



Adult Protective Services

Responsibilities

- ◆ Investigate reports of abuse, neglect, and exploitation of adults who are elderly or have disabilities. As needed, provide or arrange protective services.
- ◆ Provide or arrange guardianship services for incapacitated adult victims of abuse, neglect and/or exploitation and incapacitated children aging out of Child Protective Services conservatorship.
- ◆ Investigate reports of abuse, neglect, and exploitation of clients receiving services in Texas Department of Mental Health and Mental Retardation (MHMR) settings.

Advances

- ◆ In 2003, Adult Protective Services (APS) worked with the Texas Elder Abuse and Mistreatment (TEAM) Institute, a unique collaboration between the Baylor College of Medicine Geriatrics Program and the Harris County Hospital District, to develop a fatality review team in Houston. The TEAM Institute received a grant from the American Bar Association Commission on Law and Aging to start the Elder Abuse Fatality Review Team that includes TEAM partners, law enforcement, and various other medical and community agencies. In 2001, the 77th Legislature authorized the creation of multidisciplinary and multi-agency adult fatality review teams at the county level to review deaths involving abuse, neglect, family violence, or suicide. The establishment of such teams is voluntary and authorizes the commissioners' court of a county or a designated county department to oversee the activities of the review team. An adult fatality review team is also operating in Bexar County.
- ◆ Working with the Protective Services Training Institute of Texas, APS implemented a certification program for field workers in October 2002. In 2003, 286 APS workers completed the specialist certification program, and 74 of those workers went through the advanced certification program. This year, five APS supervisors completed the supervisor certification program, bringing the total to 52 actively certified supervisors. The institute, established in 1991, is a partnership between APS and the graduate schools of social work in Texas.

- ◆ APS and Child Protective Services redesigned their computer-based reporting system for abuse and neglect to a web browser-based application that increases usability and expandability. (See Executive Summary.)

Responsiveness

- ◆ In response to a 25 percent reduction in staffing for MHMR facility investigations, APS worked with stakeholders to develop a new system for prioritizing such investigations. The new priority system will be implemented in 2004.
- ◆ Staff from APS and the PRS Legal Division responded to inquiries from the U.S. Department of Justice regarding the impact of the federal Health Insurance Portability and Accountability Act (HIPAA) on its investigation process. The Department of Justice, which is responsible for enforcing HIPAA regulations, is concerned that APS programs not be saddled with overly restrictive interpretations of the statute. Implementation of HIPAA resulted in difficulties for some APS workers obtaining information from hospitals, physicians, and pharmacies. In response to these problems, the PRS Legal Division developed a form for clients to authorize the release of medical information to APS.
- ◆ In compliance with the Promoting Independence Plan, developed by the Texas Health and Human Services Commission in January 2000, APS continued its commitment to seek opportunities for people with disabilities to live outside traditional institutional settings. APS, the Texas Department of Human Services, and MHMR coordinated procedures for placing incapacitated adults in APS guardianship on the waiting lists for home and community-based services. APS oversees the search for services and placements in the least restrictive settings.

Ongoing Initiatives

- ◆ APS staff worked with law enforcement agencies in Houston, El Paso, San Antonio, and Weslaco to educate officers about the issues of elder abuse, neglect, and exploitation. In January 2003, APS collaborated with the TEAM Institute in Houston to launch a series of 13 training courses for 700 members of the Houston Police Department's Crisis Intervention Team. In Dallas, APS worked with the city's police academy and helped establish the Silver Shadow program for elderly victims of crime. In the Beaumont area, APS partnered with MHMR and law enforcement agencies to create a task force to move people with mental illness from the criminal justice system to the mental health system.

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When Ms. Ozell Boles of Kirbyville (left) lost her hearing aide set last summer, she found herself in a bad situation. Little did she know that it would soon get worse.

Without much means or income, she was just about ready to sell her car in order to pay for another set. Then along came a man who made a \$250 down payment for her. Boles, who also suffers from poor vision, was thankful for the man's seemingly kind nature. So when he brought her a document to sign, she was more than willing to comply. "I didn't really know what I was signing. He explained that I was getting my power of attorney back," said Boles. It was only later that Boles learned she was actually signing away her house and property.

Then her daughter found out about the Texas Abuse Hotline and made the call that would eventually turn the whole situation around. "Thanks to James Sims (right) and Adult Protective Services, I was able to get my place back. As soon as the man got the call about APS, I was surprised how quickly he responded and transferred back the deed. I appreciate James more than you'll ever know," said Boles. Through emergency funds, Sims was also able to get her a new hearing aide set.

"It's not the money that keeps us here at APS," said Sims. "It's the positive outcomes like this that makes our job rewarding."

◆ APS trained employees of financial institutions in the agency's Edinburg Region on how to recognize, report, and prevent financial exploitation. The project, Banks and Seniors Against Financial Exploitation (B-SAFE), is based on a similar program in Oregon. APS provided a training manual and video to assist in the training process at certain banks. A total of 207 bank employees, executives, and board members were trained at South Texas branches of the Alamo National Bank of Texas and Wells Fargo Bank. This project will be renamed Businesses Safeguarding Against Financial Exploitation and expanded to other regions of Texas in 2004.

