

# Adult Protective Services



## Adult Protective Services (APS)

### Responsibilities

- ◆ Investigate reports of abuse, neglect and exploitation of adults who are elderly or have disabilities.
- ◆ Serve and refer to services clients who are maltreated.
- ◆ Provide guardianship for APS clients who are incapacitated and have no other option to prevent further maltreatment.
- ◆ Investigate all abuse, neglect and exploitation reports on clients in MHMR settings.

### Advances

#### Quality Assurance

**A**PS implemented a model to conduct program reviews in the regions. The purpose is to provide a comprehensive analysis of the APS program in each region, including best practices, system strengths and areas for future enhancement. In addition, other APS efforts included:

- ◆ Developing processes and tools to assist field staff in managing APS programs and assuring quality services
- ◆ Continuing regional case readings
- ◆ Standardizing forms for case reading and acceptable levels of compliance with case reading standards in all program areas
- ◆ Refining policy handbooks to provide optimal guidance for staff
- ◆ Training on uniform guardianship contract standards and contract monitoring plans and tools
- ◆ Increasing systemic safeguards for wards and their estates

#### Training

APS and the Protective Services Training Institute began developing an APS certification program in 2001. An APS supervisor certification program was implemented this year, and the APS specialist certification program is in development.

APS also developed new training courses, including:

- ◆ Five specialized workshops for workers
- ◆ A unique, APS-specific supervisors' training

#### Wire Third Party Inquiry

APS implemented Wire Third Party Inquiry (WTPY), an on-line system that allows APS workers to request and receive data about clients from the Social Security Administration. Having WTPY helps APS staff to determine the level of benefits clients receive, and consequently the health and social services for which the clients may be eligible. In addition, the ability to identify whether clients have representative payees is integral to investigating, remedying and preventing exploitation.

#### APS Conference

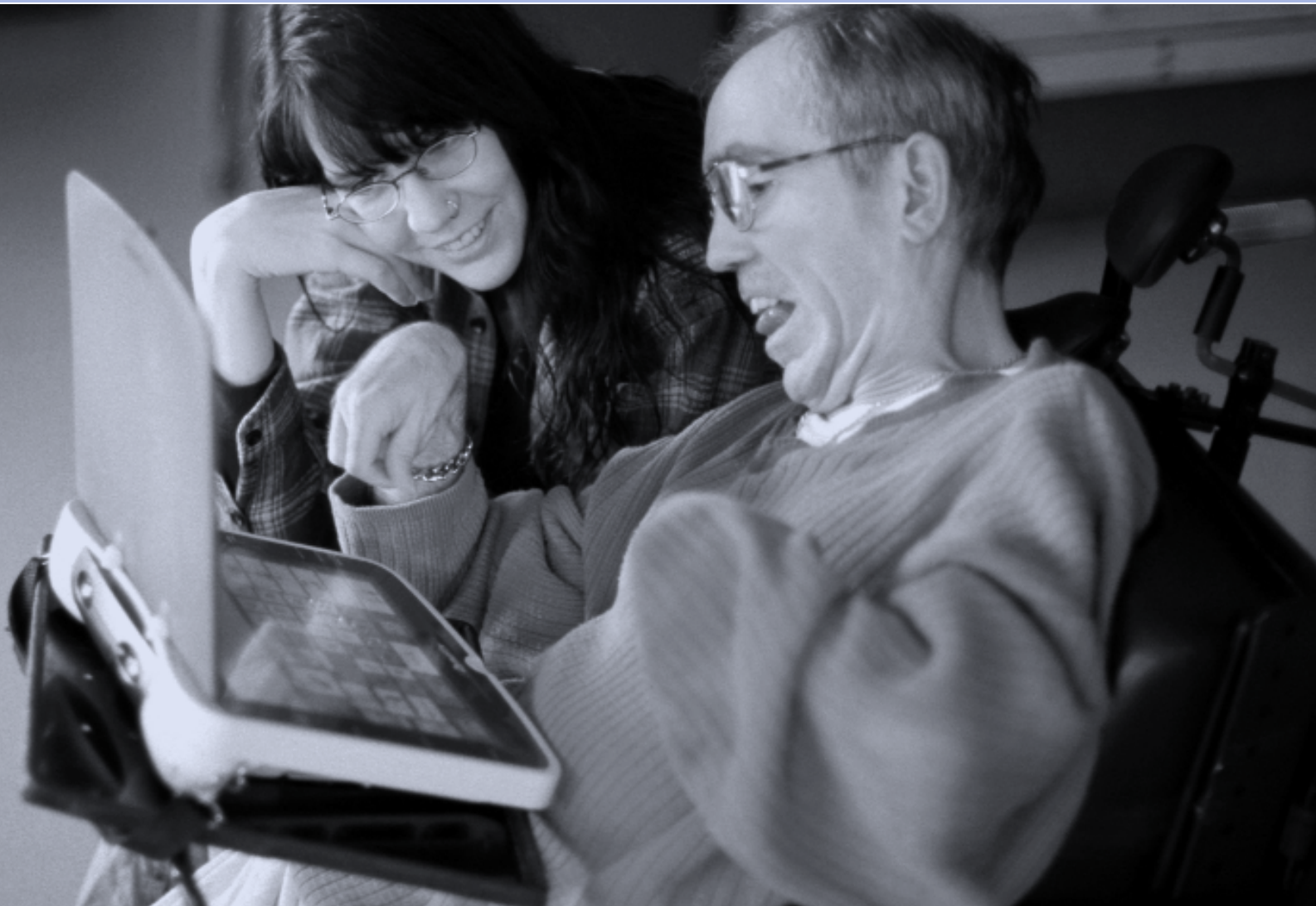
For almost 20 years, the Texas APS program has produced a premiere conference in the field of adult protection. The 17th annual APS Conference, held in San Antonio in the first quarter of 2001, broke all previous attendance records, introduced a pre-conference trainer's track, expanded the number of workshops, and added sessions for medical and law enforcement professionals. Around 600 participants from 40 states, Korea and Norway attended. Several other groups and organizations, such as the Texas Guardianship Association, the National Committee for the Prevention of Elder Abuse, and the National Association of Adult Protective Services Administrators, held meetings in conjunction with the APS conference.

