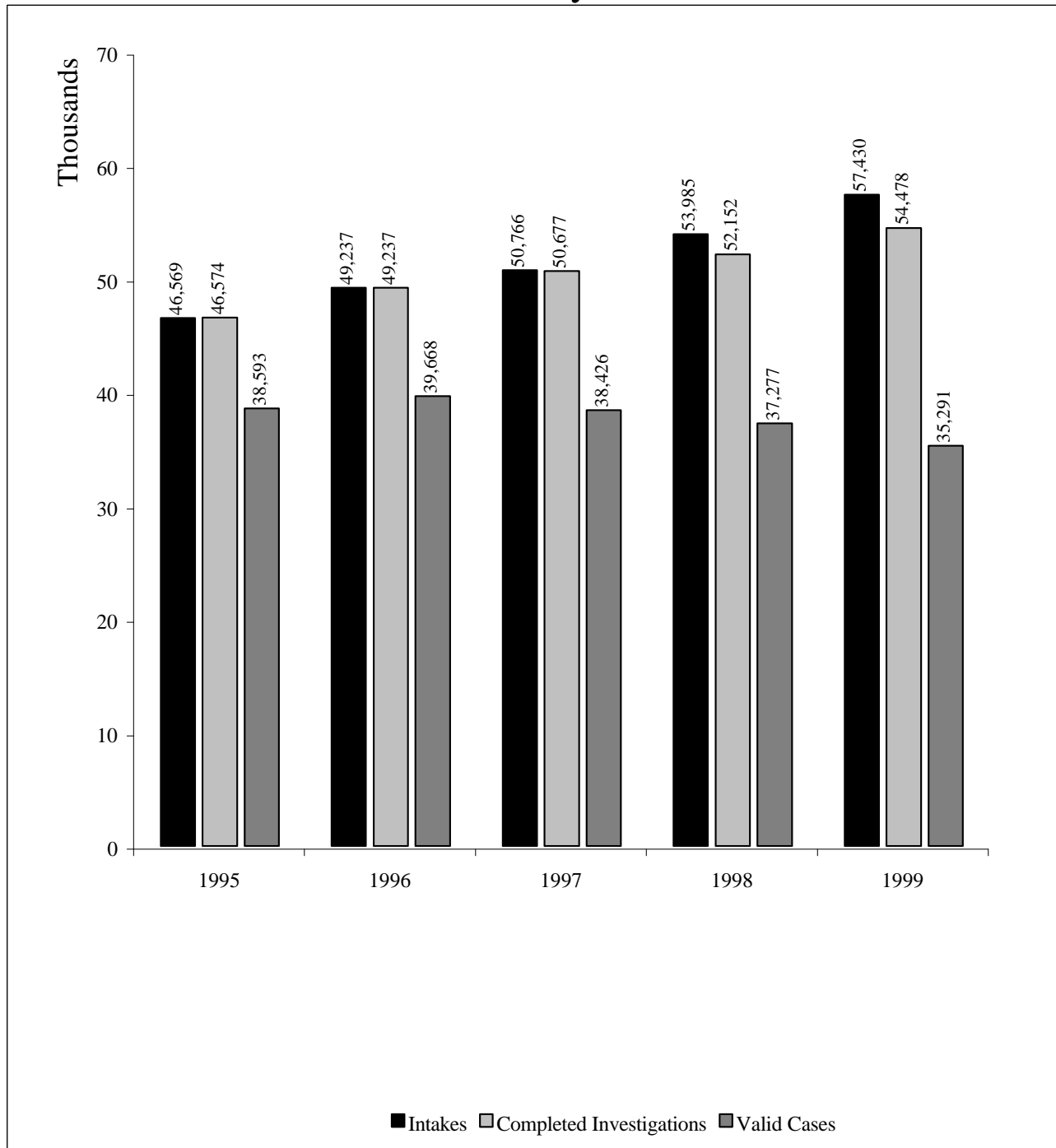
# Texas Adult Population Ages 65 and Over by County Fiscal Year 1999



# Texas Adult Population Ages 18 to 64 by County Fiscal Year 1999

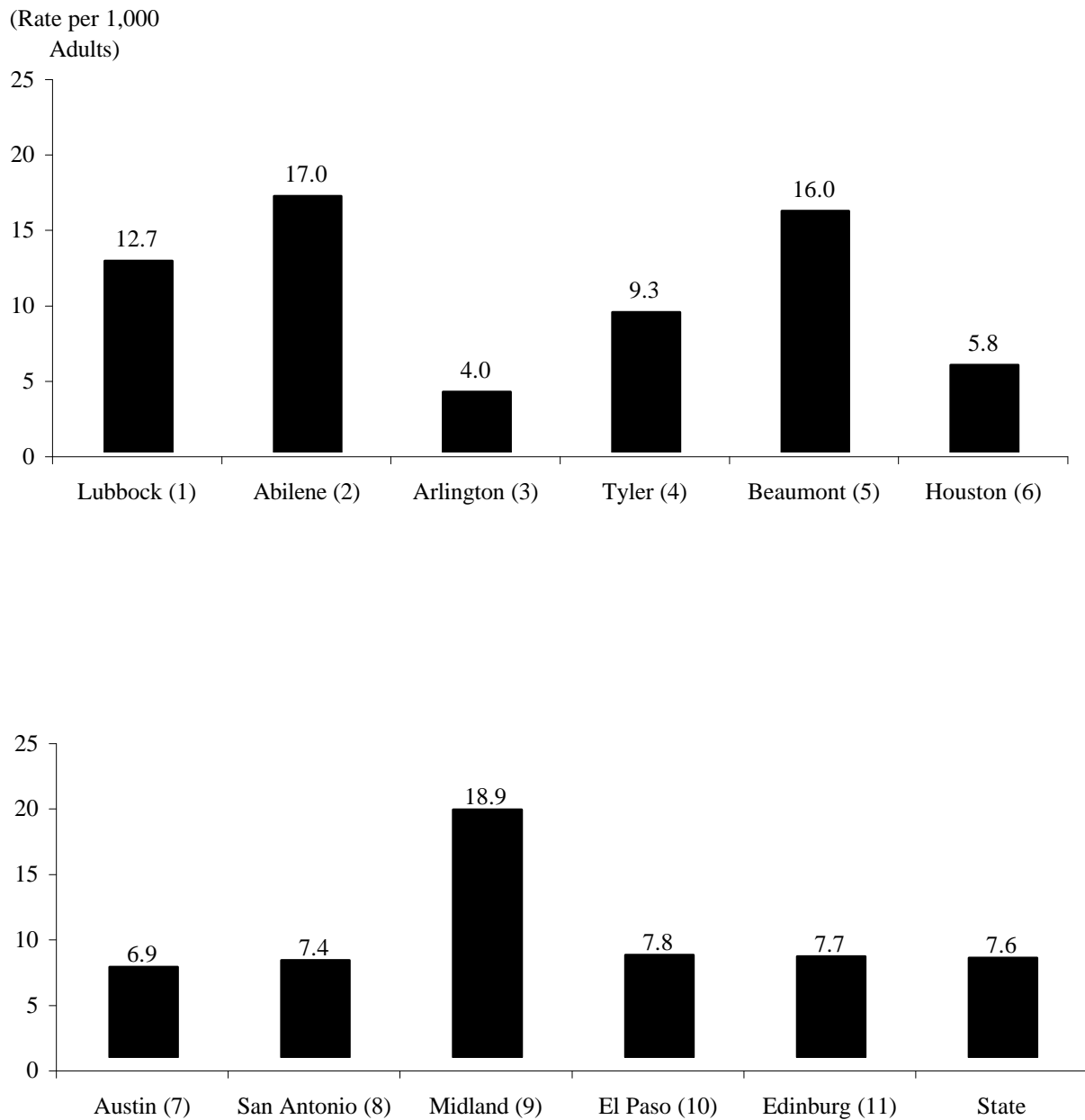


## APS In-Home Intakes, Completed Investigations & Valid Cases by Fiscal Year



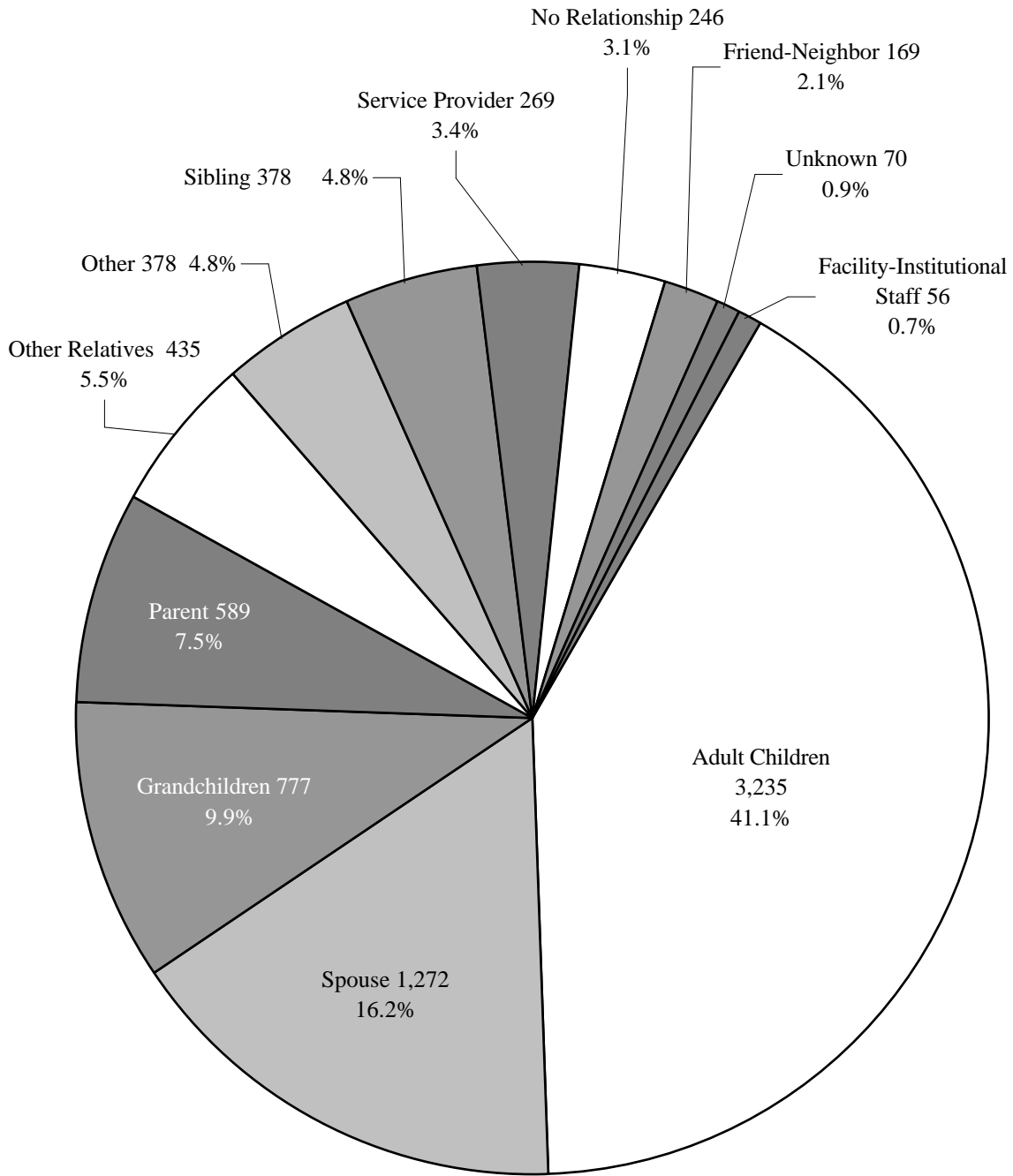
## Incidence of Maltreatment per 1,000 Adults in Texas Adult Population by Region Fiscal Year 1999

