

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 DFPS 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 2003 Staffing and Projected Expenditures

APS Staff Costs \$26,905,297

564 Direct Delivery (supervisors, workers, clerical)
599 Total Staff

Purchased Services \$3,353,048

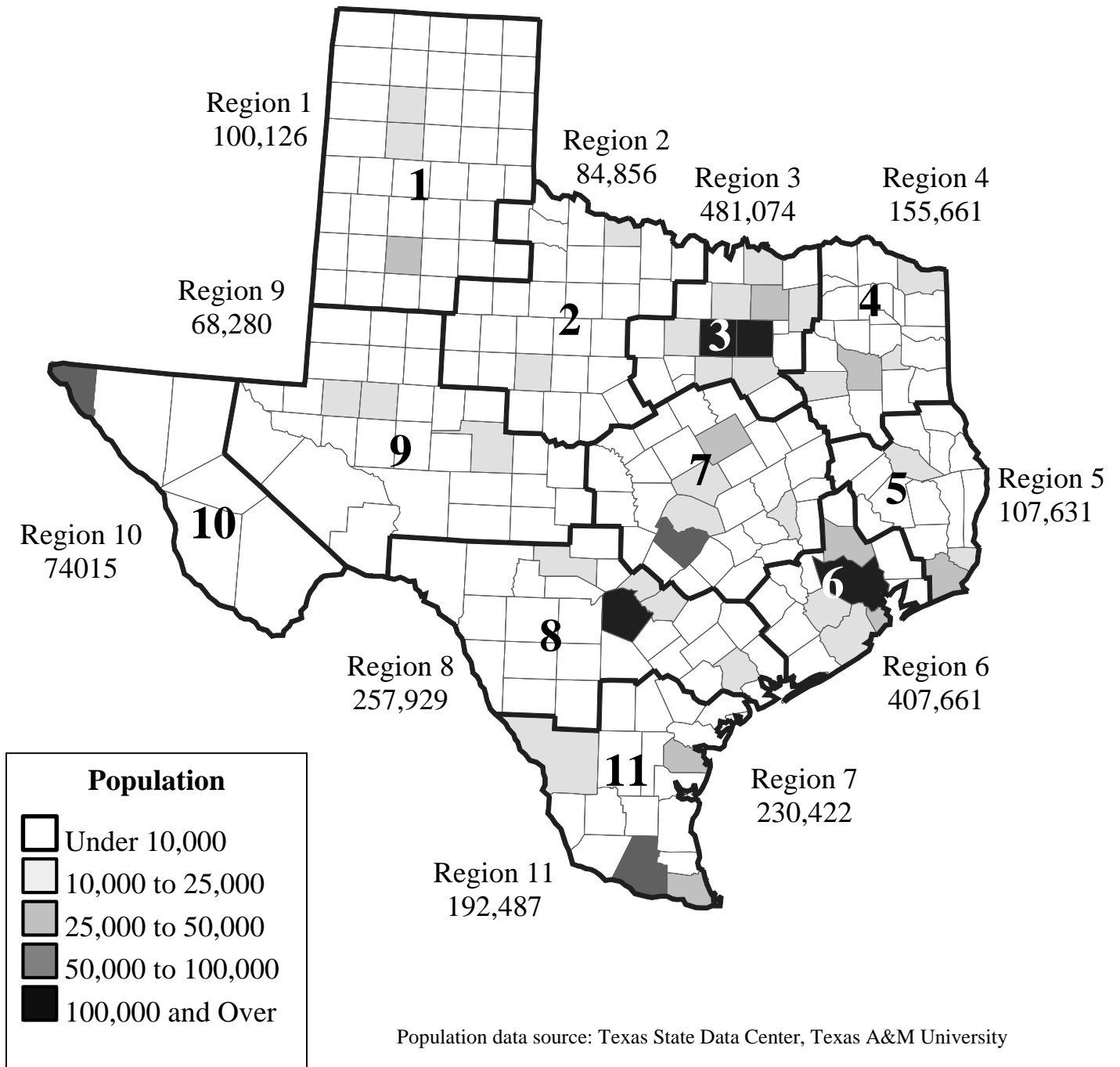
- Emergency Client Services
- Emergency shelter
- Nutrition/Food
- Personal needs
- Medical Supplies
- Guardianship Contracts
- . . and many more

