

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 2001 Expenditures and Staffing

APS Staff Costs \$24,329,266

546 Direct Delivery (supervisors, workers, clerical)
582 Total Staff

Purchased Services \$3,785,809

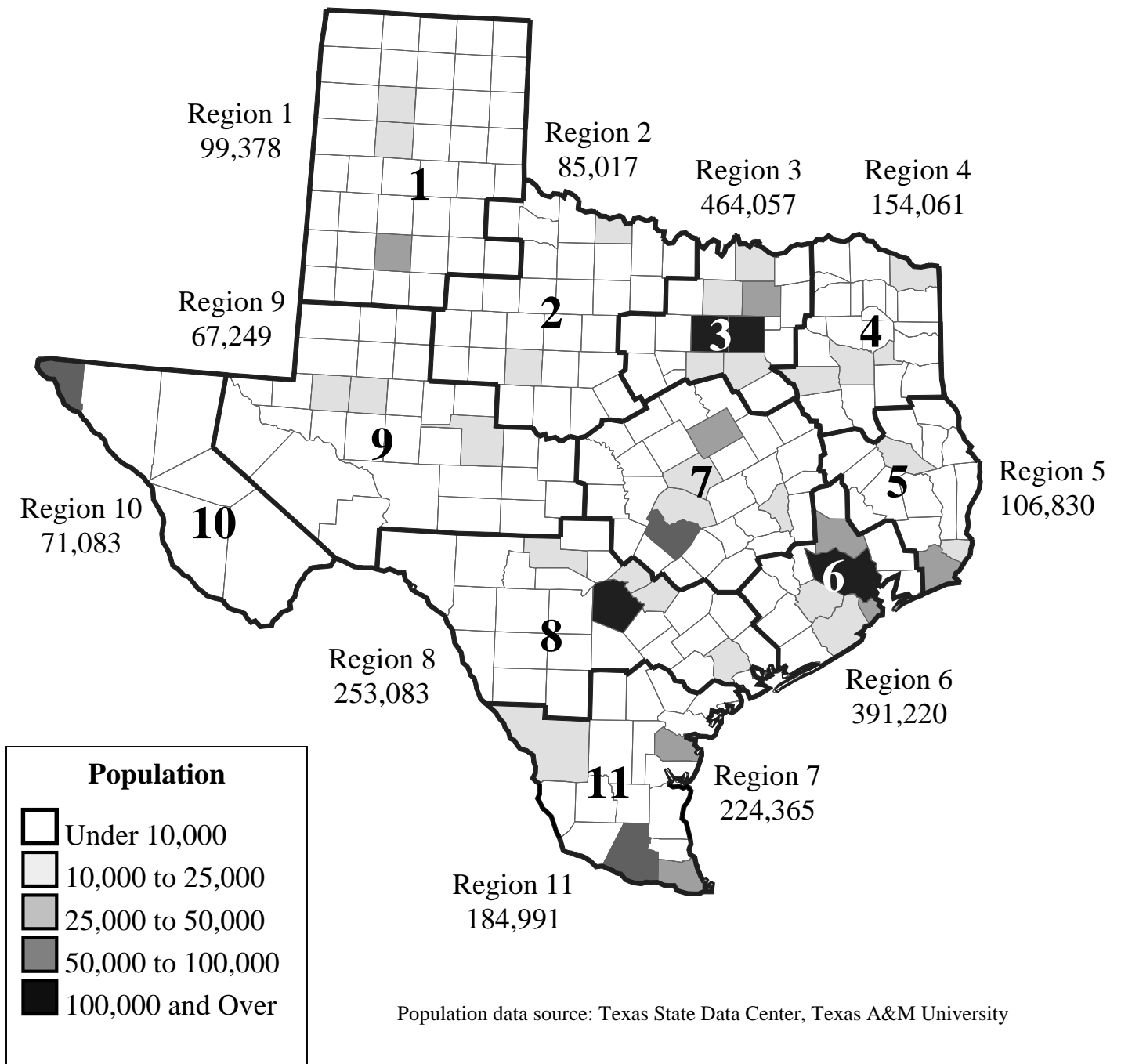
- Emergency Client Services
- Emergency shelter
- Nutrition/Food
- Personal needs
- Medical Supplies
- Guardianship Contracts
- . . and many more

MHMR Investigations Staff Costs (all settings) \$4,752,097

113 Direct Delivery (supervisors, workers, clerical)
120 Total Staff

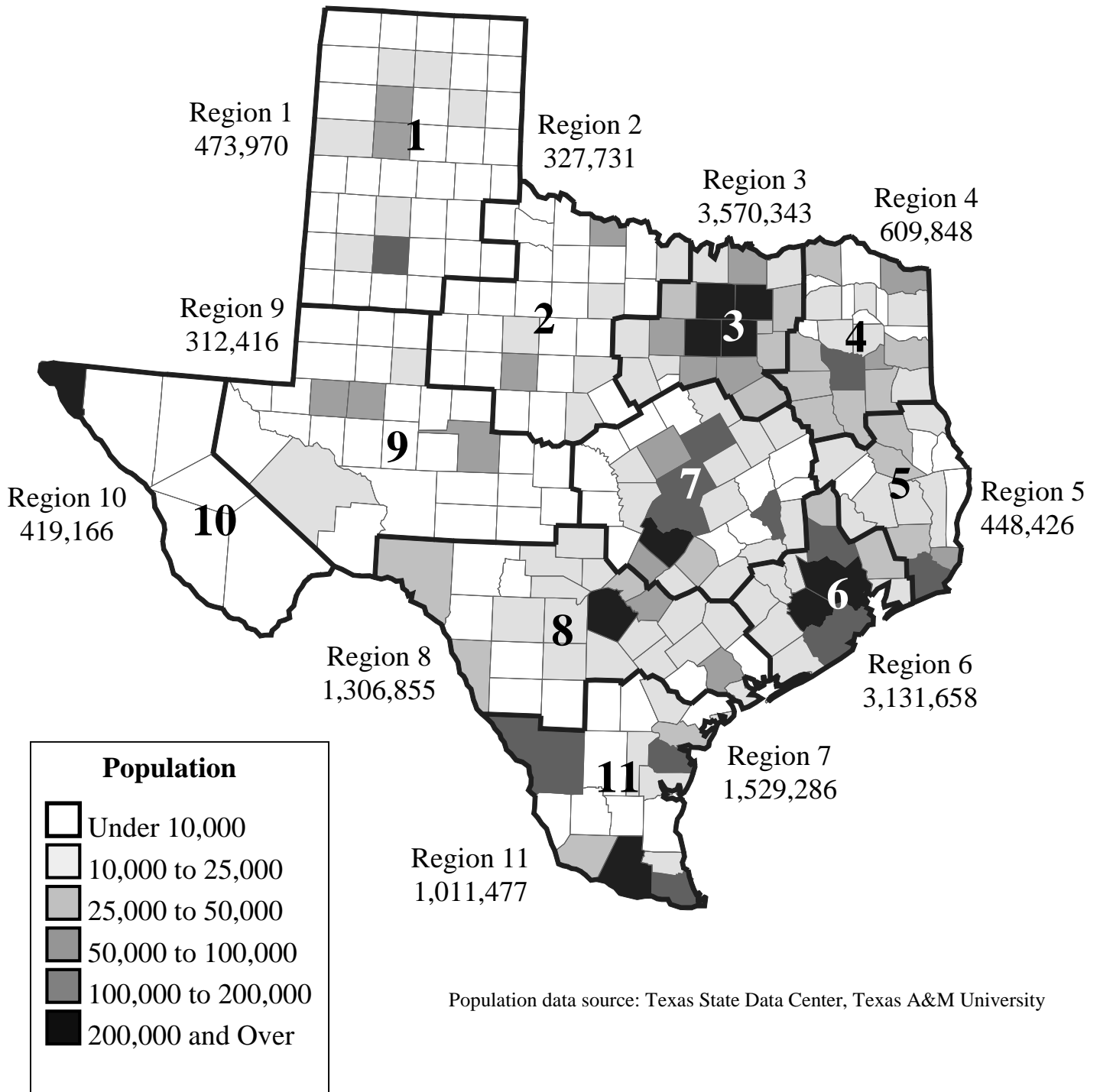
Texas Adult Population Ages 65 and Over by County Fiscal Year 2001

