

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, and home and community-based waiver (HCS-W) programs
- 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 2002 Staffing and Projected Expenditures

APS Staff Costs \$26,562,131

558 Direct Delivery (supervisors, workers, clerical)
595 Total Staff

Purchased Services \$3,902,386

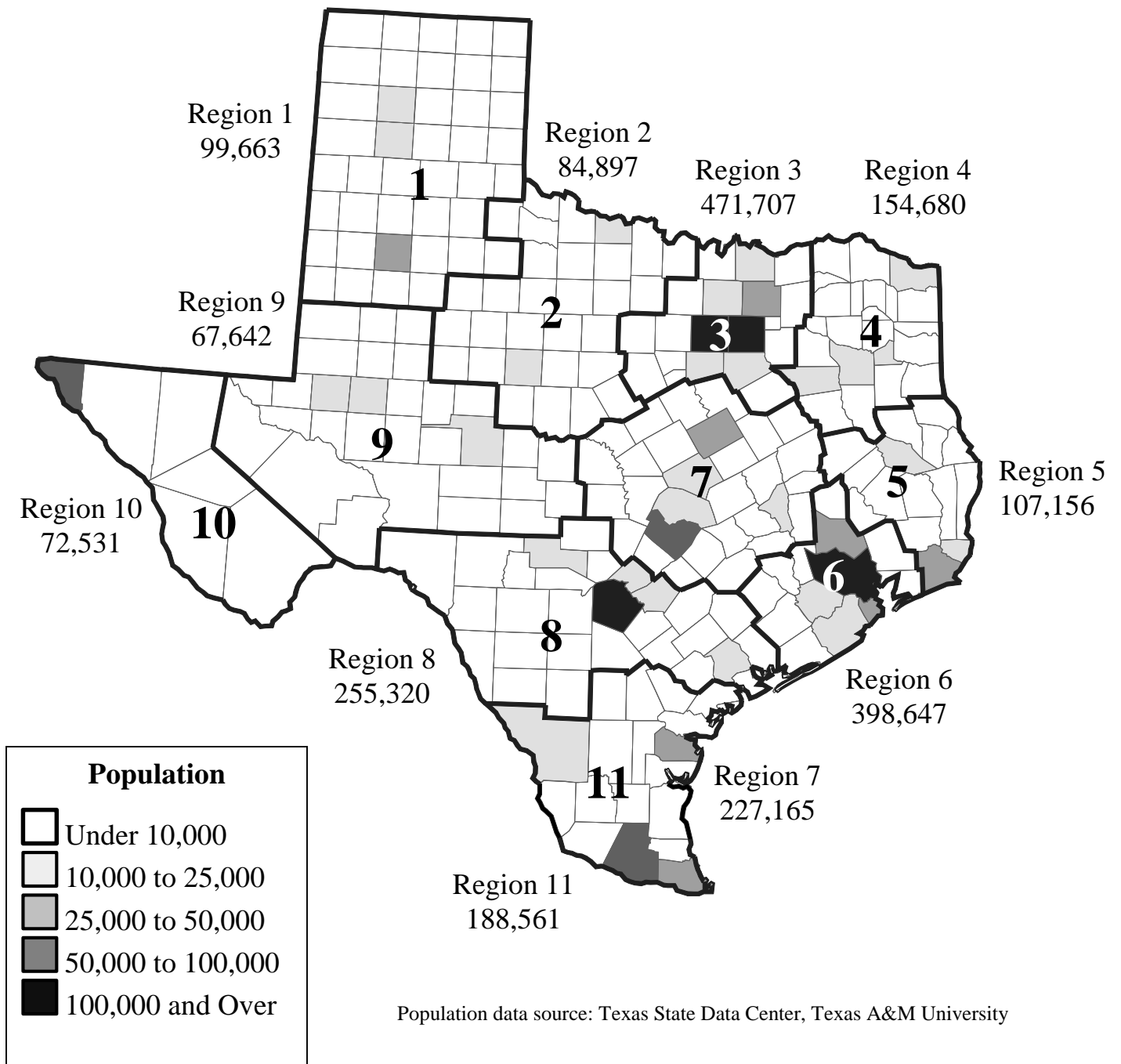
- Emergency Client Services
- Emergency shelter
- Nutrition/Food
- Personal needs
- Medical Supplies
- Guardianship Contracts
- . . and many more

MHMR Investigations Staff Costs (all settings) \$5,527,762

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

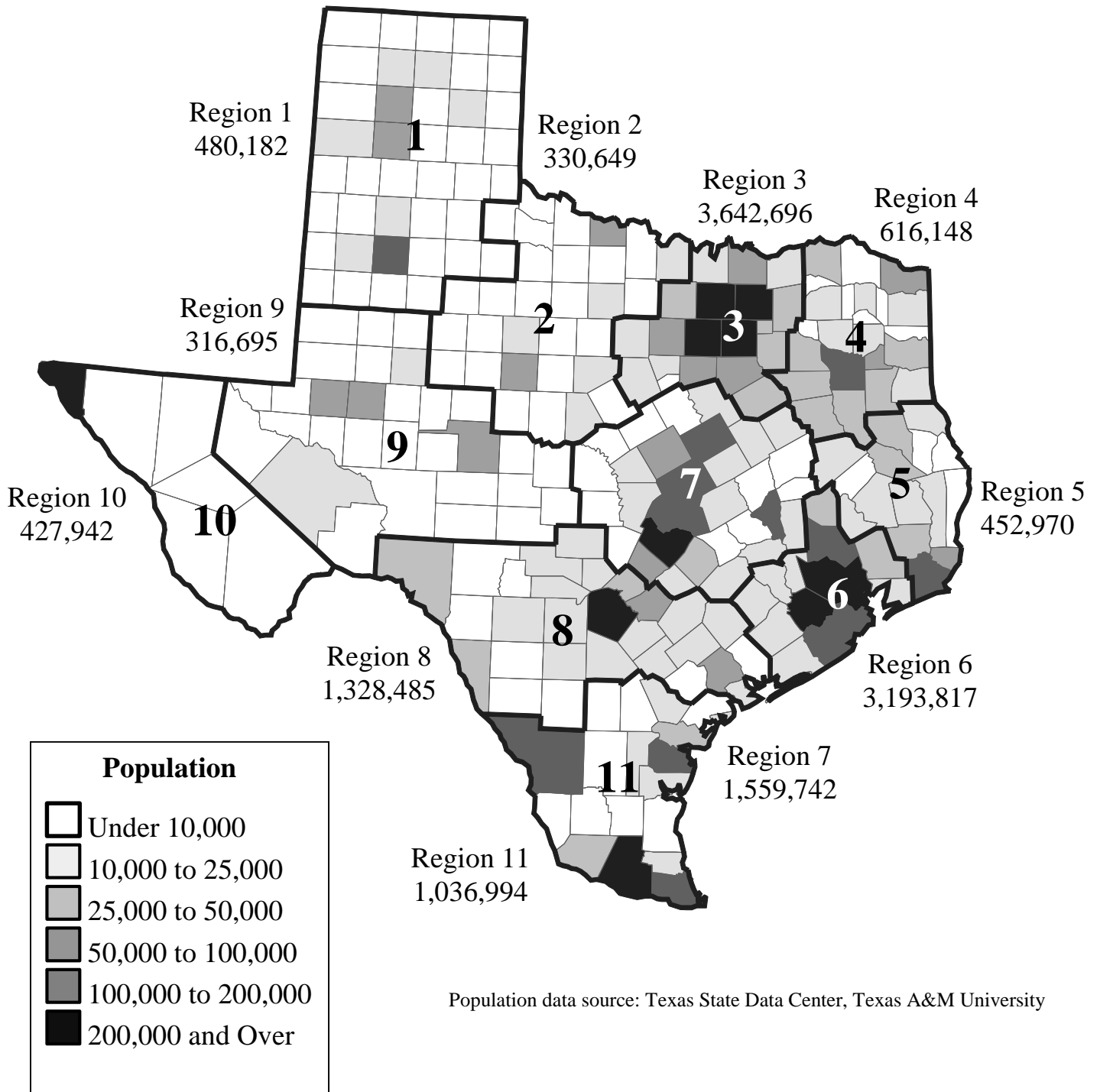
Texas Adult Population Ages 65 and Over by County Fiscal Year 2002

