

# 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 2000 Expenditures and Staffing

APS Staff Costs \$23,738,699

539 Direct Delivery (supervisors, workers, clerical)  
585 Total Staff

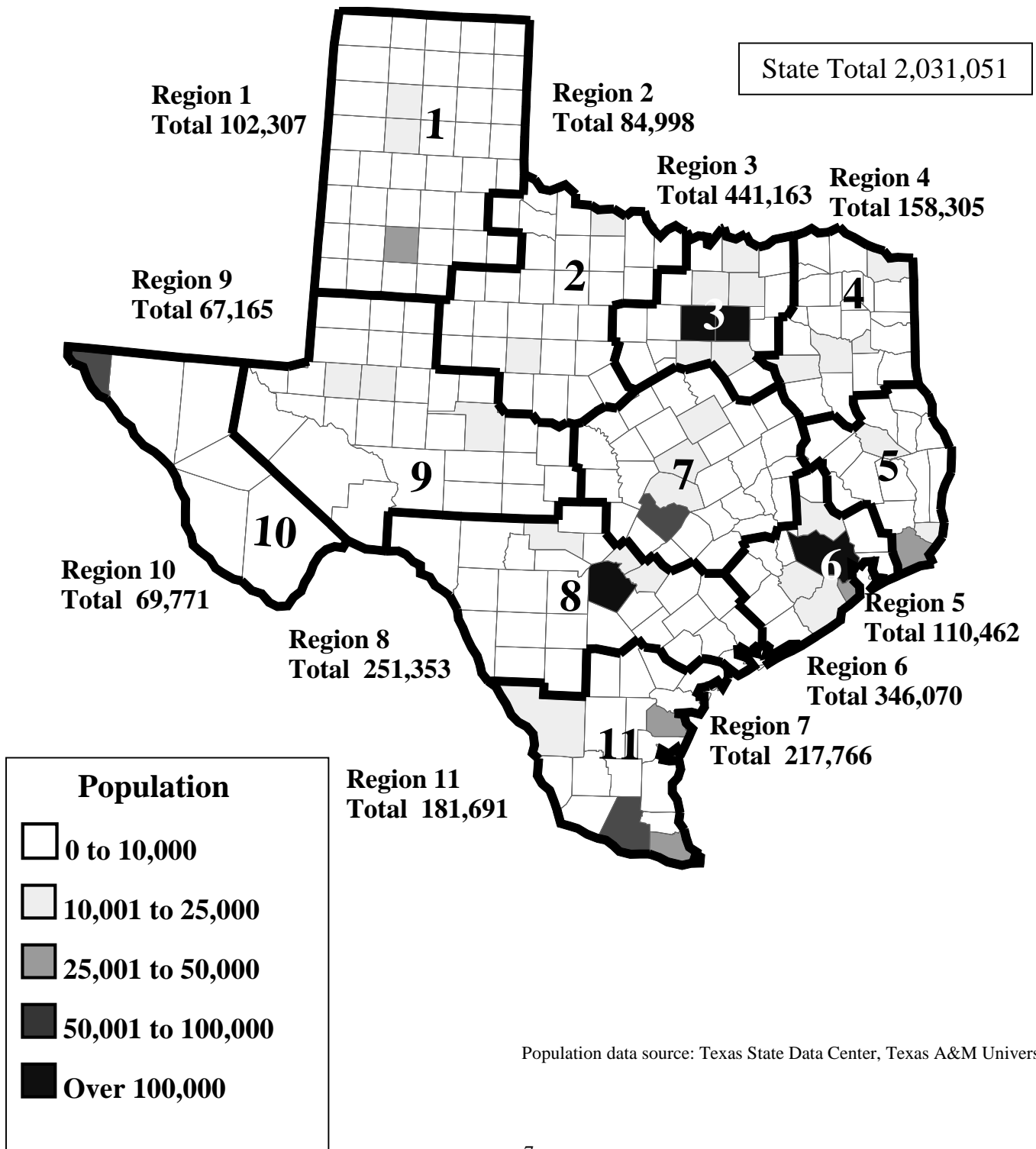
Purchased Services \$3,818,351

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

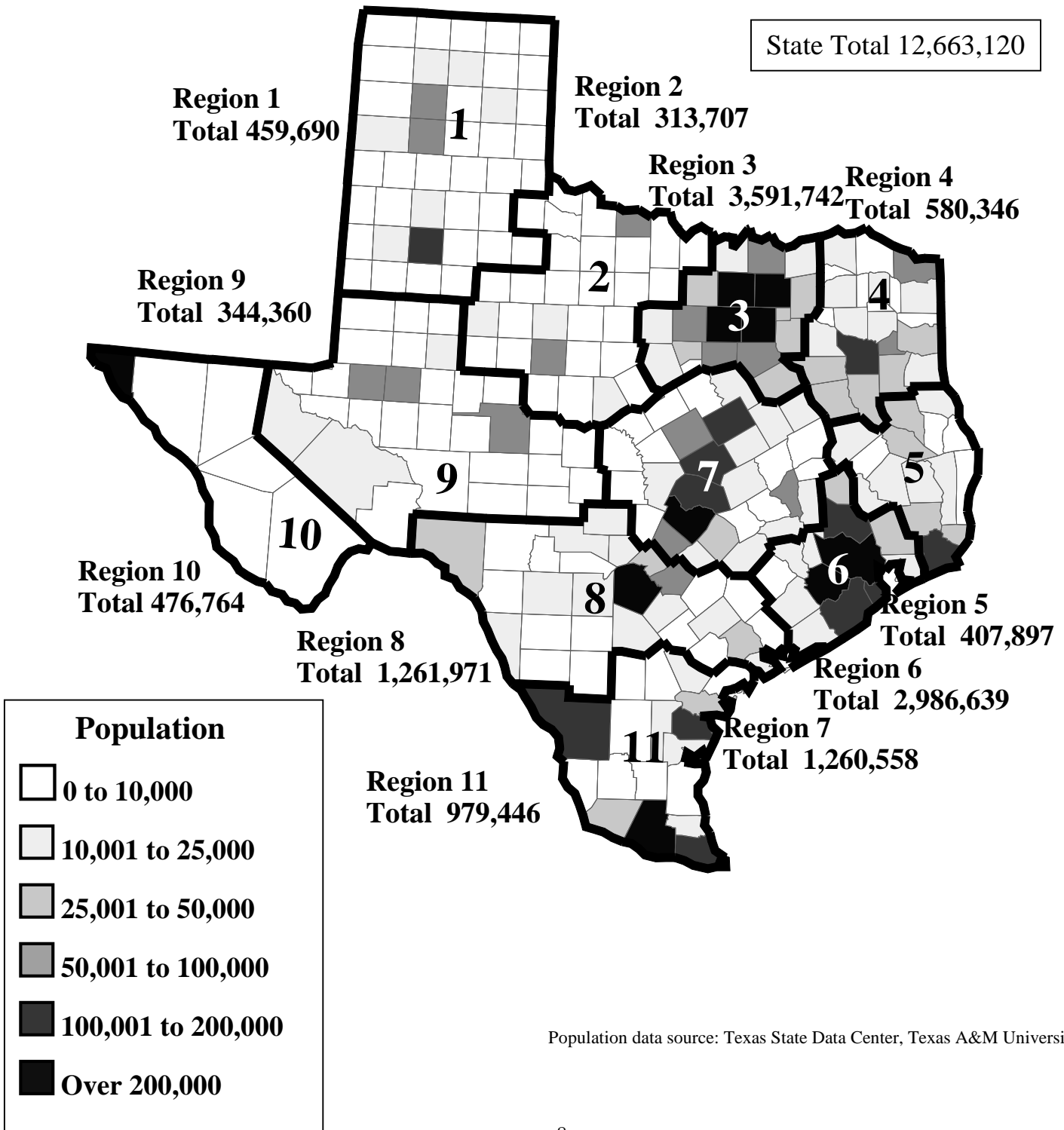
MHMR Investigations Staff Costs (all settings) \$4,742,644