State Total: 2,101,334

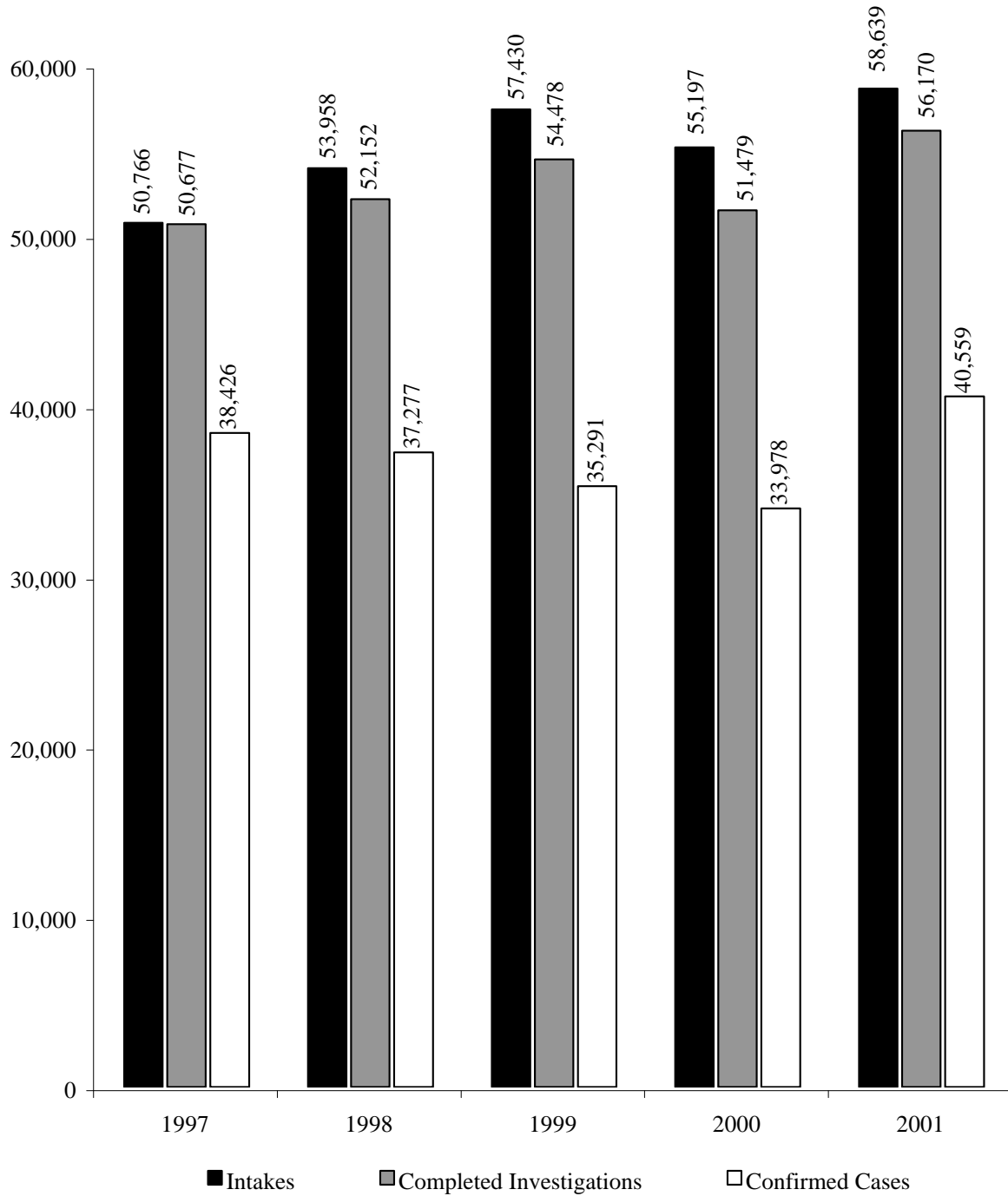


Texas Adult Population Ages 18 to 64 by County Fiscal Year 2001

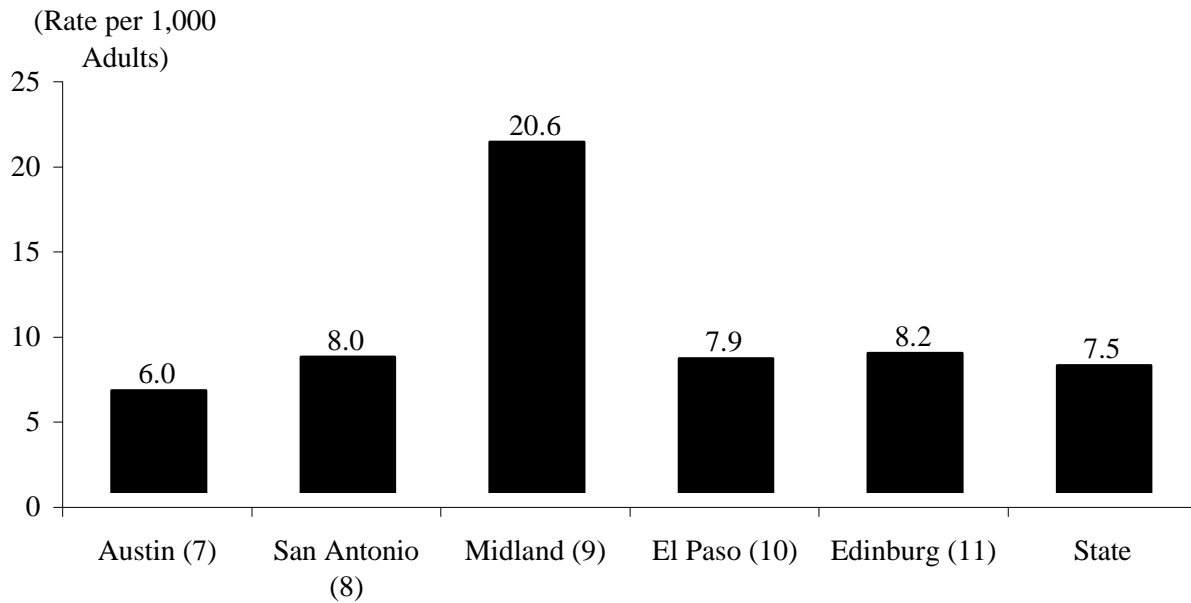
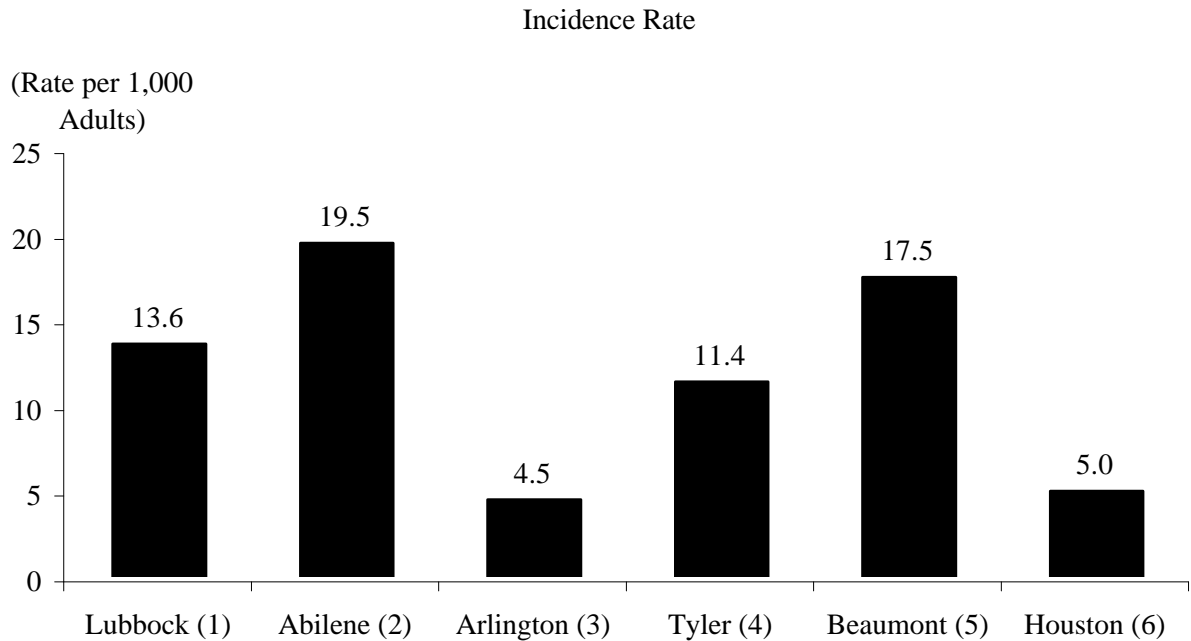
State Total: 13,141,176



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

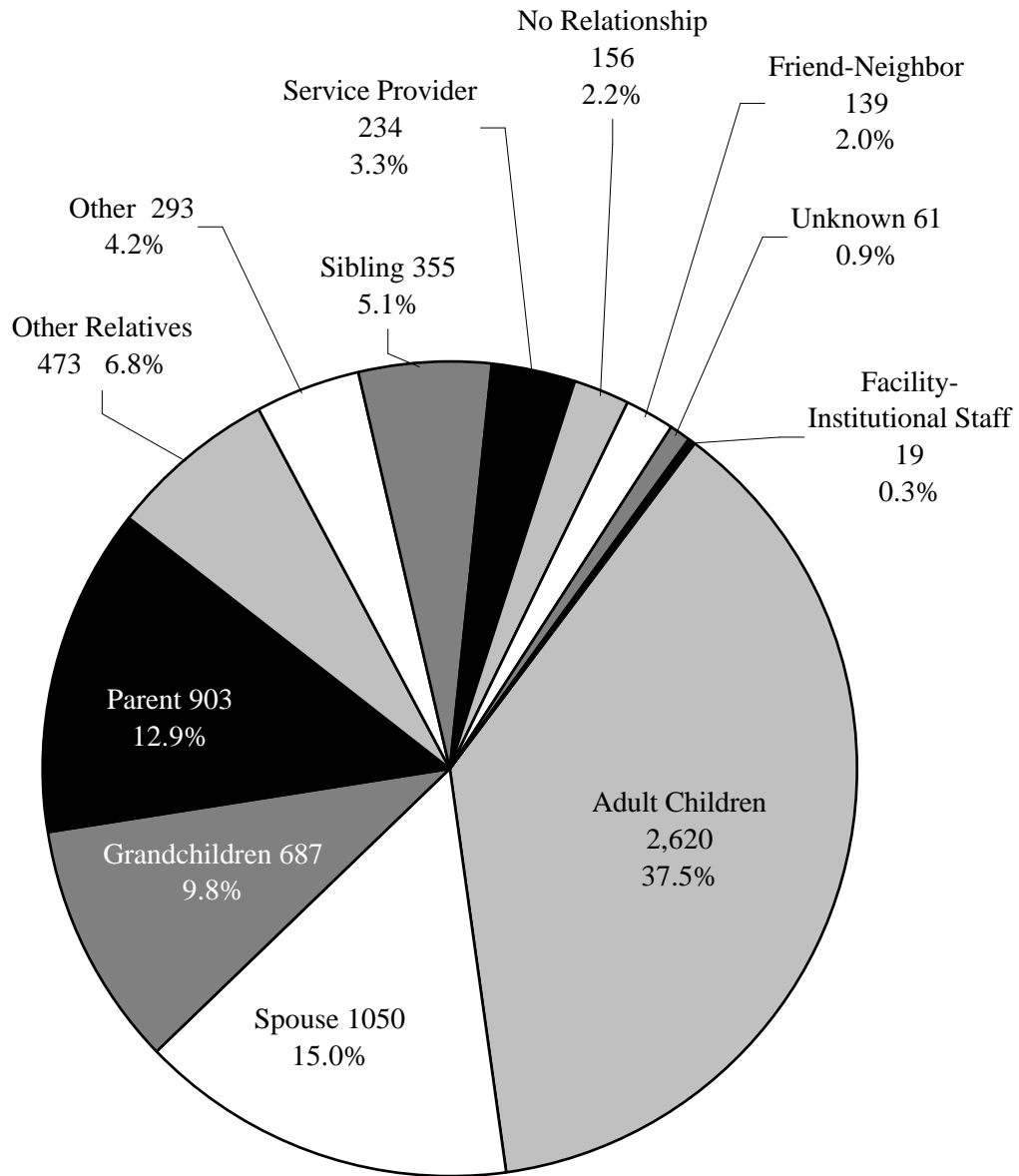


Incidence of Maltreatment per 1,000 Adults in Texas Adult Population by Region Fiscal Year 2001



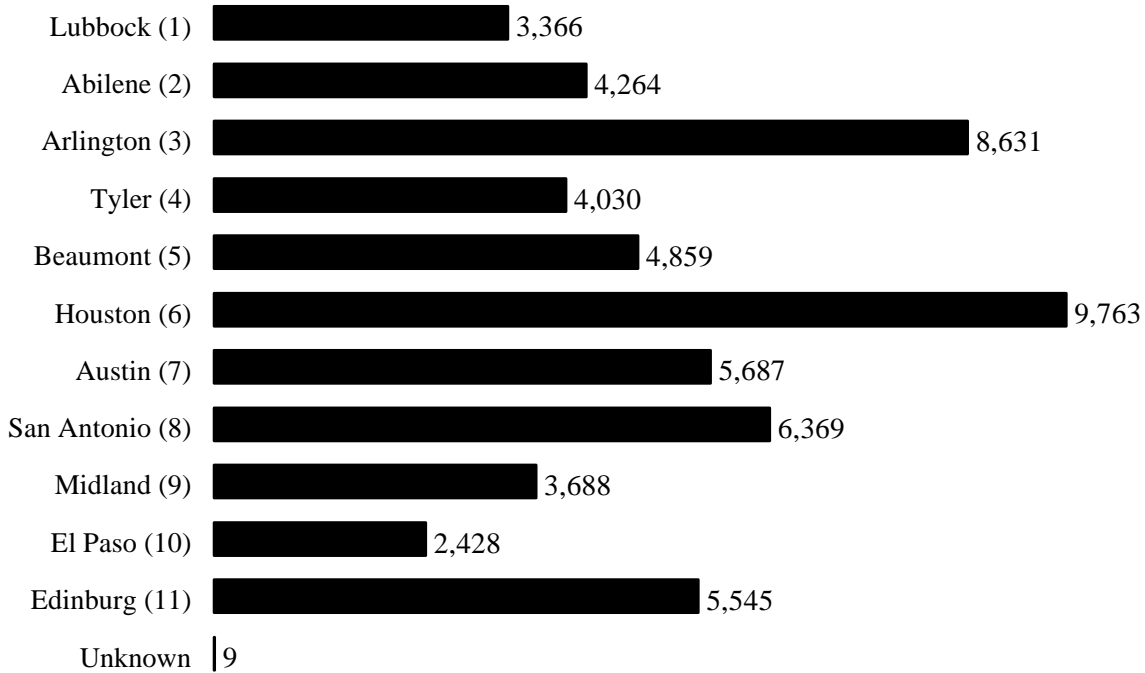
Note: Calculations are based on the percent of confirmed APS in-home investigations. Unreported incidences are not reflected.