State Total: 2,127,969

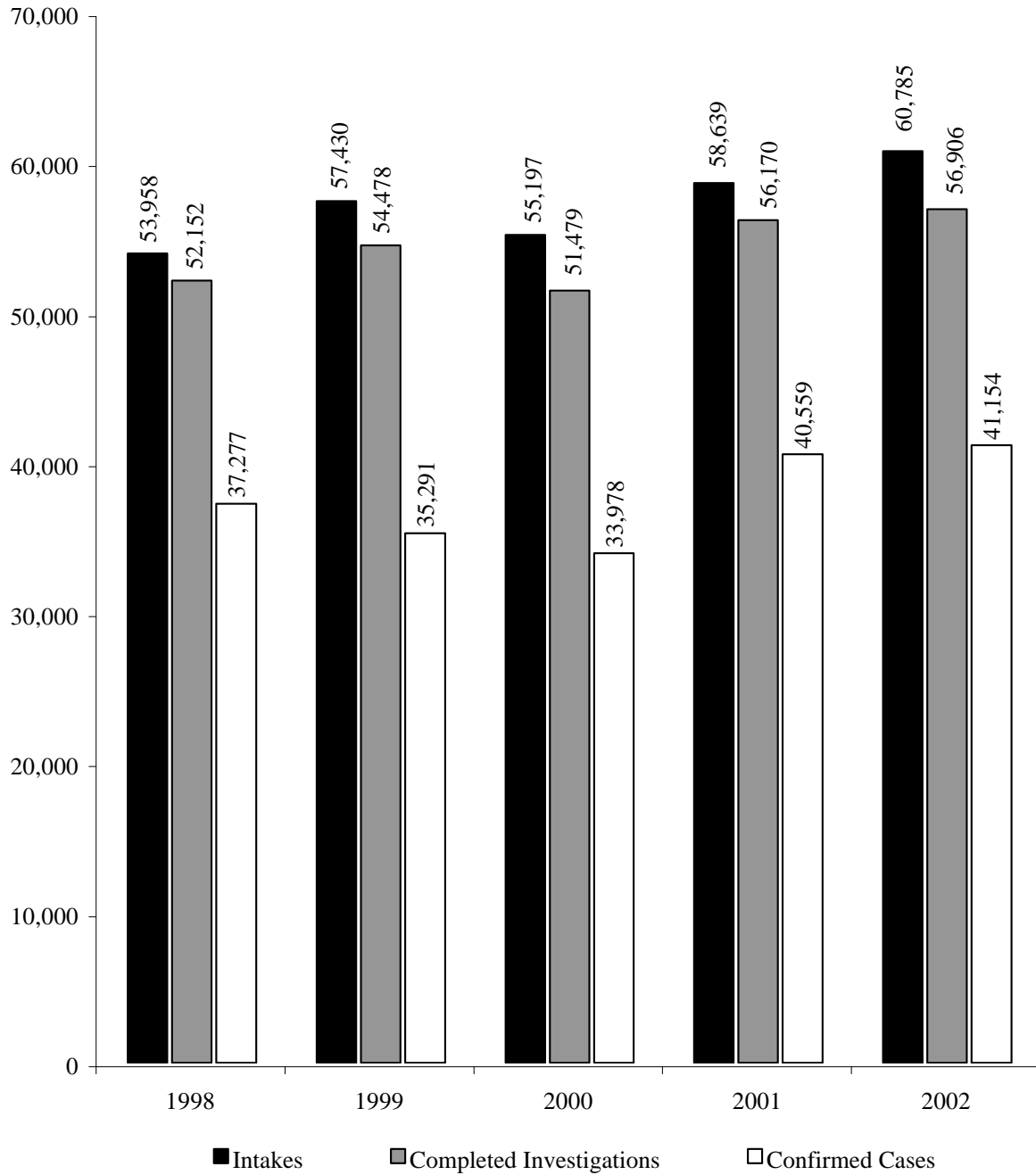


Texas Adult Population Ages 18 to 64 by County Fiscal Year 2002

State Total: 13,386,320

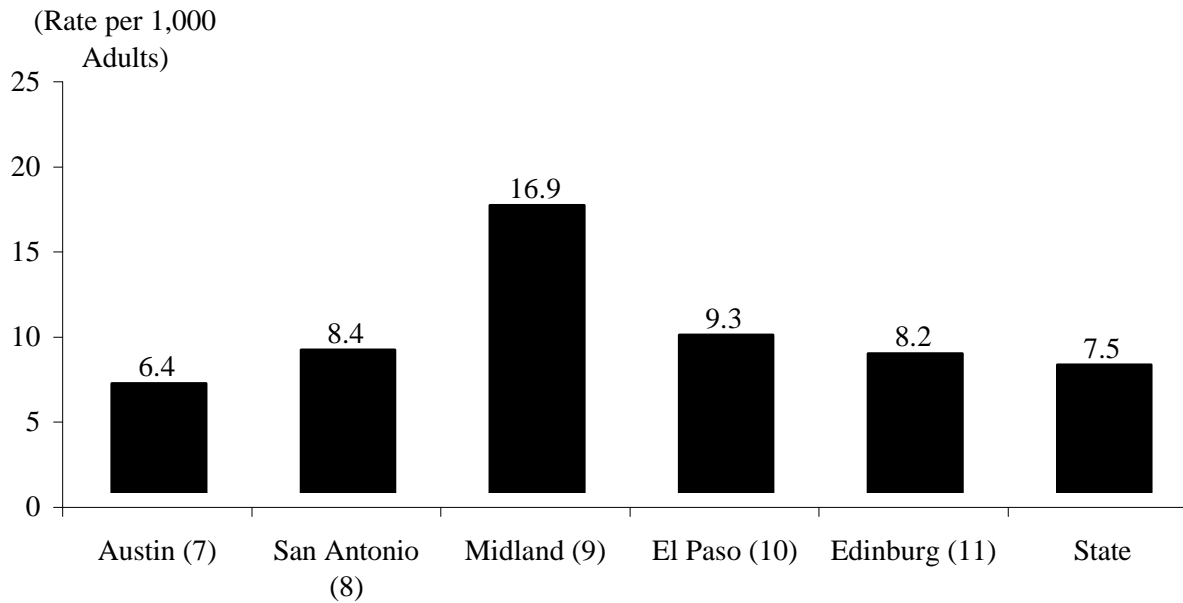
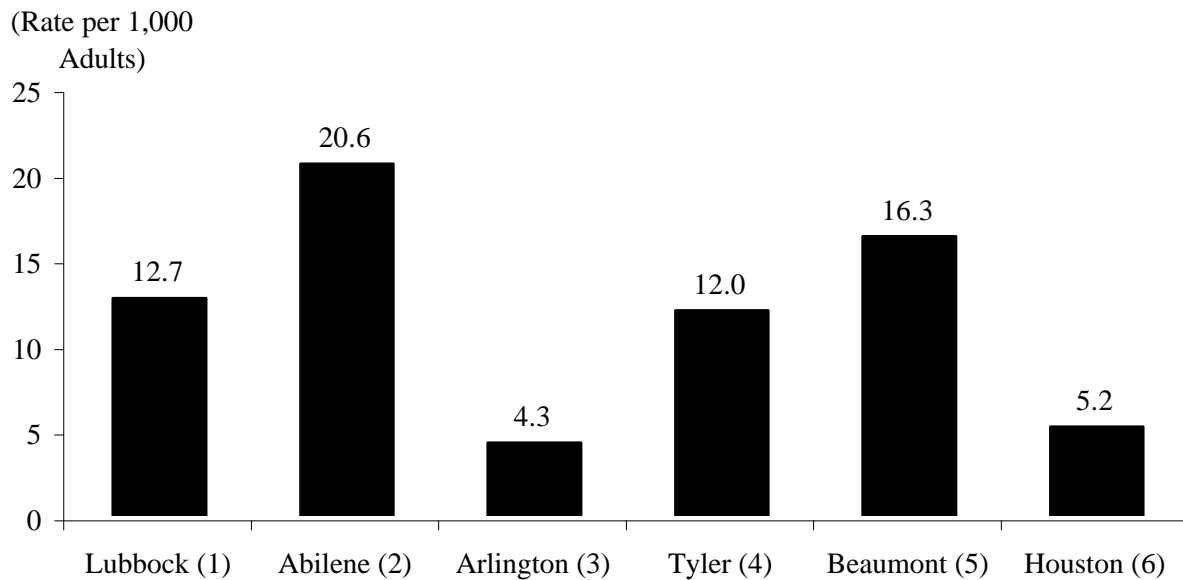


APS In-Home Intakes, Completed Investigations and Confirmed Cases by Fiscal Year



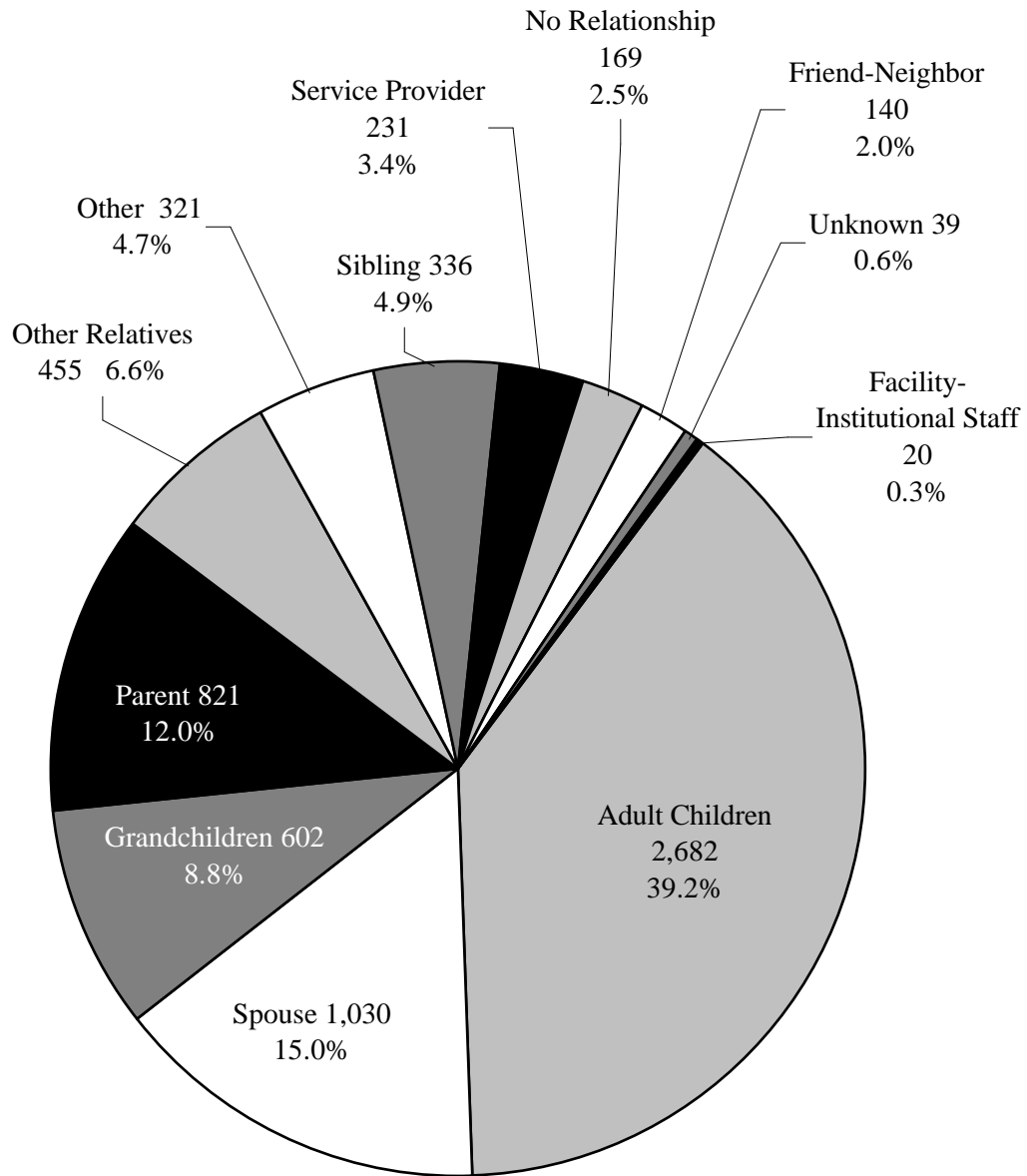
Incidence of Maltreatment per 1,000 Adults in Texas Adult Population by Region Fiscal Year 2002

Incidence Rate



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

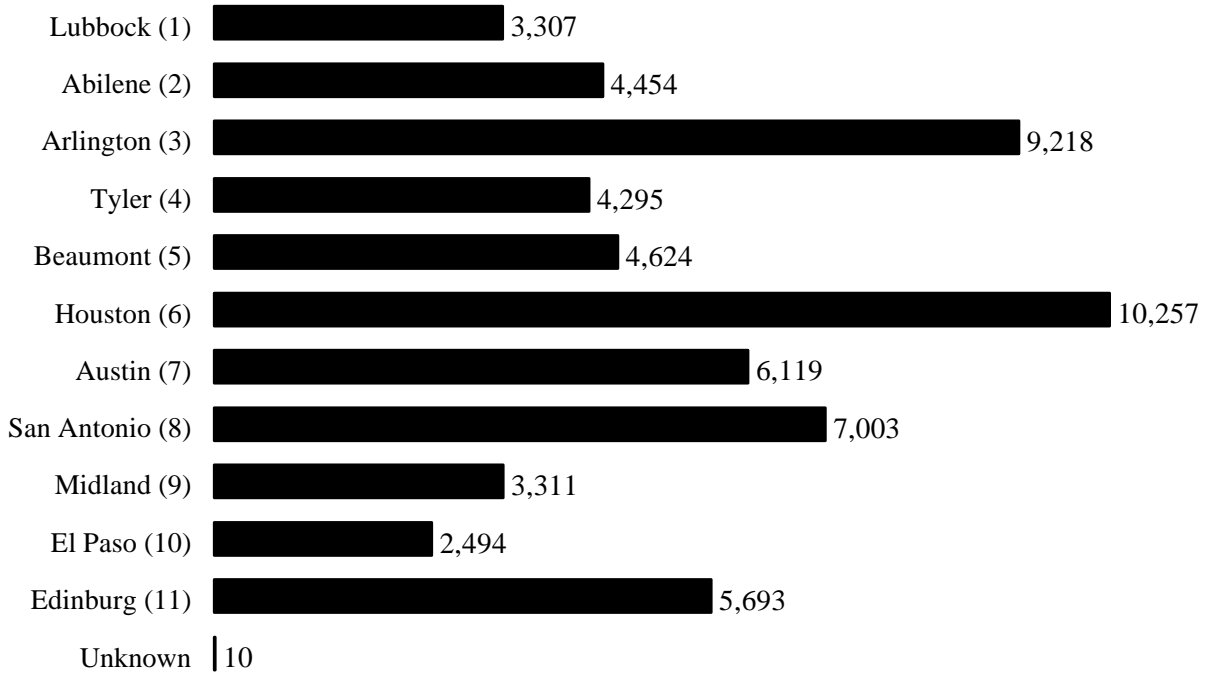
Perpetrators in Confirmed In-Home Cases Fiscal Year 2002



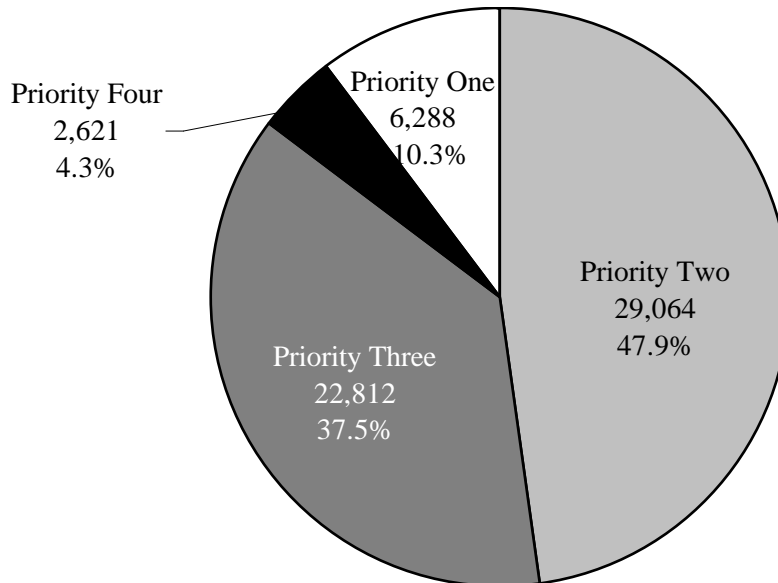
Note: Each victim may have more than one perpetrator at the end of the investigation.