◆ APS strengthened its quality assurance efforts by adding program reviews to its evaluation of the quality of services it provides to its clients. A program review involves case reading, statistical analysis, review of staff and client interviews, and questionnaires for staff and community partners. In 2003, APS completed comprehensive program reviews in the agency's Austin, Beaumont, and Edinburg regions. The agency previously conducted reviews in its Amarillo, Arlington, and Tyler regions and plans to conduct reviews in its Abilene, Houston, San Antonio, Midland, and El Paso regions in 2004.

◆ APS and the agency's Professional Development division piloted a legal training course involving self-paced training on the computer prior to participants meeting for classroom discussion and group activities. Overall, the effort reduced the time workers spent away from their home offices, as well as travel expenses. Staff provided positive feedback about the course and indicated an interest in future web-based courses. As a result, the agency also identified on-the-job training requirements for new workers and is developing a structured on-the-job curriculum to be completed prior to attending classroom training.

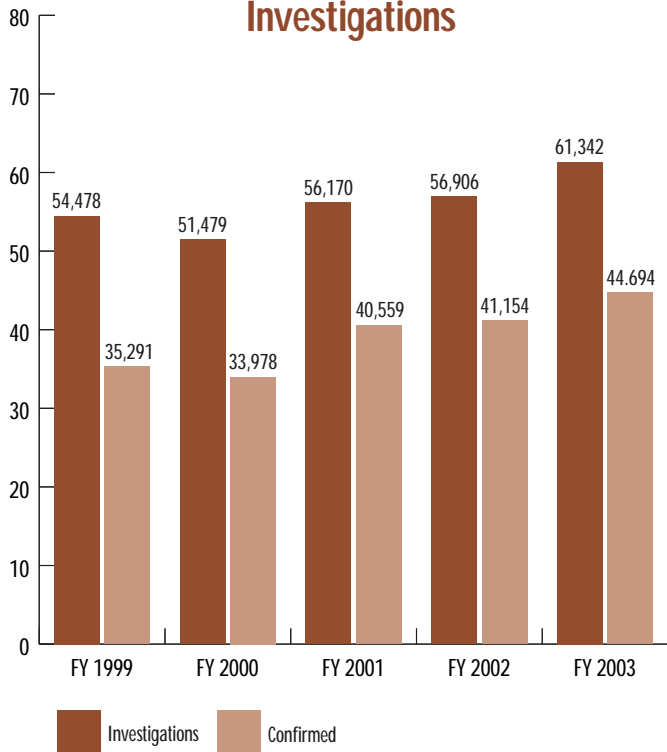
What APS Does

APS clients are adults who live in their own homes, in facilities regulated or operated by 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. Based on the 2000 Census of non-institutionalized people, these Texans make up about a quarter of the state's population. In 2003, more than 2.1 million Texans were age 65 and older, according to population projections. Nearly one out of five adults have a disability, and almost one-half of people over 65 have a disability. Many of those people live alone or are dependent on others for care.

Adult Protective Services

Completed In-Home Investigations



In-Home Investigations and Services

The largest and most well-established APS program area is in-home investigations and services. The program area protects people 65 and older 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 DFPS hotline at 1-800-252-5400.

An investigation begins within 24 hours of receiving a report. In 2003, APS completed 61,342 investigations. APS confirmed 44,694 cases of family violence perpetrated by a family or household member. Nearly 86.1 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. APS may provide or arrange for



Nathaniel P. of Midland (left) was living in a modest home that had just lost its water and electricity when he became ill and learned he needed pacemaker surgery. Without any family support during the recovery process, he had no place to turn for assistance. Adult Protective Services received a report and APS worker Annette Romero (right) was able to temporarily place him in a nursing home. Then, when his time at the nursing home was over, Nathaniel P. learned that the shack he had been renting was no longer available.

"I helped Nathaniel find a clean apartment where he could feel safe and secure," said Romero, who also got him a bed, table, chairs, dishes, radio, pots, and pans. "I also bought him a beta fish to keep him company. Although Nathaniel was eligible for nursing care and assistance in his home through the Community Care program of the Texas Department of Human Services, he declined. I also set him up with Meals On Wheels, which he likes, although he still enjoys cooking his specialty—black-eyed peas with bacon and sweet potatoes."

Nathaniel said that without Annette he would probably be living on the street with no one to look after him. "Annette is always there to assist with whatever I need. I thank the Lord every day for her."

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What would you call a person who swindled money out of and made death threats against a 70-year-old woman? She called him “grandson.”