Perpetrators in Confirmed In-Home Cases Fiscal Year 2001

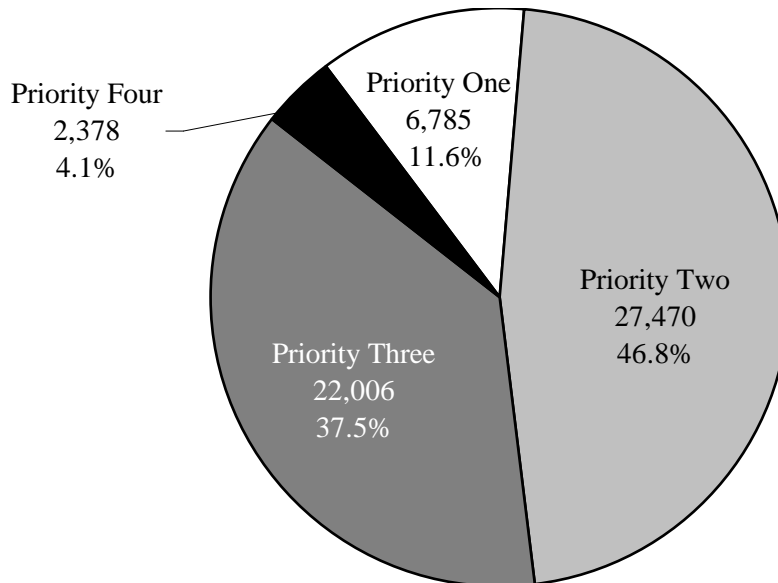


APS In-Home Intake Reports by Region Fiscal Year 2001

State Total 58,639

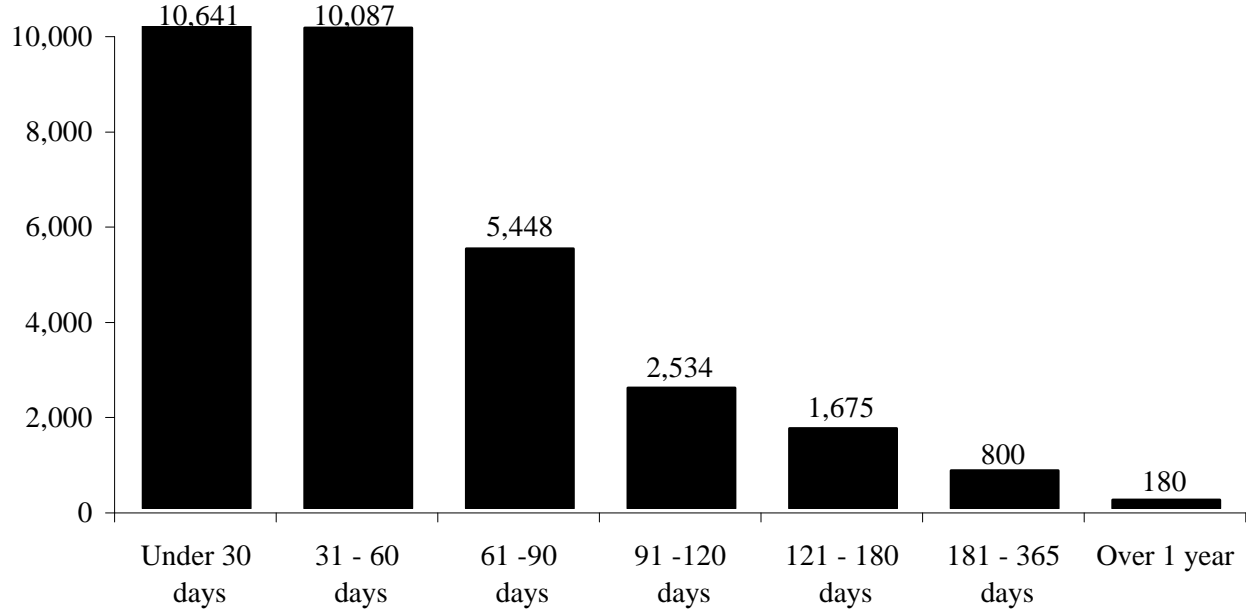


APS Intake Reports by Priority Fiscal Year 2001

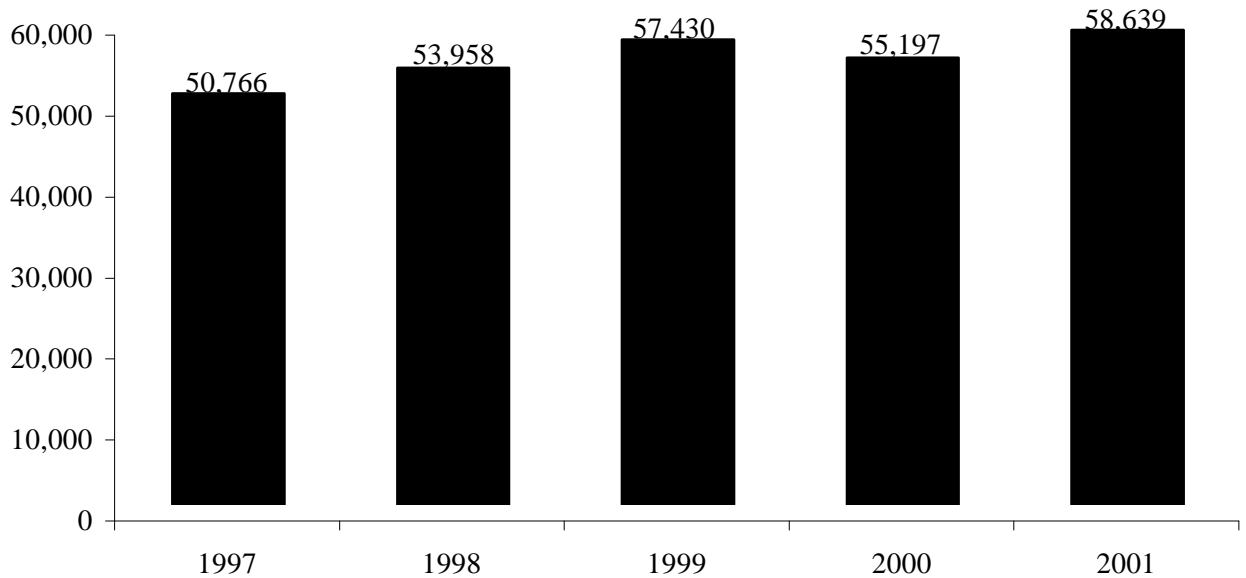


Duration of APS In-Home Cases (Investigation and Service Delivery)

Fiscal Year 2001

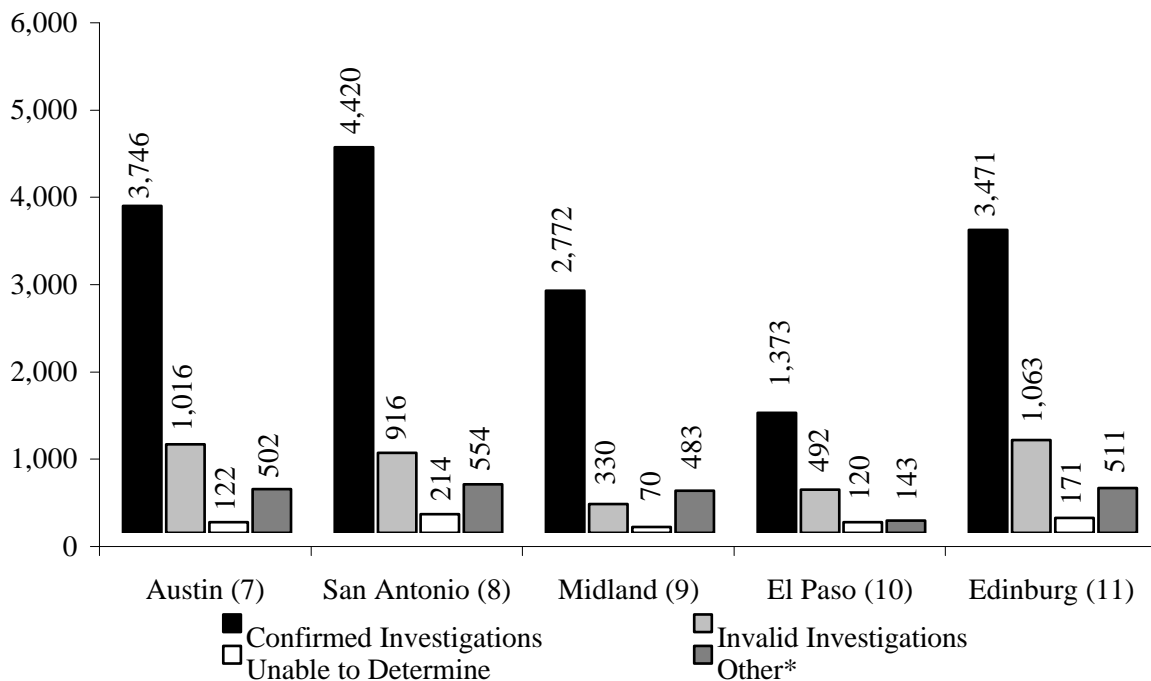
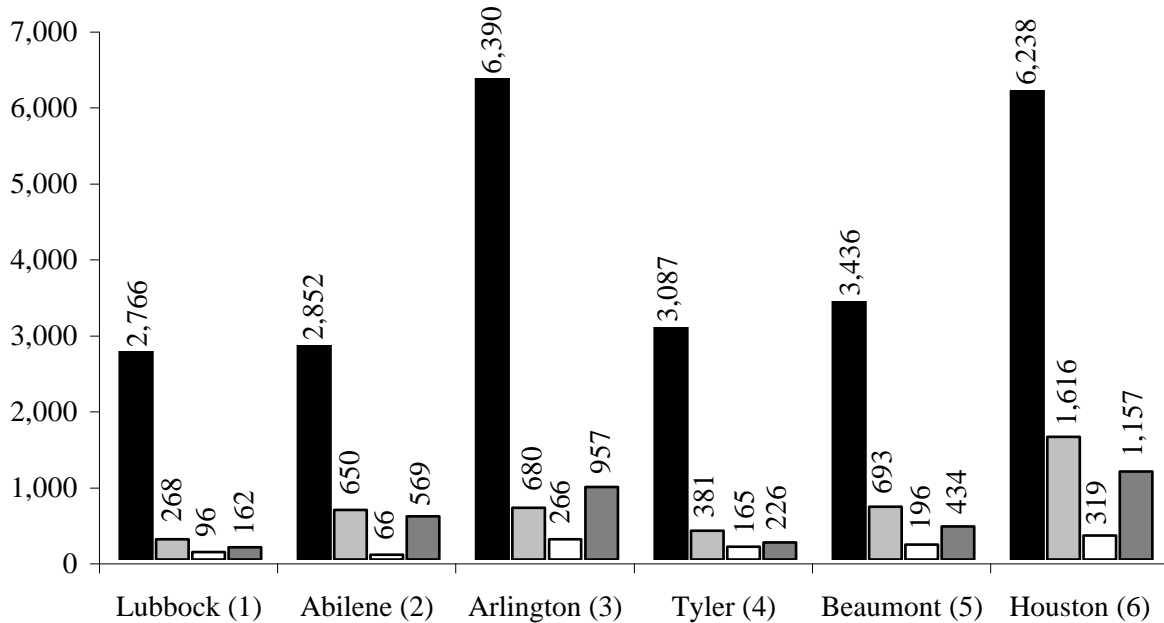


APS In-Home Intakes by Fiscal Year



Completed APS In-Home Investigations by Region for Fiscal Year 2001

State Total 56,170

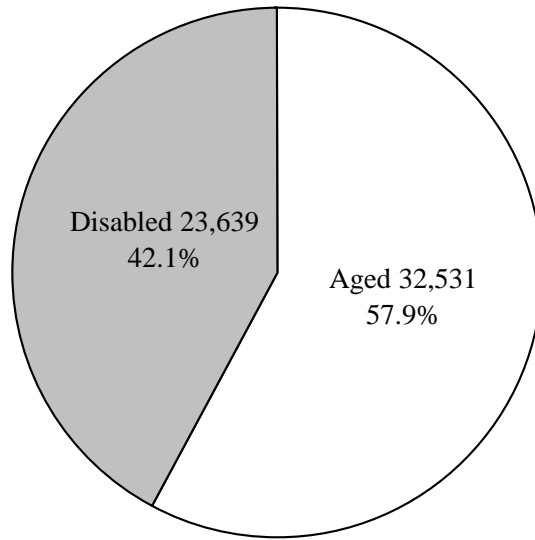


* "Other" category refers to those investigations that workers could not complete for some reason, e.g. clients died or cases were misclassified.