APS In-Home Intake Reports by Region Fiscal Year 2002

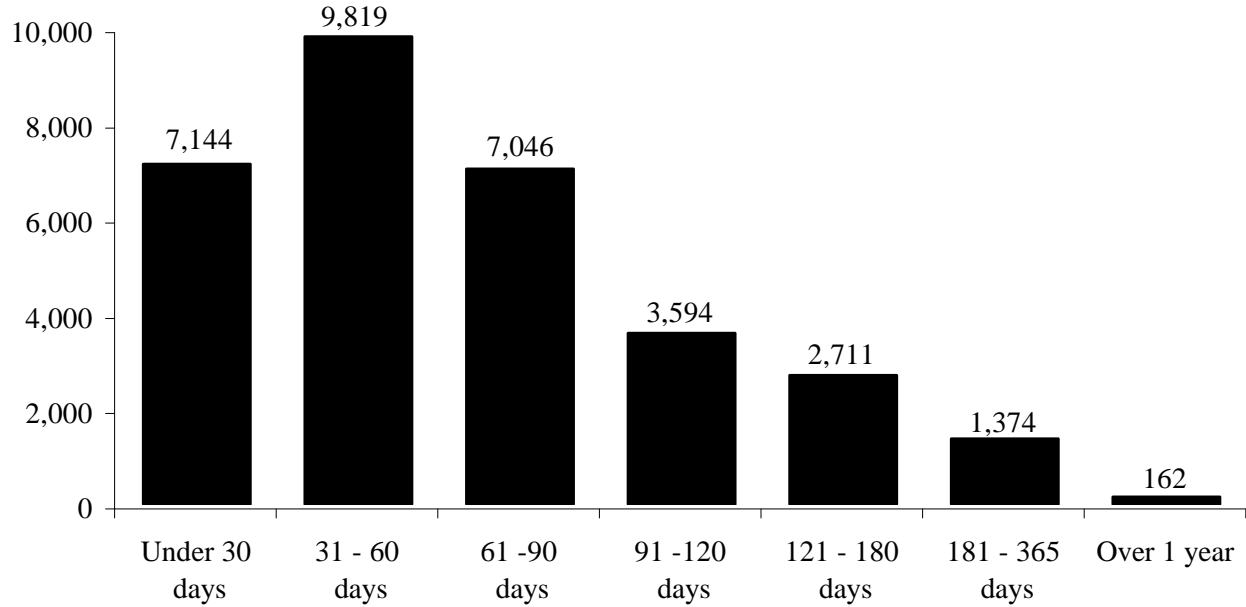
State Total 60,785



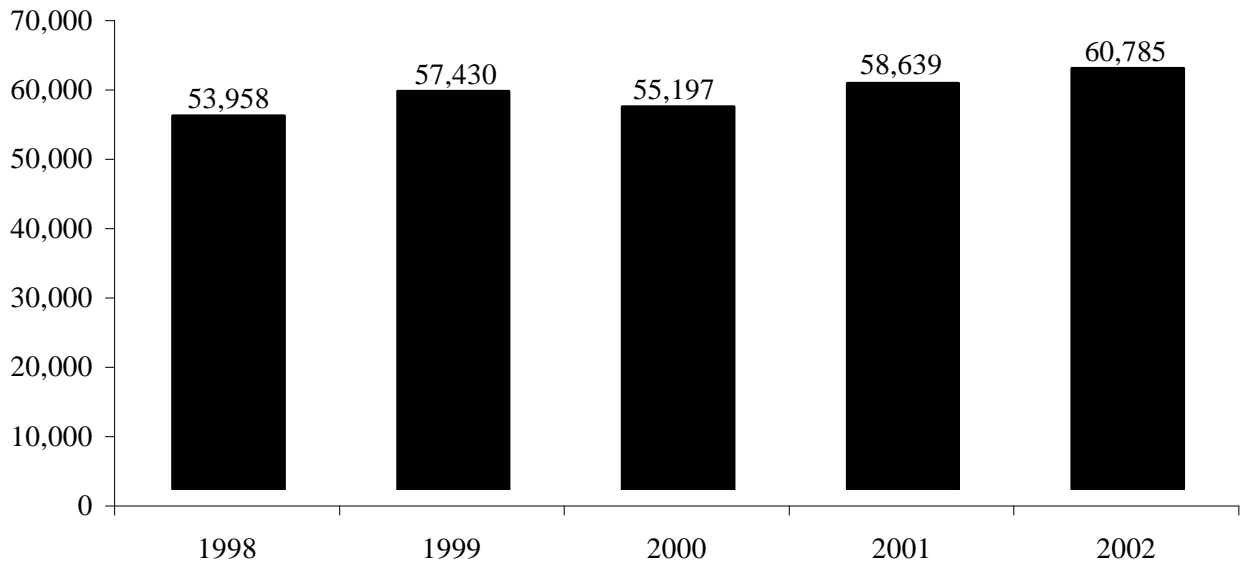
APS Intake Reports by Priority Fiscal Year 2002



Duration of APS In-Home Cases (Investigation and Service Delivery) Fiscal Year 2002

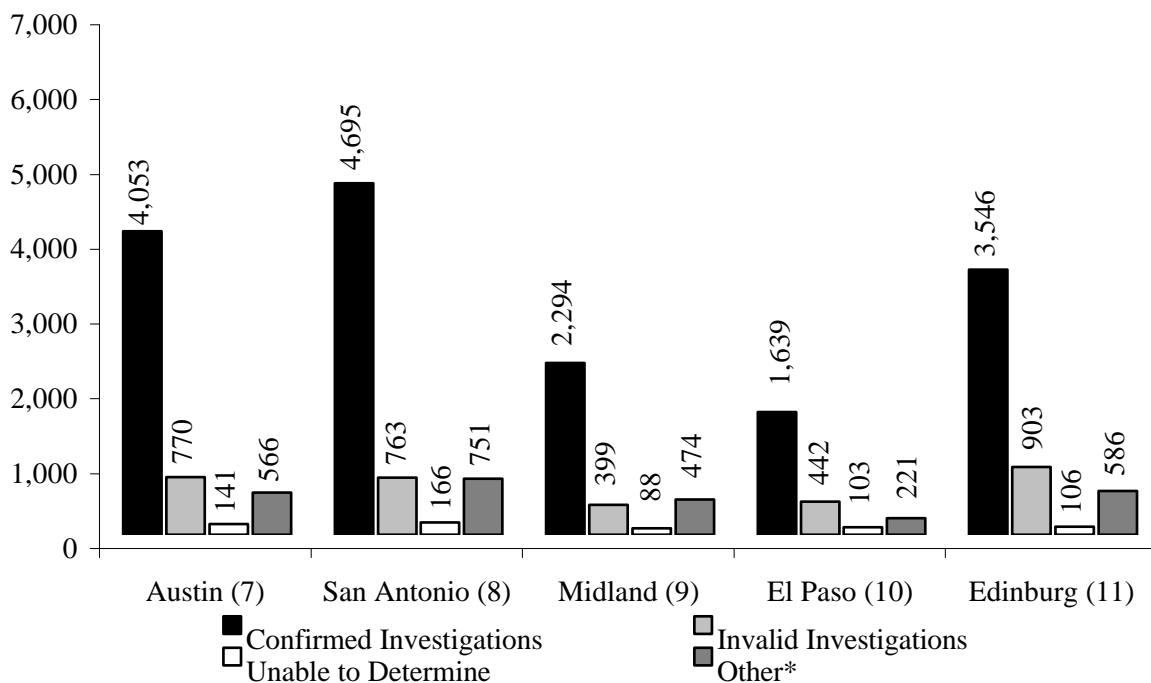
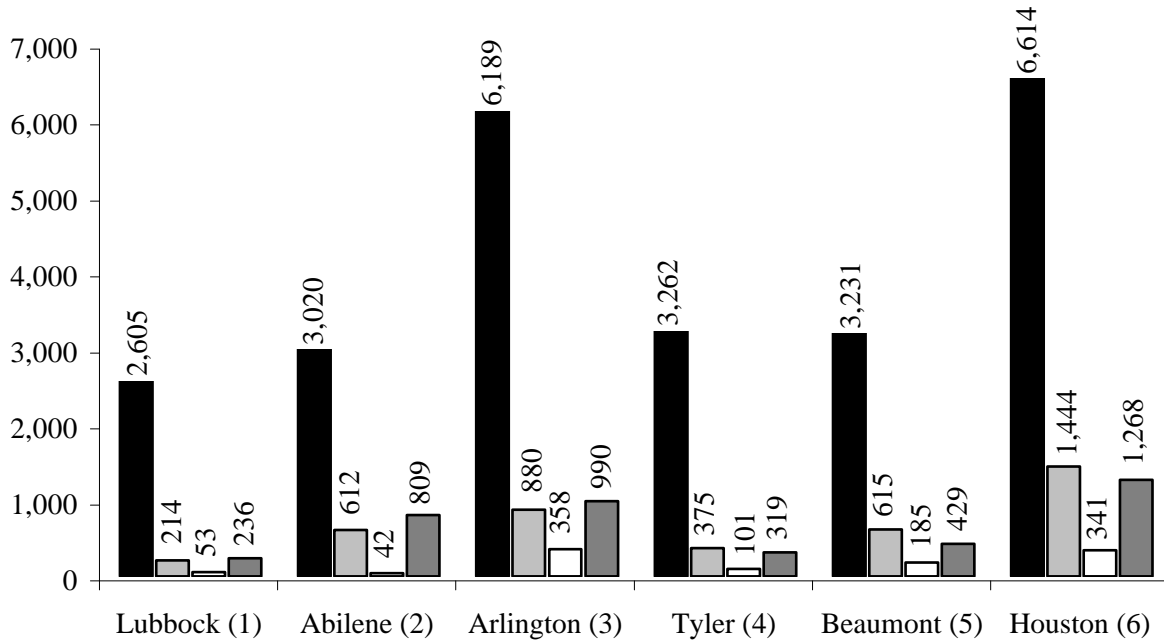


APS In-Home Intakes by Fiscal Year



Completed APS In-Home Investigations by Region for Fiscal Year 2002

State Total 56,906

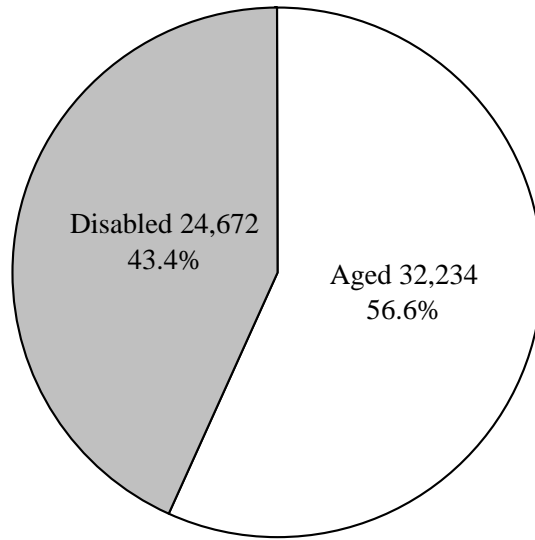


* "Other" category refers to those investigations that workers could not complete for some reason, e.g. clients died or cases were misclassified.