### Incidence Rate



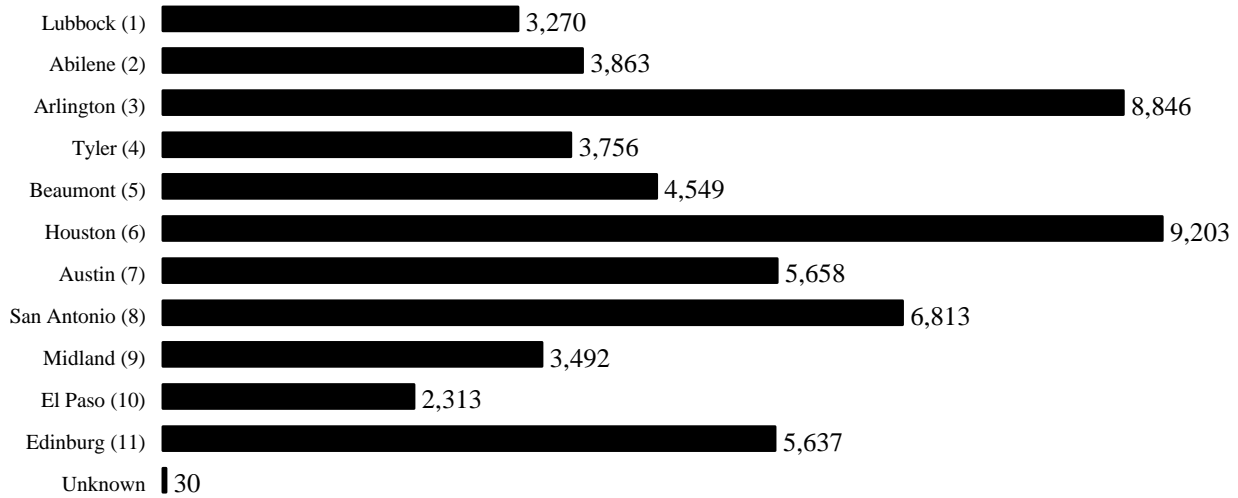
Note: Calculations based on percent of confirmed APS In-Home investigations. Does not reflect unreported incidence.