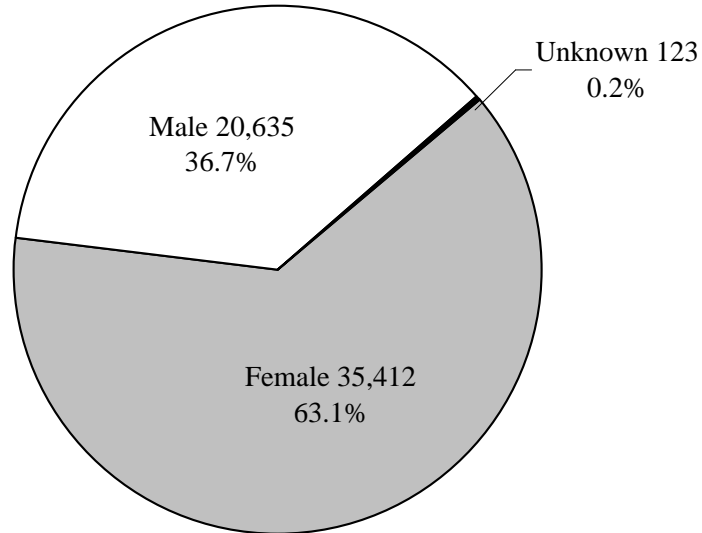
Note: 11 investigations had an "unknown" region.

In-Home Clients in Completed Investigations Fiscal Year 2001

Age and Disability

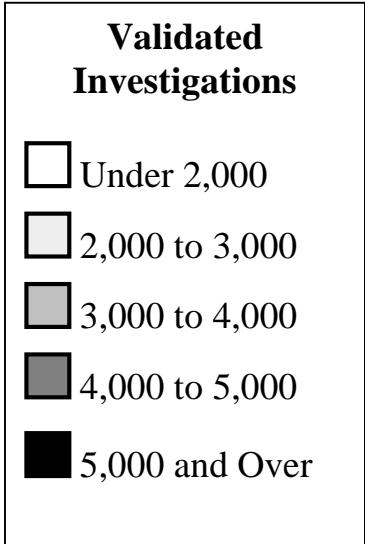
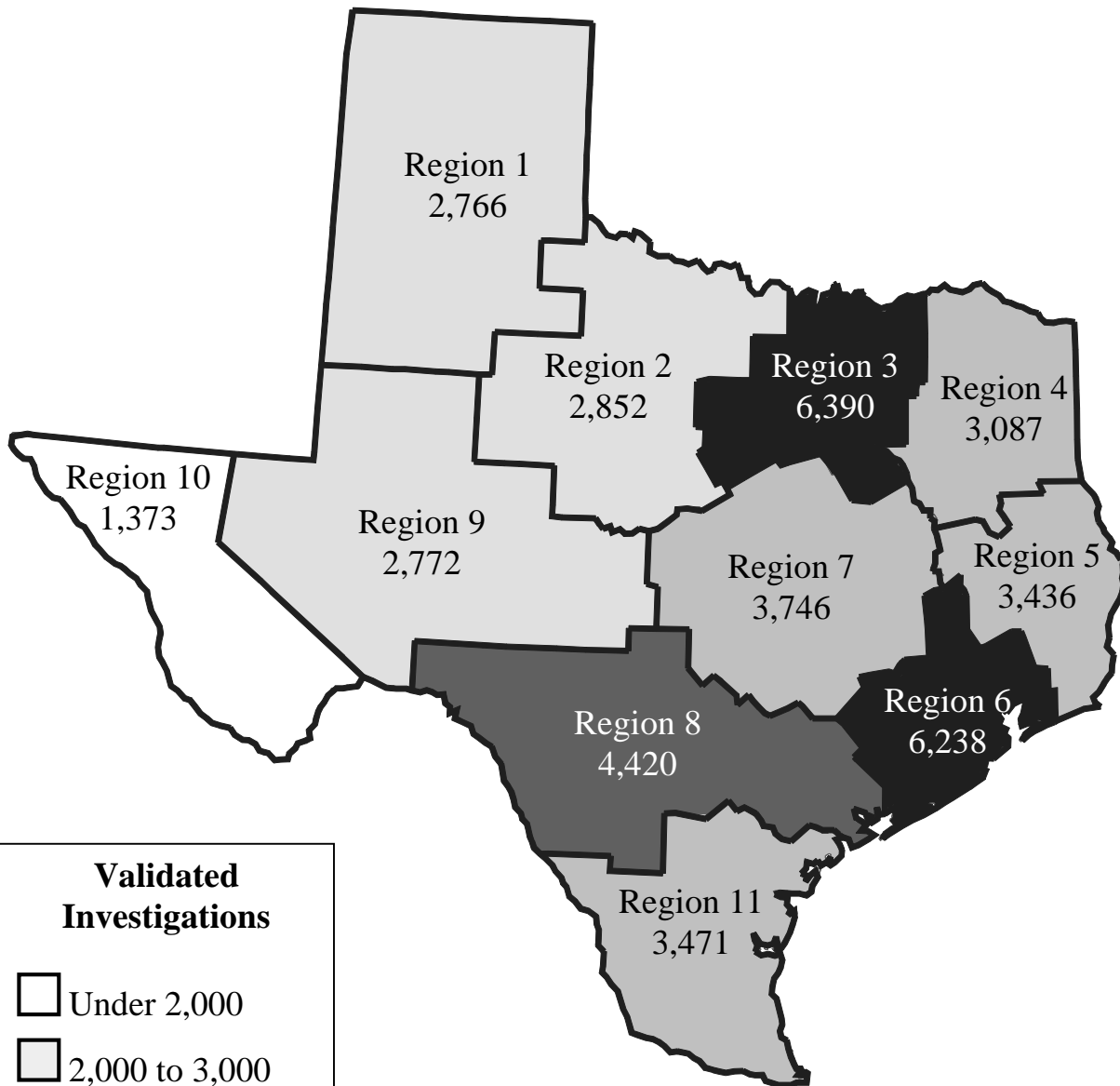


Gender



APS Confirmed In-Home Investigations by Region Fiscal Year 2001

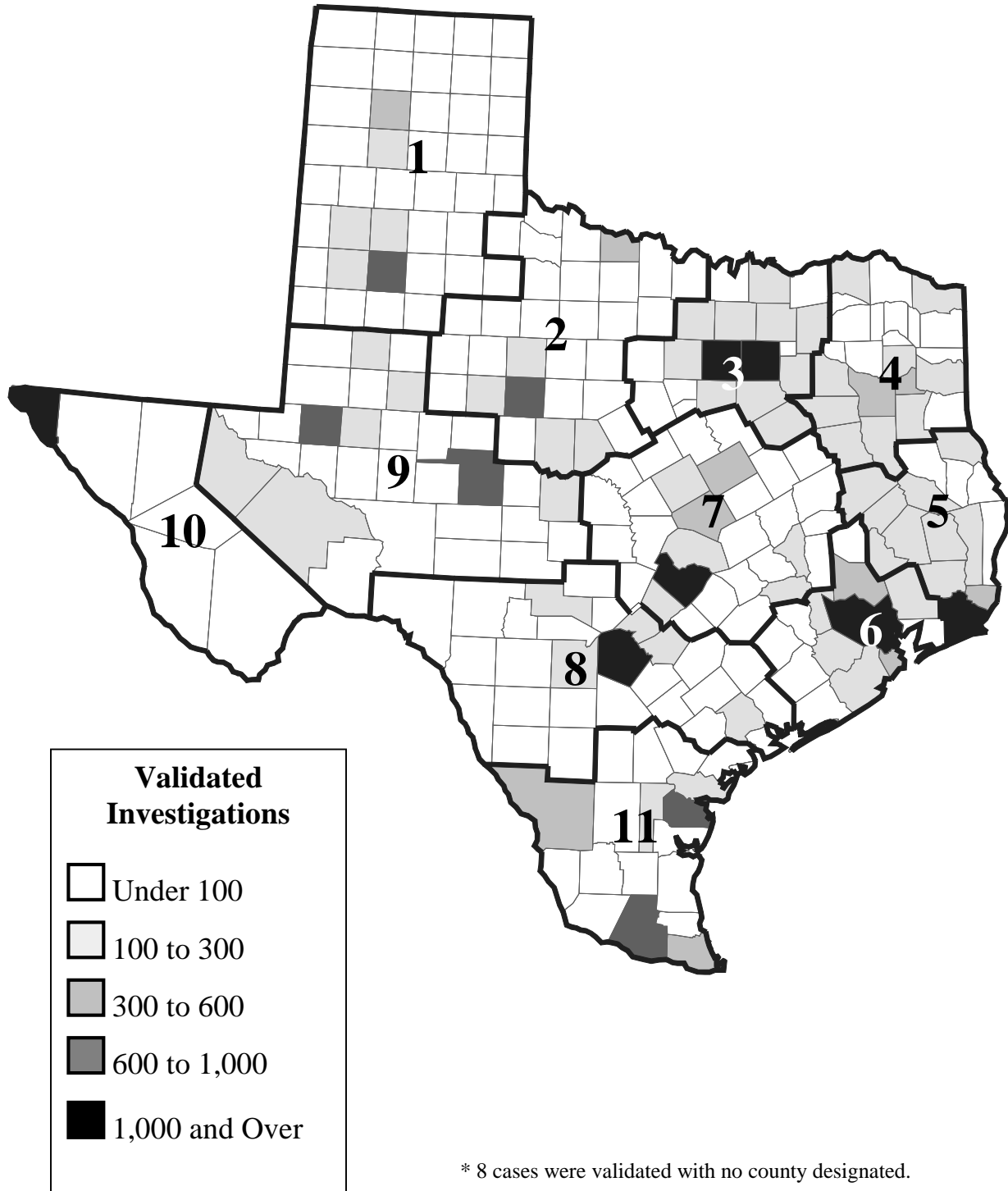
State Total: 40,559*



* 8 cases were validated with no region designated.