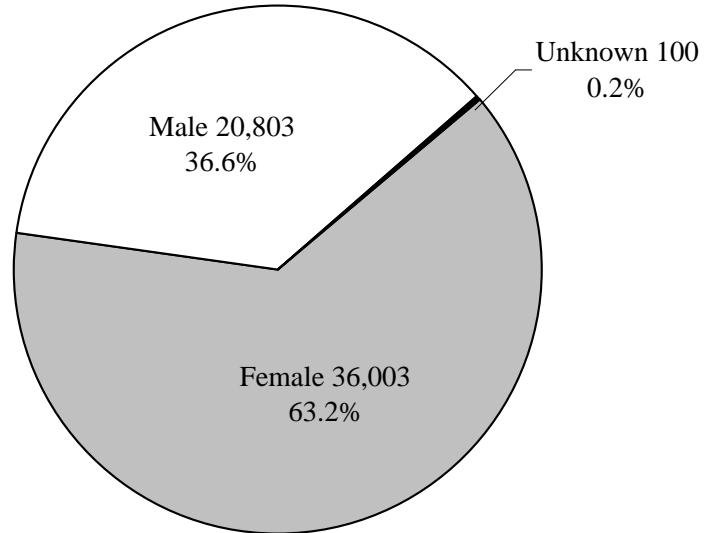
Note: 8 investigations had an "unknown" region.

In-Home Clients in Completed Investigations Fiscal Year 2002

Age and Disability

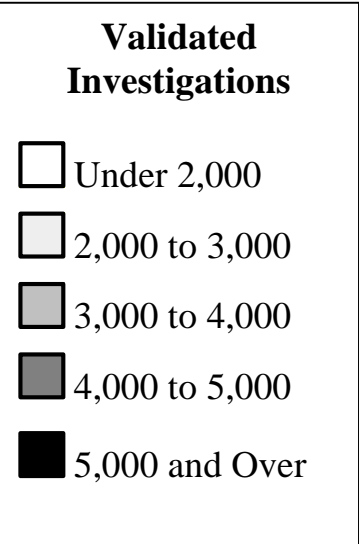
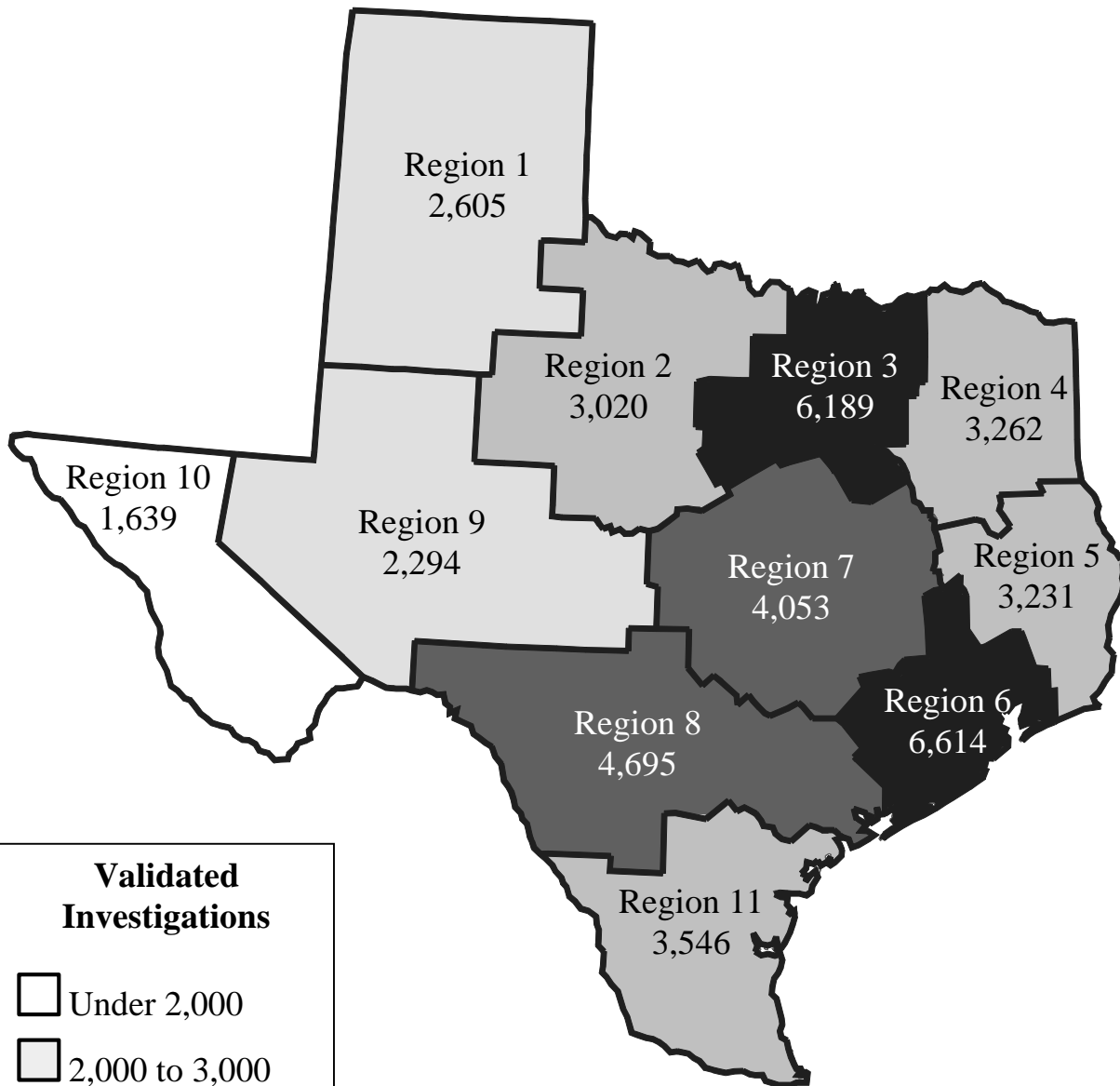


Gender



APS Confirmed In-Home Investigations by Region Fiscal Year 2002

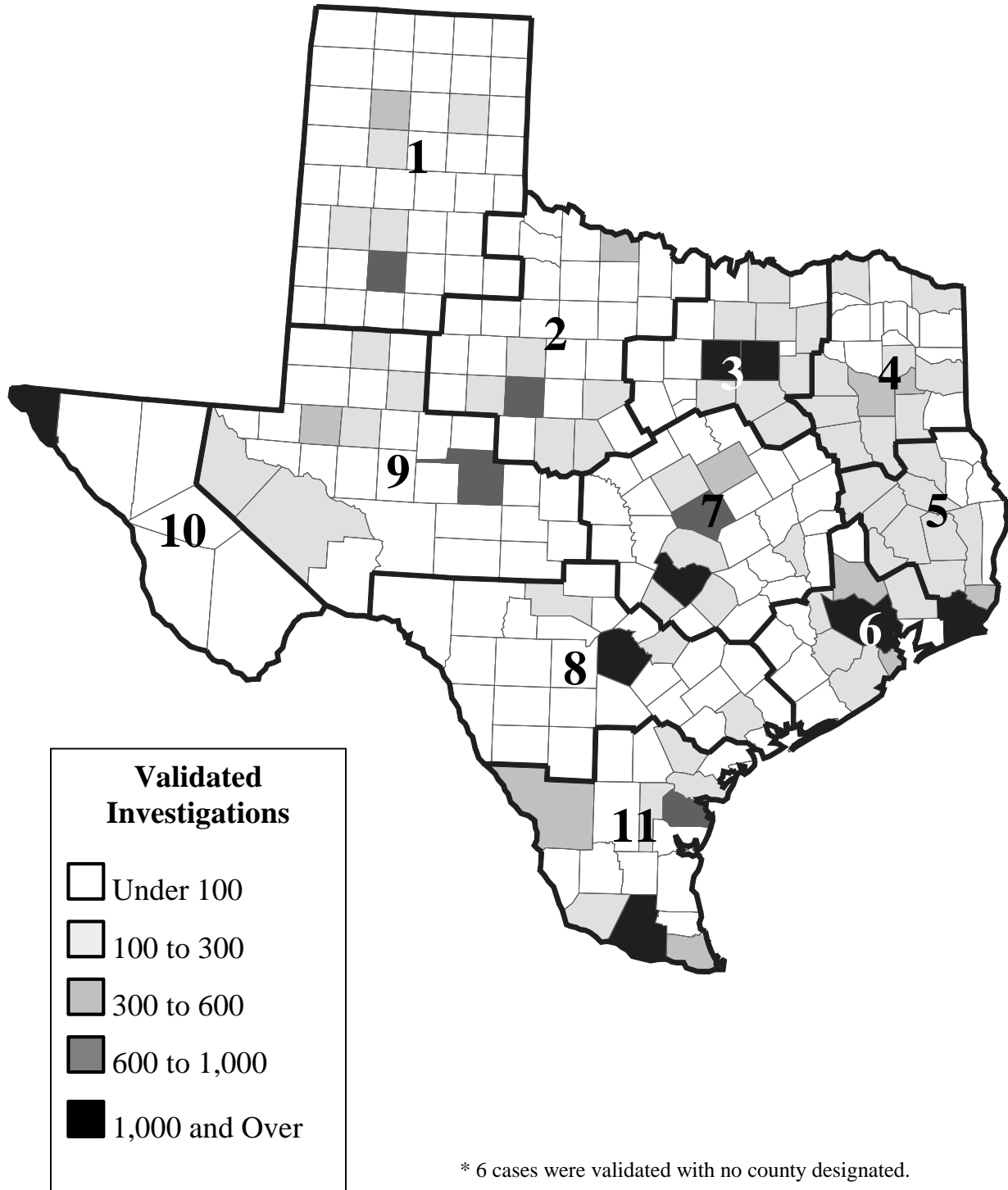
State Total: 41,154*



* 6 cases were validated with no region designated.