MHMR Investigations Staff Costs (all settings) \$5,896,933

128 Direct Delivery (supervisors, workers, clerical)
135 Total Staff

Texas Adult Population Ages 65 and Over by County Fiscal Year 2003

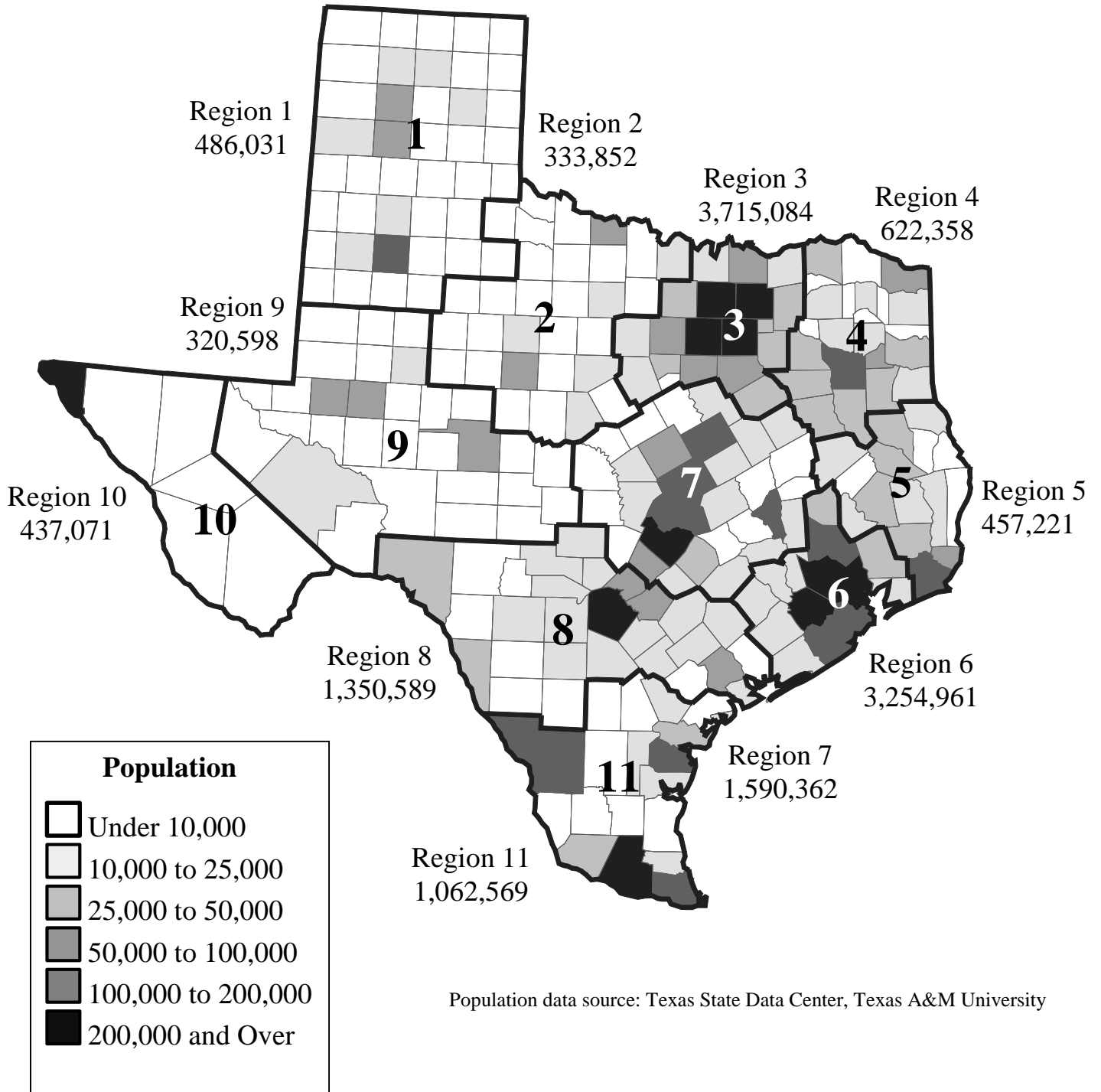
State Total: 2,160,142



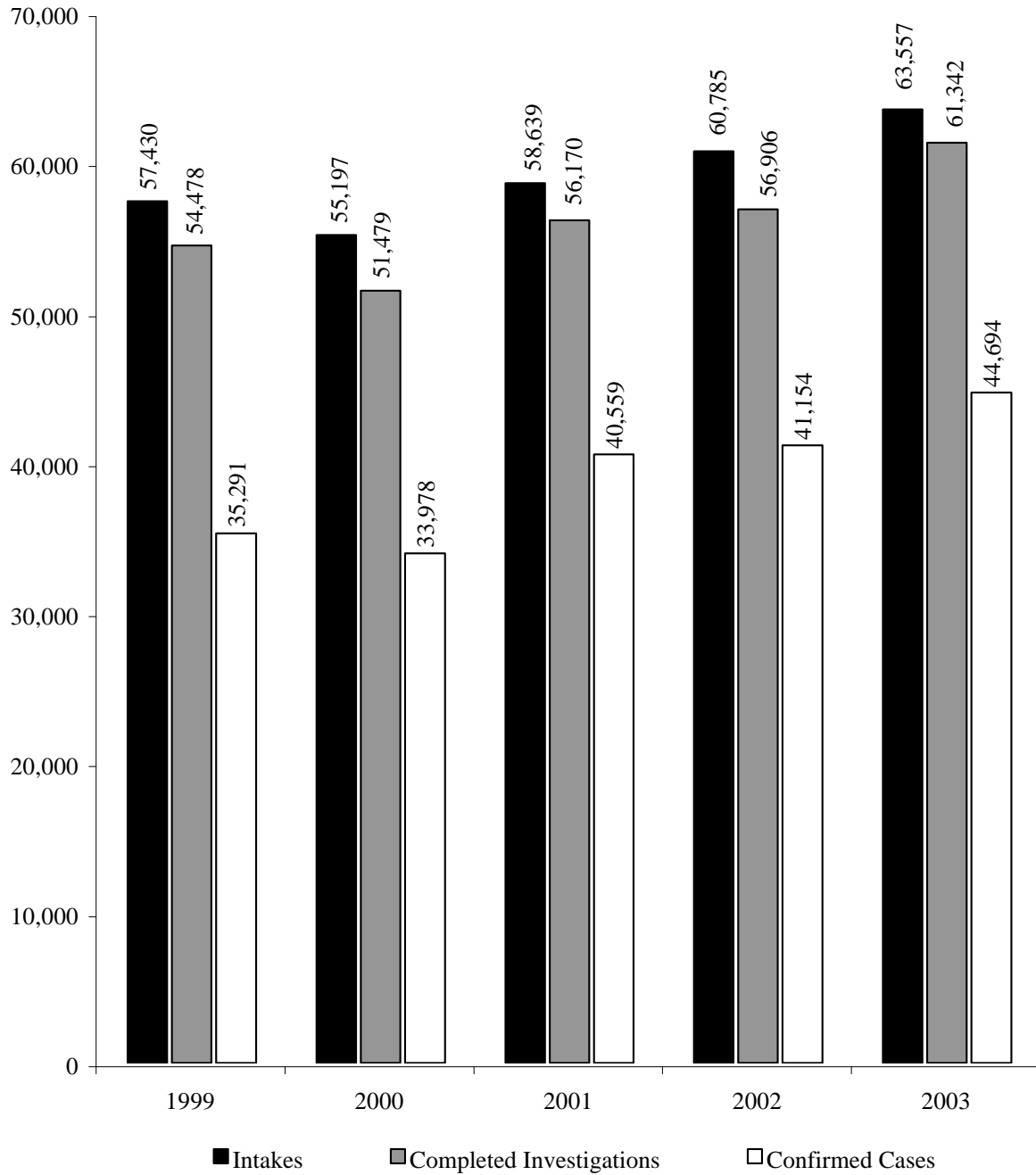
Population data source: Texas State Data Center, Texas A&M University