# Perpetrators in In-Home Cases as of August 31, 1999

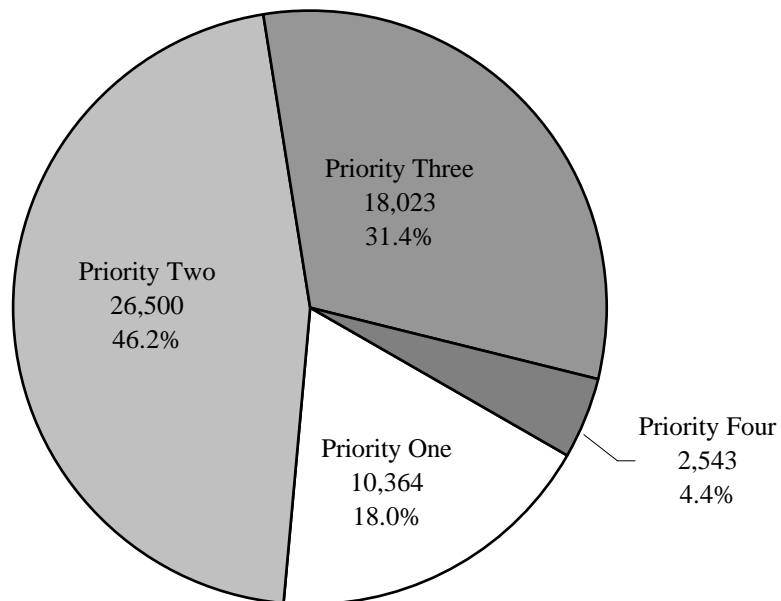


## APS In-Home Intake Reports by Region Fiscal Year 1999

**State Total 57,430**

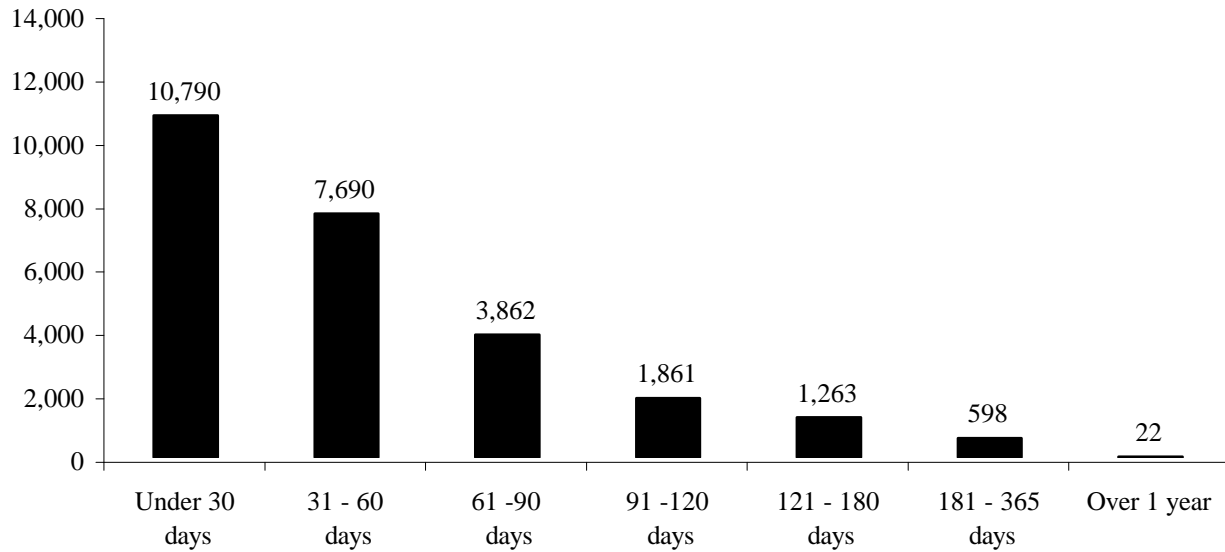


## APS Intake Reports by Priority Fiscal Year 1999

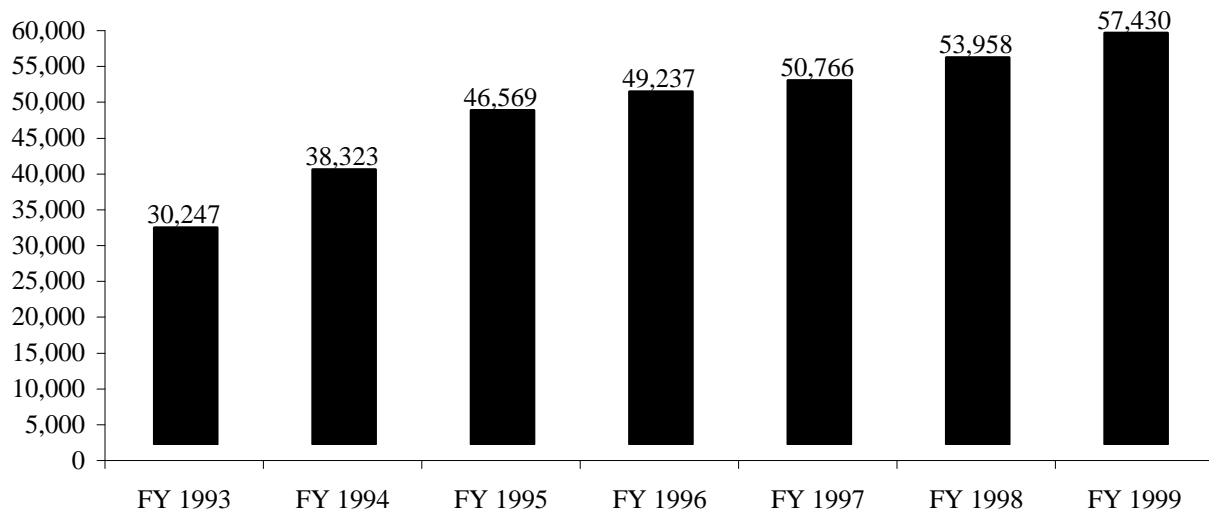




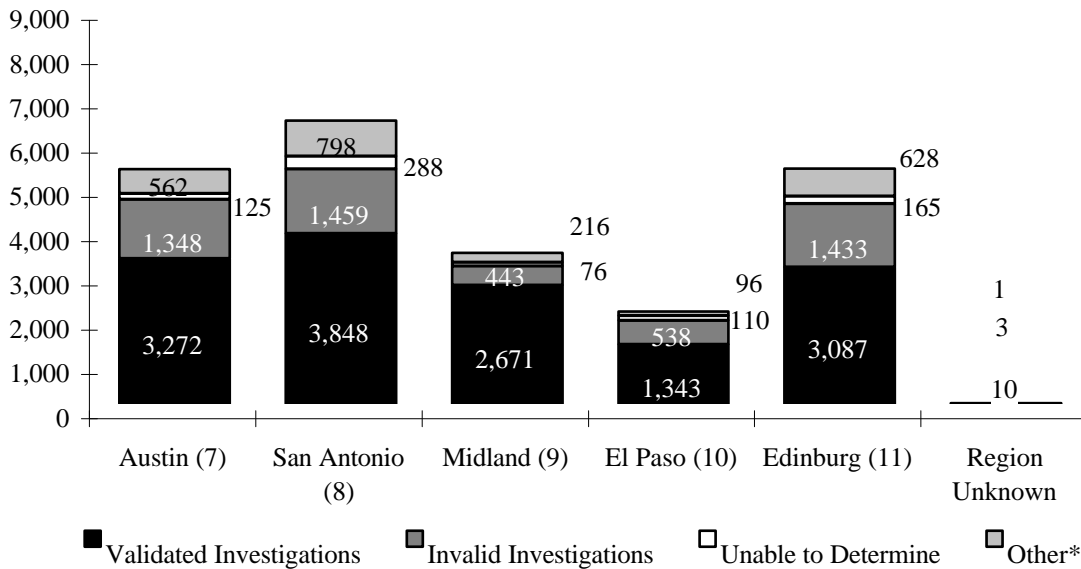
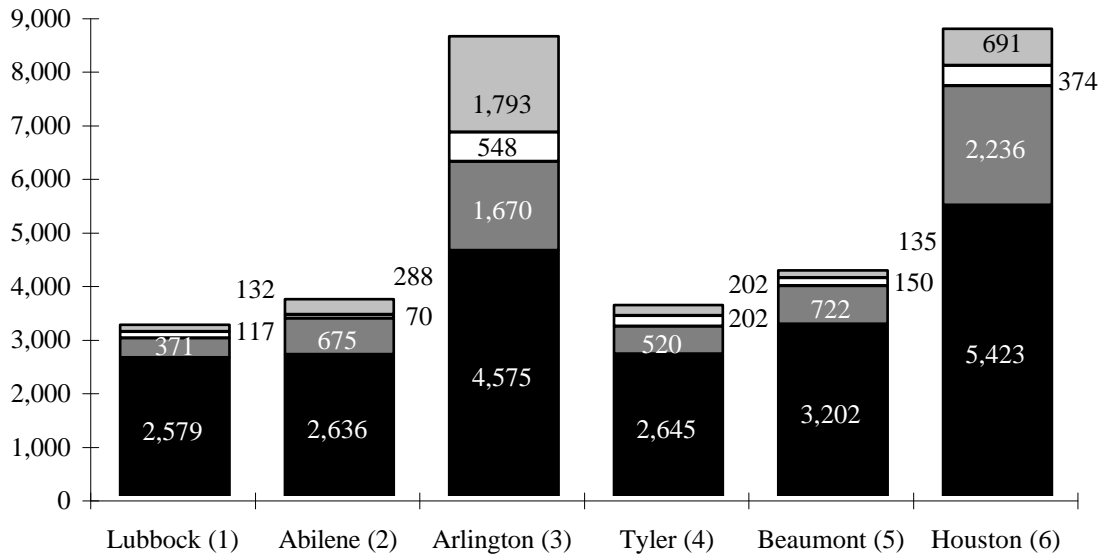
## Duration of APS In-Home Cases (Investigation and Service Delivery) Fiscal Year 1999



## APS In-Home Intakes by Fiscal Year

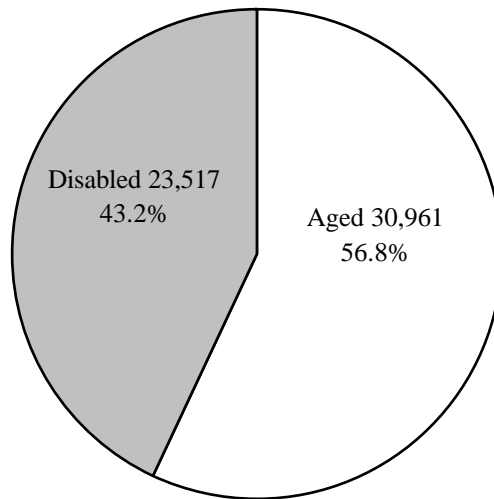


## Completed APS In-Home Investigations by Region Fiscal Year 1999 State Total 54,478

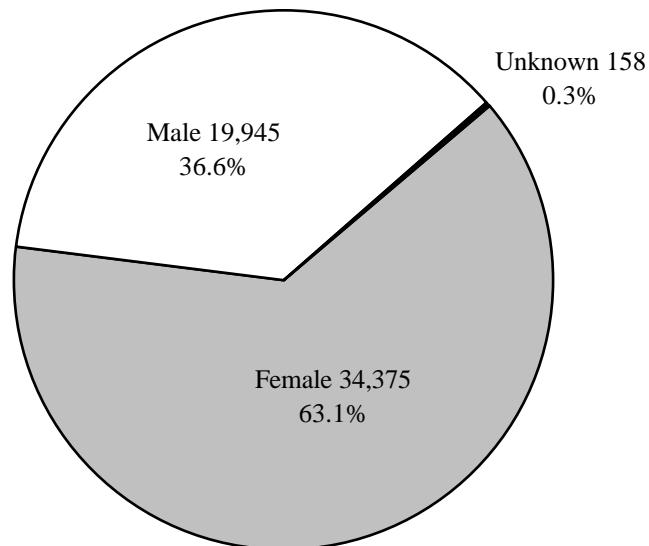


\*"Other" category refers to those investigations that workers could not complete for some reason, e.g. clients died or cases were misclassified.

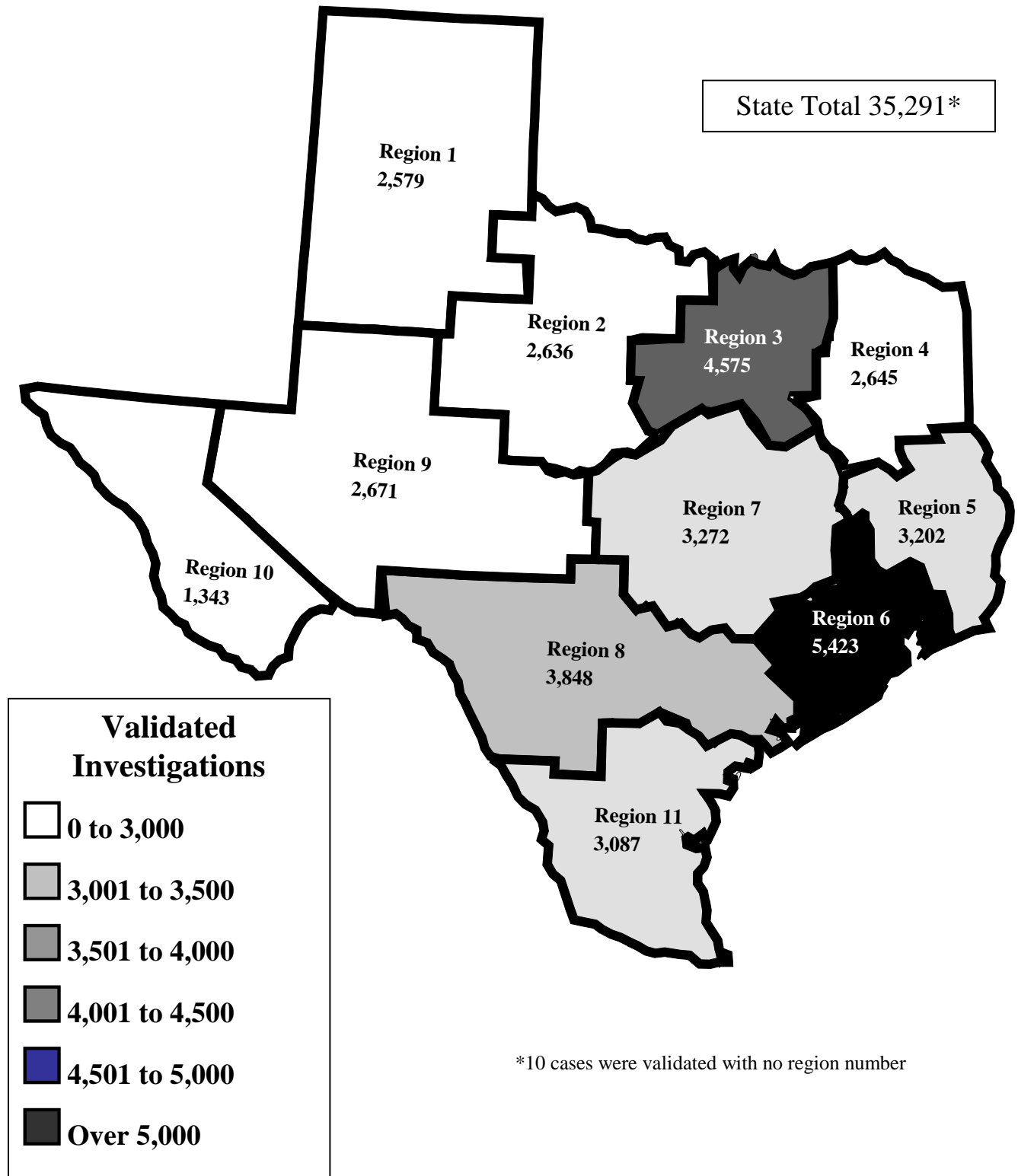
## In-Home Clients in Completed Investigations by Age and Disability Fiscal Year 1999