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

# Texas Adult Population Ages 65 and Over by County Fiscal Year 2000

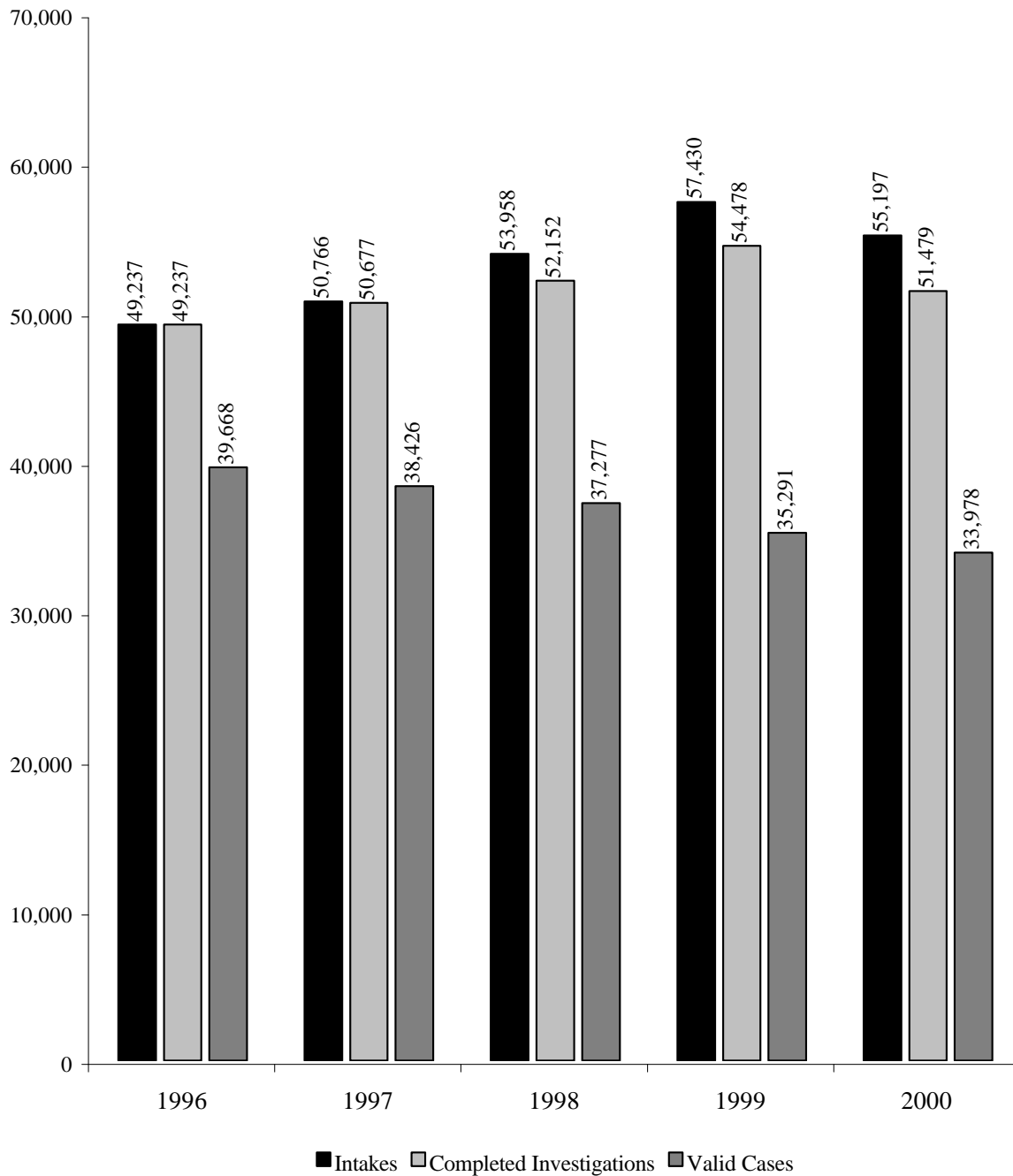


# Texas Adult Population Ages 18 to 64 by County Fiscal Year 2000



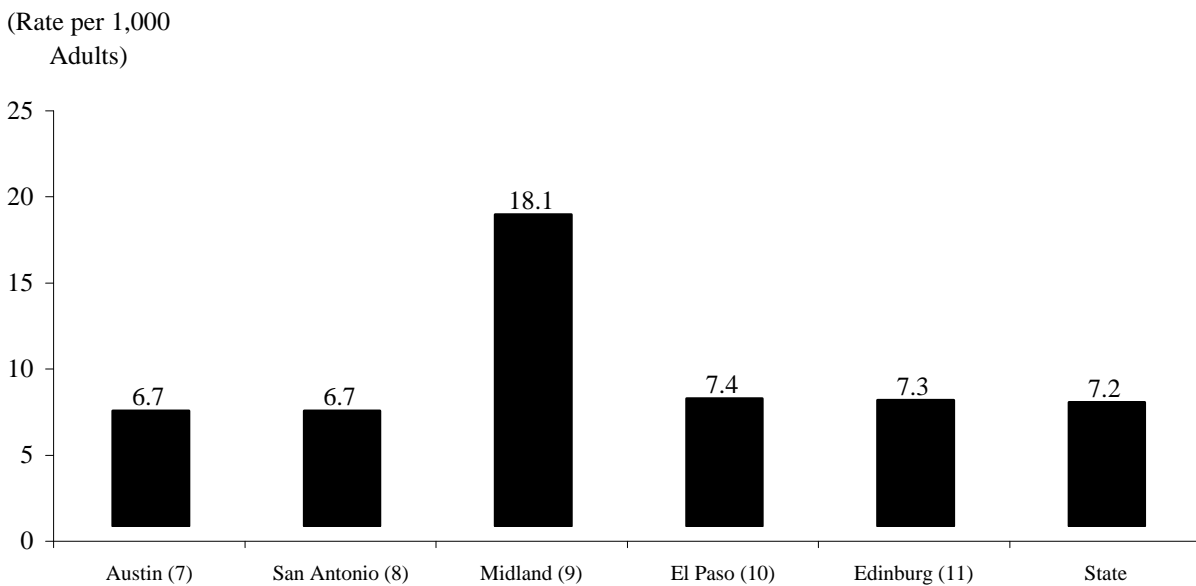
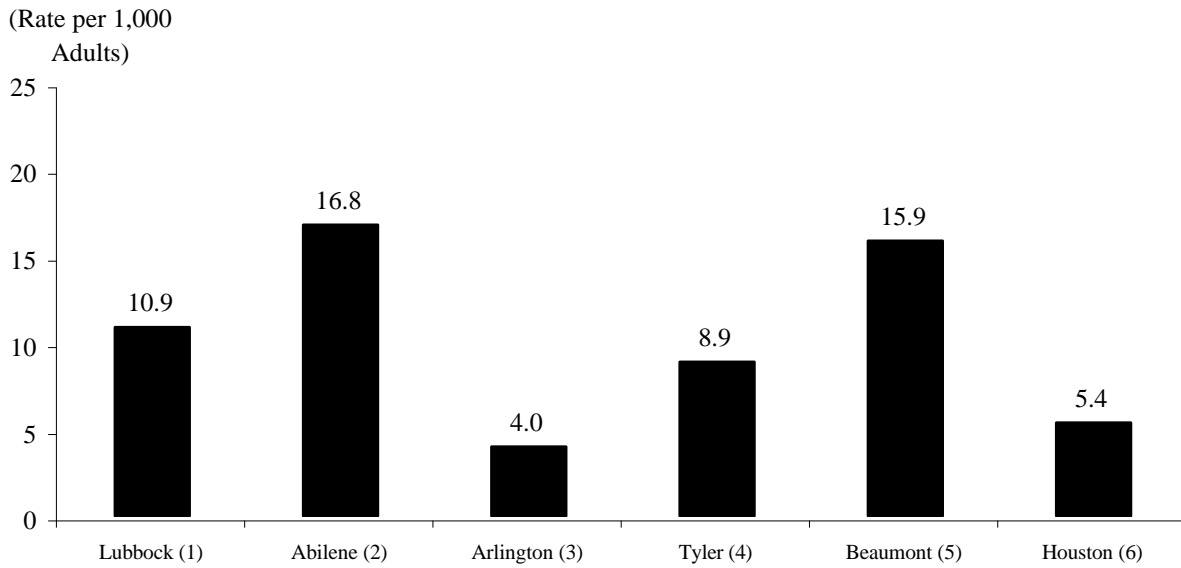
Population data source: Texas State Data Center, Texas A&M University

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



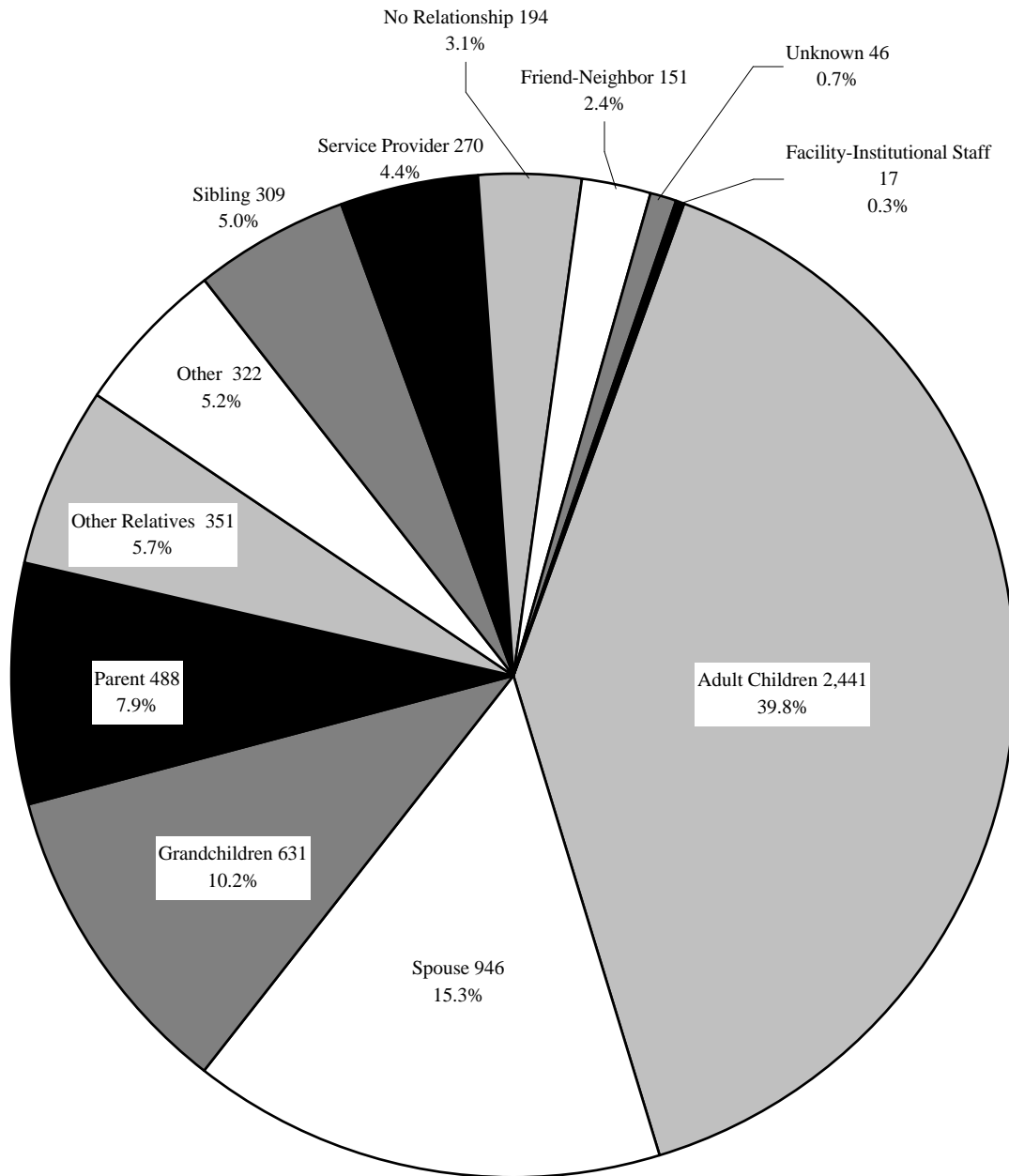
## Incidence of Maltreatment per 1,000 Adults in Texas Adult Population by Region Fiscal Year 2000

Incidence Rate



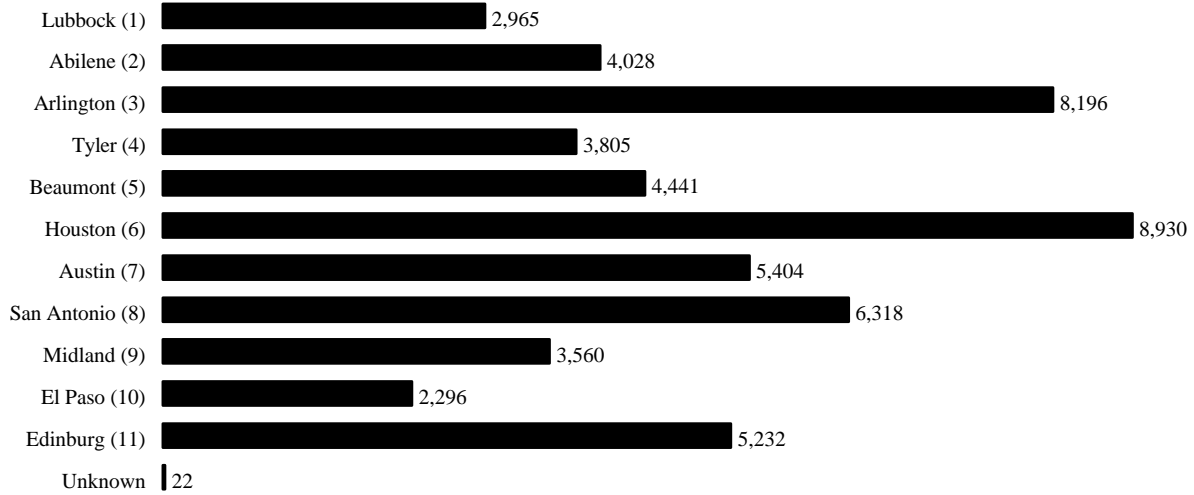
Note: Calculations based on percent of confirmed APS In-Home investigations. Does not reflect unreported incidence.