APS Confirmed In-Home Investigations by County Fiscal Year 2002

State Total: 41,154*



Ethnicity of APS Clients in Completed In-Home Investigations Fiscal Year 2002

Region	Anglo	African American	Hispanic	Native American	Asian	Other	Total
Lubbock (1)	1,556	458	617	7	7	463	3,108
Abilene (2)	2,761	535	539	20	6	622	4,483
Arlington (3)	4,565	1,844	448	19	42	1,499	8,417
Tyler (4)	2,103	1,095	43	10	4	802	4,057
Beaumont (5)	2,210	1,525	54	20	23	628	4,460
Houston (6)	3,954	3,277	946	20	66	1,404	9,667
Austin (7)	2,872	1,188	615	14	30	811	5,530
San Antonio (8)	2,156	644	2,609	11	24	931	6,375
Midland (9)	1,421	362	1,075	4	2	391	3,255
El Paso (10)	540	65	1,446	2	22	330	2,405
Edinburg (11)	974	131	3,439	1	10	586	5,141
Unknown	3	0	0	0	1	4	8
State Total	25,115	11,124	11,831	128	237	8,471	56,906

Allegations in Validated APS In-Home Investigations Fiscal Year 2002

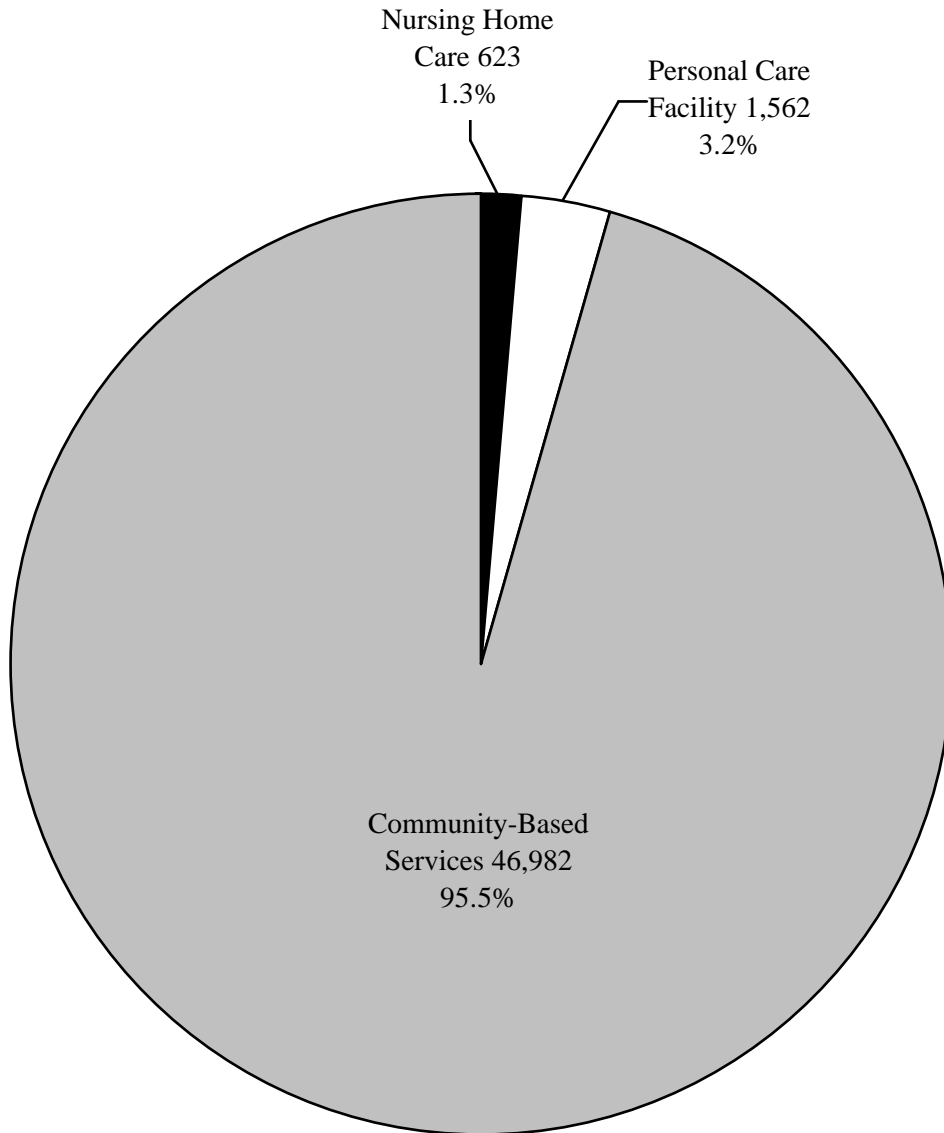
Allegation	Number of Allegations	Percentage
Emotional/Verbal Abuse	1,760	4.3%
Exploitation	1,662	4.0%
Medical Neglect	6,206	15.1%
Mental Health Neglect	1,599	3.9%
Physical Abuse	2,494	6.1%
Physical Neglect	26,813	65.1%
Suicidal Threat	414	1.0%
Sexual Abuse	206	0.5%
State Total	41,154	100.0%

Services Delivered in In-Home Cases by Region Fiscal Year 2002

Region	Rent/ Utilities Restoration	Social Services	Guardianship/ Legal Services	Health Services	Emergency Shelter & Placement	Other	Total
Lubbock (1)	319	1,961	22	532	4	458	3,296
Abilene (2)	467	1,665	42	876	2	591	3,643
Arlington (3)	276	3,673	141	1,512	47	783	6,432
Tyler (4)	287	2,639	24	642	2	361	3,955
Beaumont (5)	343	2,108	33	754	11	462	3,711
Houston (6)	535	4,218	121	1,612	32	884	7,402
Austin (7)	546	3,646	84	1,201	29	660	6,166
San Antonio (8)	180	3,798	106	924	31	607	5,646
Midland (9)	354	1,604	20	563	5	279	2,825
El Paso (10)	100	1,113	45	384	9	319	1,970
Edinburg (11)	146	2,618	40	839	9	462	4,114
Unknown	0	5	0	0	0	2	7
State Total	3,553	29,048	678	9,839	181	5,868	49,167

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 2002



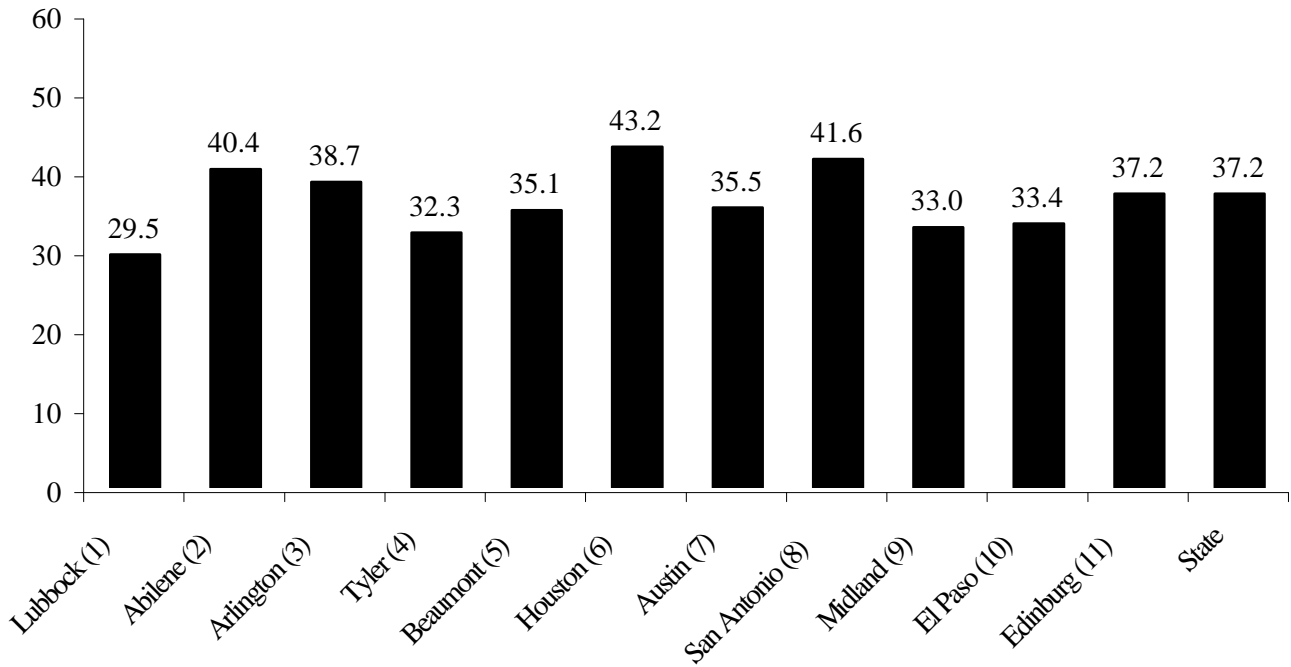
Average Length of In-Home Investigations by Region Fiscal Year 2002

Region	Days
Lubbock (1)	47.92
Abilene (2)	24.66
Arlington (3)	31.07
Tyler (4)	31.47
Beaumont (5)	25.63
Houston (6)	28.57
Austin (7)	28.09
San Antonio (8)	29.55
Midland (9)	43.29
El Paso (10)	53.21
Edinburg (11)	40.88
Unknown Region	23.25
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State Average	32.72

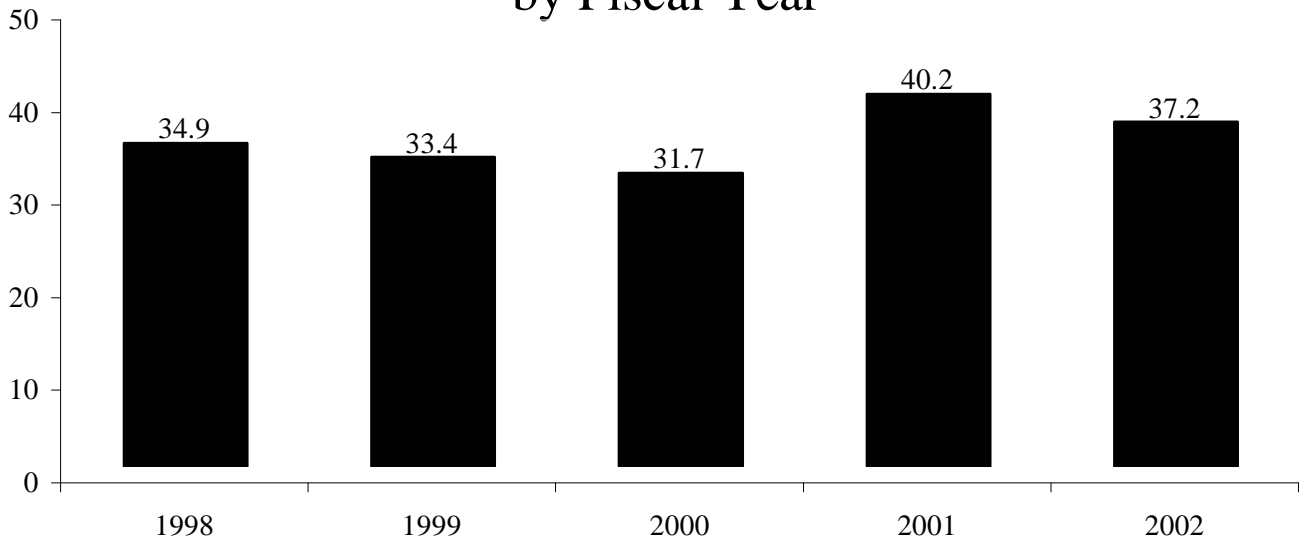
APS Average Worker Tenure in Program Fiscal Year 2002

Tenure	Workers	Percentage
Under 1 Year	62	16.8%
1 Year	24	6.5%
2 Years	36	9.8%
3 Years	31	8.4%
4 Years	28	7.6%
5 Years	22	6.0%
6 - 9 years	119	32.4%
10 - 18 years	46	12.5%
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State Total	368	100.0%