APS Confirmed In-Home Investigations by County Fiscal Year 2001

State Total: 40,559*



Ethnicity of APS Clients in Completed In-Home Investigations Fiscal Year 2001

| Region | Anglo | African American | Hispanic | Native American | Asian | Other | Total |
|--------------------|---------------|------------------|---------------|-----------------|------------|--------------|---------------|
| Lubbock (1) | 1,551 | 584 | 809 | 6 | 11 | 331 | 3,292 |
| Abilene (2) | 2,566 | 497 | 540 | 21 | 17 | 496 | 4,137 |
| Arlington (3) | 4,703 | 1,821 | 476 | 13 | 25 | 1,255 | 8,293 |
| Tyler (4) | 2,073 | 1,168 | 52 | 12 | 1 | 553 | 3,859 |
| Beaumont (5) | 2,239 | 1,915 | 73 | 10 | 20 | 502 | 4,759 |
| Houston (6) | 4,034 | 3,101 | 944 | 22 | 56 | 1,173 | 9,330 |
| Austin (7) | 2,951 | 1,102 | 619 | 8 | 28 | 678 | 5,386 |
| San Antonio (8) | 2,234 | 645 | 2,511 | 19 | 18 | 677 | 6,104 |
| Midland (9) | 1,744 | 472 | 1,133 | 2 | 1 | 303 | 3,655 |
| El Paso (10) | 522 | 91 | 1,309 | 11 | 12 | 183 | 2,128 |
| Edinburg (11) | 1,114 | 169 | 3,541 | 6 | 5 | 381 | 5,216 |
| Unknown | 4 | 0 | 2 | 0 | 0 | 5 | 11 |
| State Total | 25,735 | 11,565 | 12,009 | 130 | 194 | 6,537 | 56,170 |

Allegations in Validated APS In-Home Investigations Fiscal Year 2001

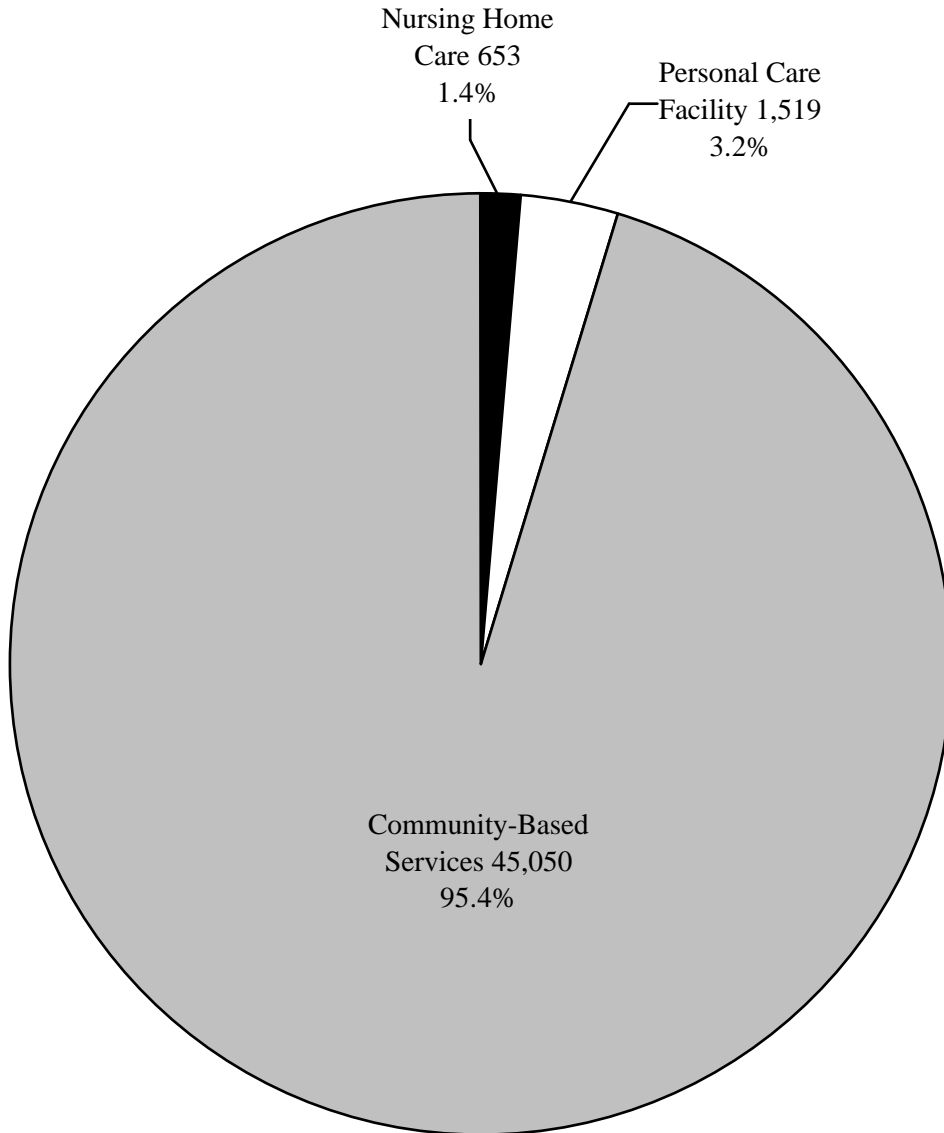
| Allegation | Number of Allegations | Percentage |
|------------------------|-----------------------|---------------|
| Emotional/Verbal Abuse | 1,649 | 4.1% |
| Exploitation | 1,517 | 3.7% |
| Medical Neglect | 6,312 | 15.6% |
| Mental Health Neglect | 1,655 | 4.1% |
| Physical Abuse | 2,429 | 6.0% |
| Physical Neglect | 26,444 | 65.1% |
| Suicidal Threat | 398 | 1.0% |
| Sexual Abuse | 155 | 0.4% |
| State Total | 40,559 | 100.0% |

Services Delivered in In-Home Cases by Region Fiscal Year 2001

| Region | Rent/ Utilities Restoration | Social Services | Guardianship/ Legal Services | Health Services | Emergency Shelter & Placement | Other | Total |
|--------------------|--|----------------------------|---|----------------------------|--|--------------|---------------|
| Lubbock (1) | 508 | 1,859 | 29 | 724 | 4 | 565 | 3,689 |
| Abilene (2) | 476 | 1,443 | 46 | 824 | 5 | 415 | 3,209 |
| Arlington (3) | 263 | 4,325 | 144 | 1,541 | 47 | 915 | 7,235 |
| Tyler (4) | 357 | 2,184 | 19 | 466 | 8 | 228 | 3,262 |
| Beaumont (5) | 492 | 2,160 | 30 | 758 | 16 | 480 | 3,936 |
| Houston (6) | 470 | 4,180 | 84 | 1,413 | 20 | 715 | 6,882 |
| Austin (7) | 461 | 3,154 | 87 | 1,061 | 49 | 559 | 5,371 |
| San Antonio (8) | 218 | 3,517 | 99 | 1,046 | 30 | 587 | 5,497 |
| Midland (9) | 598 | 1,734 | 21 | 729 | 27 | 387 | 3,496 |
| El Paso (10) | 102 | 903 | 35 | 332 | 11 | 201 | 1,584 |
| Edinburg (11) | 159 | 2,299 | 25 | 732 | 9 | 464 | 3,688 |
| Unknown | 0 | 5 | 1 | 2 | 0 | 1 | 9 |
| State Total | 4,104 | 27,763 | 620 | 9,628 | 226 | 5,517 | 47,858 |

Note: Clients in confirmed cases may receive more than one service.

APS Clients Receiving Nursing and Personal Care Facility Placements versus Community-Based Services Fiscal Year 2001



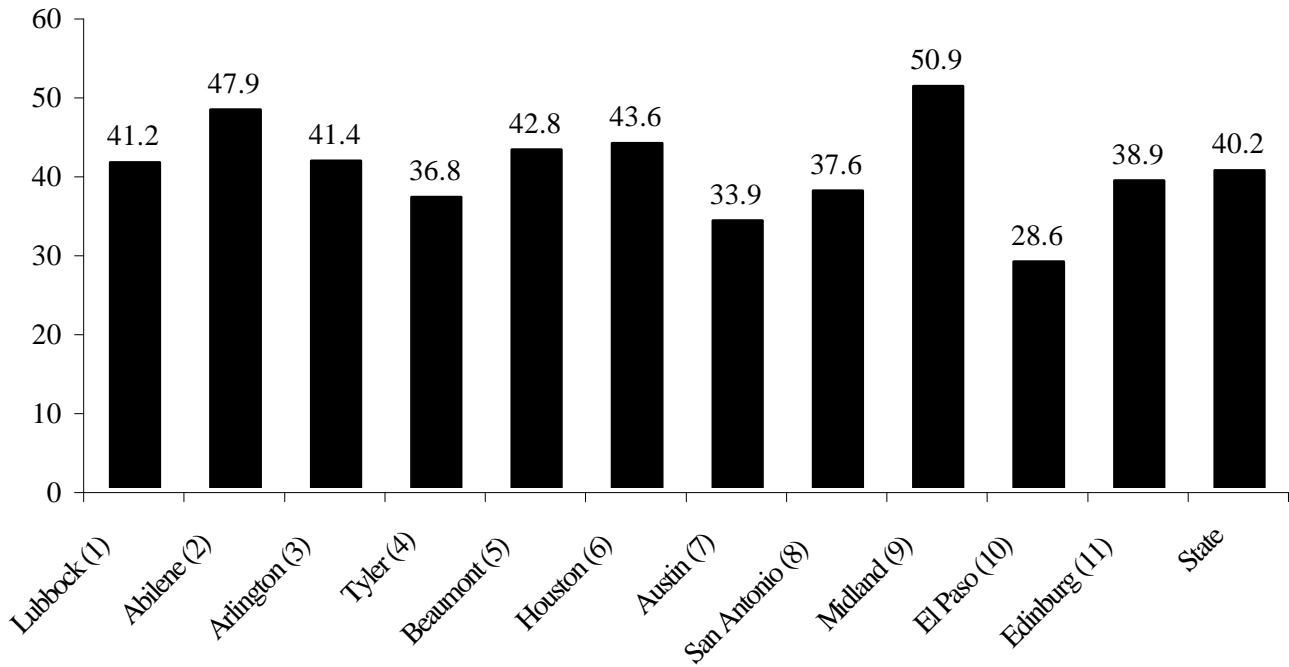
Average Length of In-Home Investigations by Region Fiscal Year 2001

| Region | Days |
|-----------------|-------|
| Lubbock (1) | 40.63 |
| Abilene (2) | 19.12 |
| Arlington (3) | 24.64 |
| Tyler (4) | 29.45 |
| Beaumont (5) | 24.96 |
| Houston (6) | 26.52 |
| Austin (7) | 25.05 |
| San Antonio (8) | 27.69 |
| Midland (9) | 26.51 |
| El Paso (10) | 47.02 |
| Edinburg (11) | 33.55 |
| <hr/> | |
| State Average | 28.01 |

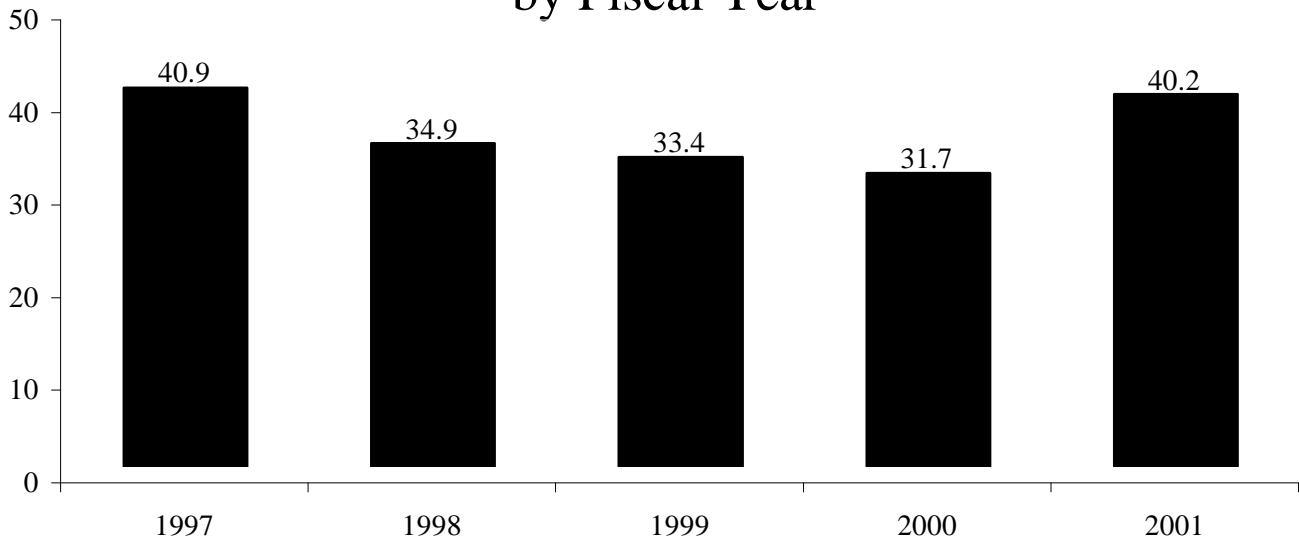
APS Average Worker Tenure in Program Fiscal Year 2001

| Tenure | Workers | Percentage |
|---------------|---------|------------|
| Under 1 Year | 26 | 7.6% |
| 1 Year | 43 | 12.6% |
| 2 Years | 34 | 9.9% |
| 3 Years | 36 | 10.5% |
| 4 Years | 25 | 7.3% |
| 5 Years | 23 | 6.7% |
| 6 - 9 years | 112 | 32.8% |
| 10 - 15 years | 43 | 12.6% |
| <hr/> | | |
| State Total | 342 | 100.0% |