# Perpetrators in In-Home Cases FY 2000

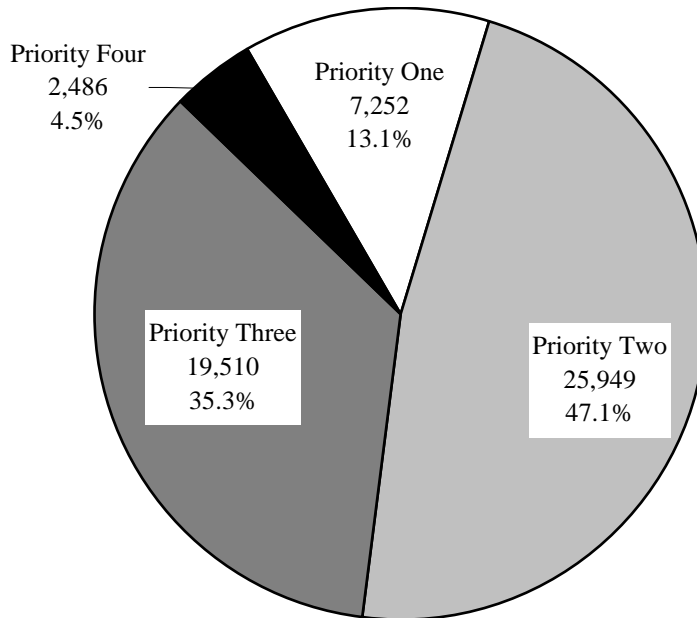


## APS In-Home Intake Reports by Region Fiscal Year 2000

State Total 55,197

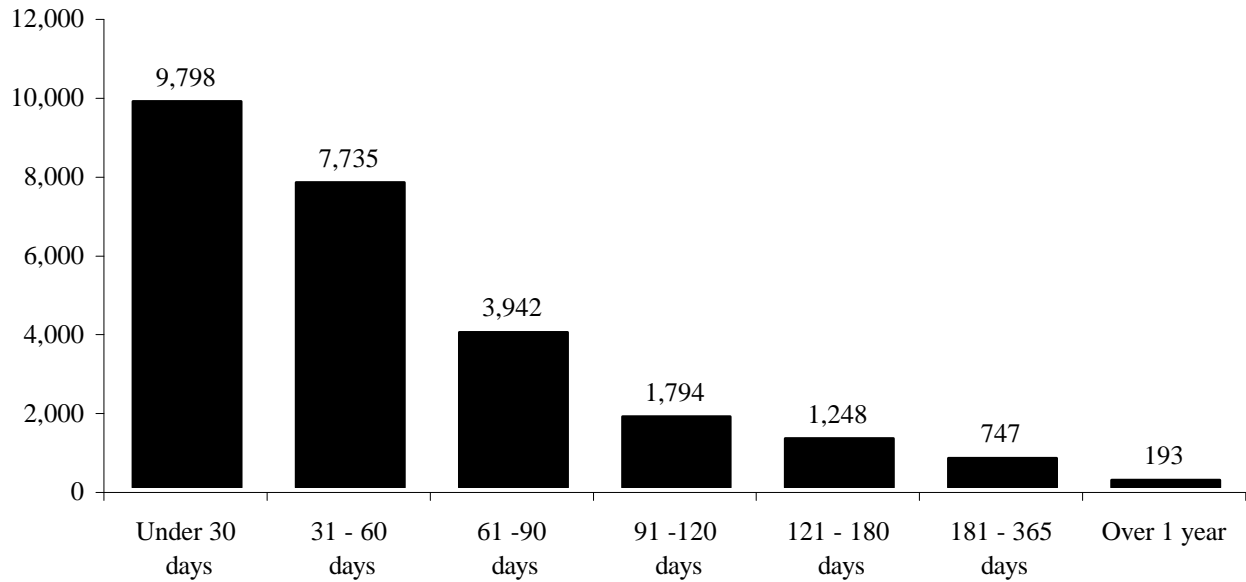


## APS Intake Reports by Priority Fiscal Year 2000

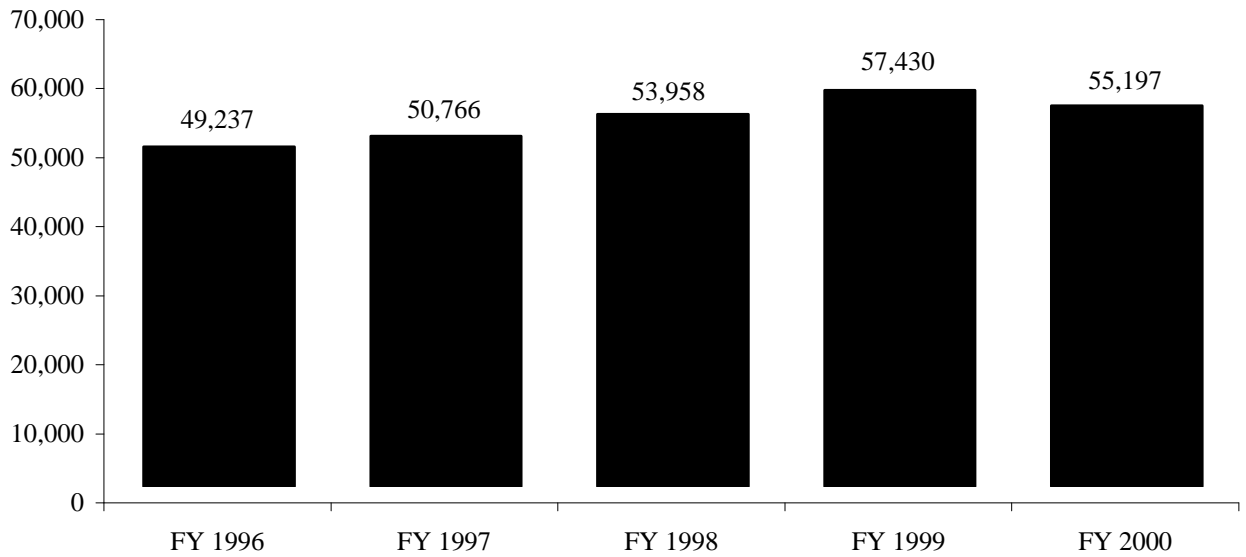




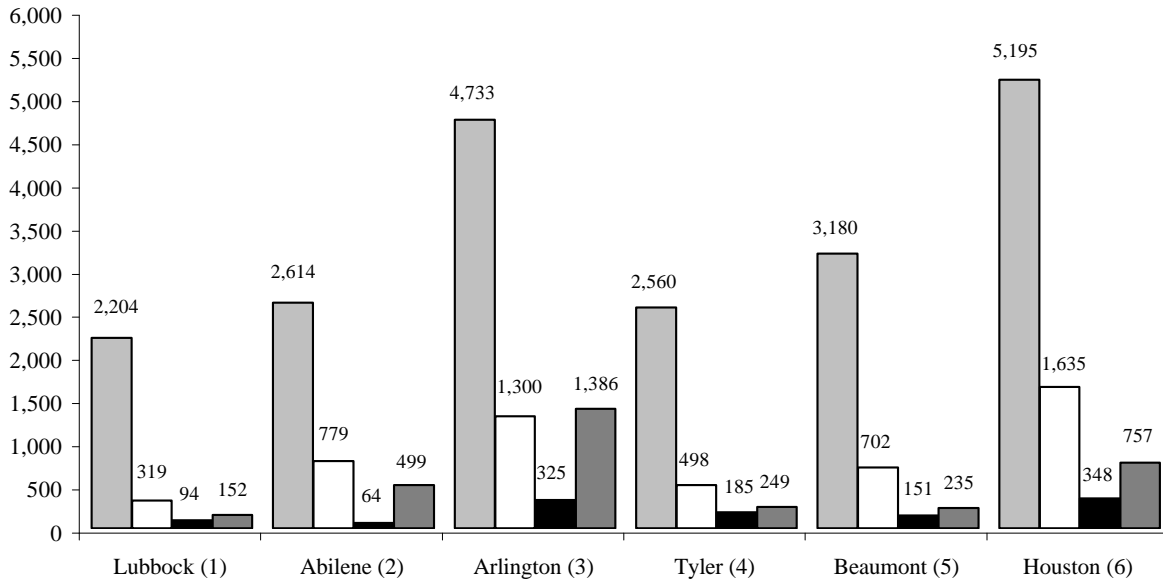
## Duration of APS In-Home Cases (Investigation and Service Delivery) Fiscal Year 2000



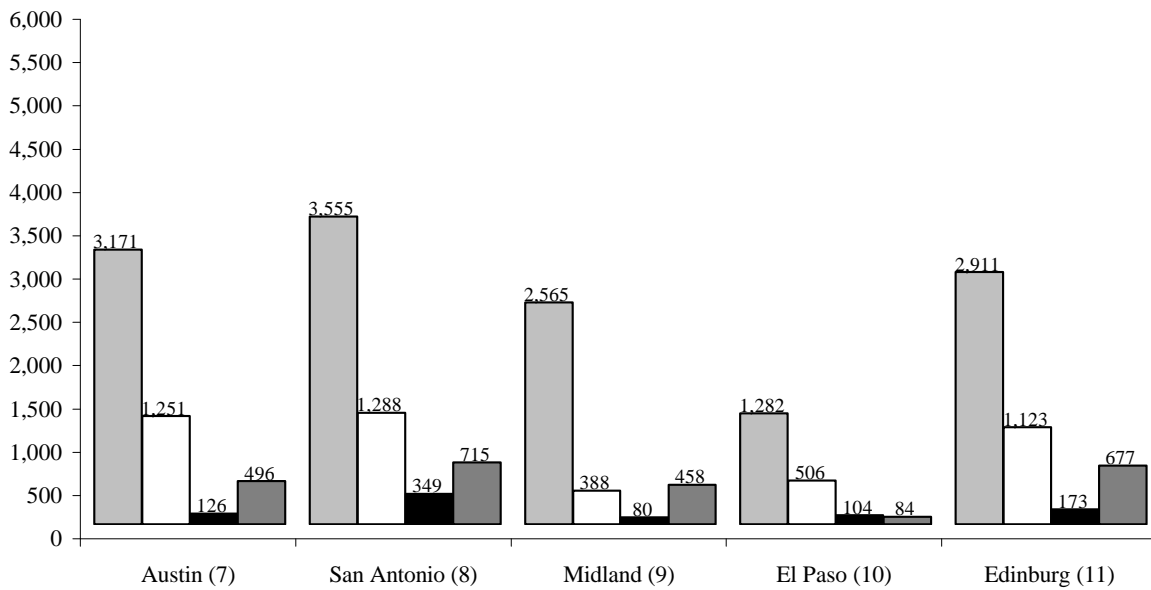
## APS In-Home Intakes by Fiscal Year



## Completed APS In-Home Investigations by Region for Fiscal Year 2000 State Total 51,479



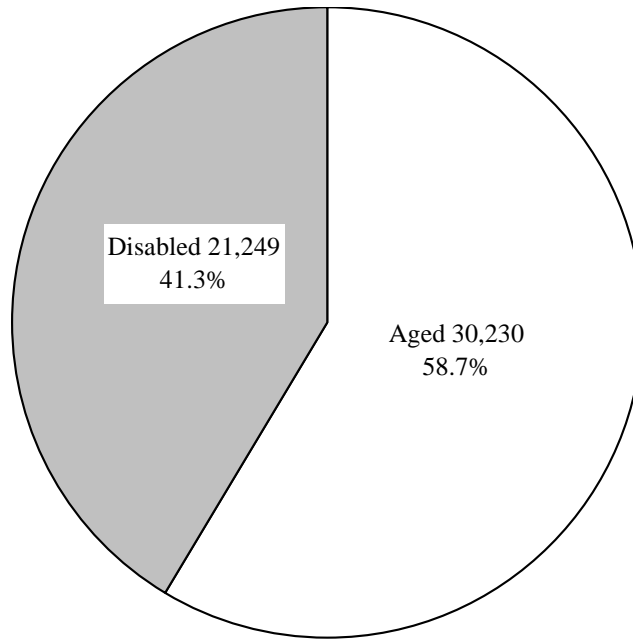
Validated Investigations
  Invalid Investigations
  Unable to Determine
  Other\*



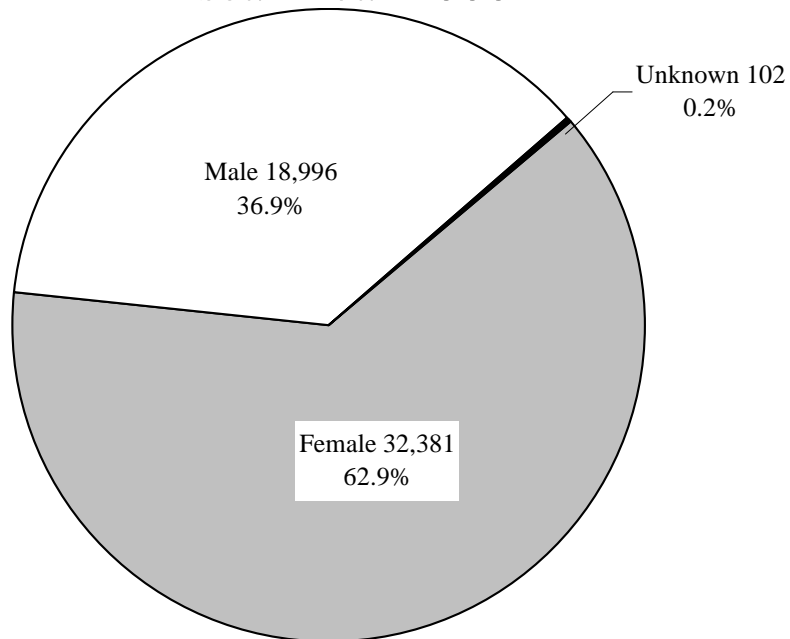
Validated Investigations
  Invalid Investigations
  Unable to Determine
  Other\*

\*"Other" category refers to those investigations that workers could not complete for some reason, e.g. clients died or cases were misclassified.  
 Note: 13 Investigations had "unknown" region.