### Work In Progress

#### Public Awareness

**A**PS continues to increase public awareness on ways to prevent abuse, neglect and exploitation of vulnerable adults. Work on the 2002 Adult Abuse Prevention Kit has begun and the production of an educational video for the *Not Forgotten* campaign continues. Information about the campaign is available at [www.notforgotten.org](http://www.notforgotten.org).





## Community Support

APS supports the Texas Health and Human Services Commission's Community Resource Coordination Groups for Adults. With more planned, the six current demonstration sites bring together public and private agencies attempting to arrange seamless services on the county level for clients with complex needs.

APS continues to collaborate with Baylor College of Medicine and the Harris County Hospital District on the Texas Elder Abuse and Mistreatment (TEAM) Institute. TEAM is recognized by the U.S. Department of Justice as a model for social services, medical and law enforcement agencies working together to combat elder abuse, neglect and exploitation.

APS and the Personal Safety Awareness Center continue to present workshops on abuse prevention to Texans who have disabilities or work with people with disabilities.

## Financial Abuse Cessation Team

APS is leading a statewide task force, known as the Financial Abuse Cessation Team (FACT), to stop financial exploitation of seniors. FACT is adapting materials from Oregon to train Texas financial institutions and seniors on ways to detect and prevent financial exploitation.

FACT includes participants from more than 15 agencies and organizations including APS, Texas Office of

# Adult Protective Services

the Attorney General, Texas Department of Banking, Texas Bankers Association, AARP, Texas Department on Aging, Texas Association of Elder Law Attorneys and law enforcement representatives.

## Significant Legislation

The 77th Session of the Texas Legislature enacted a number of laws of interest to APS, including the following:

- ◆ HB 1132 extends the filing period for guardianships of people with disabilities aging out of CPS to 180 days prior to the ward's 18th birthday.
- ◆ HB 1813 enables prosecution of an agent appointed under a durable power of attorney for "misapplication of fiduciary property."
- ◆ HB 1883 increases the accountability of people who misuse a power of attorney. These provisions will make prosecution or civil litigation, as well as recovery of the client's assets, more viable.
- ◆ HB 3335 requires any employee to report suspected abuse, neglect or exploitation of people who are elderly or have a disability, even if the suspicion came through information learned at work. The new law provides immunity to employers whose employees make a report, unless the employer is the subject of the investigation.
- ◆ SB 53 allows background checks on people who work for or have unsupervised visits with an adult ward.
- ◆ SB 367 creates a pilot task force in three sites, in response to the U.S. Supreme Court's Olmstead ruling, to provide alternatives to institutionalizing people with disabilities.
- ◆ SB 515 allows counties to establish adult fatality review teams. These multi-disciplinary groups are to review adult deaths that appear to have occurred "without anticipation or forewarning and to have been caused by suicide, family violence, or abuse."
- ◆ SB 1245 expands the Texas Department of Human Services' (DHS) employee misconduct registry to include unlicensed employees of home and community support services agencies. The new law also allows long-term care facilities and agencies to obtain criminal history information on an employee or applicant directly from the DHS system.