Average APS In-Home Weighted Caseload per Worker by Region Fiscal Year 2001

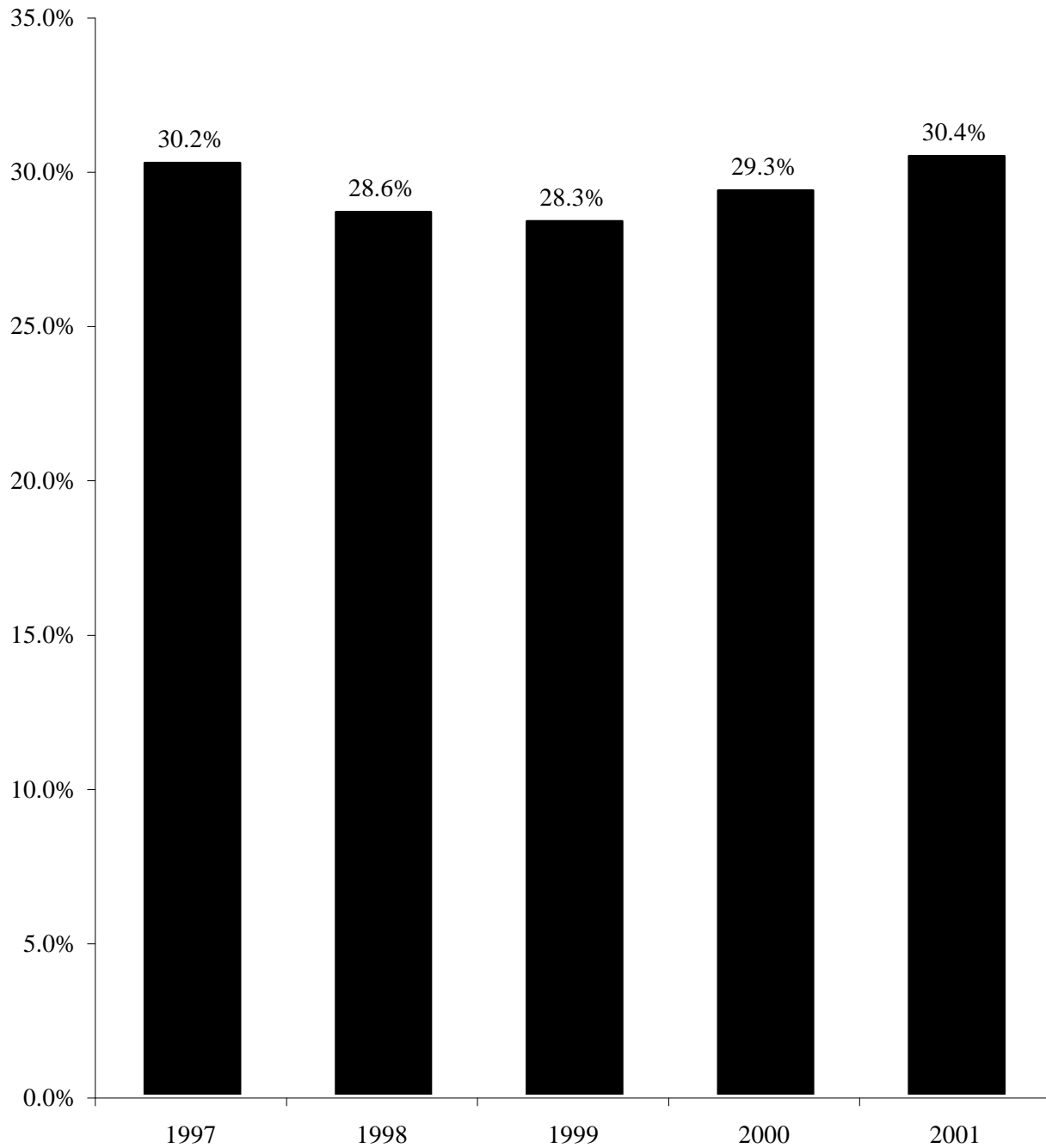


Average APS In-Home Caseload per Worker by Fiscal Year



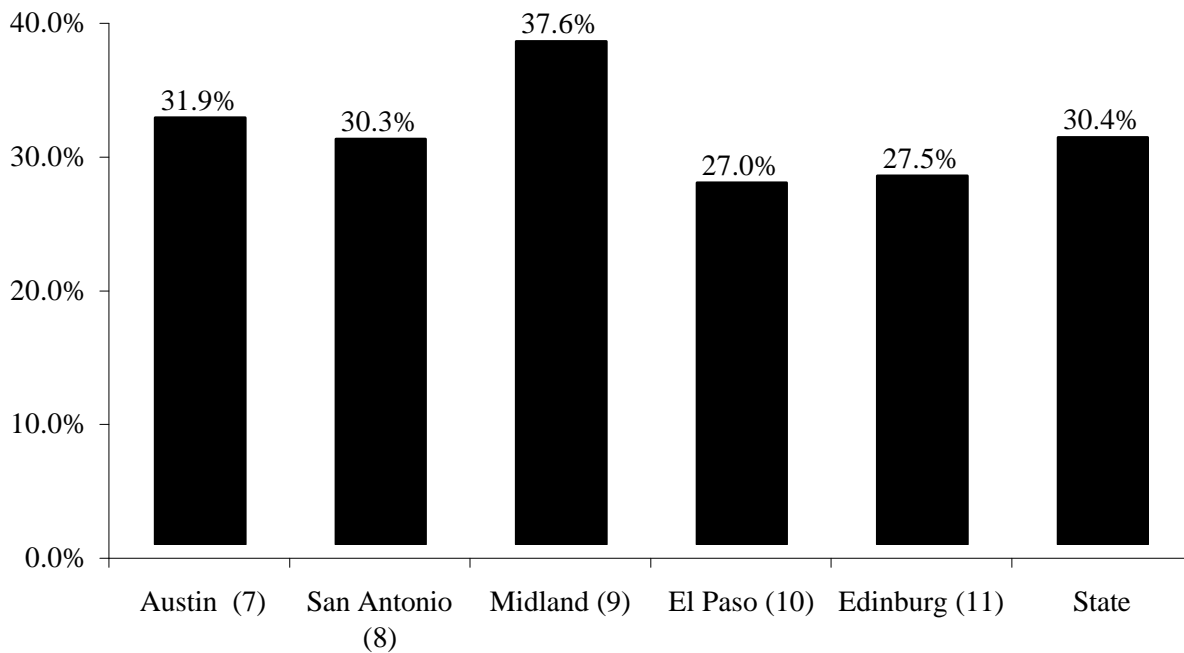
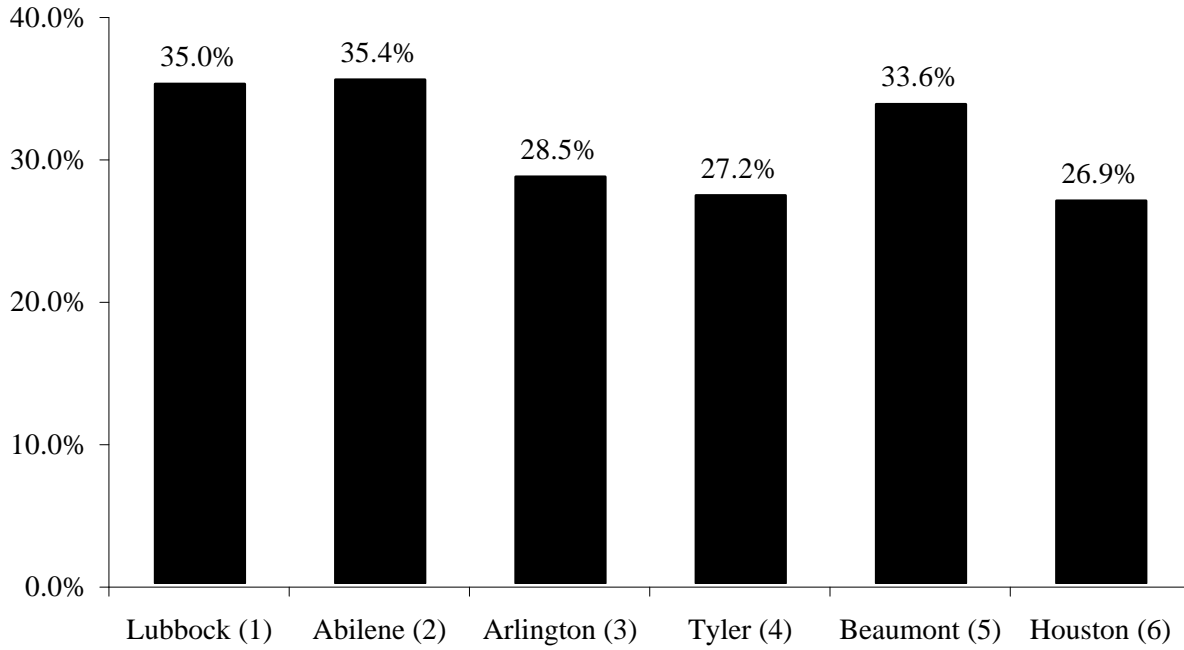
Note: Fiscal Year 1998 reflects FTEs added over the biennium.

Recidivism* of APS In-Home Cases by Fiscal Year



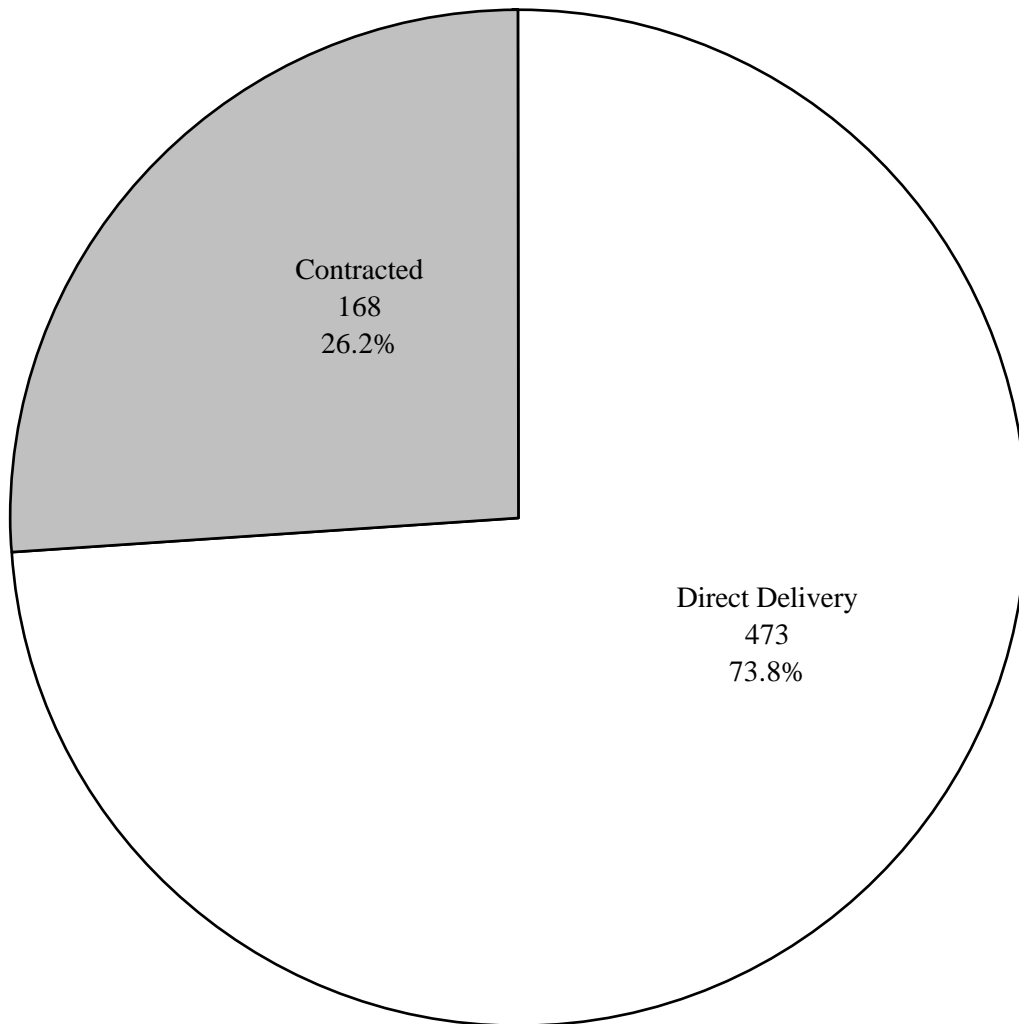
* Recidivism is a measure of the percentage of APS clients referred to the APS system more than once during the fiscal year, including clients who refused services and were re-referred.