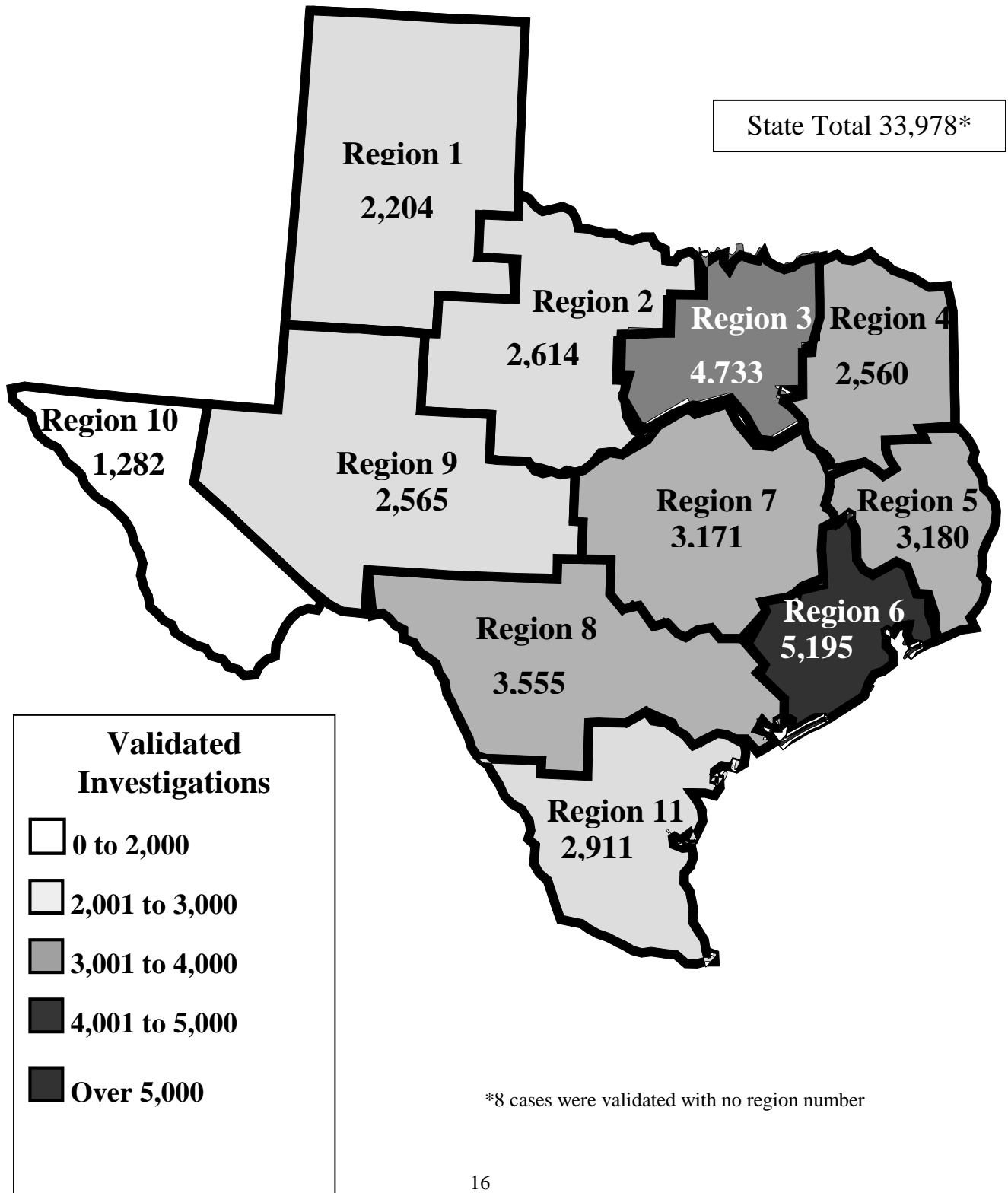
## In-Home Clients in Completed Investigations by Age and Disability Fiscal Year 2000



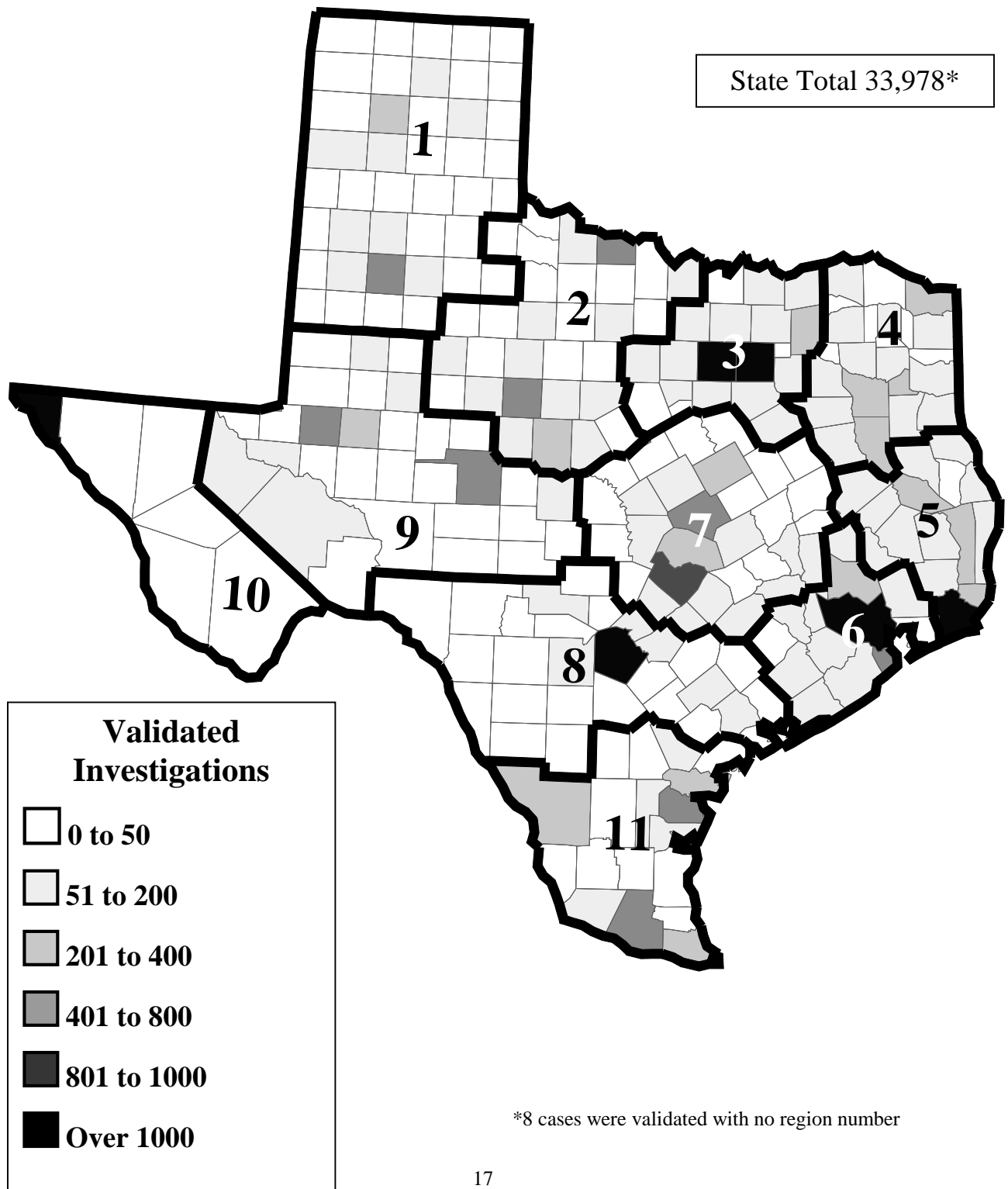
## APS Clients by Gender Fiscal Year 2000



# APS In-Home Validated Investigations by Region Fiscal Year 2000



# APS In-Home Validated Investigations by County Fiscal Year 2000



## Ethnicity of APS Clients in Completed In-Home Investigations Fiscal Year 2000

| <b>Region</b>   | <b>Anglo</b>  | <b>African<br/>American</b> | <b>Hispanic</b> | <b>Native<br/>American</b> | <b>Asian</b> | <b>Other</b> | <b>Total</b>  |
|-----------------|---------------|-----------------------------|-----------------|----------------------------|--------------|--------------|---------------|
| Lubbock (1)     | 1,414         | 471                         | 695             | 4                          | 0            | 185          | 2,769         |
| Abilene (2)     | 2,657         | 498                         | 470             | 21                         | 6            | 304          | 3,956         |
| Arlington (3)   | 4,694         | 1,748                       | 423             | 20                         | 29           | 830          | 7,744         |
| Tyler (4)       | 2,080         | 1,063                       | 45              | 5                          | 1            | 298          | 3,492         |
| Beaumont (5)    | 2,253         | 1,655                       | 54              | 8                          | 11           | 287          | 4,268         |
| Houston (6)     | 3,730         | 2,661                       | 822             | 14                         | 47           | 661          | 7,935         |
| Austin (7)      | 2,850         | 1,165                       | 591             | 7                          | 18           | 413          | 5,044         |
| San Antonio (8) | 2,213         | 672                         | 2,596           | 16                         | 17           | 393          | 5,907         |
| Midland (9)     | 1,723         | 431                         | 1,163           | 14                         | 3            | 157          | 3,491         |
| El Paso (10)    | 506           | 66                          | 1,273           | 9                          | 12           | 110          | 1,976         |
| Edinburg (11)   | 1,185         | 162                         | 3,282           | 7                          | 9            | 239          | 4,884         |
| Unknown         | 5             | 1                           | 4               | 0                          | 1            | 2            | 13            |
| <b>Total</b>    | <b>25,310</b> | <b>10,593</b>               | <b>11,418</b>   | <b>125</b>                 | <b>154</b>   | <b>3,879</b> | <b>51,479</b> |

## Allegations In Completed APS In-Home Investigations Fiscal Year 2000

| <b>Allegation</b>      | <b>Number of Allegations</b> | <b>Percentage</b> |
|------------------------|------------------------------|-------------------|
| Emotional/Verbal Abuse | 3,101                        | 6.0%              |
| Exploitation           | 3,253                        | 6.3%              |
| Medical Neglect        | 8,403                        | 16.3%             |
| Mental Health Neglect  | 2,361                        | 4.6%              |
| Physical Abuse         | 4,235                        | 8.2%              |
| Physical Neglect       | 28,960                       | 56.4%             |
| Suicidal Threat        | 737                          | 1.4%              |
| Sexual Abuse           | 429                          | 0.8%              |
| <b>Total</b>           | <b>51,479</b>                | <b>100.0%</b>     |