Texas Adult Population Ages 18 to 64 by County Fiscal Year 2003

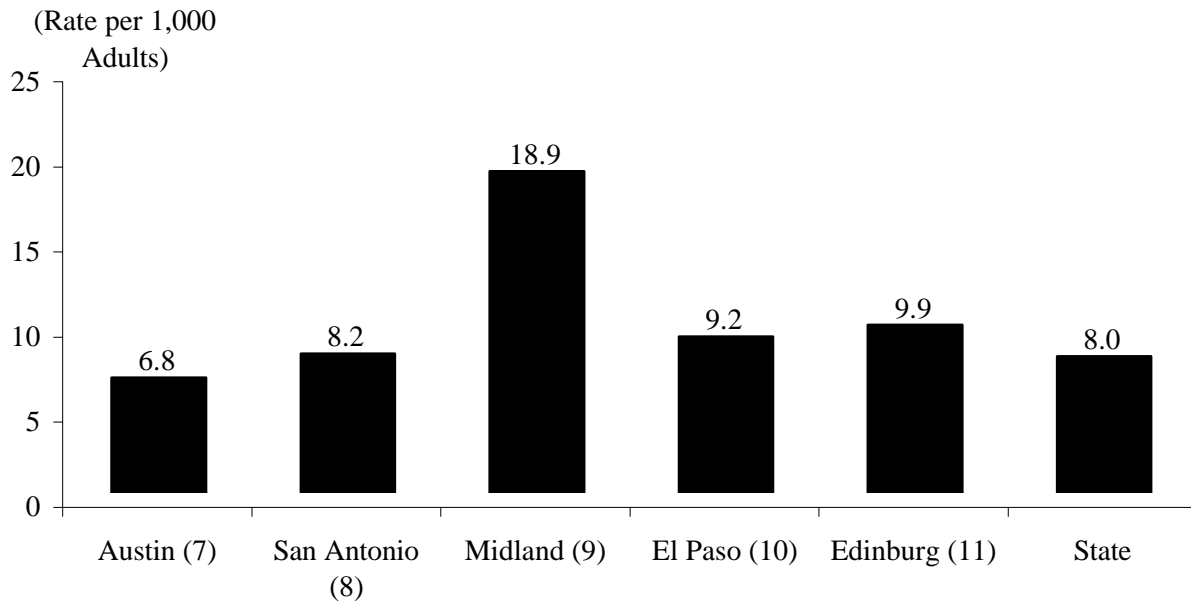
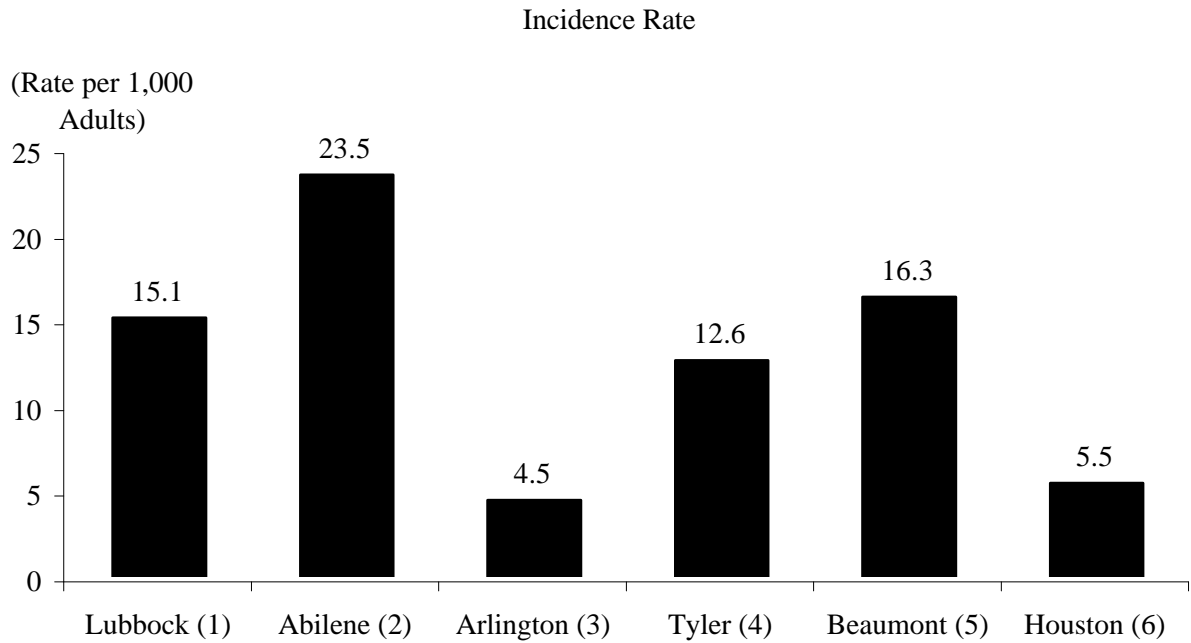
State Total: 13,630,696