Recidivism* of APS In-Home Cases by Region Fiscal Year 2001

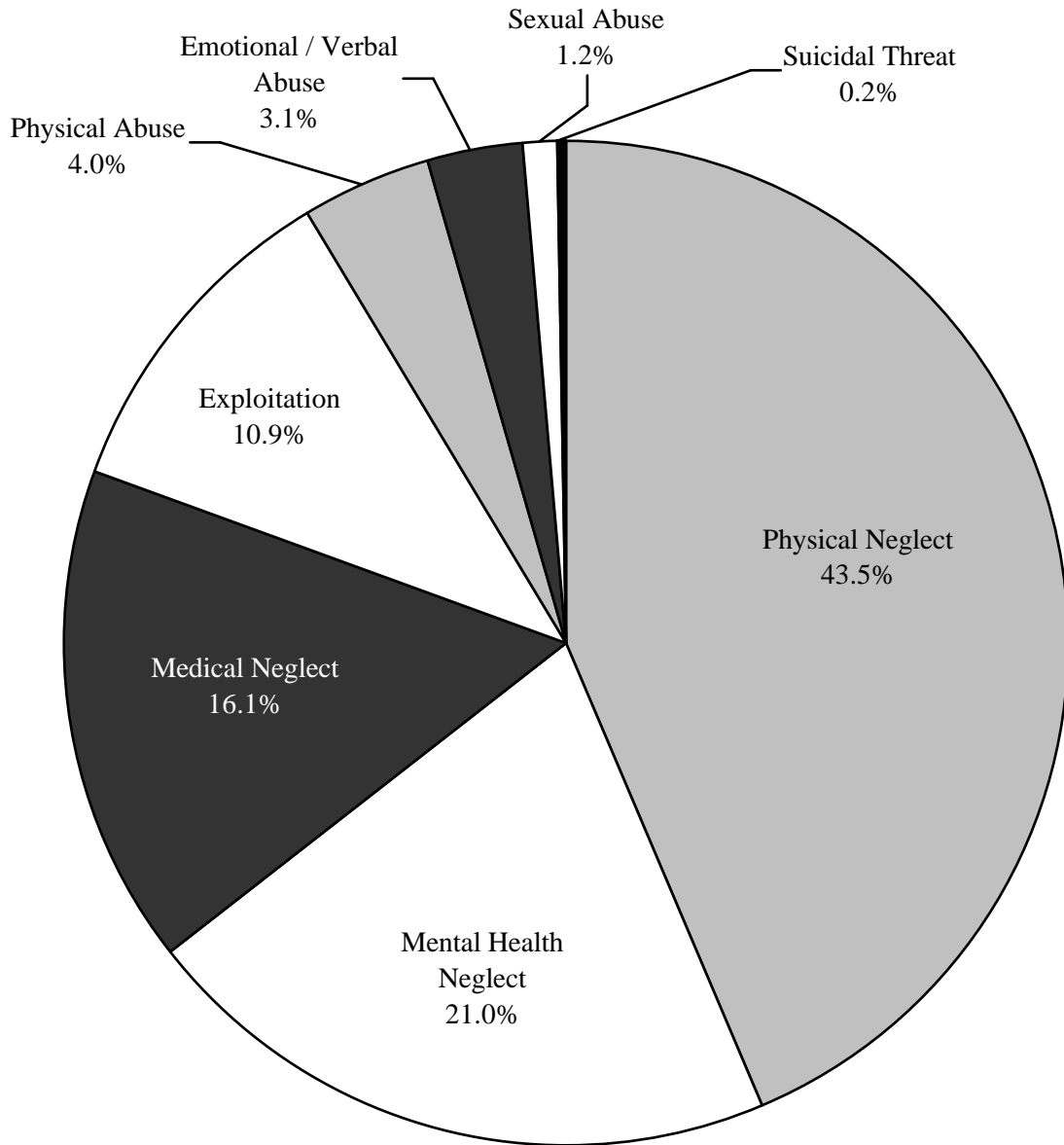


* Recidivism is a measure of the percentage of APS Clients referred to the APS system more than once during the fiscal year, including clients who refused services and were re-referred.

APS Guardianships as of August 31, 2001



Types of Abuse in Cases that Received Guardianship Services as of August 31, 2001



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

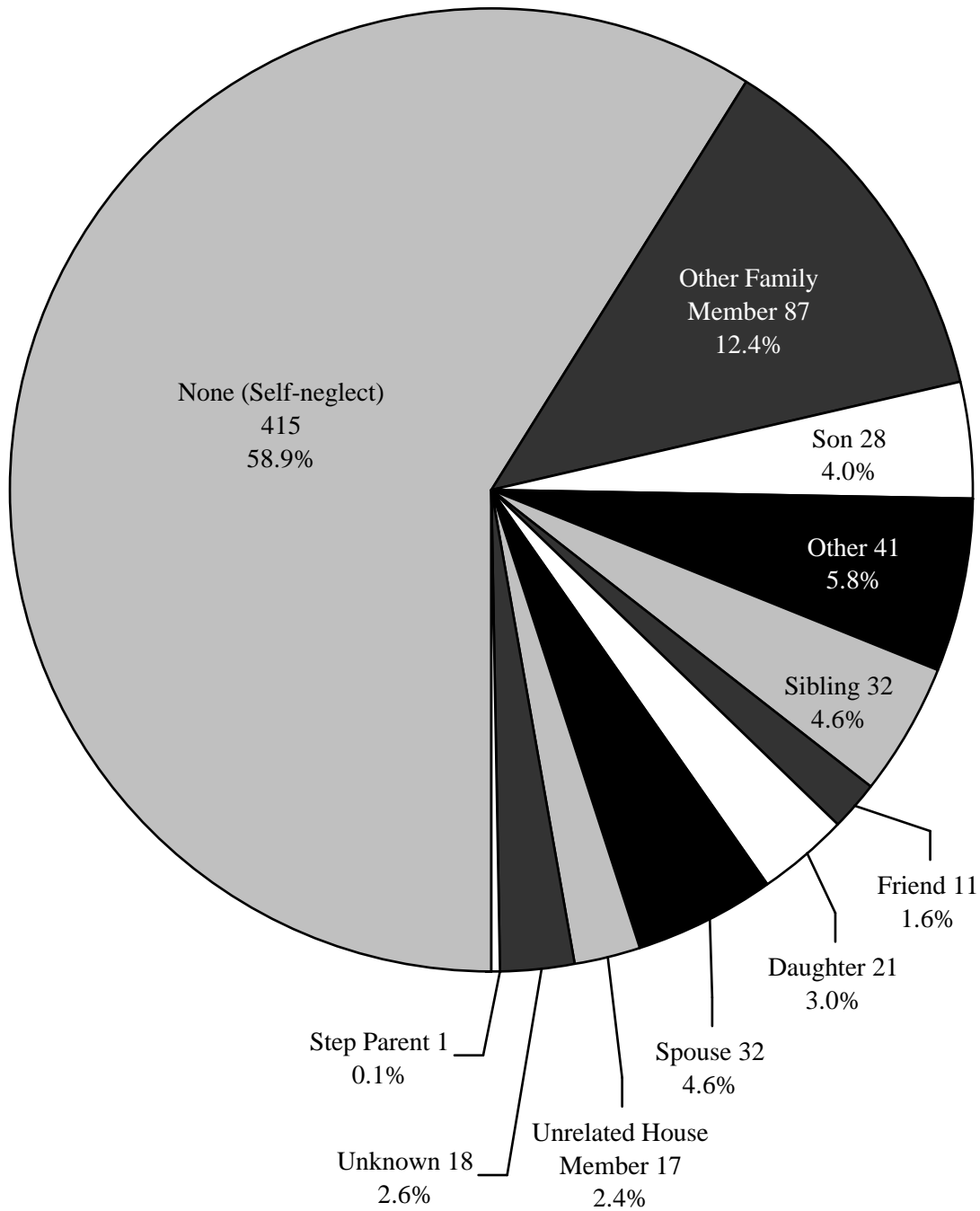
Demographics of APS Guardianship Clients as of August 31, 2001

| Age | Cases | Percentage |
|--------------------|--------------|-------------------|
| 18 - 33 Years | 230 | 35.9% |
| 34 - 49 Years | 121 | 18.9% |
| 50 - 64 Years | 41 | 6.4% |
| 65 - 81 Years | 210 | 32.7% |
| 82 + Years | 39 | 6.1% |
| State Total | 641 | 100.0% |

| Gender | Cases | Percentage |
|--------------------|--------------|-------------------|
| Female | 267 | 41.6% |
| Male | 262 | 40.9% |
| Unknown | 112 | 17.5% |
| State Total | 641 | 100.0% |