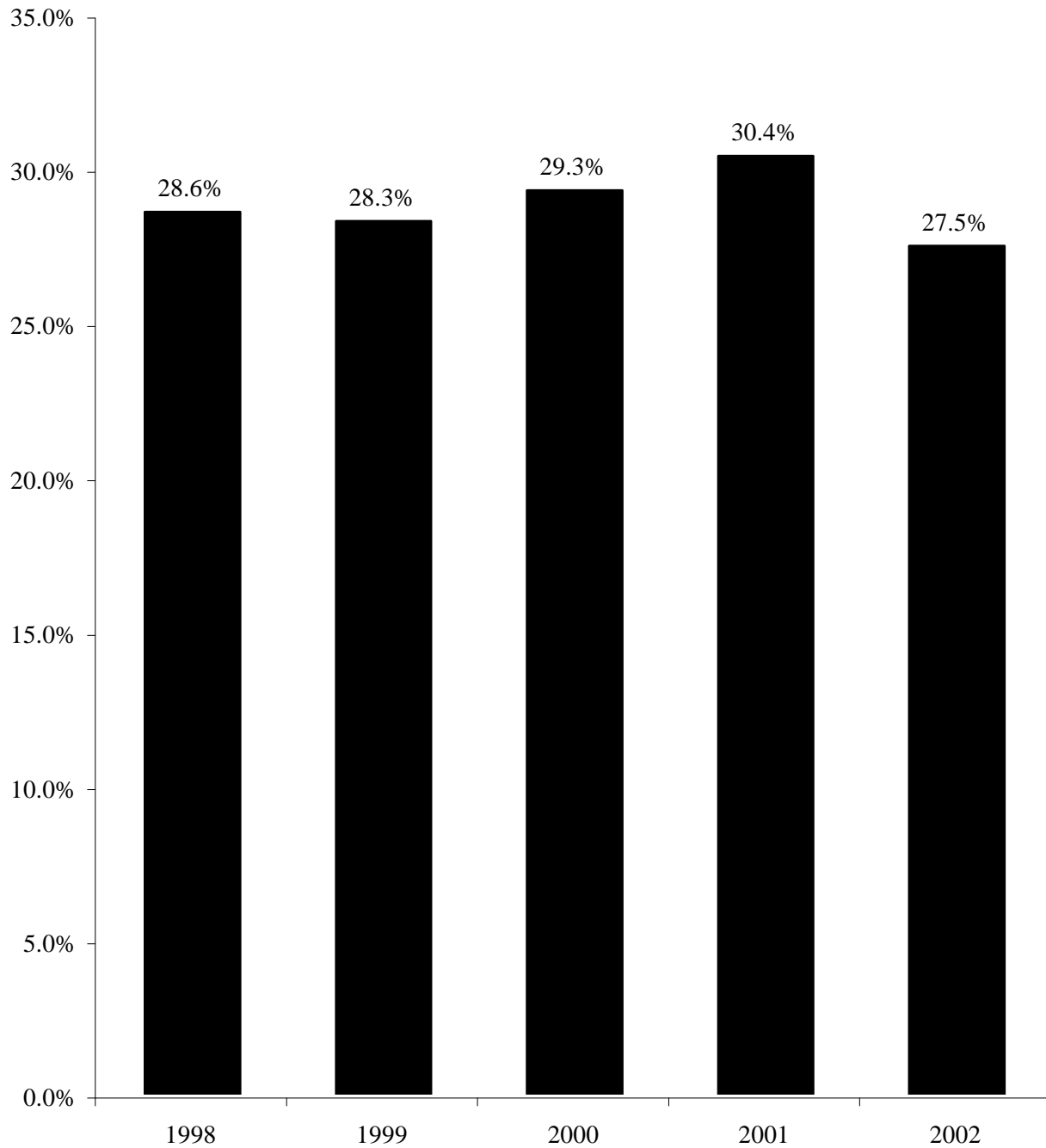
Average APS In-Home Weighted Caseload per Worker by Region Fiscal Year 2002



Average APS In-Home Caseload per Worker by Fiscal Year

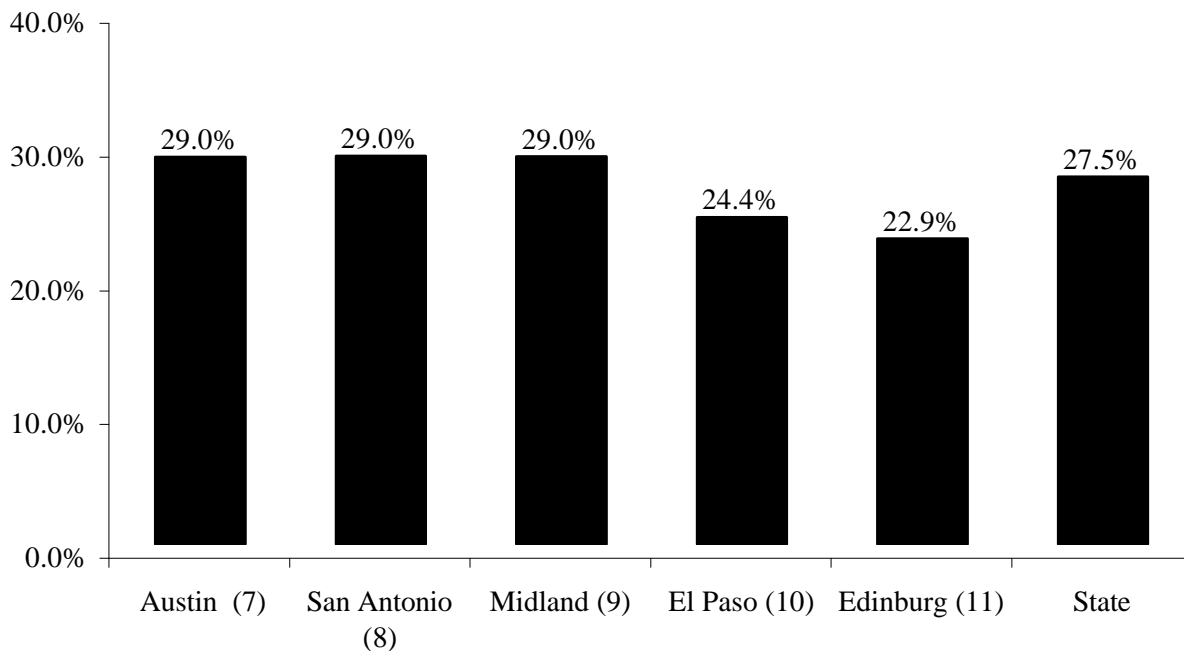
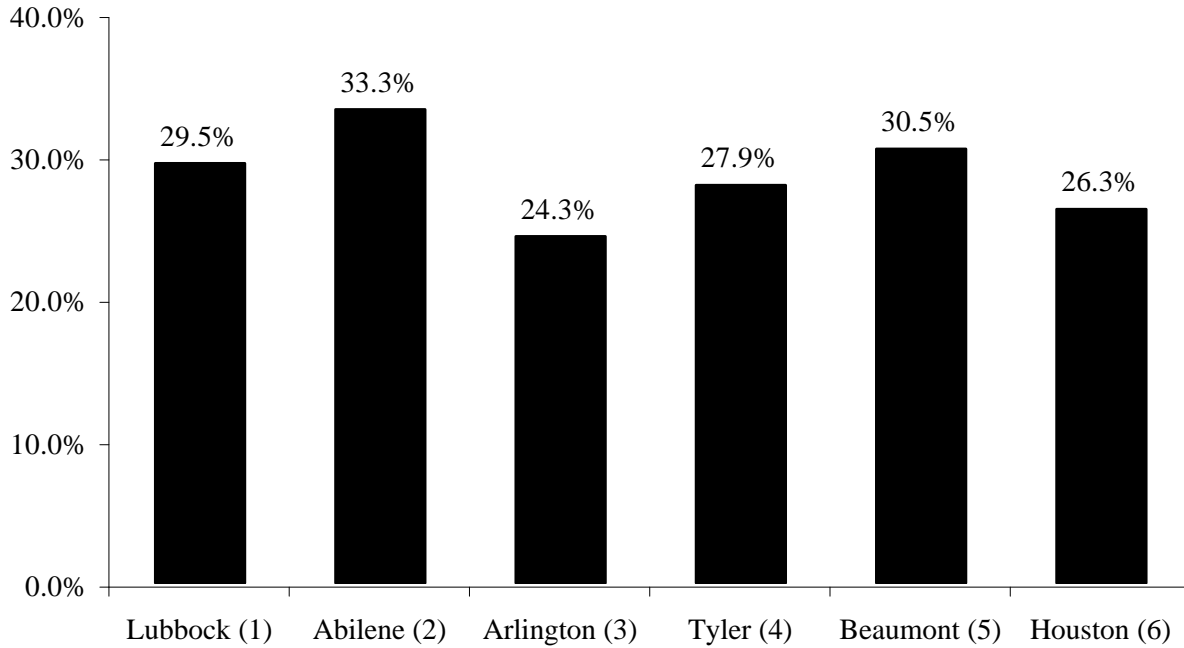


Recidivism* of APS In-Home Cases by Fiscal Year



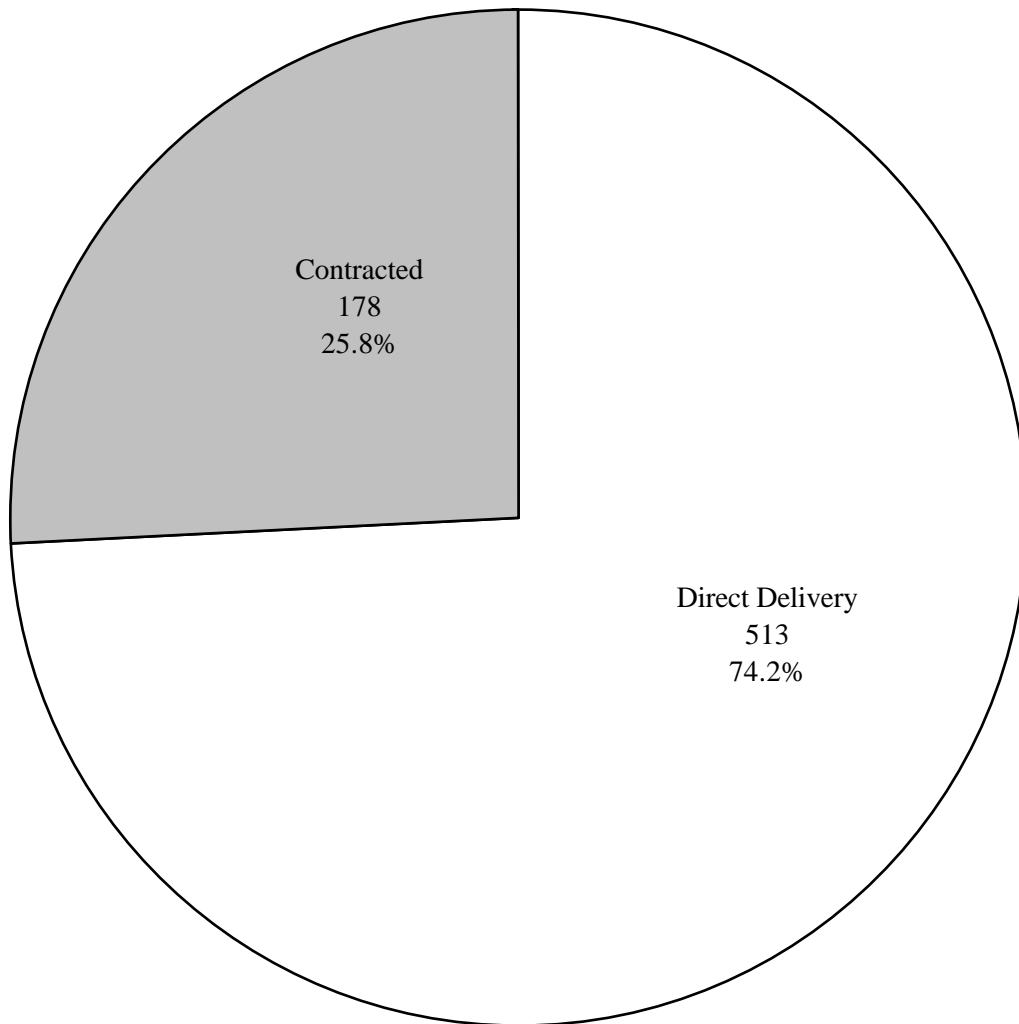
* Recidivism is a measure of the percentage of APS clients referred to the APS system more than once during the fiscal year, including clients who refused services and were re-referred.