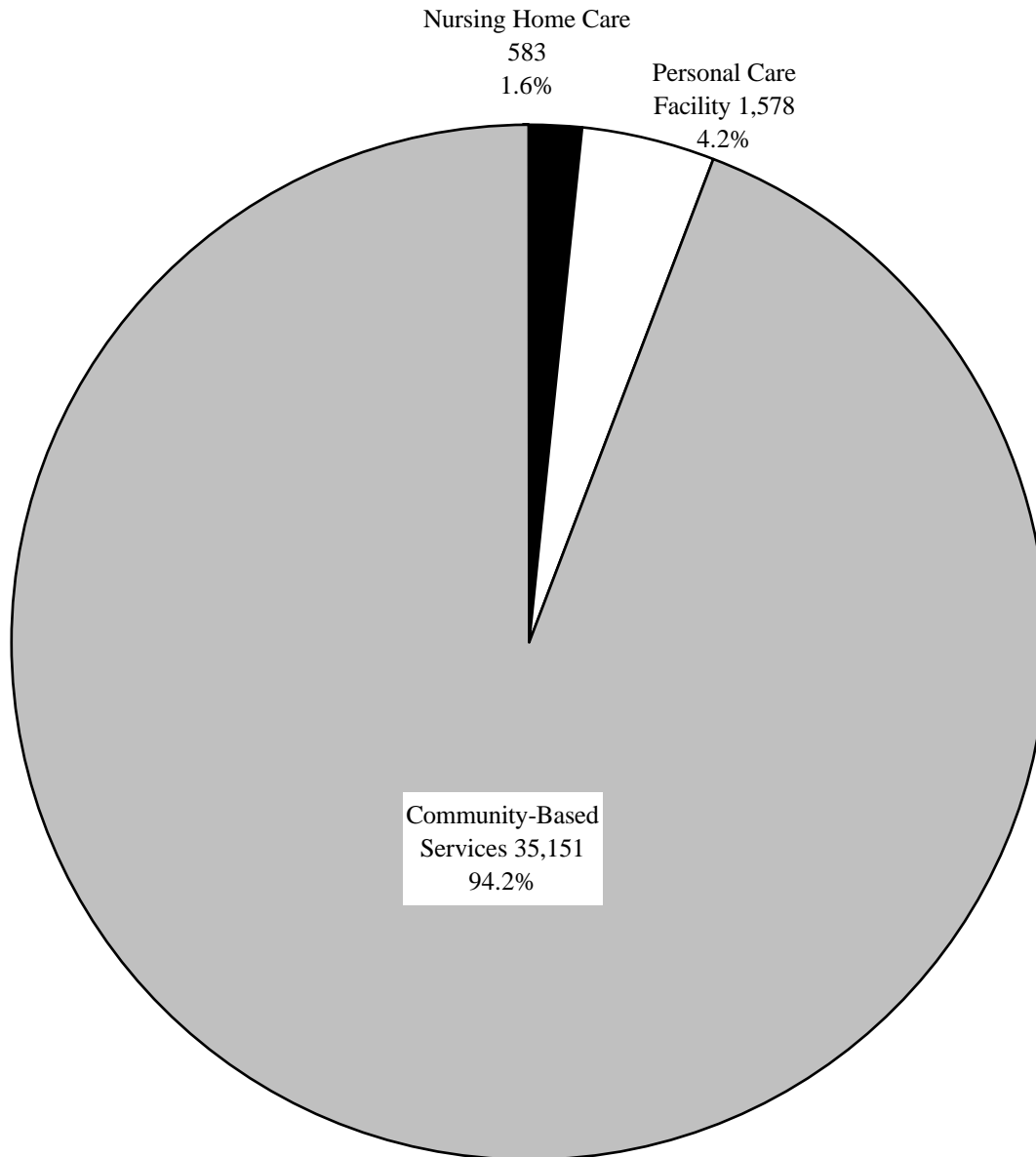
## Services\* Delivered in In-Home Cases by Region Fiscal Year 2000

| <b>Region</b>   | <b>Rent/<br/>Utilities<br/>Restoration</b> | <b>Social<br/>Services</b> | <b>Guardianship<br/>/Legal<br/>Services</b> | <b>Health<br/>Services</b> | <b>Emergency<br/>Shelter &amp;<br/>Placement</b> | <b>Other</b> | <b>Total</b>    |
|-----------------|--------------------------------------------|----------------------------|---------------------------------------------|----------------------------|--------------------------------------------------|--------------|-----------------|
| Lubbock (1)     | 275                                        | 1,589                      | 28                                          | 691                        | 5                                                | 390          | 2,978           |
| Abilene (2)     | 358                                        | 1,356                      | 48                                          | 894                        | 4                                                | 380          | 3,040           |
| Arlington (3)   | 161                                        | 2,833                      | 135                                         | 1,017                      | 27                                               | 538          | 4,711           |
| Tyler (4)       | 197                                        | 1,871                      | 16                                          | 501                        | 2                                                | 171          | 2,758           |
| Beaumont (5)    | 339                                        | 1,859                      | 27                                          | 964                        | 7                                                | 422          | 3,618           |
| Houston (6)     | 362                                        | 3,518                      | 60                                          | 1,012                      | 20                                               | 612          | 5,584           |
| Austin (7)      | 220                                        | 2,003                      | 40                                          | 743                        | 29                                               | 387          | 3,422           |
| San Antonio (8) | 159                                        | 2,371                      | 71                                          | 788                        | 32                                               | 497          | 3,918           |
| Midland (9)     | 349                                        | 1,400                      | 23                                          | 841                        | 17                                               | 408          | 3,038           |
| El Paso (10)    | 63                                         | 840                        | 40                                          | 269                        | 12                                               | 191          | 1,415           |
| Edinburg (11)   | 129                                        | 1,665                      | 27                                          | 714                        | 20                                               | 325          | 2,880           |
| Unknown         | 0                                          | 7                          | 0                                           | 1                          | 0                                                | 1            | 9               |
| <b>Total</b>    | <b>2,612</b>                               | <b>21,312</b>              | <b>515</b>                                  | <b>8,435</b>               | <b>175 **</b>                                    | <b>4,322</b> | <b>37,371 *</b> |

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

\*\* Methodology changed for FY2000 resulting in a decreased count for the emergency shelter and placement category.

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





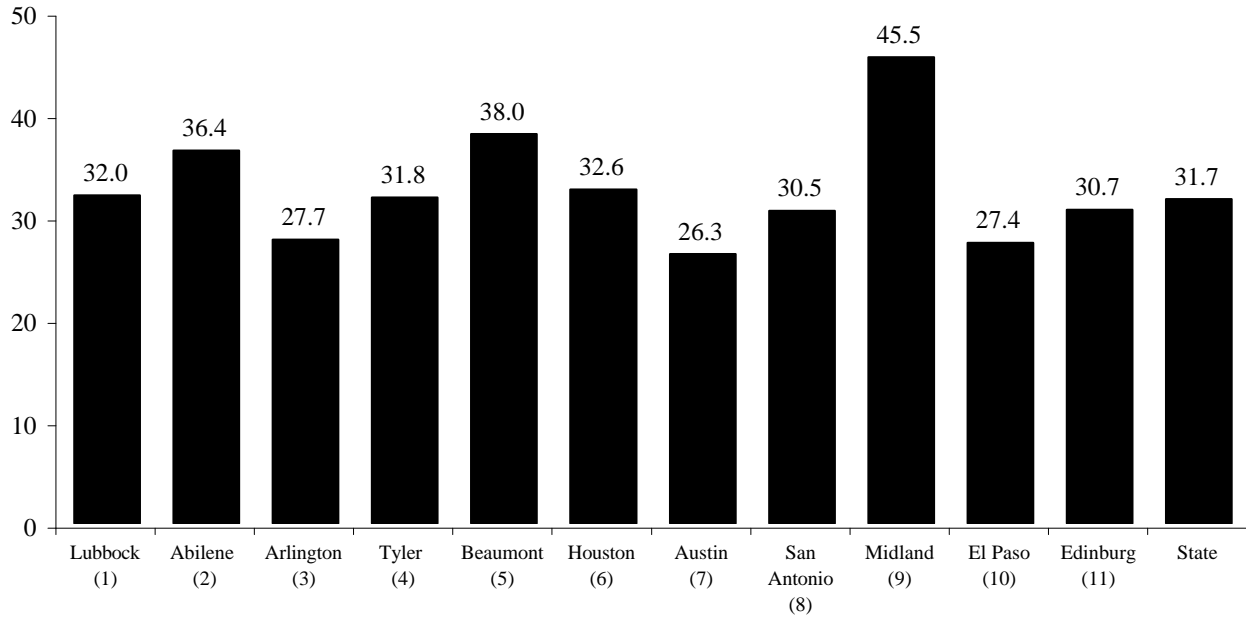
## Average Length of In-Home Investigations by Region Fiscal Year 2000

| Region            | Days  |
|-------------------|-------|
| Lubbock (1)       | 30.49 |
| Abilene (2)       | 19.60 |
| Arlington (3)     | 20.17 |
| Tyler (4)         | 25.52 |
| Beaumont (5)      | 30.19 |
| Houston (6)       | 25.08 |
| Austin (7)        | 22.59 |
| San Antonio (8)   | 27.14 |
| Midland (9)       | 19.68 |
| El Paso (10)      | 33.78 |
| Edinburg (11)     | 25.86 |
| Unknown           | 16.85 |
| Statewide Average | 24.70 |

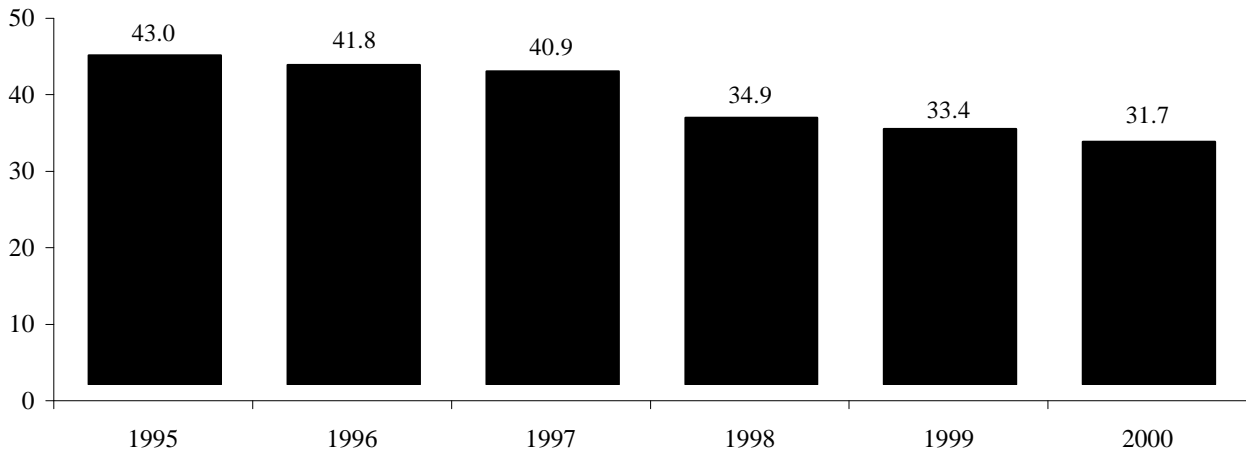
## APS Average Worker Tenure In Program Fiscal Year 2000

| Tenure        | Workers | Percentage |
|---------------|---------|------------|
| Under 1 Year  | 56      | 15.2%      |
| 1 Year        | 38      | 10.3%      |
| 2 Years       | 39      | 10.6%      |
| 3 Years       | 31      | 8.4%       |
| 4 Years       | 25      | 6.8%       |
| 5 Years       | 23      | 6.3%       |
| 6 - 9 years   | 109     | 29.6%      |
| 10 - 15 years | 47      | 12.8%      |
| Total         | 368     | 100.0%     |