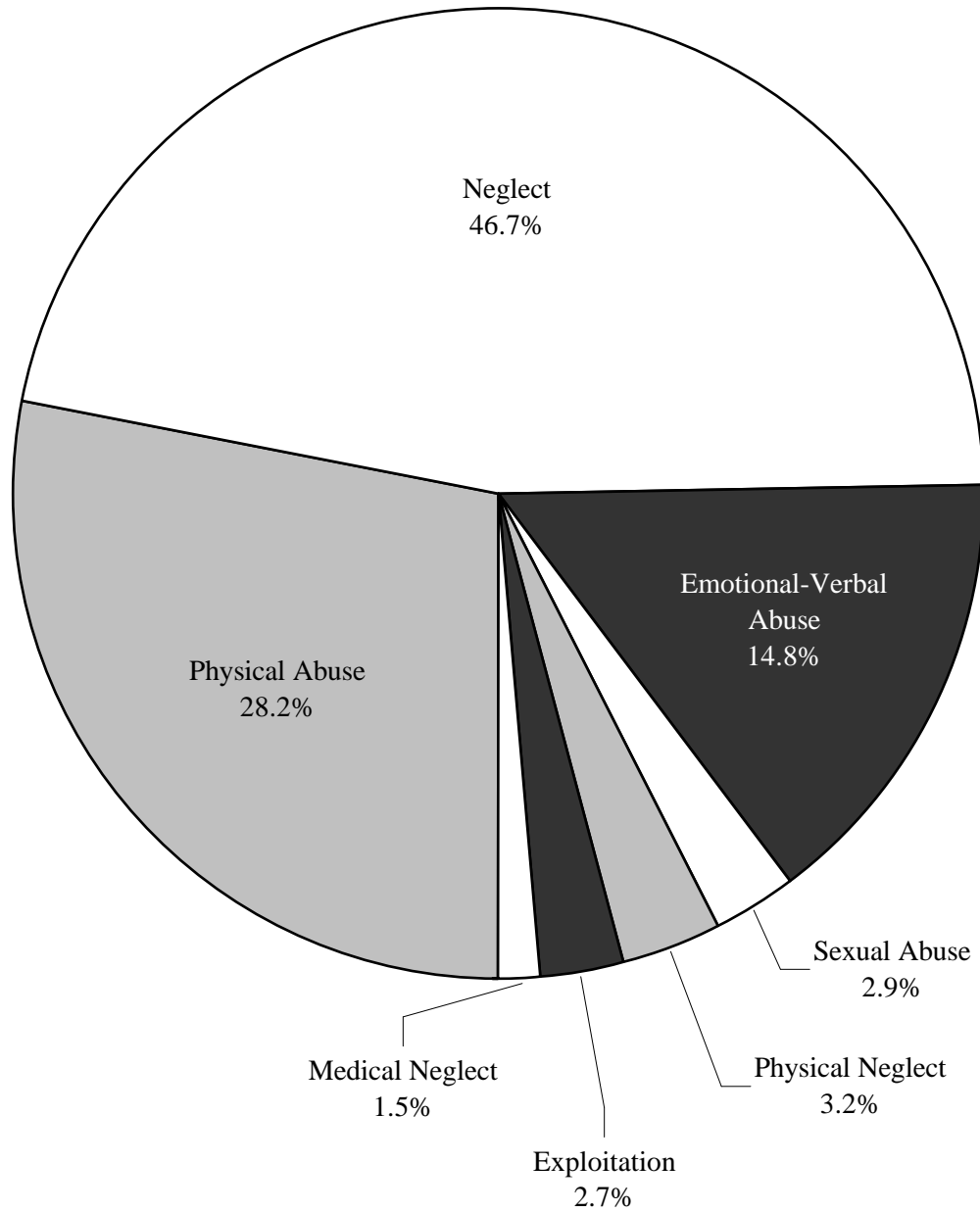
| Ethnicity | Cases | Percentage |
|--------------------|--------------|-------------------|
| Anglo | 265 | 41.3% |
| African American | 114 | 17.8% |
| Hispanic | 141 | 22.0% |
| Native American | 0 | 0.0% |
| Asian | 1 | 0.2% |
| Other | 120 | 18.7% |
| State Total | 641 | 100.0% |

Perpetrators in Cases that Received Guardianship as of August 31, 2001

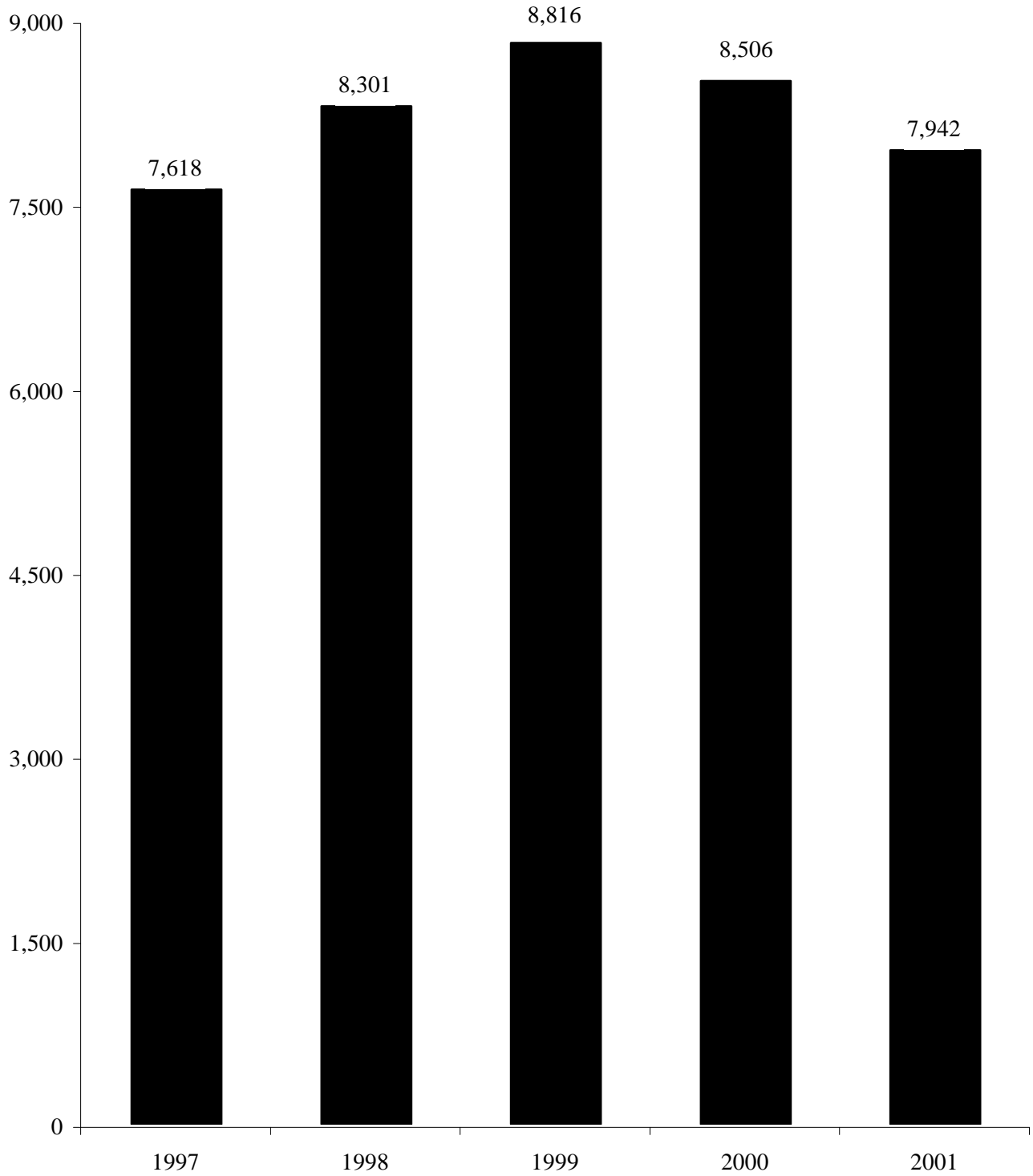


**THIS PAGE IS NOT YET AVAILABLE.
PLEASE CHECK BACK.**

Types of Abuse Confirmed in MHMR Settings Fiscal Year 2001

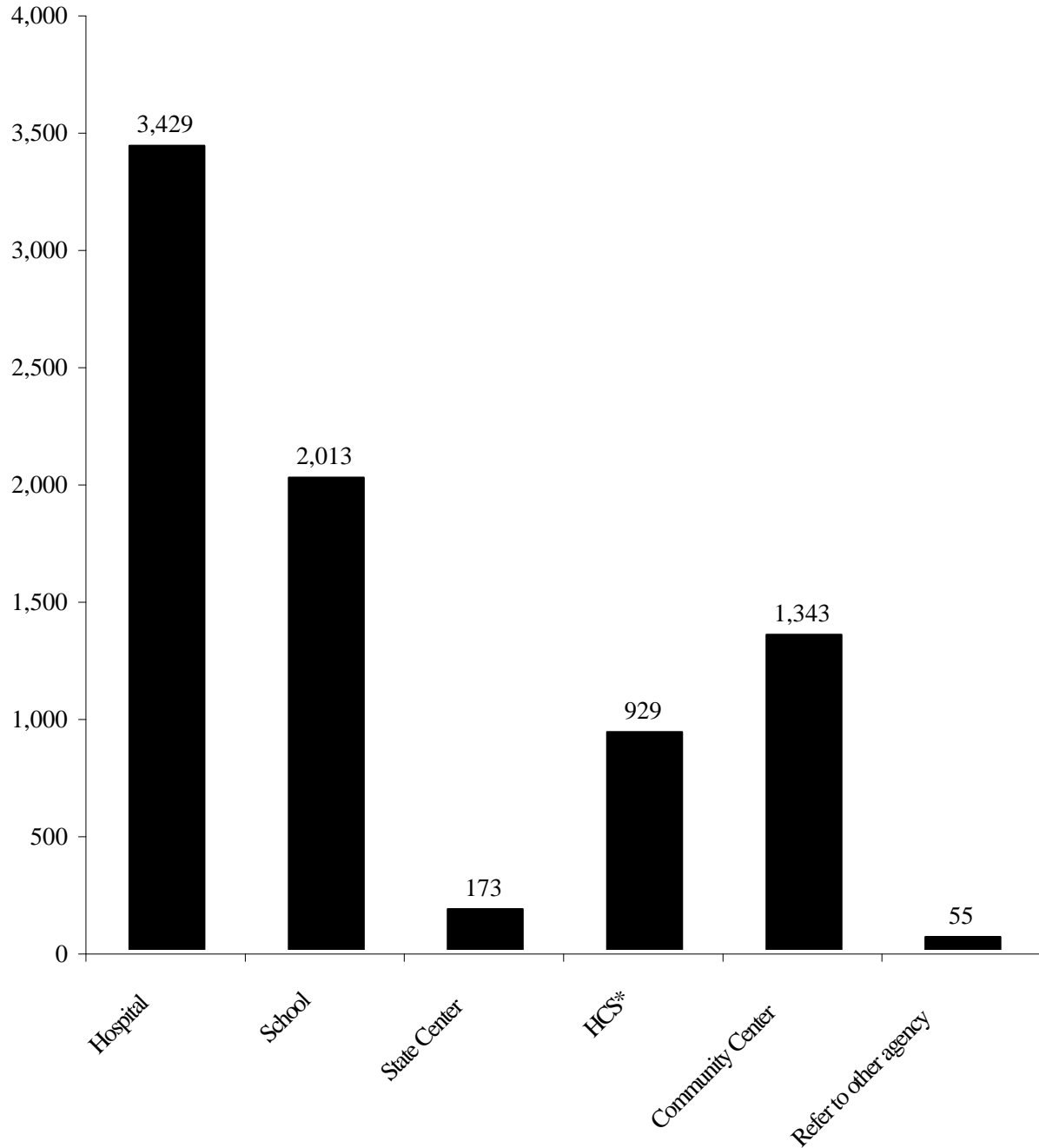


Completed Investigations in MHMR Settings by Fiscal Year



Completed Investigations by MHMR Setting Fiscal Year 2001

State Total 7,942



* 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 2001

| Region | Days |
|-----------------|-------|
| Lubbock (1) | 12.76 |
| Abilene (2) | 12.30 |
| Arlington (3) | 9.36 |
| Tyler (4) | 10.44 |
| Beaumont (5) | 13.36 |
| Houston (6) | 15.34 |
| Austin (7) | 9.88 |
| San Antonio (8) | 12.15 |
| Midland (9) | 14.14 |
| El Paso (10) | 13.12 |
| Edinburg (11) | 12.27 |
| <hr/> | |
| State Average | 11.61 |

Average MHMR Investigator Tenure in Program Fiscal Year 2001

| Tenure | Number of Investigators | Percentage |
|---------------|----------------------------|------------|
| Under 1 Year | 13 | 14.8% |
| 1 Year | 15 | 17.0% |
| 2 Years | 10 | 11.4% |
| 3 Years | 5 | 5.7% |
| 4 Years | 8 | 9.1% |
| 5 Years | 8 | 9.1% |
| 6 - 9 Years | 28 | 31.8% |
| 10 - 15 Years | 1 | 1.1% |
| <hr/> | | |
| State Total | 88 | 100.0% |

Repeat Referrals in MHMR Settings by Region Fiscal Year 2001