Recidivism* of APS In-Home Cases by Region Fiscal Year 2002

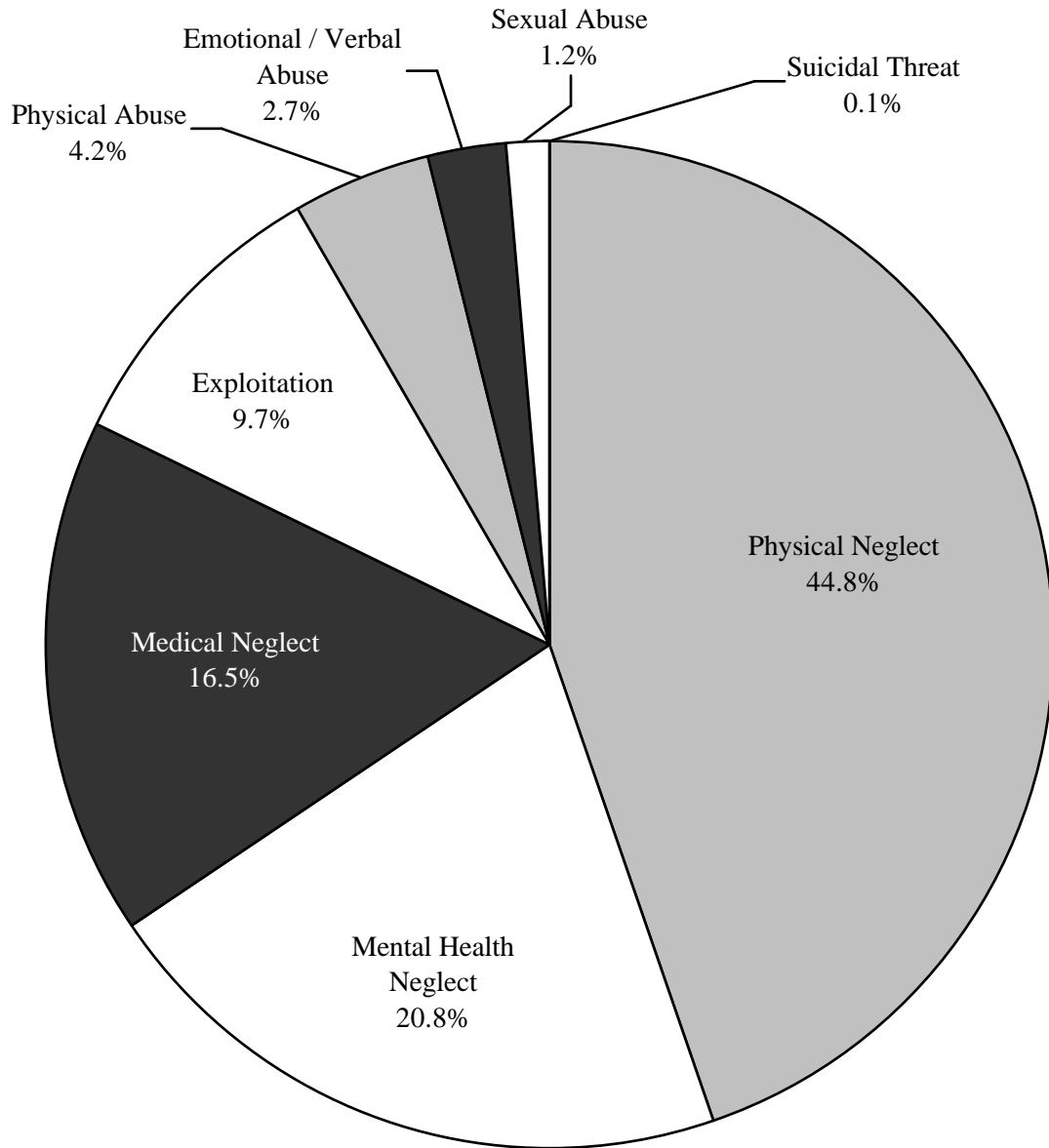


* Recidivism is a measure of the percentage of APS Clients referred to the APS system more than once during the fiscal year, including clients who refused services and were re-referred.

APS Guardianships as of August 31, 2002



Types of Abuse in Cases that Received Guardianship Services as of August 31, 2002



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

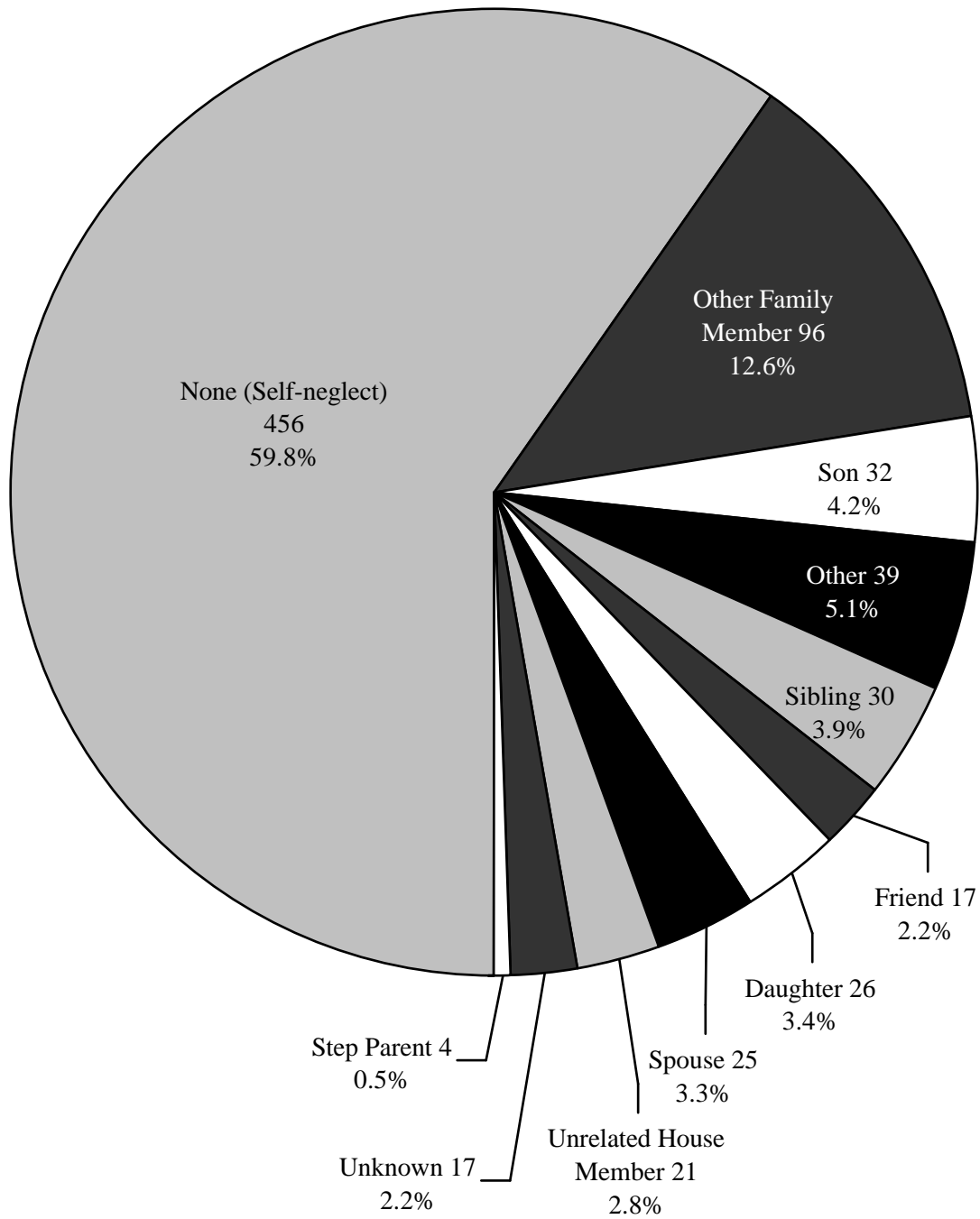
Demographics of APS Guardianship Clients as of August 31, 2002

Age	Cases	Percentage
18 - 33 Years	189	27.3%
34 - 49 Years	69	10.0%
50 - 64 Years	80	11.6%
65 - 81 Years	174	25.2%
82 + Years	179	25.9%
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State Total	691	100.0%

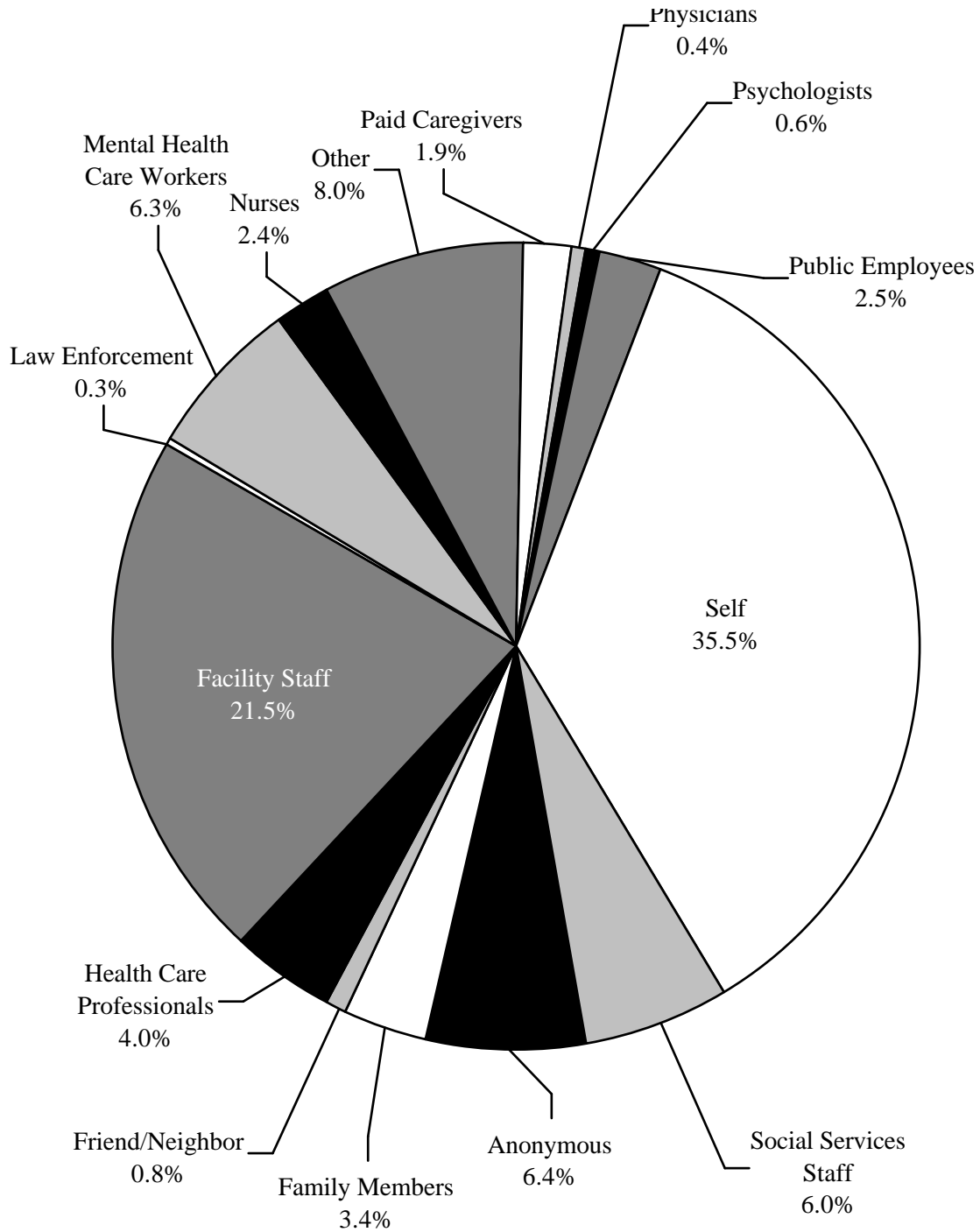
Gender	Cases	Percentage
Female	427	61.8%
Male	259	37.5%
Unknown	5	0.7%
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State Total	691	100.0%

Ethnicity	Cases	Percentage
Anglo	300	43.4%
African American	112	16.2%
Hispanic	84	12.2%
Native American	0	0.0%
Asian	3	0.4%
Other	192	27.8%
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State Total	691	100.0%