## Helping the fiercely independent

Sam Otero is 83 years old and perfectly comfortable in his own home. "It might not be the ideal situation. It might be a little run down, a little cluttered," says APS caseworker Shirley Hynes about her client's, Mr. Otero's, house. "But he's happy here, and as long as he can stay here, that's what I want to see for him."

Mr. Otero's household chores are becoming difficult and his new teeth are bothering him to the point that he's not eating well.

A friend and former co-worker, Jackie, is trying to get Mr. Otero to stop driving. "I've already explained to Sam that he's not supposed to be driving, that they took his license away," said Jackie. "But, Sam's going to do what Sam wants to do."

Hynes' job is to help Mr. Otero get the services he needs to remain safely independent. Complicating matters, family members who can't help but don't want her there because they fear she will take him to a nursing home.

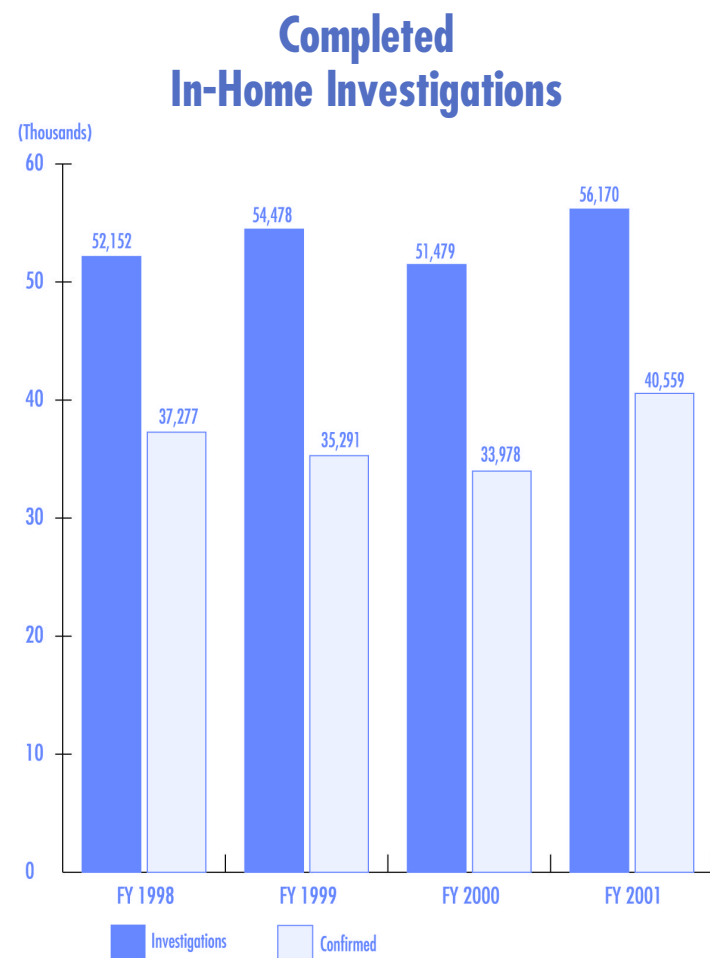
"It definitely is a juggling act," Hynes said. "You have to take the family on one hand, but your client is always the primary concern. What I would like to do is make sure that he gets his teeth fixed so that they fit in his mouth and he can wear them. And then I'll address each issue as I go along. I'll try to fix the things that I can fix."



## What APS Does

APS clients are adults who live in their own homes, in facilities regulated or operated by the Texas Department of Mental Health and Mental Retardation (MHMR), or in unregulated facilities. Three program areas serve APS clients: in-home investigations and services, MHMR investigations, and guardianship services.

Protecting people who are elderly or have disabilities continues to be a growing issue in Texas. These Texans make up almost a quarter of the state's total population; in 2001 more than 2.1 million Texans were age 65 and older. Nearly one out of five adults have a disability, and one-third of people over 65 have a severe disability. Many live alone or are dependent on others for care.



## In-Home

The largest and oldest APS program area is in-home investigations and services. In-home investigations protect people older than 64 who reside in their own homes or in room-and-board homes not subject to licensure. In-home also protects adults with disabilities and adults living in nursing homes who may be financially exploited by someone outside the facility. State law requires anyone who believes that an elderly person or adult with a disability is being abused, neglected or exploited to report it to the PRS hotline at 1-800-252-5400.