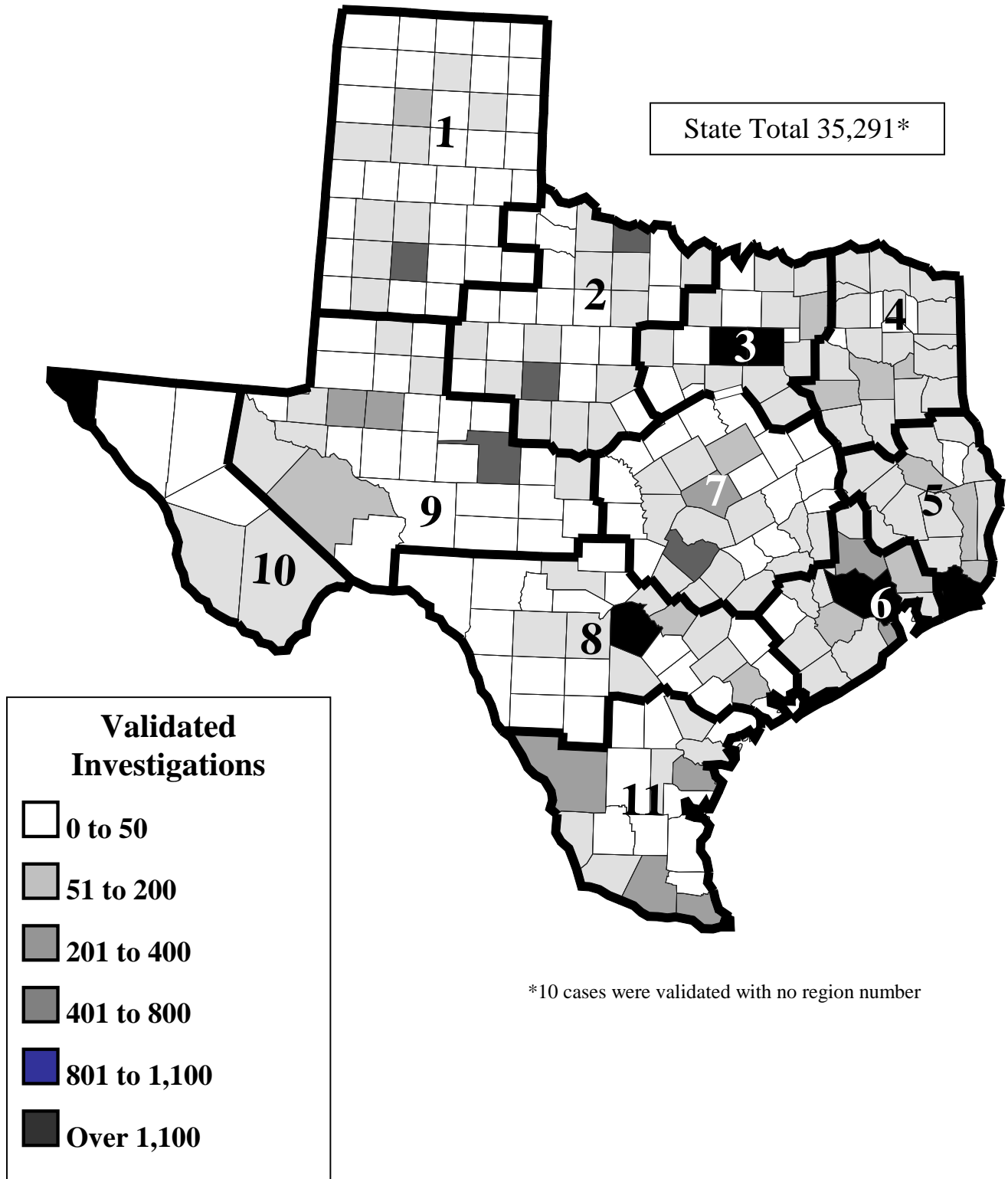
## APS Clients by Gender Fiscal Year 1999



# APS In-Home Validated Investigations by Region Fiscal Year 1999



# APS In-Home Validated Investigations by County Fiscal Year 1999



## Ethnicity of APS Clients in Completed In-Home Investigations Fiscal Year 1999

Region	Anglo	African-American	Hispanic	Native-American	Asian-American	Unknown	Other	Total
Lubbock (1)	1,698	462	765	2	2	263	7	3,199
Abilene (2)	2,337	485	458	4	11	372	2	3,669
Arlington (3)	5,100	1,927	444	15	26	1,040	34	8,586
Tyler (4)	2,120	1,112	37	11	3	281	5	3,569
Beaumont (5)	2,165	1,555	47	10	6	416	10	4,209
Houston (6)	4,035	2,928	855	13	49	815	28	8,723
Austin (7)	2,961	1,228	608	11	18	470	11	5,307
San Antonio (8)	2,448	641	2,771	13	16	482	22	6,393
Midland (9)	1,674	437	1,176	15	2	95	7	3,406
El Paso (10)	550	78	1,337	10	7	103	3	2,088
Edinburg (11)	1,285	177	3,558	6	9	272	6	5,313
Region Unknown	9	1	4	0	0	2	0	16
<b>Total</b>	<b>26,382</b>	<b>11,031</b>	<b>12,060</b>	<b>110</b>	<b>149</b>	<b>4,611</b>	<b>135</b>	<b>54,478</b>

## Allegations in Completed APS In-Home Investigations Fiscal Year 1999

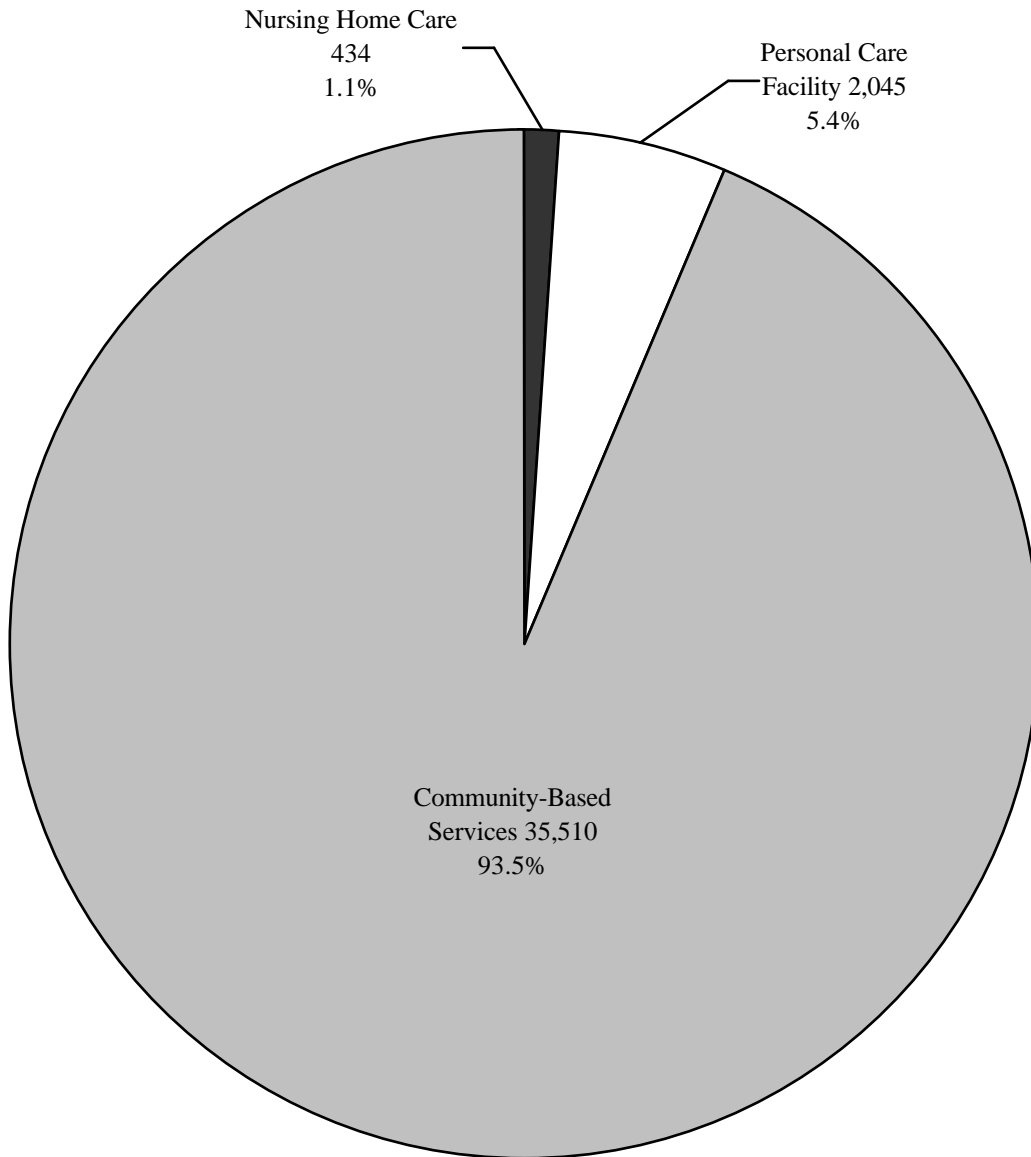
Allegation	Number of Allegations	Percentage
Emotional/Verbal Abuse	3,308	6.1%
Exploitation	3,550	6.5%
Medical Neglect	9,602	17.6%
Mental Health Neglect	2,821	5.2%
Physical Abuse	4,798	8.8%
Physical Neglect	27,270	50.0%
Suicidal Threat	2,661	4.9%
Sexual Abuse	468	0.9%
<b>Total</b>	<b>54,478</b>	<b>100.0%</b>

## Services\* Delivered in In-Home Cases by Region Fiscal Year 1999

<b>Region</b>	<b>Rent/ Utilities Restoration</b>	<b>Social Services</b>	<b>Guardianship/ Legal Services</b>	<b>Health Services</b>	<b>Emergency Shelter &amp; Placement</b>	<b>Other</b>	<b>Total</b>
Lubbock (1)	358	1,655	23	881	100	438	3,455
Abilene (2)	403	1,015	26	1,045	41	405	2,935
Arlington (3)	219	2,071	116	956	230	468	4,060
Tyler (4)	166	1,916	19	546	98	208	2,953
Beaumont (5)	413	1,401	25	1,025	124	378	3,366
Houston (6)	502	3,199	67	1,231	212	633	5,844
Austin (7)	318	1,688	63	872	162	394	3,497
San Antonio (8)	165	2,124	81	981	288	494	4,133
Midland (9)	354	1,346	18	1,109	53	431	3,311
El Paso (10)	65	971	29	337	61	212	1,675
Edinburg (11)	195	1,412	14	791	93	332	2,837
Unknown	1	6	0	0	1	1	9
<b>Total</b>	<b>3,159</b>	<b>18,804</b>	<b>481</b>	<b>9,774</b>	<b>1,463</b>	<b>4,394</b>	<b>38,075*</b>

\* Clients in confirmed cases may receive more than one service.