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

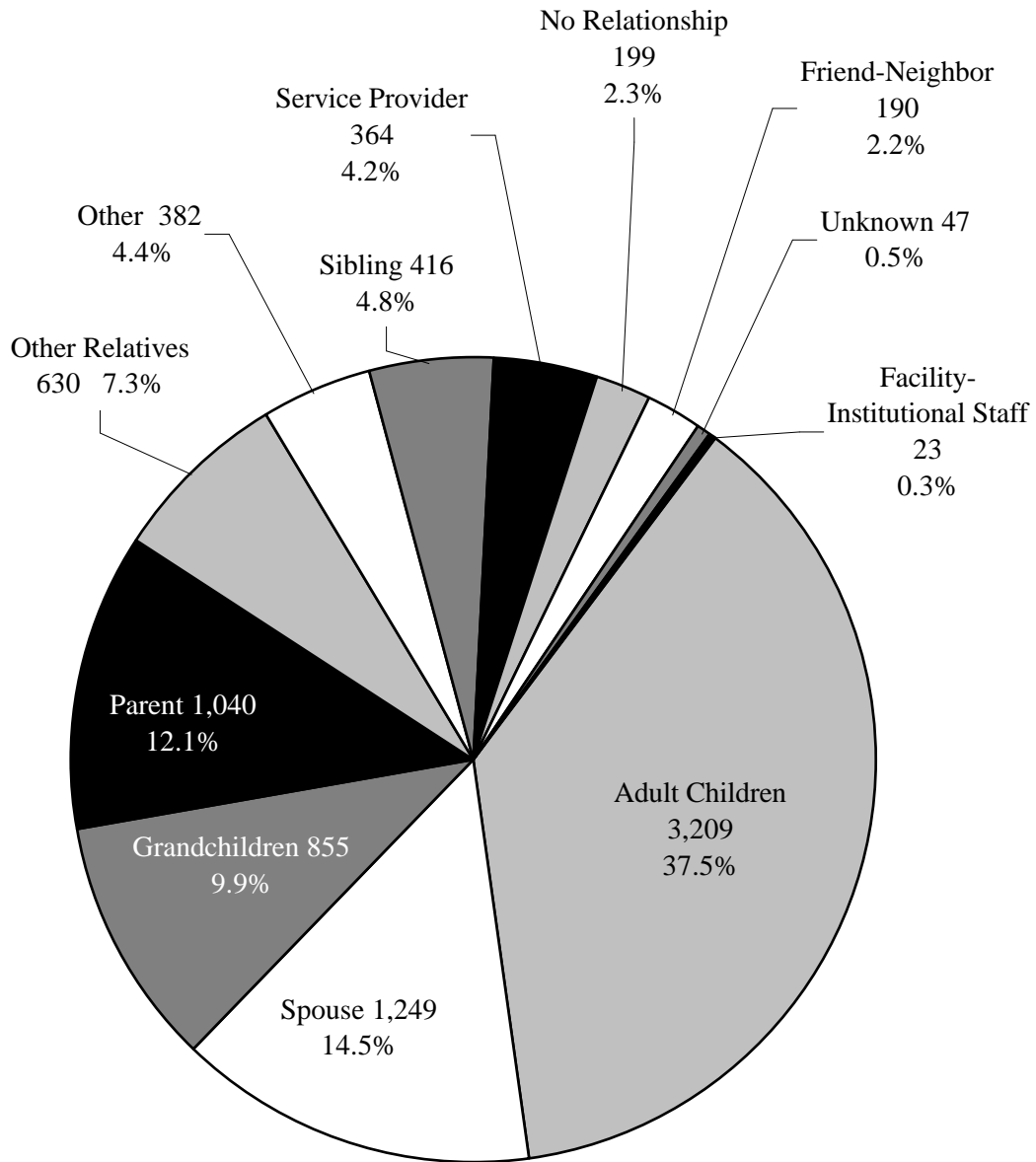


Incidence of Maltreatment per 1,000 Adults in Texas Adult Population by Region Fiscal Year 2003