## Average APS In-Home Weighted Caseload per Worker by Region Fiscal Year 2000

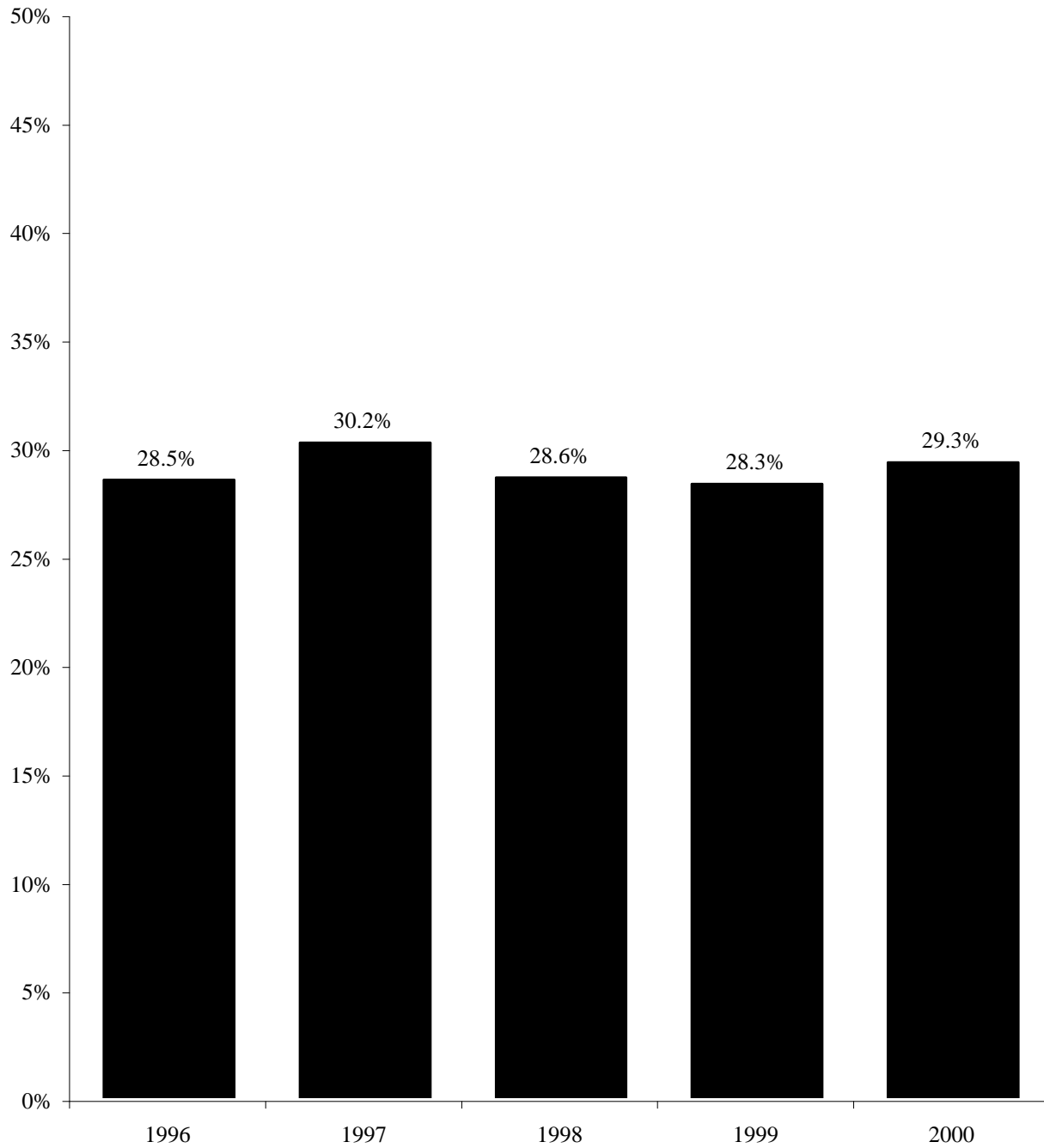


## Average APS In-Home Caseload per Worker by Fiscal Year



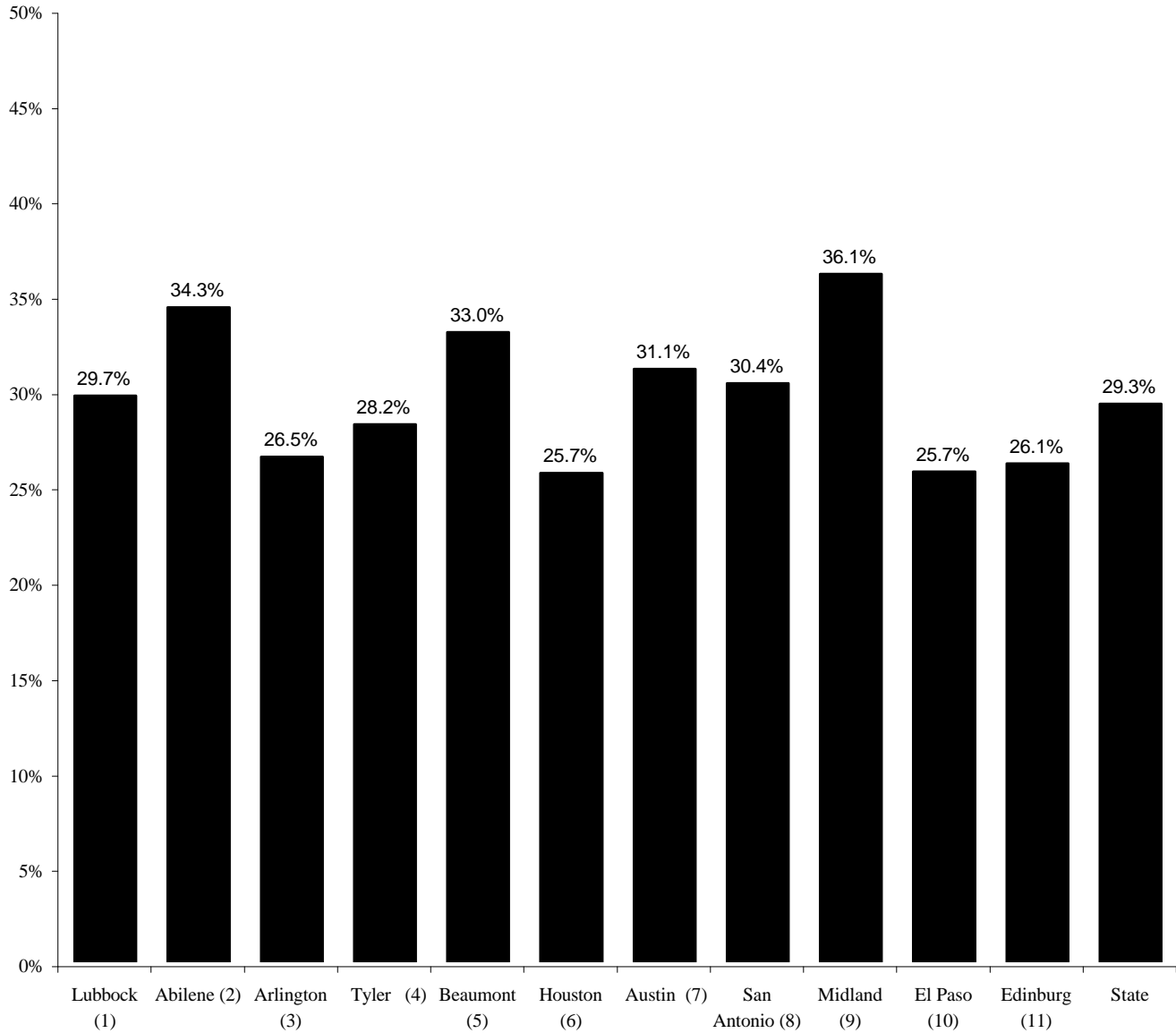
Note: Fiscal year 1998 reflects FTEs added over biennium.

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



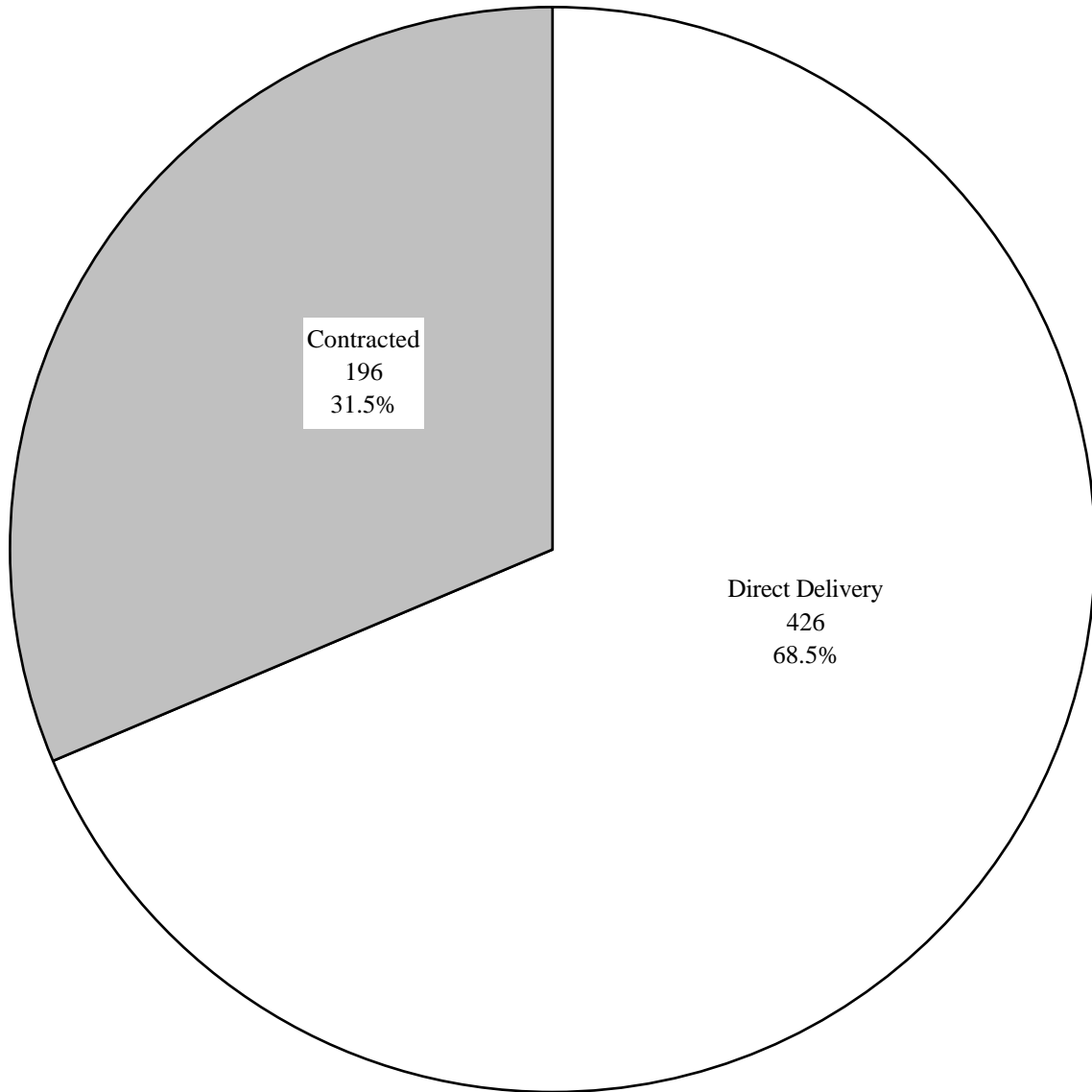
\*Percent of APS Clients referred to APS system more than once during the fiscal year, including clients who refused services and were re-referred.