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





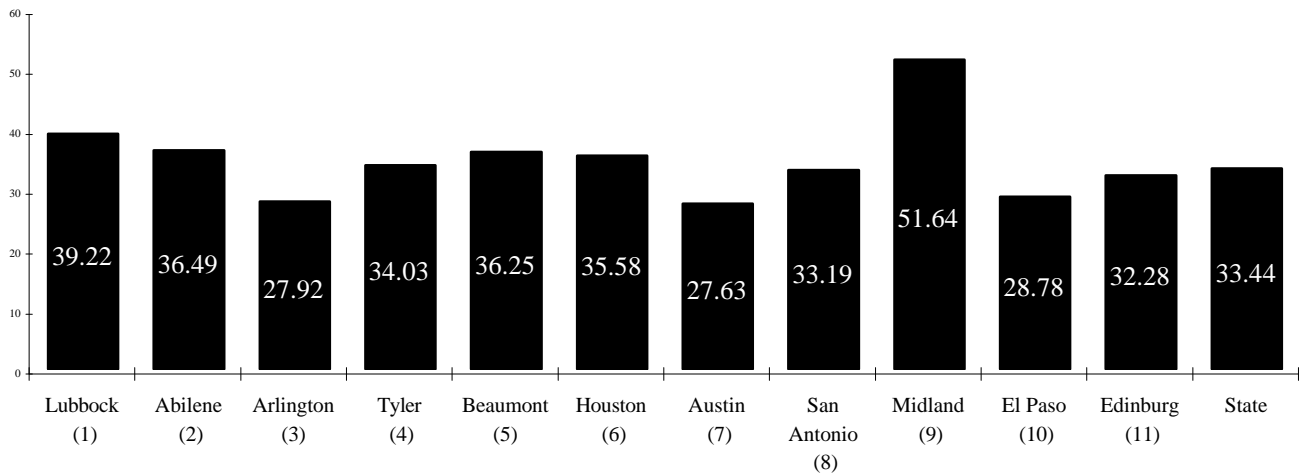
## Average Length of In-Home Investigations by Region Fiscal Year 1999

Region	Days
Lubbock (1)	15.21
Abilene (2)	10.11
Arlington (3)	12.14
Tyler (4)	13.31
Beaumont (5)	8.89
Houston (6)	18.74
Austin (7)	13.05
San Antonio (8)	17.59
Midland (9)	6.43
El Paso (10)	15.39
Edinburg (11)	13.79
Unknown Region	4.38
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Statewide Average	13.72

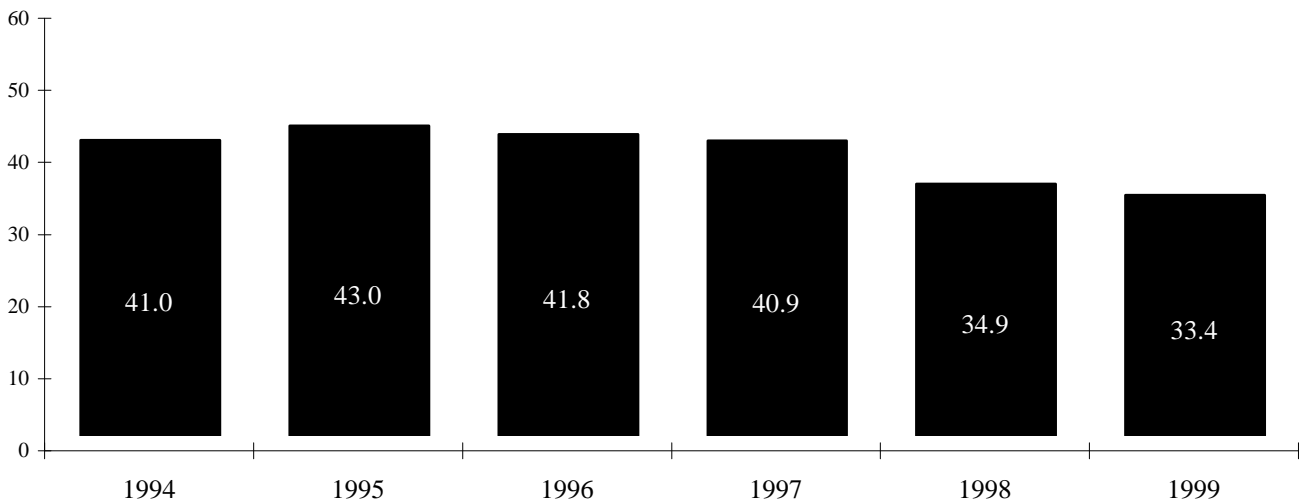
## APS Average Worker Tenure in Program Fiscal Year 1999

Tenure	Workers	Percentage
Under 1 Year	44	11.8%
1 Year	52	14.0%
2 Years	35	9.4%
3 Years	34	9.1%
4 Years	25	6.7%
5 Years	30	8.1%
6 - 9 years	110	29.6%
10 - 15 years	42	11.3%
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Total	372	100.0%

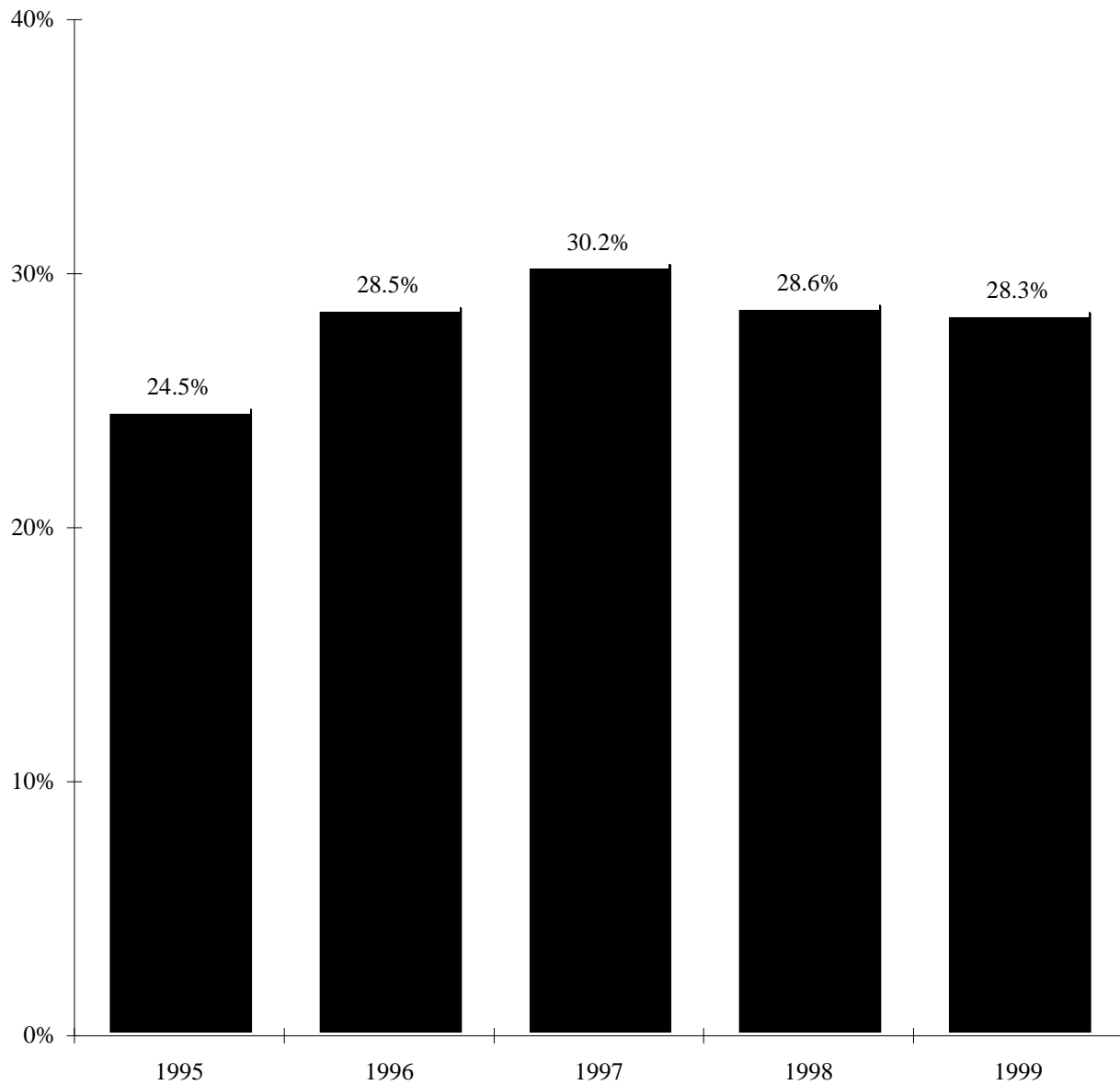
## Average APS In-Home Weighted Caseload per Worker by Region Fiscal Year 1999