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

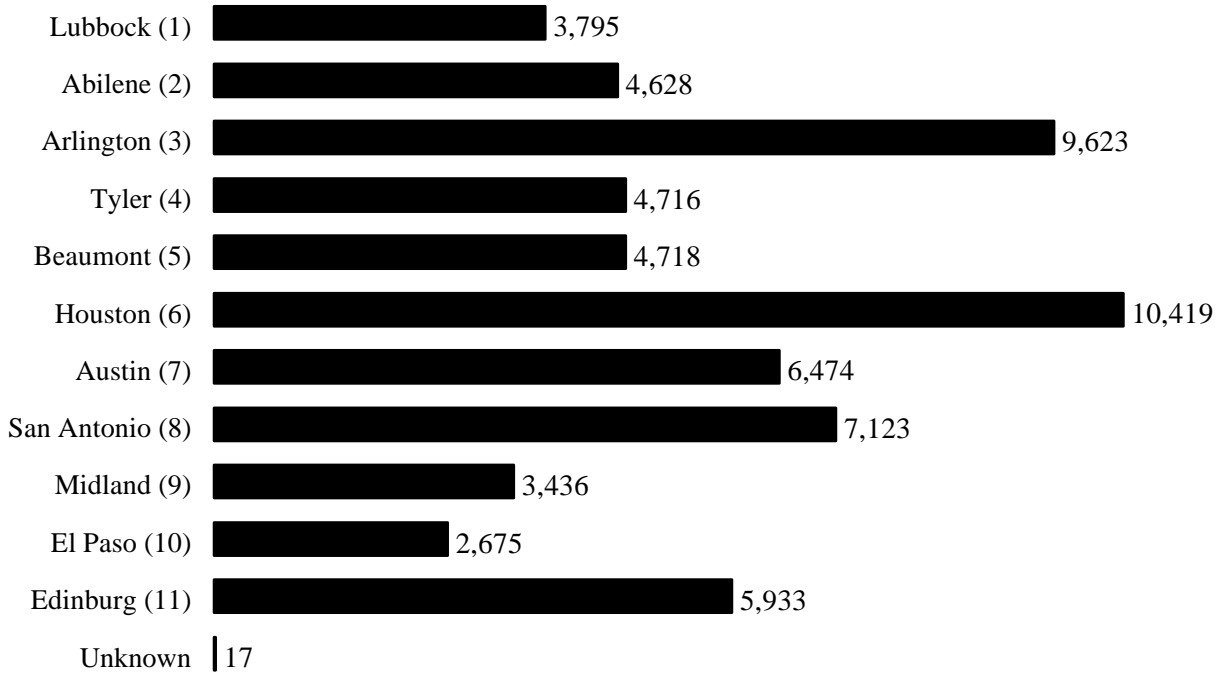
Perpetrators in Confirmed In-Home Cases Fiscal Year 2003



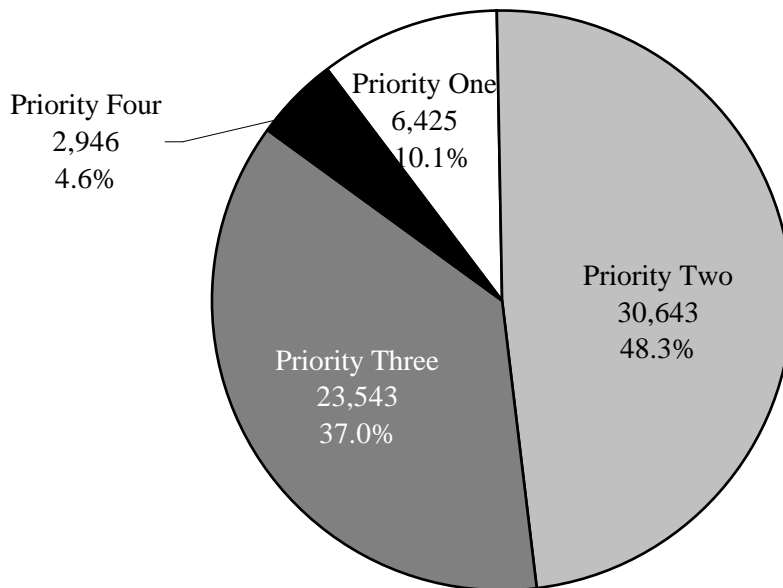
Note: Each victim may have more than one perpetrator at the end of the investigation.