## Recidivism\* of APS In-Home Cases by Region Fiscal Year 2000

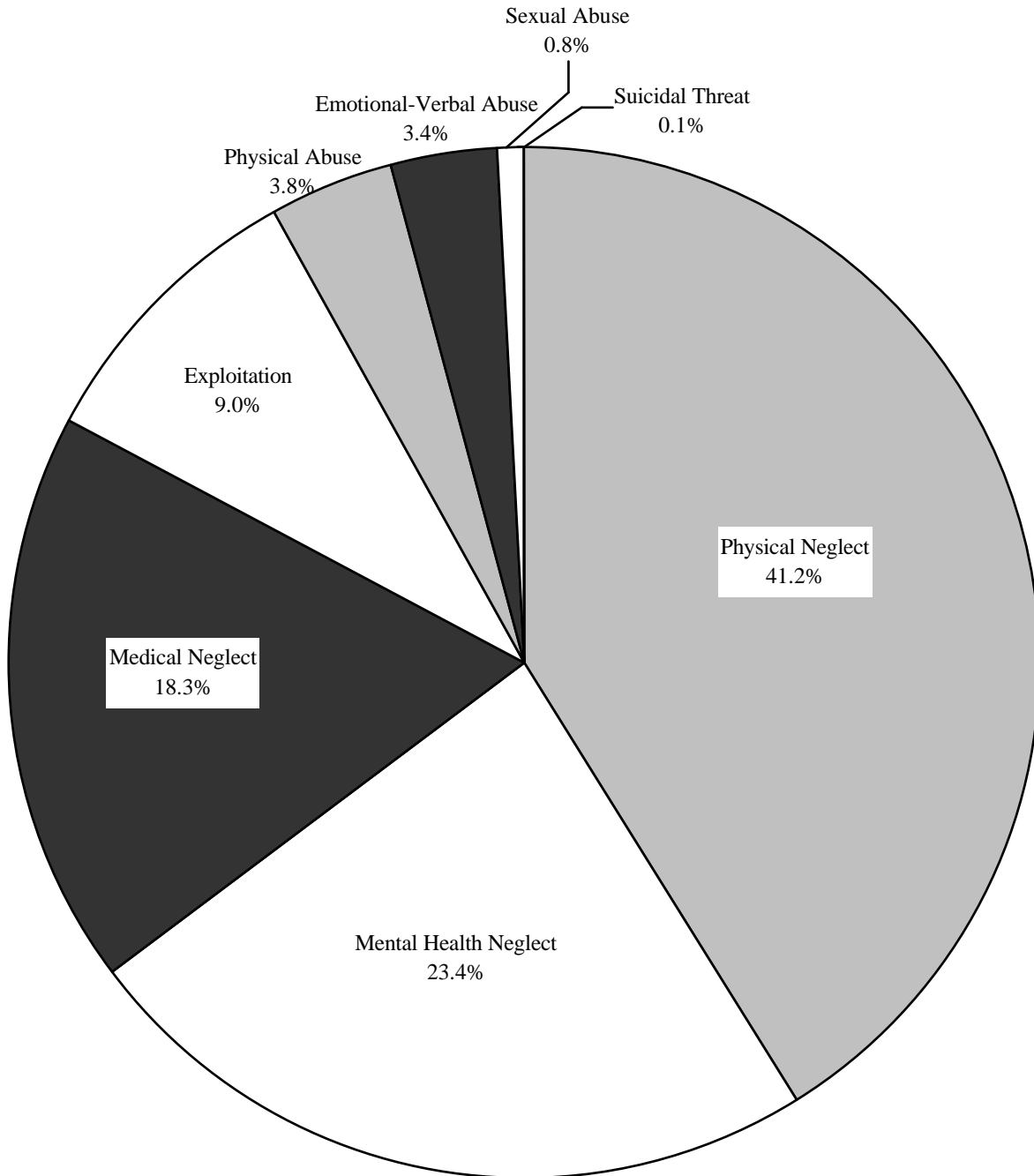


\*Percent of APS Clients referred to APS system more than once during the fiscal year, including clients who refused services and were re-referred.

# APS Guardianships as of August 31, 2000



# Types of Abuse in Cases that Received Guardianship Services as of August 31, 2000



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

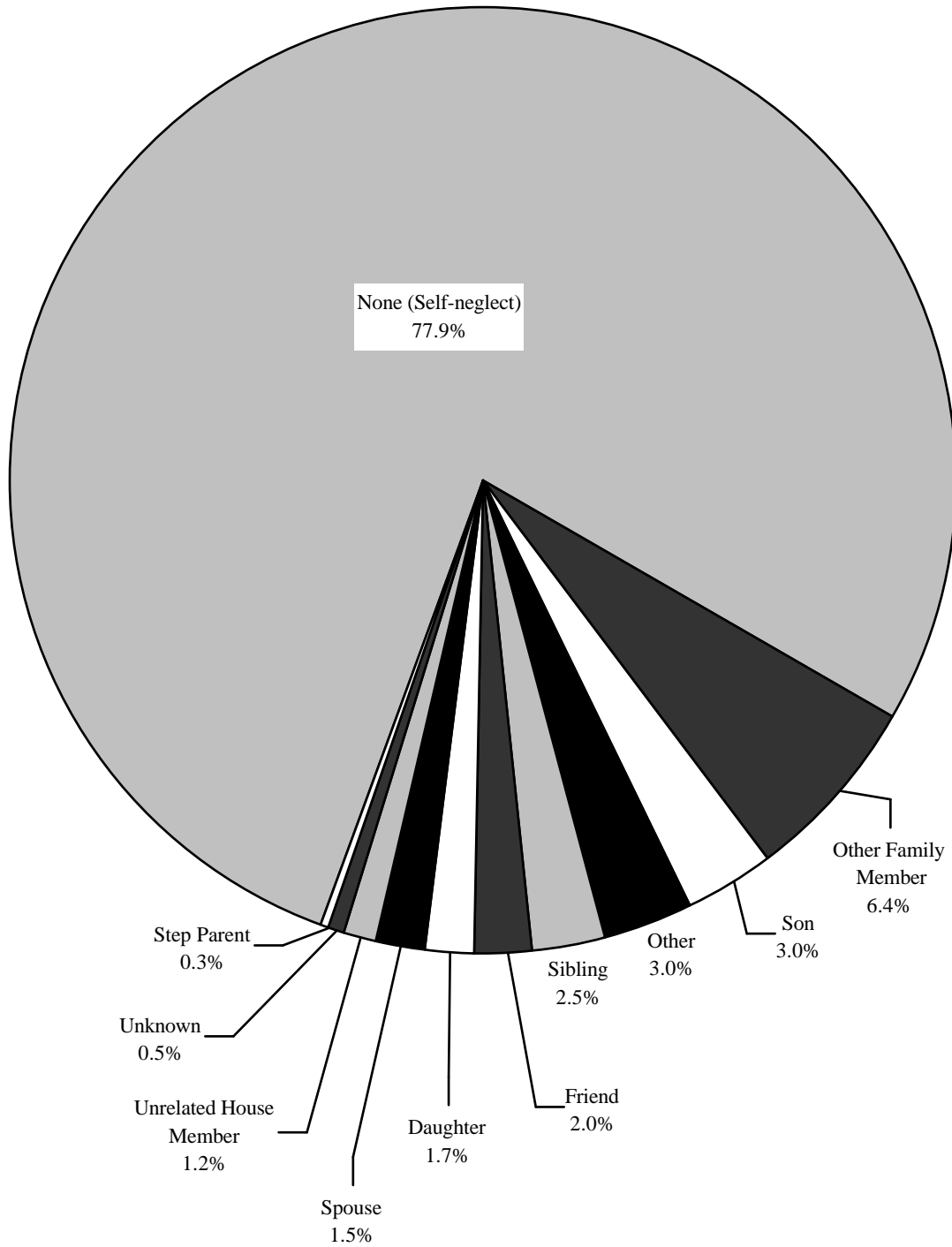
## Demographics of APS Guardianship Clients as of August 31, 2000

| <b>Age</b>    | <b>Cases</b> | <b>Percentage</b> |
|---------------|--------------|-------------------|
| 18 - 33 Years | 162          | 26.0%             |
| 34 - 49 Years | 62           | 10.0%             |
| 50 - 64 Years | 62           | 10.0%             |
| 65 - 81 Years | 200          | 32.1%             |
| 82 + Years    | 136          | 21.9%             |
| Total         | 622          | 100.0%            |

| <b>Gender</b> | <b>Cases</b> | <b>Percentage</b> |
|---------------|--------------|-------------------|
| Female        | 379          | 61.0%             |
| Male          | 234          | 37.6%             |
| Unknown       | 9            | 1.4%              |
| Total         | 622          | 100.0%            |

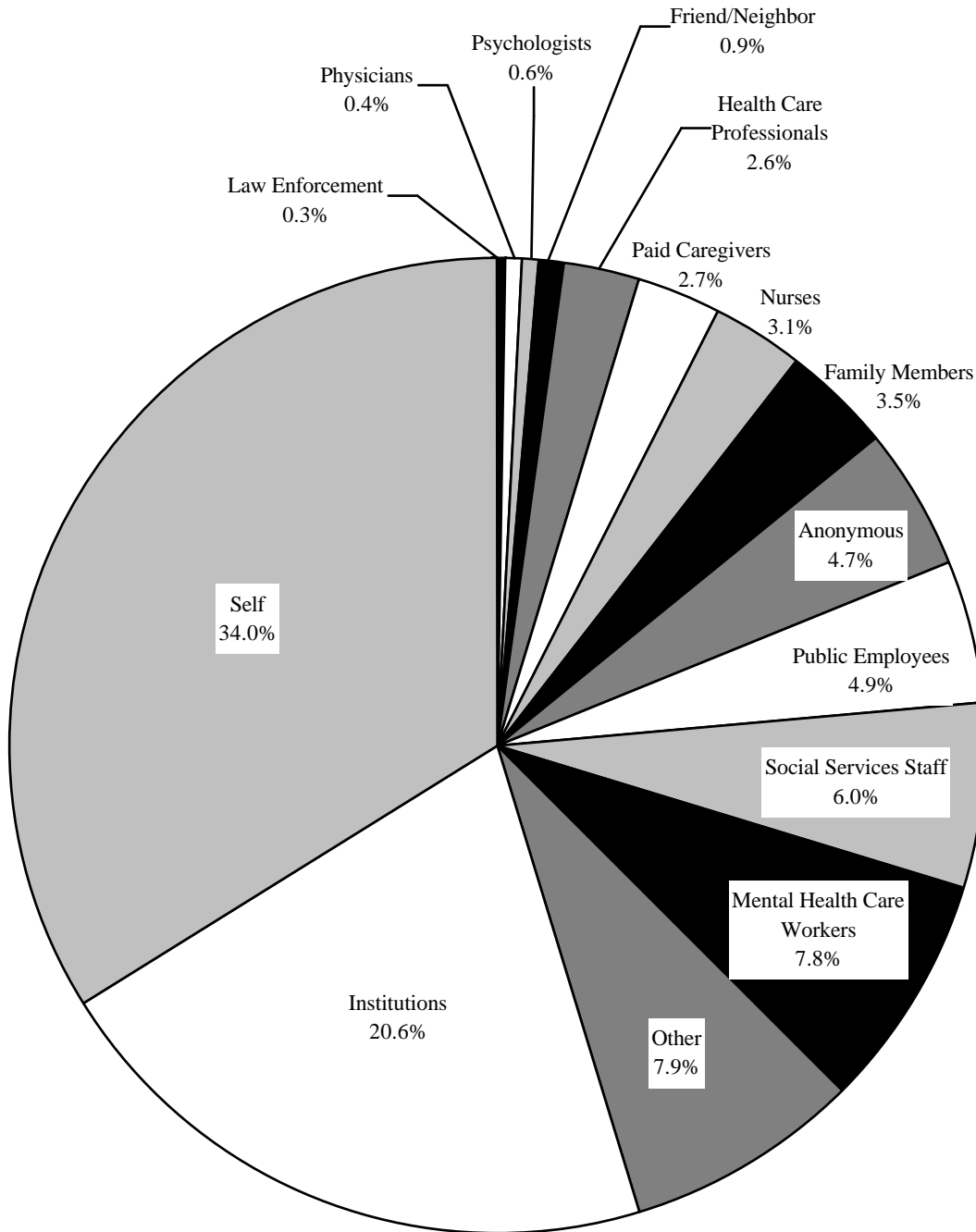
| <b>Ethnicity</b> | <b>Cases</b> | <b>Percentage</b> |
|------------------|--------------|-------------------|
| Anglo            | 355          | 57.0%             |
| African American | 139          | 22.3%             |
| Hispanic         | 85           | 13.7%             |
| Native American  | 1            | 0.2%              |
| Asian            | 1            | 0.2%              |
| Other            | 19           | 3.1%              |
| Unknown          | 22           | 3.5%              |
| Total            | 622          | 100.0%            |