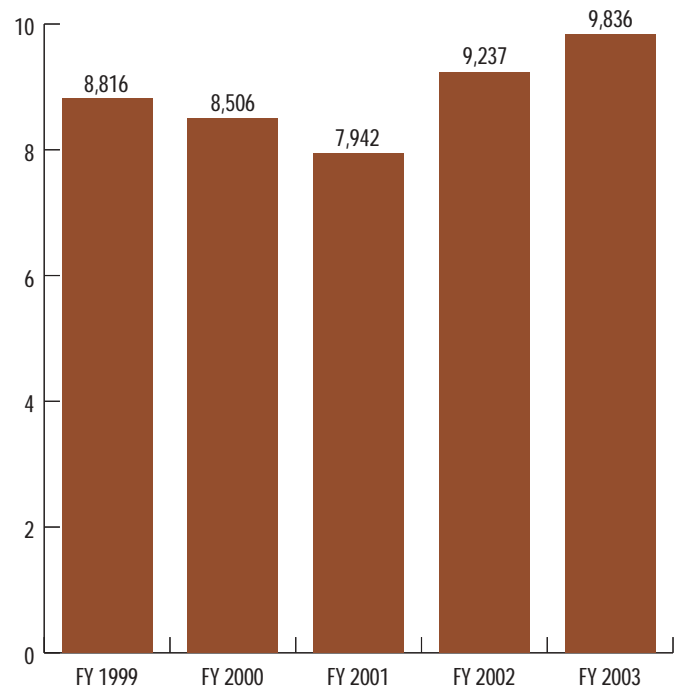
Meet Eileen P. of Amarillo (left). In 2003, she was one of hundreds of elderly Texans bilked out of their life savings by the people they trusted most. Even though she was living on a fixed income and had just lost her part-time job, Eileen was still willing to take in her grandson, his wife, and their two children.

Things started off all right, but as time passed, Eileen became a prisoner in her own home. Her grandson, addicted to pain medication and alcohol, said he was injured and therefore claimed he couldn't work. His wife didn't work, either. After a while, Eileen asked them to move, but they refused. On one occasion when they actually did come into some money, the couple went on a shopping spree. Because they didn't contribute anything to the household, Eileen eventually filed for bankruptcy.

“I knew things needed to change, but I didn't know how to go about it,” said Eileen. “So I prayed and one day, I asked God what his plan was for me. The next day, a caseworker from Adult Protective Services showed up. If it weren't for her, I would be dead now.”

Eileen said she has a wonderful respect for Susan Hammett (right), the APS caseworker who helped her. “Susan is really neat. I love her and am thankful she came into my life.”

Completed MHMR Investigations



services including short-term assistance, shelter, food, medication, health services, financial assistance for rent and utility restoration, transportation, and minor home repair. APS also refers clients to other social or community services.

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. Guardianship duties may include managing a ward's estate, living arrangements, medical treatment, funeral arrangements, and disposal of property.

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 abuse, neglect, or exploitation victims.

APS guardianship, which may be provided directly or through contracts with local entities, is a 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 2003, APS directly provided 552 guardianships and contracted for an additional 170.

MHMR Investigations

APS is responsible for investigating abuse, neglect, and exploitation of clients 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 2003, APS completed 9,836 investigations in MHMR settings.



“I have lived a complete life,” said Arthur Waterman (right). Complete indeed.

The 98-year-old San Antonio resident, who is fluent in Spanish and French, served in the Air Force during World War II and was stationed in London, Paris, Belgium, and Luxemburg. Sometime after the war, rather than stay in the business world, Waterman became a professional contract bridge player and teacher. Over the years, he competed in some 60 or 70 countries, and was so skilled at the game that he amassed a fortune.

Waterman had been living alone in Mexico for about 25 years and a few years ago decided he wanted to see more of the country. Not wanting to travel alone, he asked a priest if he knew anyone willing to be his travel companion. The priest put him in touch with three brothers and their mother. During his travels with them, he became ill and needed more care than a Mexican hospital could provide. While waiting to be transferred to the Audie Murphy Veterans Administration hospital in San Antonio, Waterman told Mexican authorities how he had purchased expensive items like cars and houses for the family and had virtually given them his ATM card. They thought it sounded suspicious and Adult Protective Services was alerted.

“Of course, there was nothing we could do to verify the people in Mexico were financially exploiting him,” said Shirley Hynes (left), an APS caseworker who has worked with him. “But after assessing Mr. Waterman, we determined he was of sound mind and spent his money as he saw fit. However, without any family or friends to help him, he was clearly in need of assistance and in danger of self-neglect. Once Mr. Waterman was released from the hospital, we made sure that he had a place to live and was doing OK. He has lived at a V.A. approved home for about a year and loves it.”

Having never been to Texas until now, Waterman wanted to do something to show his gratitude to his newly adopted state. With the money he had left, he funded an endowment at Texas Tech for Mexican students wanting to study in the United States. Hynes and APS helped him get in touch with the university’s representatives. “That was the single most outstanding thing I have ever done. I am pleased for the Texas Tech arrangement.”

Looking back on his experience in Mexico, Waterman said he had been living a little dangerously. “Now that I’m in Texas, the V.A. has made me very comfortable. And I’m glad APS has been here to help out.”