## Average APS In-Home Caseload per Worker by Fiscal Year

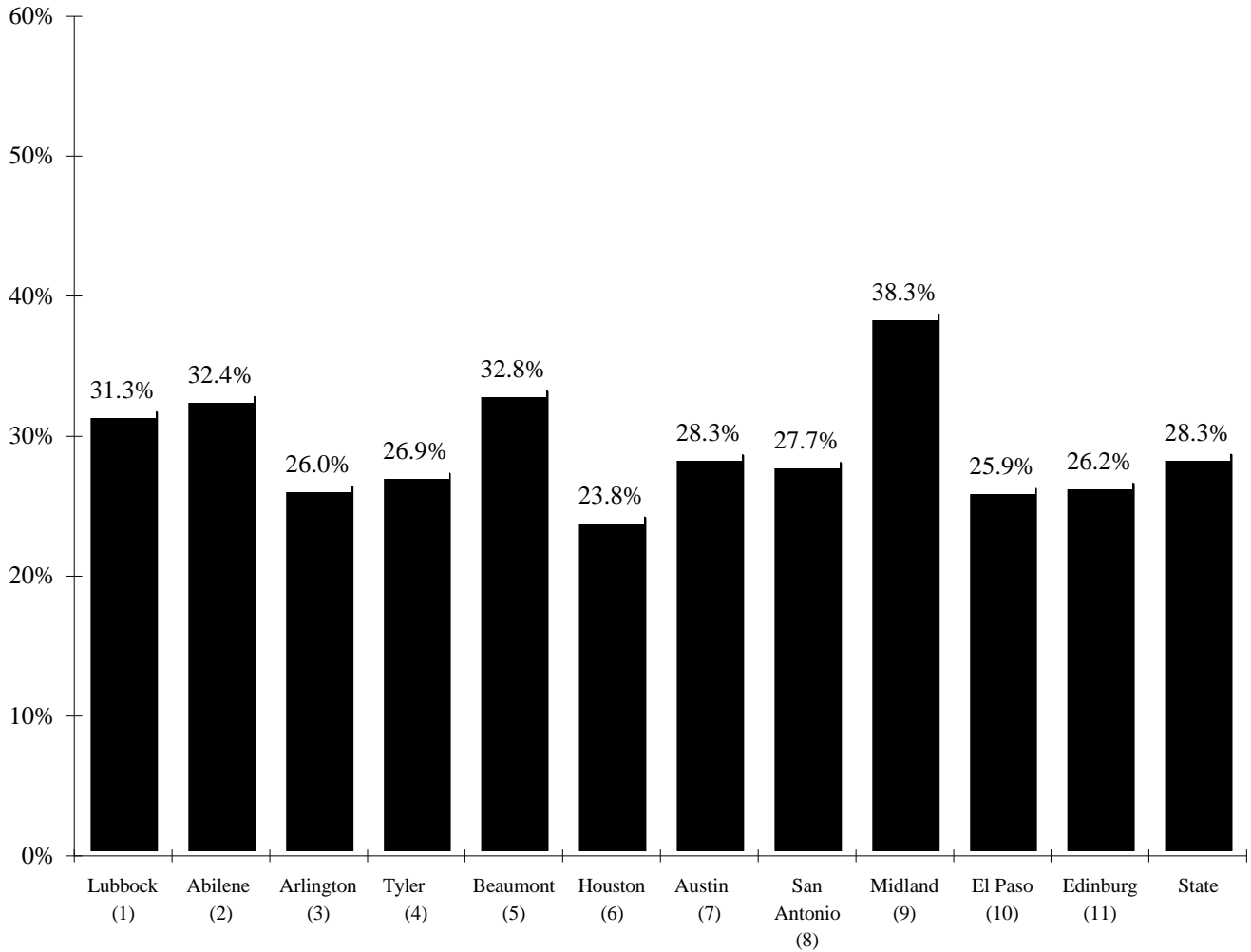


## Recidivism\* of APS In-Home Cases by Fiscal Year



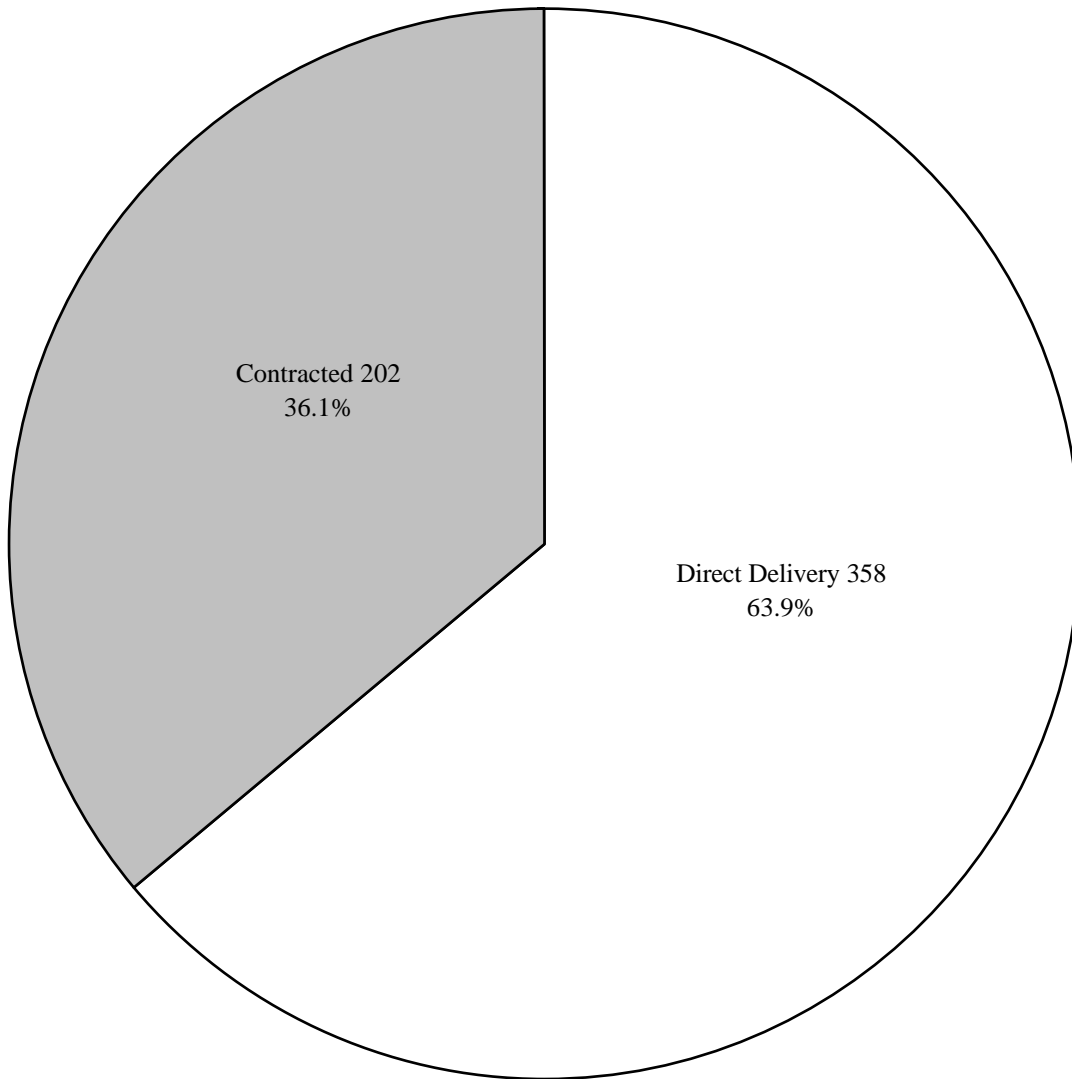
\*Percent of APS Clients referred to APS system more than once during the fiscal year, including clients who refused services and were re-referred.

## Recidivism\* of APS In-Home Cases by Region Fiscal Year 1999

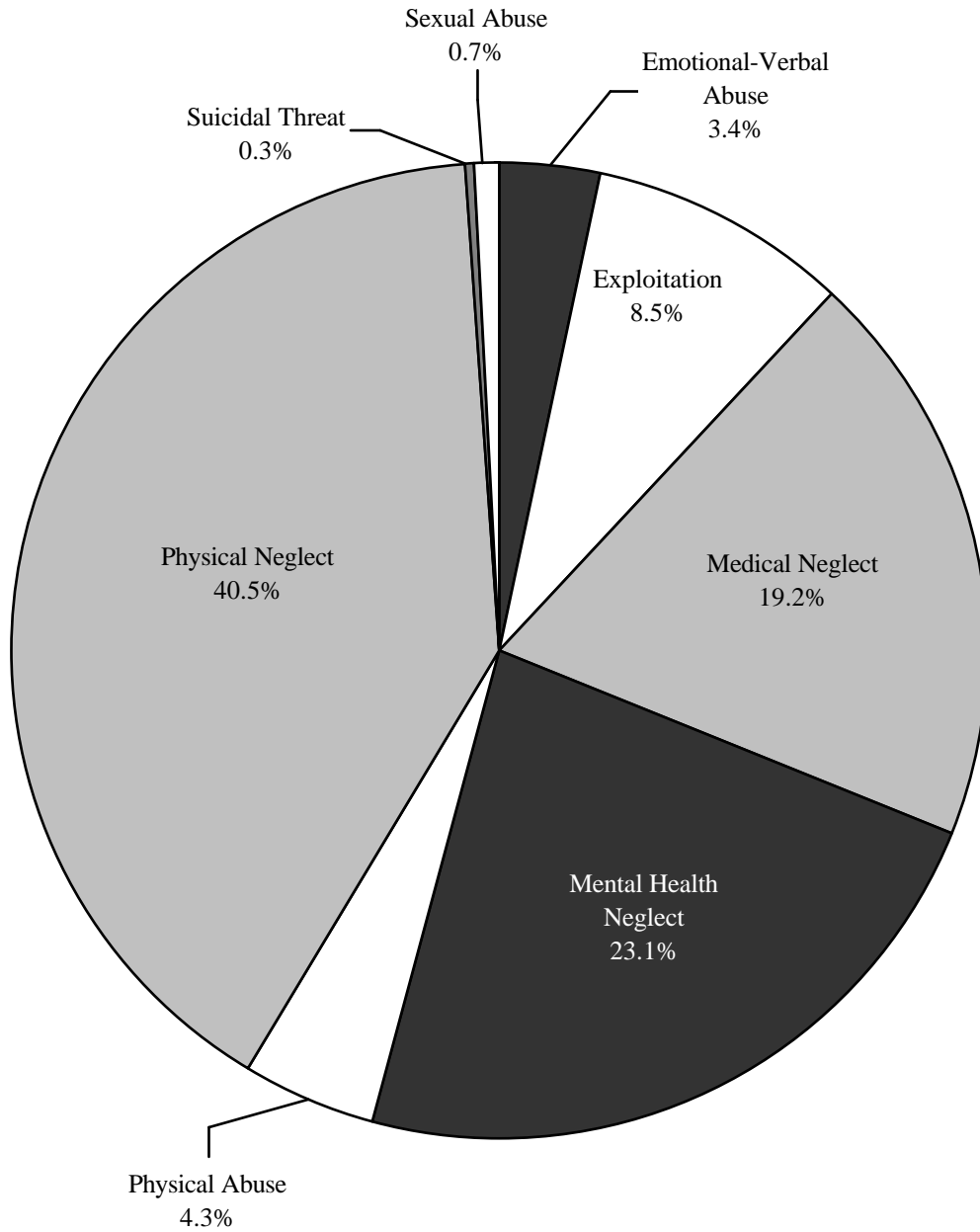


\*Percent of APS Clients referred to APS system more than once during the fiscal year, including clients who refused services and were re-referred.