# Perpetrators in Cases that Received Guardianship as of August 31, 2000

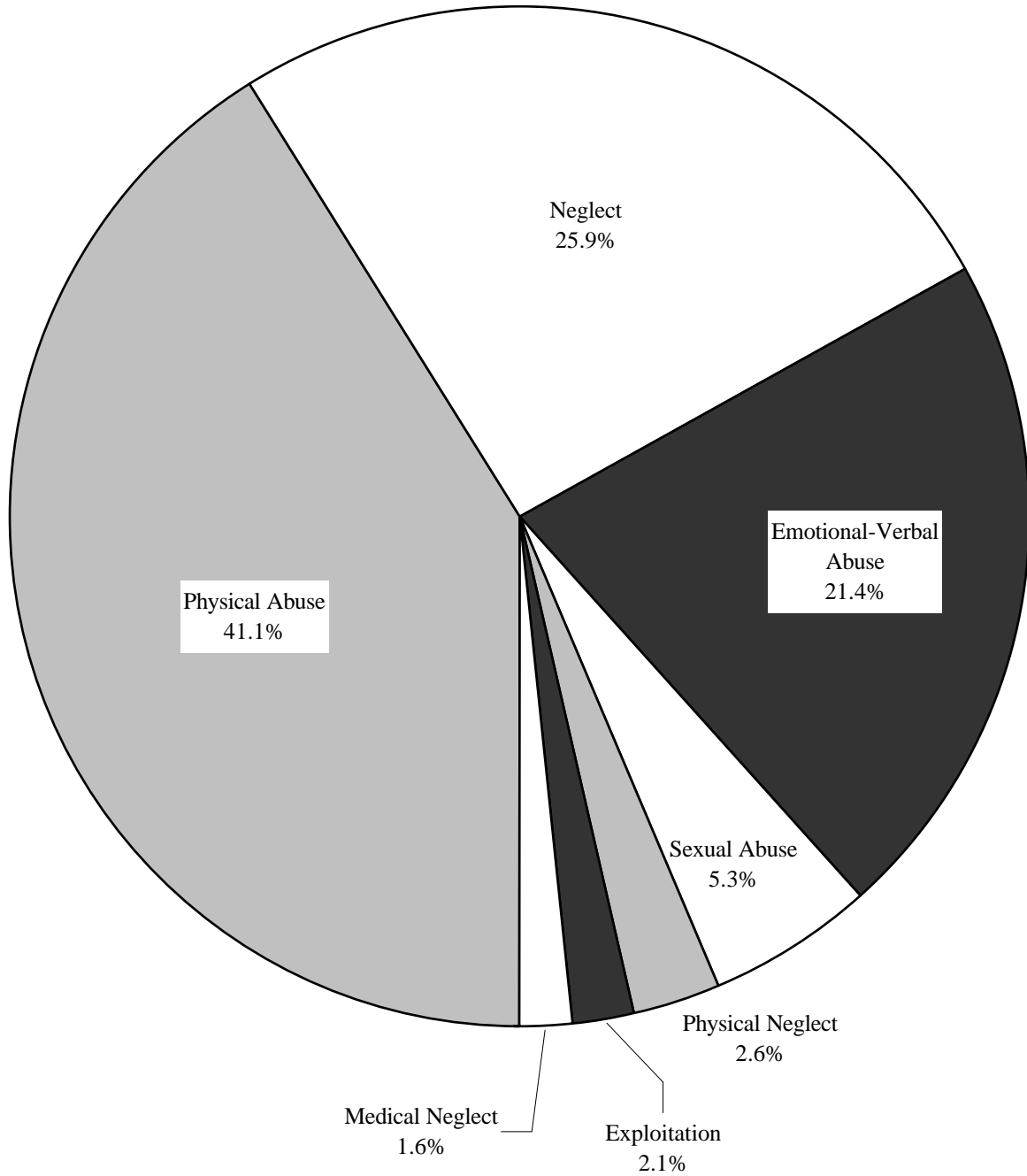




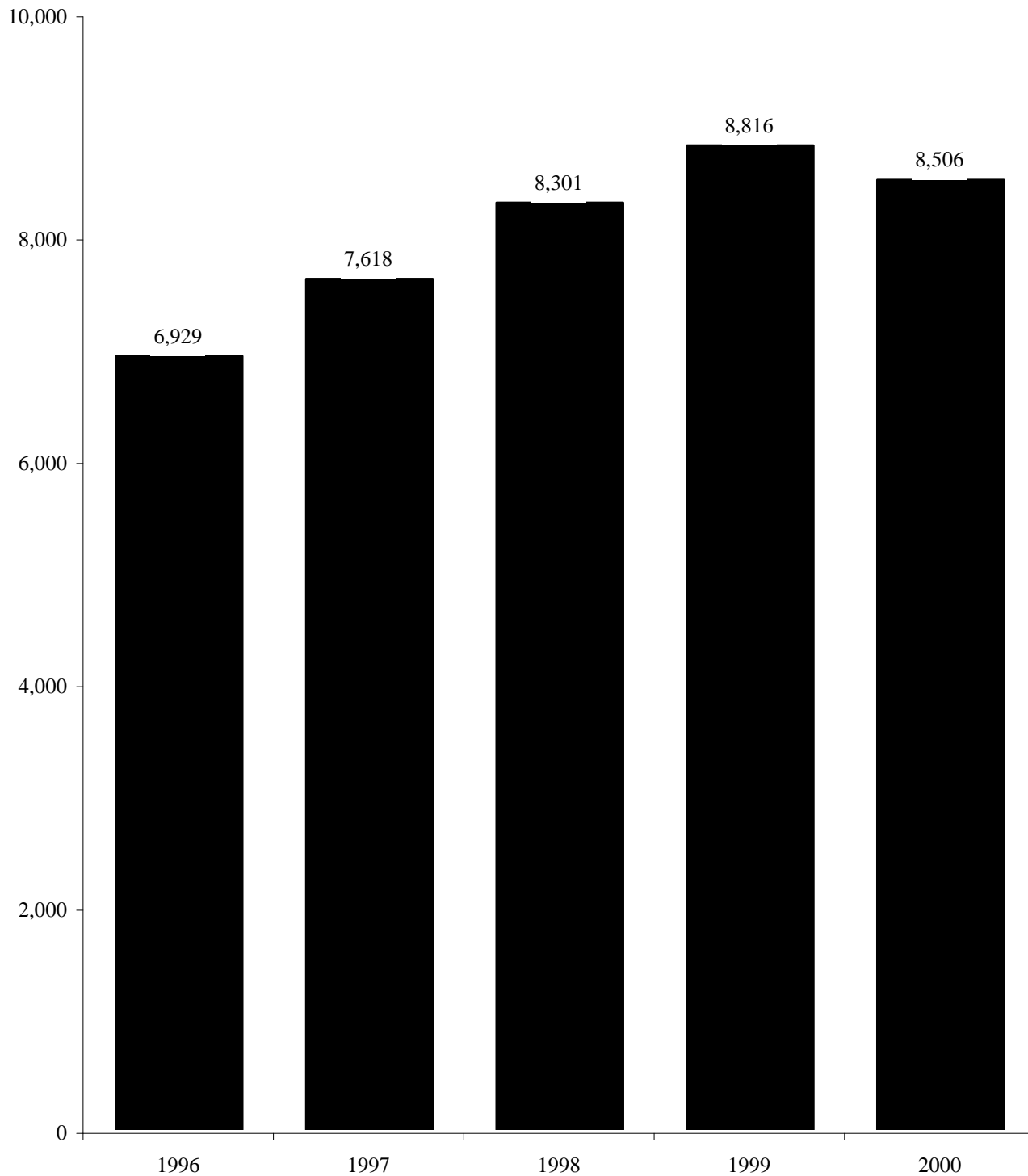
# Investigations in MHMR Settings by Source of Report Fiscal Year 2000



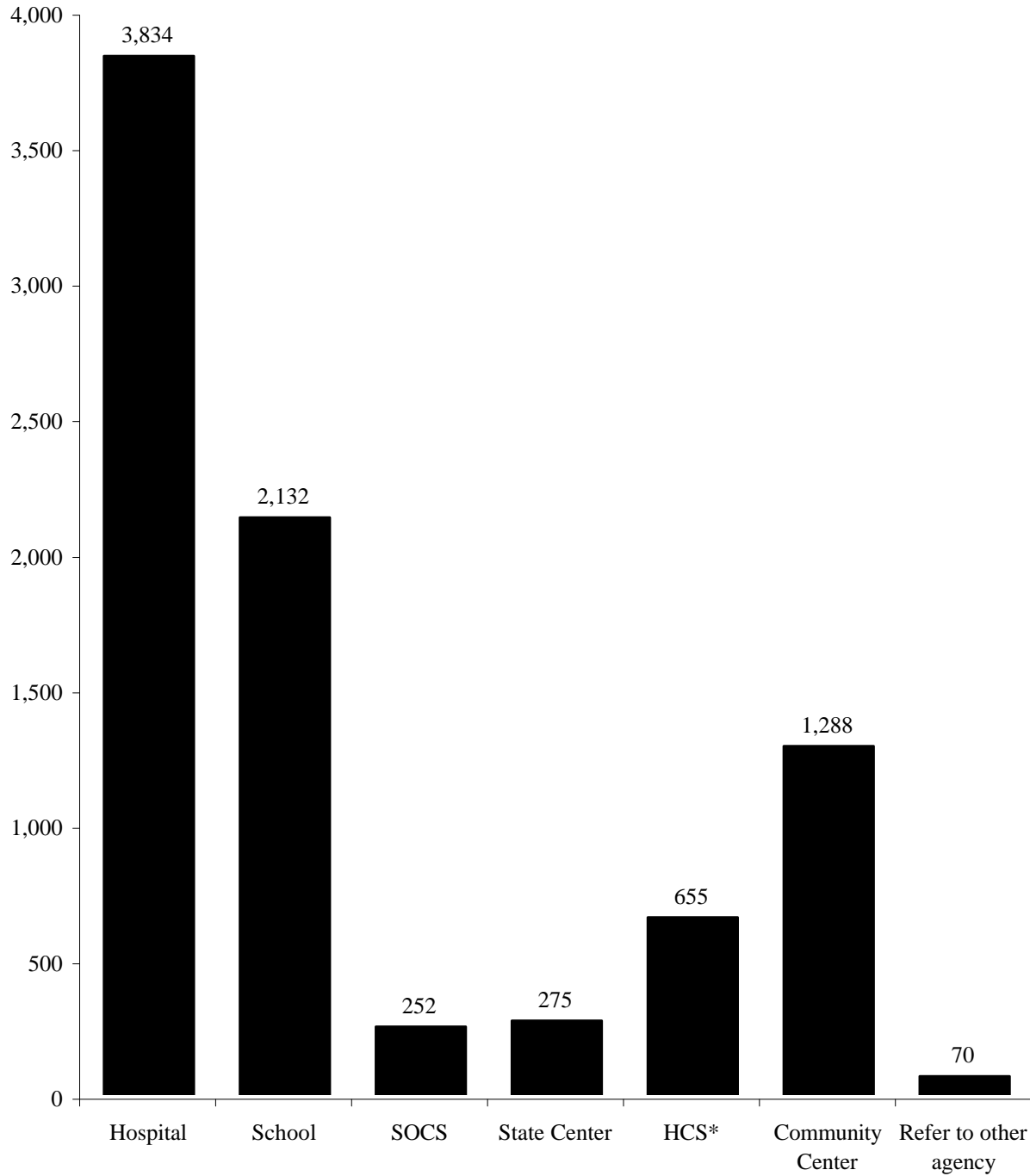
# Types of Abuse Alleged in MHMR Settings Fiscal Year 2000



## Completed Investigations in MHMR Settings By Fiscal Year



## Completed Investigations by MHMR Setting Fiscal Year 2000



\* Systemic changes in MHMR service delivery are moving consumers from facilities into community-based settings, which resulted in an increase in HCS waiver investigations.

## Average Length of MHMR Investigations by Region Fiscal Year 2000

| Region            | Days  |
|-------------------|-------|
| Lubbock (1)       | 10.84 |
| Abilene (2)       | 13.30 |
| Arlington (3)     | 9.24  |
| Tyler (4)         | 10.02 |
| Beaumont (5)      | 14.30 |
| Houston (6)       | 20.65 |
| Austin (7)        | 9.13  |
| San Antonio (8)   | 14.20 |
| Midland (9)       | 14.56 |
| El Paso (10)      | 13.62 |
| Edinburg (11)     | 13.99 |
| Unknown           | 7.00  |
| <hr/>             |       |
| Statewide Average | 12.21 |

## Average MHMR Investigator Tenure In Program Fiscal Year 2000

| Tenure        | Number of<br>Investigators | Percentage |
|---------------|----------------------------|------------|
| Under 1 Year  | 23                         | 24.5%      |
| 1 Year        | 13                         | 13.8%      |
| 2 Years       | 6                          | 6.4%       |
| 3 Years       | 9                          | 9.6%       |
| 4 Years       | 9                          | 9.6%       |
| 5 Years       | 6                          | 6.4%       |
| 6 - 9 Years   | 27                         | 28.6%      |
| 10 - 15 Years | 1                          | 1.1%       |
| <hr/>         |                            |            |
| Total         | 94                         | 100.0%     |

## Repeat Referrals in MHMR Settings by Region Fiscal Year 2000