APS In-Home Intake Reports by Region Fiscal Year 2003

State Total 63,557



APS Intake Reports by Priority Fiscal Year 2003

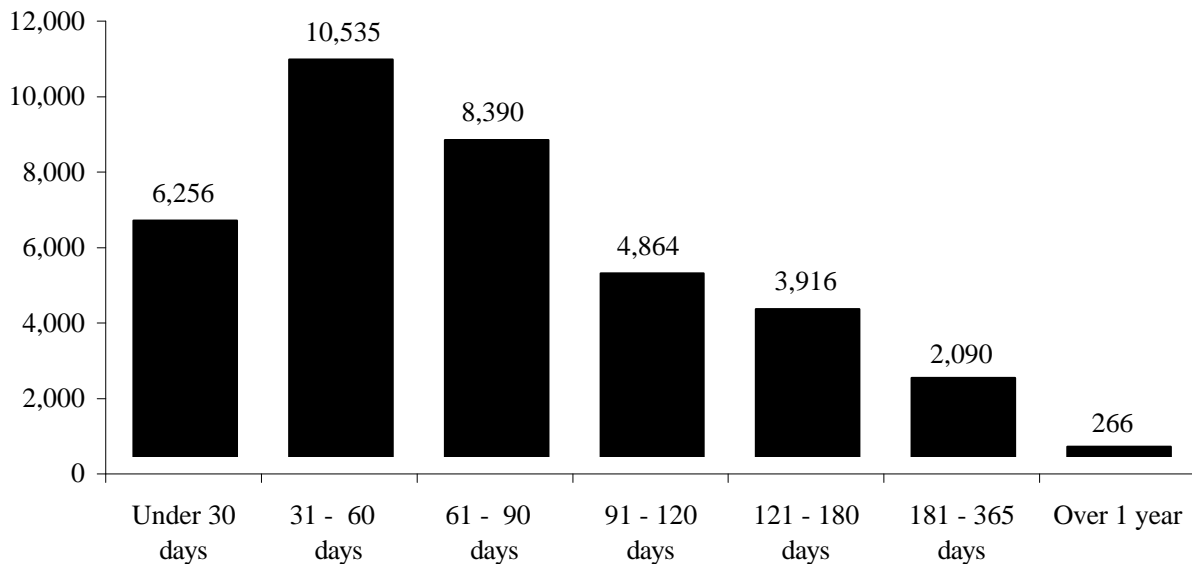


APS In-Home Intake Reports by Source Fiscal Year 2003

Sources	Number	Percent
Anonymous	2,266	3.4%
Physicians	548	0.8%
Family Members	12,831	19.4%
Friend-Neighbor	4,341	6.5%
Health Care Provider	9,090	13.6%
Law Enforcement	2,776	4.2%
Mental Health Worker	961	1.4%
Institution Staff	211	0.3%
Nurses	1,963	2.9%
Other	6,303	9.5%
Paid Caregivers	4,571	6.9%
Public Employees	1,640	2.5%
Psychologists	94	0.1%
Self	9,890	14.8%
Social Services Staff	9,141	13.7%
State Total	66,626	100.0%

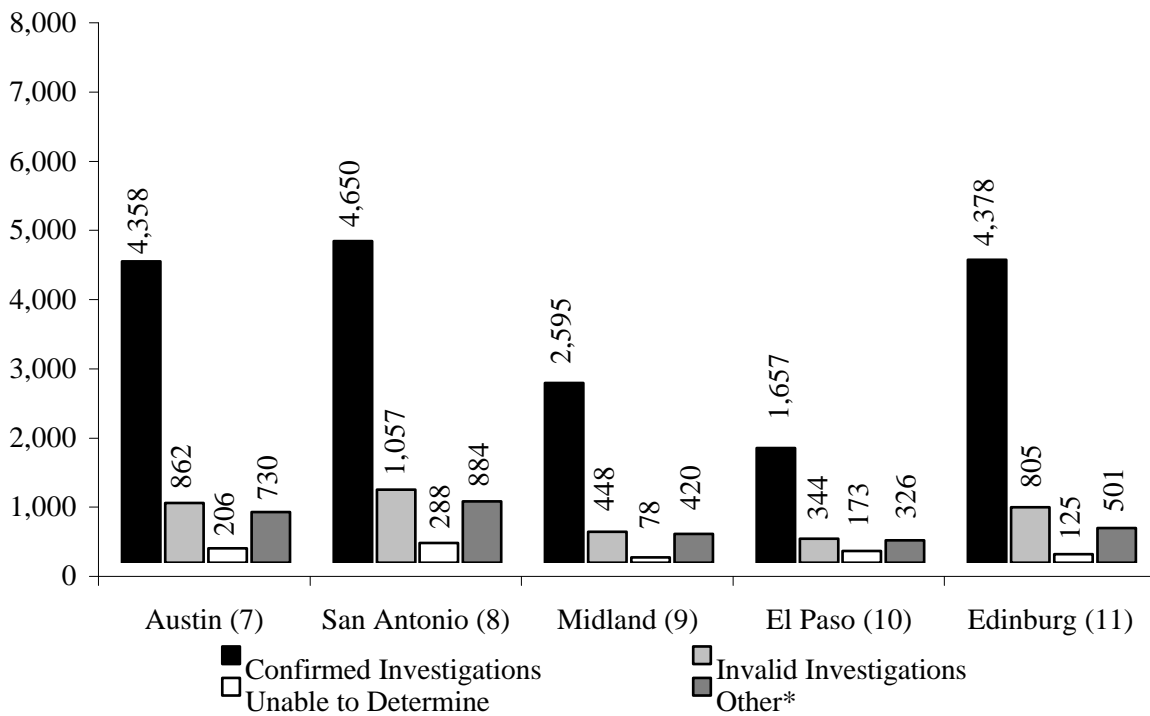
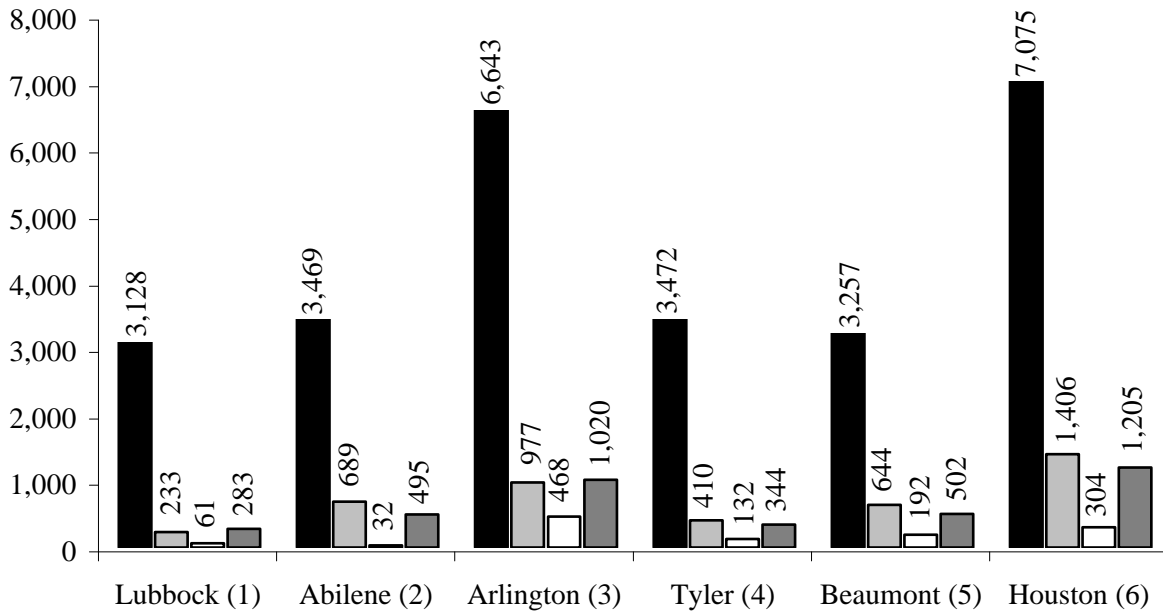
Note: Reports of Abuse/Neglect situations may come from multiple sources.