# APS Guardianships as of August 31, 1999



# Types of Abuse in Cases that Received Guardianship Services as of August 31, 1999



Note: Clients may have experienced more than one type of abuse.

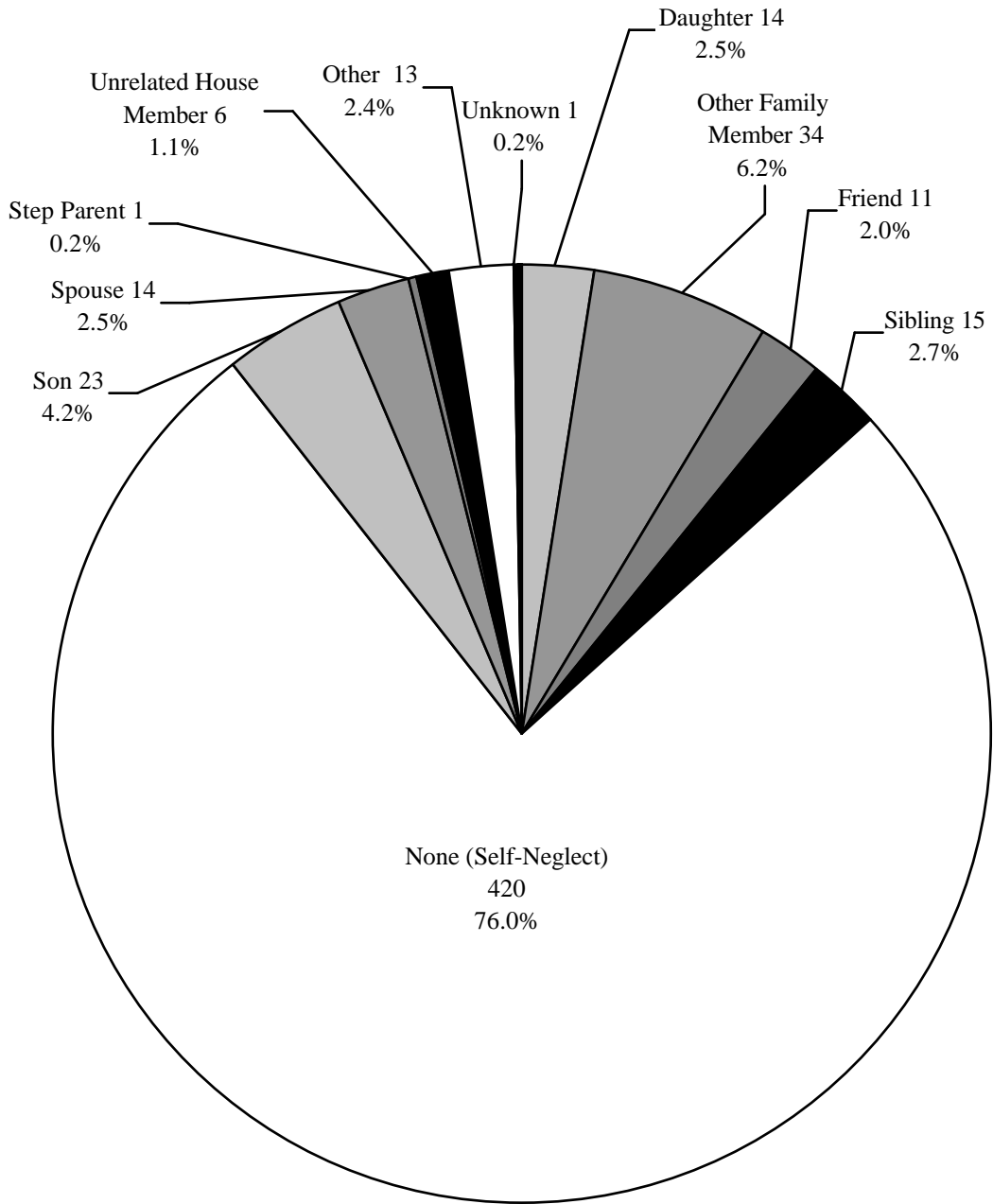
## Demographics of APS Guardianship Clients as of August 31, 1999

<b>Age</b>	<b>Cases</b>	<b>Percentage</b>
18 - 33 Years	132	23.6%
34 - 49 Years	62	11.1%
50 - 64 Years	63	11.3%
65 - 81 Years	183	32.6%
82 + Years	120	21.4%
<b>Total</b>	<b>560</b>	<b>100.0%</b>

<b>Gender</b>	<b>Cases</b>	<b>Percentage</b>
Female	352	62.9%
Male	200	35.7%
Unknown	8	1.4%
<b>Total</b>	<b>560</b>	<b>100.0%</b>

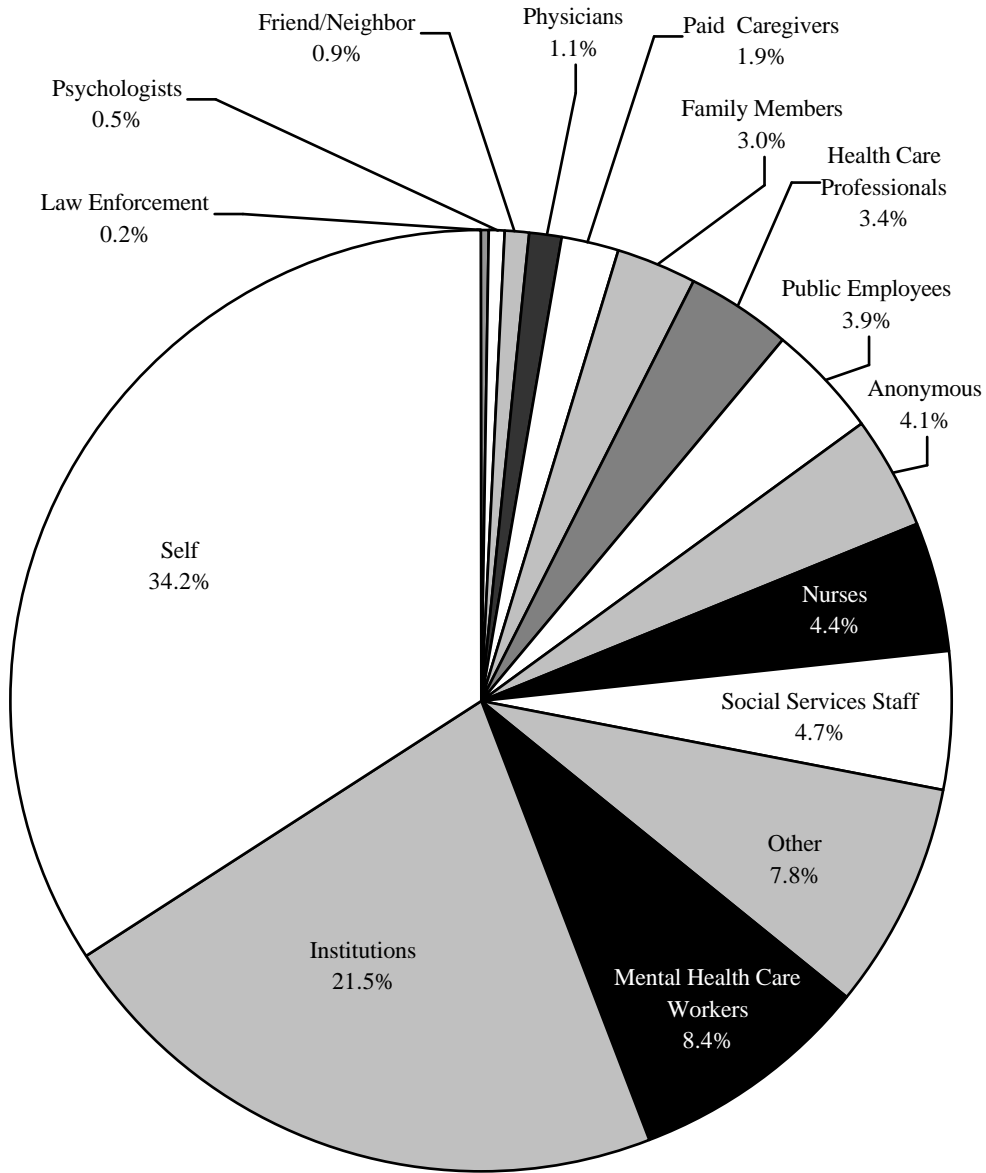
<b>Ethnicity</b>	<b>Cases</b>	<b>Percentage</b>
Native American	1	0.2%
Asian	2	0.4%
African American	122	21.7%
Hispanic	85	15.2%
Anglo	314	56.0%
Other	16	2.9%
Unknown	20	3.6%
<b>Total</b>	<b>560</b>	<b>100.0%</b>