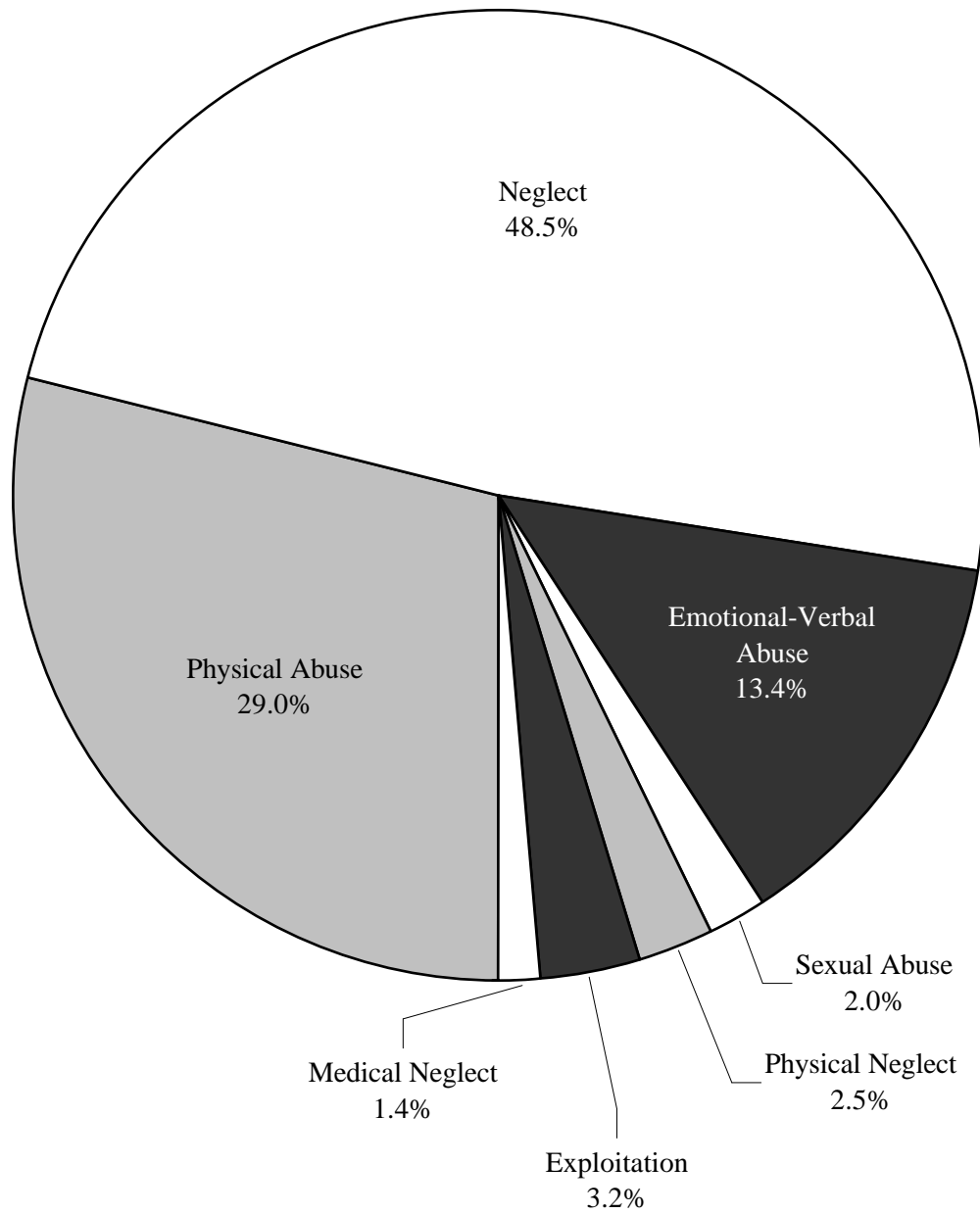
Perpetrators in Cases that Received Guardianship as of August 31, 2002



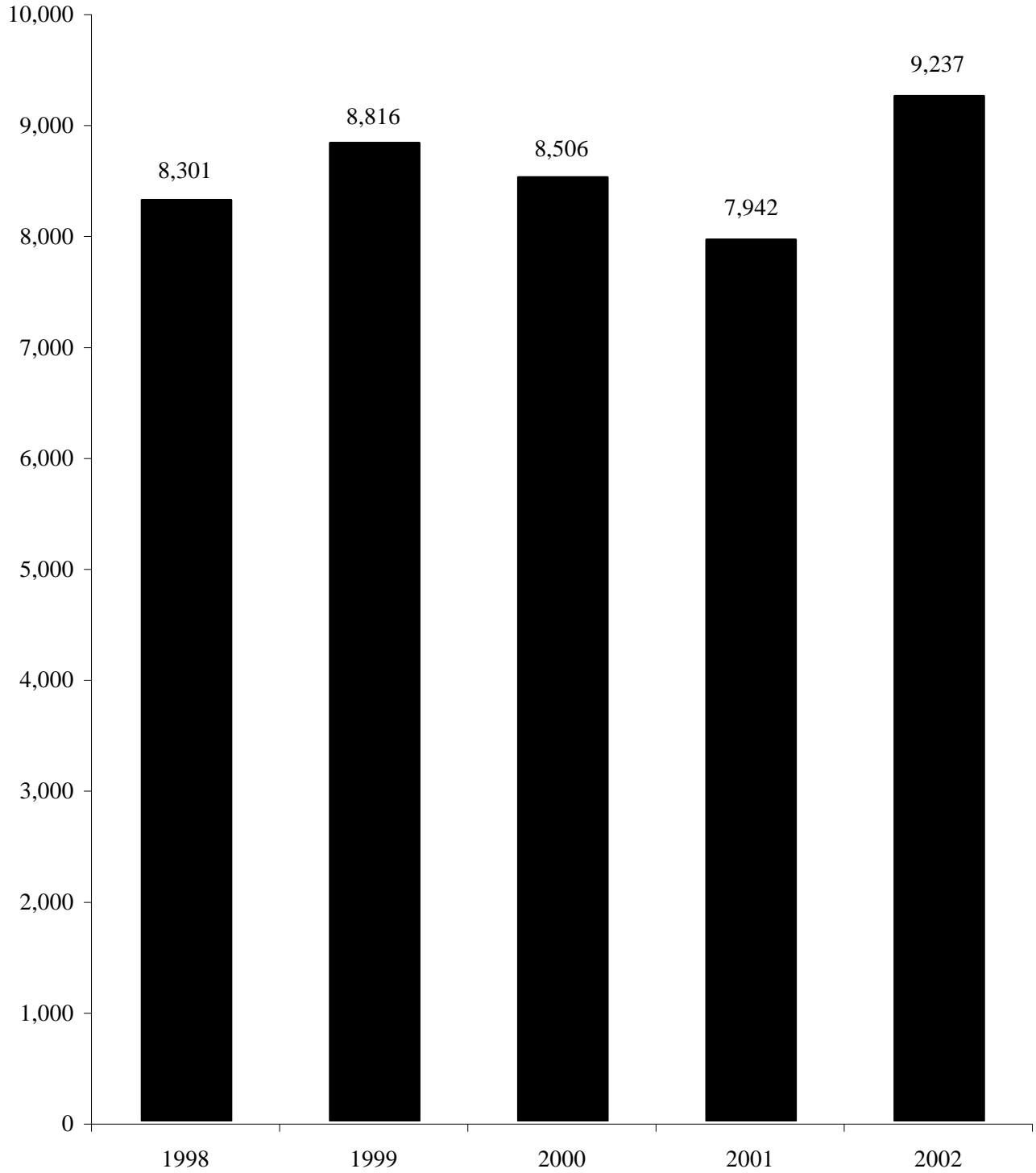
Investigations in MHMR Settings by Source of Report Fiscal Year 2002



Types of Abuse Confirmed in MHMR Settings Fiscal Year 2002

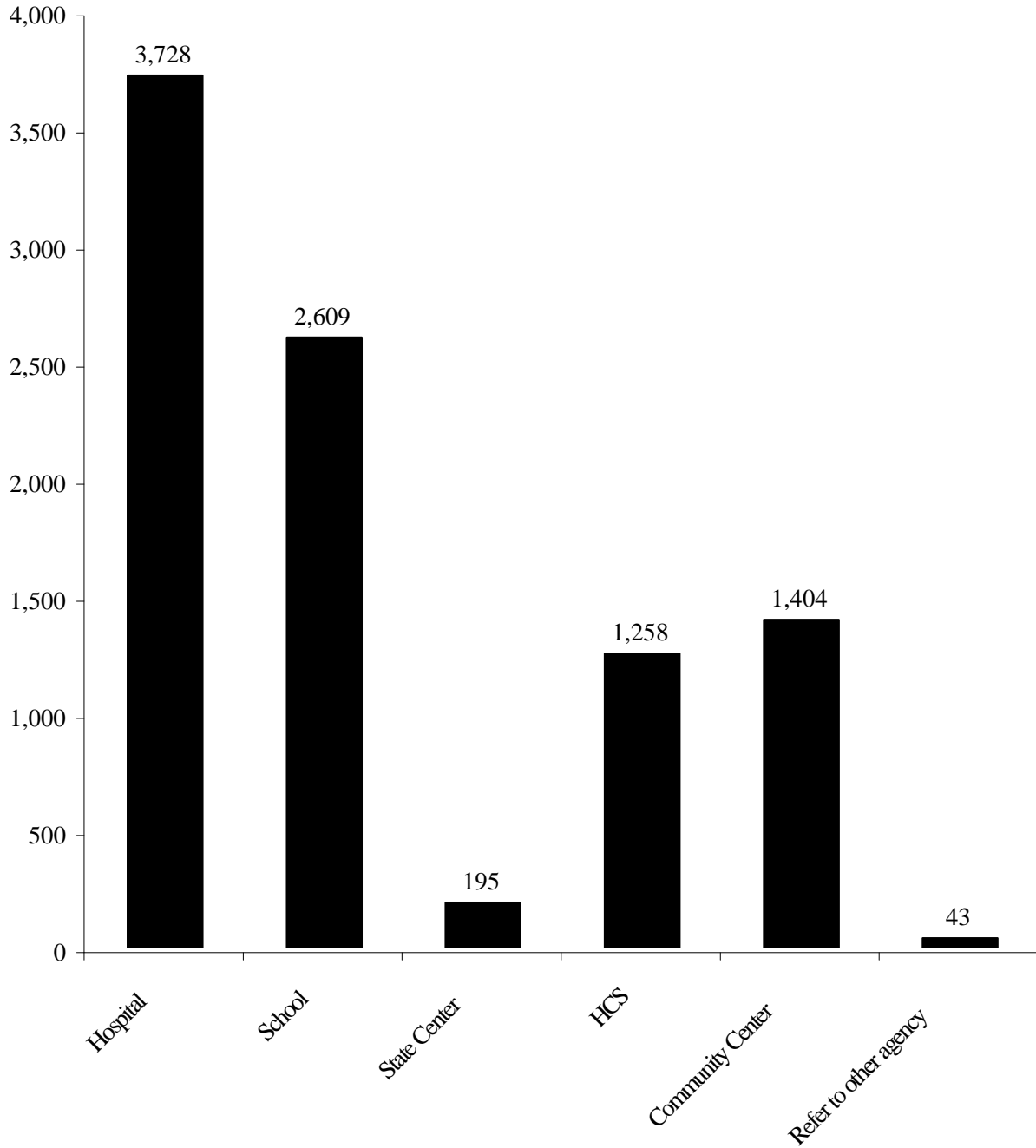


Completed Investigations in MHMR Settings by Fiscal Year



Completed Investigations by MHMR Setting Fiscal Year 2002

State Total 9,237



Average Length of MHMR Investigations by Region Fiscal Year 2002

Region	Days
Lubbock (1)	12.07
Abilene (2)	11.47
Arlington (3)	9.40
Tyler (4)	10.74
Beaumont (5)	13.72
Houston (6)	17.27
Austin (7)	9.10
San Antonio (8)	12.43
Midland (9)	13.60
El Paso (10)	12.30
Edinburg (11)	12.96
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State Average	11.48

Average MHMR Investigator Tenure in Program Fiscal Year 2002

Tenure	Number of Investigators	Percentage
Under 1 Year	13	14.4%
1 Year	10	11.1%
2 Years	15	16.7%
3 Years	9	10.0%
4 Years	5	5.6%
5 Years	6	6.7%
6 - 9 Years	31	34.4%
10 - 15 Years	1	1.1%
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State Total	90	100.0%

Repeat Referrals in MHMR Settings by Region Fiscal Year 2002