Duration of APS In-Home Investigation and Service Delivery Cases Fiscal Year 2003



Completed APS In-Home Investigations by Region for Fiscal Year 2003

State Total 61,342



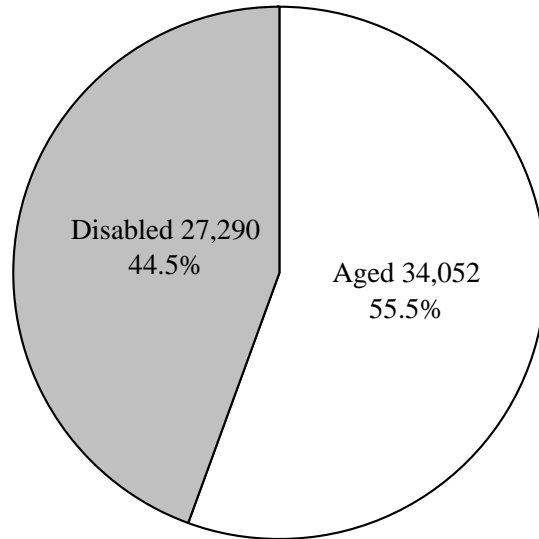
* "Other" category refers to those investigations that workers could not complete for some reason, e.g. clients died or cases were misclassified.

Note: 16 investigations had an "unknown" region.

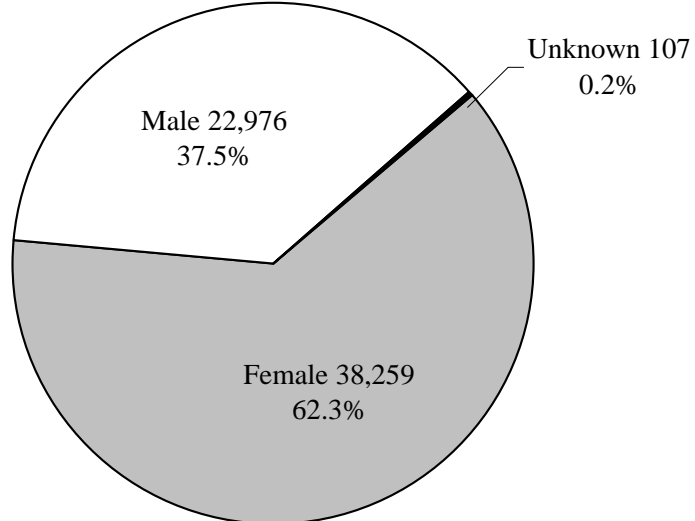
Characteristics of APS In-Home Clients in Completed Investigations Fiscal Year 2003