# Perpetrators in Cases that Received Guardianship as of August 31, 1999

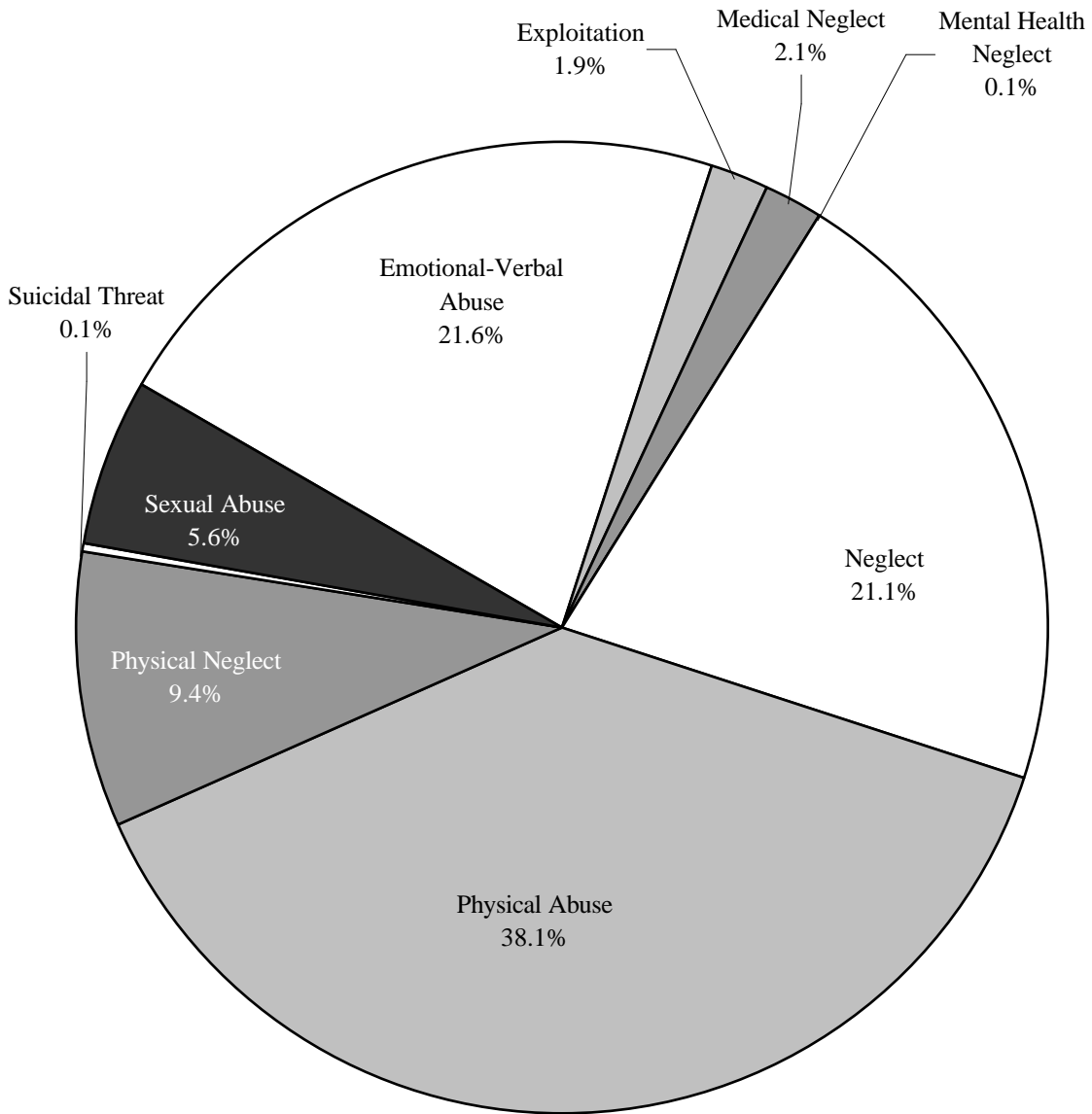




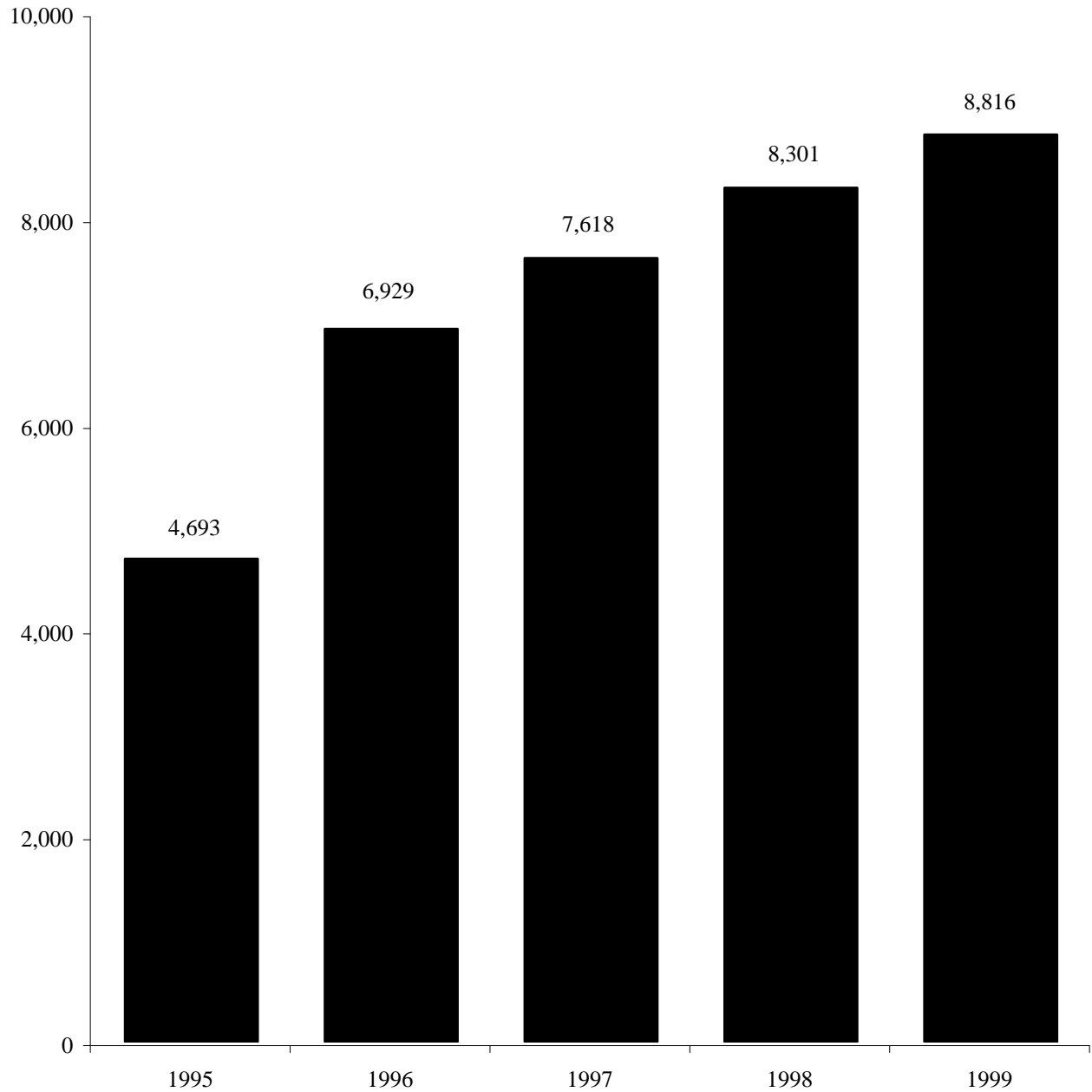
# Investigations in MHMR Settings by Source of Report Fiscal Year 1999



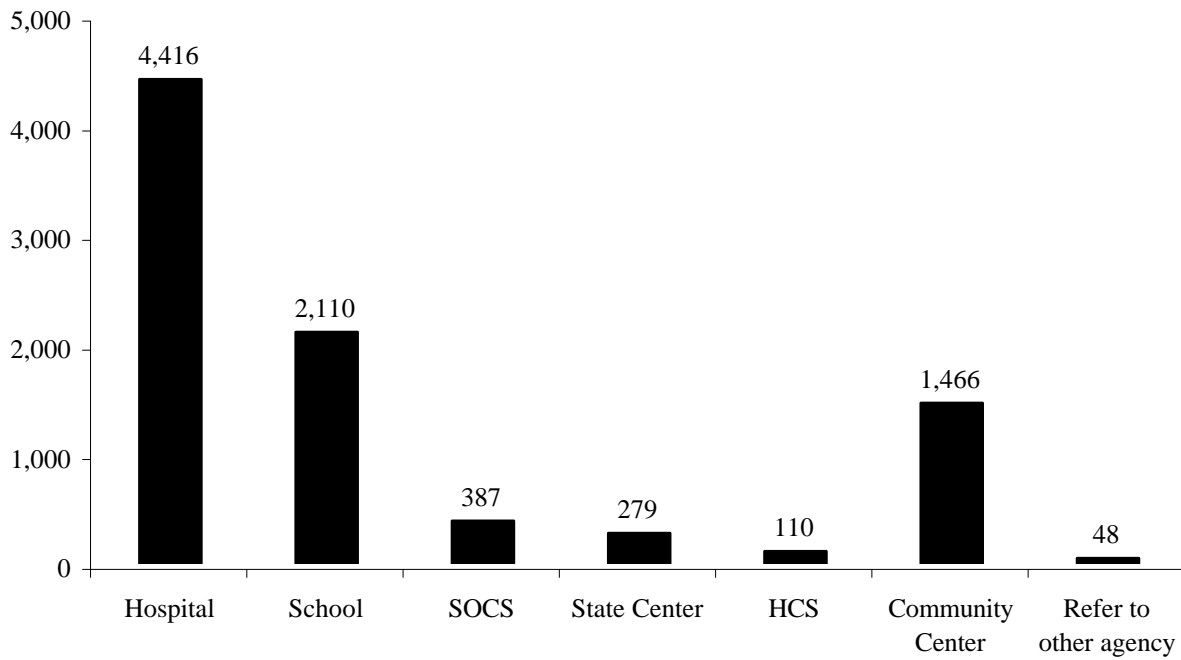
# Types of Abuse Alleged in MHMR Settings Fiscal Year 1999



## Completed Investigations in MHMR Settings By Fiscal Year



## Completed Investigations by MHMR Setting Fiscal Year 1999



## Average Length of MHMR Investigations by Region Fiscal Year 1999

Region	Days
Lubbock (1)	10.97
Abilene (2)	11.65
Arlington (3)	9.33
Tyler (4)	11.85
Beaumont (5)	11.40
Houston (6)	23.03
Austin (7)	10.30
San Antonio (8)	15.16
Midland (9)	12.86
El Paso (10)	13.22
Edinburg (11)	12.05
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Statewide Average	12.20

## Average MHMR Investigator Tenure In Program Fiscal Year 1999

Tenure	Investigator	Percentage
Under 1 Year	21	21.6%
1 Year	6	6.2%
2 Years	13	13.4%
3 Years	14	14.4%
4 Years	9	9.3%
5 Years	6	6.2%
6 - 9 Years	28	28.9%
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Total	97	100.0%

## Repeat Referrals in MHMR Settings by Region Fiscal Year 1999