An investigation begins within 24 hours of receiving a report. Perpetrators of adult abuse are almost always someone the victim knows. Nearly 90 percent of perpetrators are related to the victim. When maltreatment is confirmed, this program provides and arranges for services to alleviate abuse, neglect and exploitation.

Clients who have the cognitive ability to consent have the right to refuse services. Services may include short-term assistance, shelter, food, medication, transportation and minor home repair.

## Guardianship

Guardianship is a legal method to protect individuals' well-being when they cannot protect themselves. A guardian is court-appointed to make decisions on behalf of an incapacitated person, known as a ward. A guardian's duty may include protecting the ward's estate.

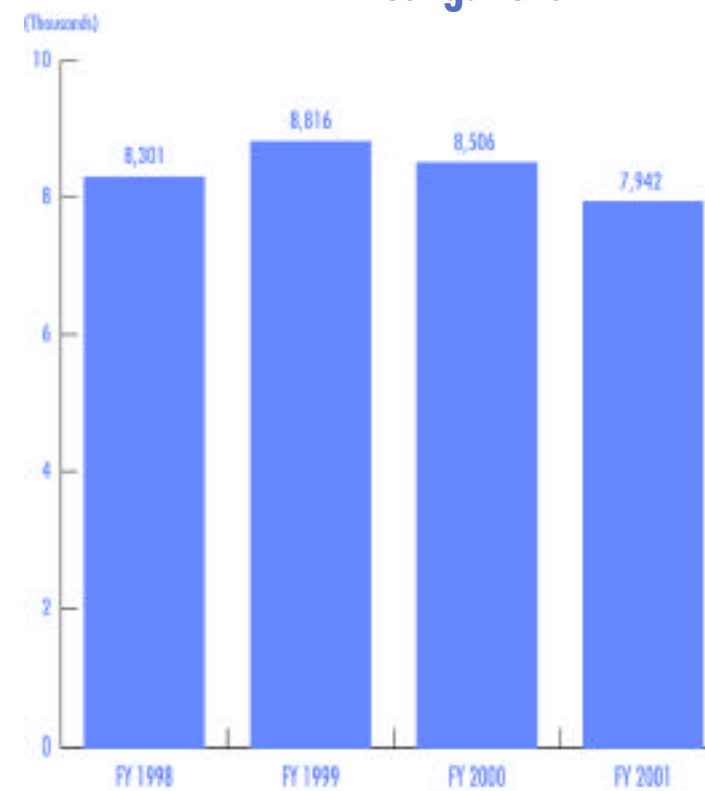
When no family member, interested party or other alternative is available, APS may seek guardianship of incapacitated CPS children with severe disabilities reaching adulthood, or incapacitated adults who are confirmed by APS as abuse, neglect or exploitation victims.

APS guardianship, which may be provided directly or through contracts with local entities, is a small part of a statewide system. APS works closely with the Texas Guardianship Alliance to develop more resources for guardianships in the state. When guardianships are needed, APS works with family members, interested parties, local guardianship programs and contractors to arrange services.

At the end of 2001, APS directly provided 473 guardianships and contracted for an additional 168. CPS referred for APS guardianship 62 children with disabilities who have reached their 18th birthday in CPS conservatorship.

# Adult Protective Services

## Completed MHMR Investigations



## MHMR Investigations

APS is responsible for investigating abuse, neglect and exploitation in MHMR facilities and related programs, including:

- ◆ State schools
- ◆ State hospitals
- ◆ State centers
- ◆ Community mental health/mental retardation centers
- ◆ Facility and community center contractors, including home and community-based waiver programs

During 2001, APS completed 7,942 investigations in MHMR settings. Of these, 1,061 cases were confirmed, half of which involved neglect.



## Youth group stocks items to help abused elderly

article by Cherie Bell  
 excerpted from *The Paris News*

Youth at East Paris Baptist Church are bridging a gap with an older generation, those senior citizens who are victims of abuse and neglect.

The Bridge Room is a project of the church youth group. The room will be stocked with items such as nonperishable food, clothing, household goods and toiletries, which will be provided to seniors as well as disabled people who have suffered abuse, neglect or exploitation. The youth will be asking the community to donate items.

Statewide, more than half of all elderly abuse cases are neglect, mostly self-neglect through illness or dementia. These elderly persons may reside in unsanitary housing and need assistance with meals and medical care.

Youth minister Mike Atkins supports the project as a life learning experience. "It gives them an idea of what some of the elderly are having to go through," he said.

"I think it's great," said Brandi Coe, 16, a member of the youth group. "We're just glad that we can help the community."