State Total 61,342

Age and Disability

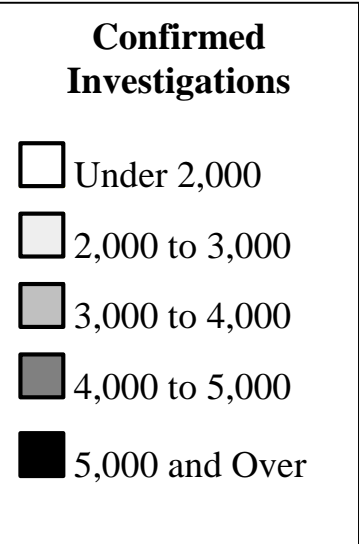
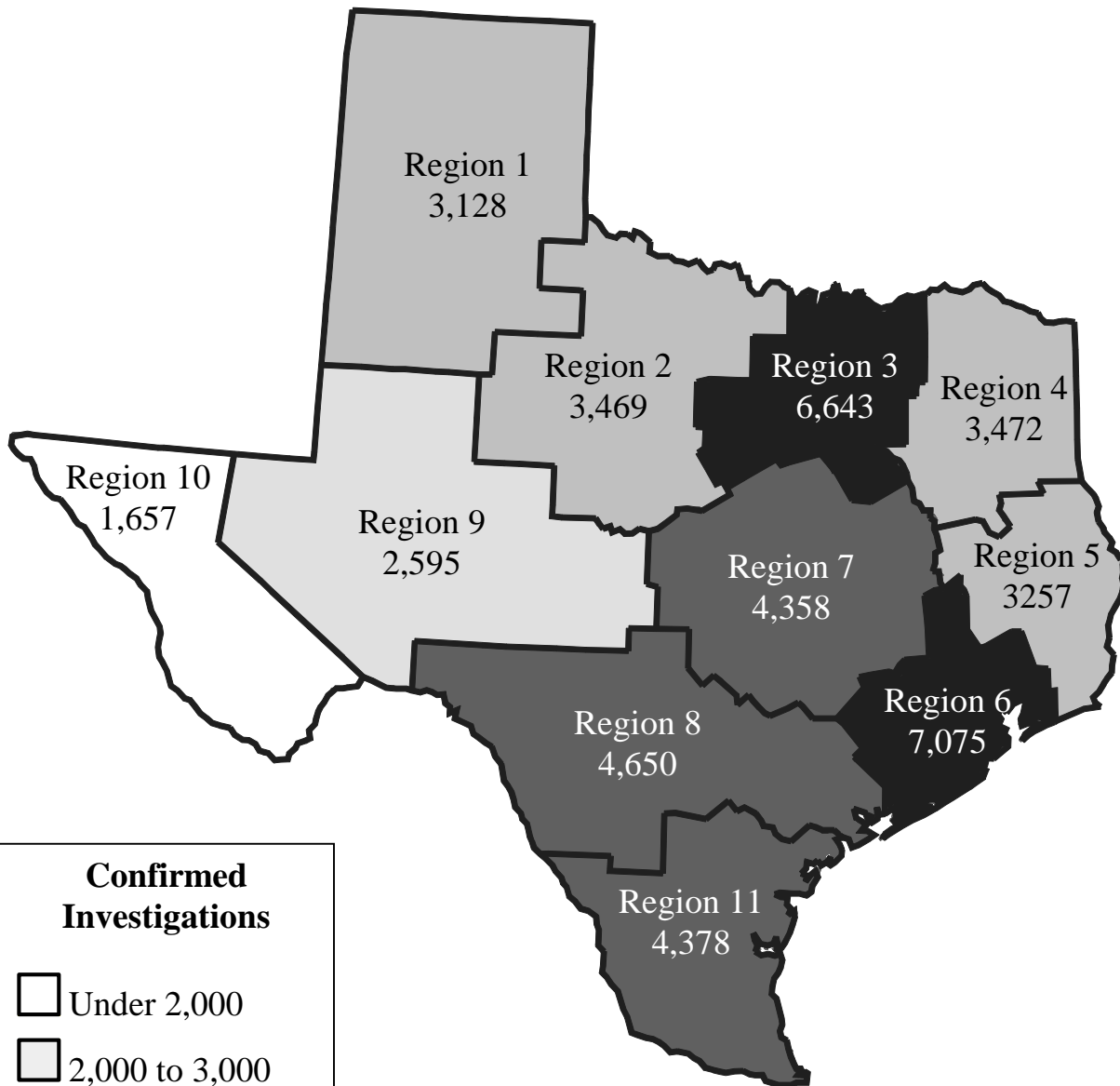


Gender



APS Confirmed In-Home Investigations by Region Fiscal Year 2003

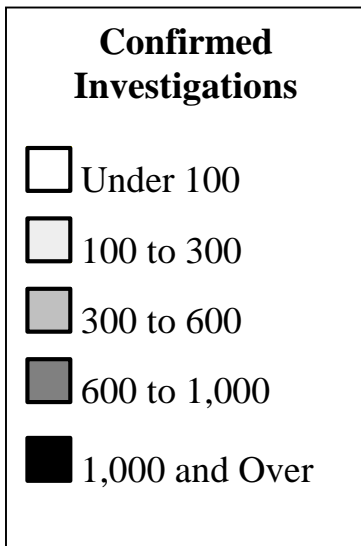
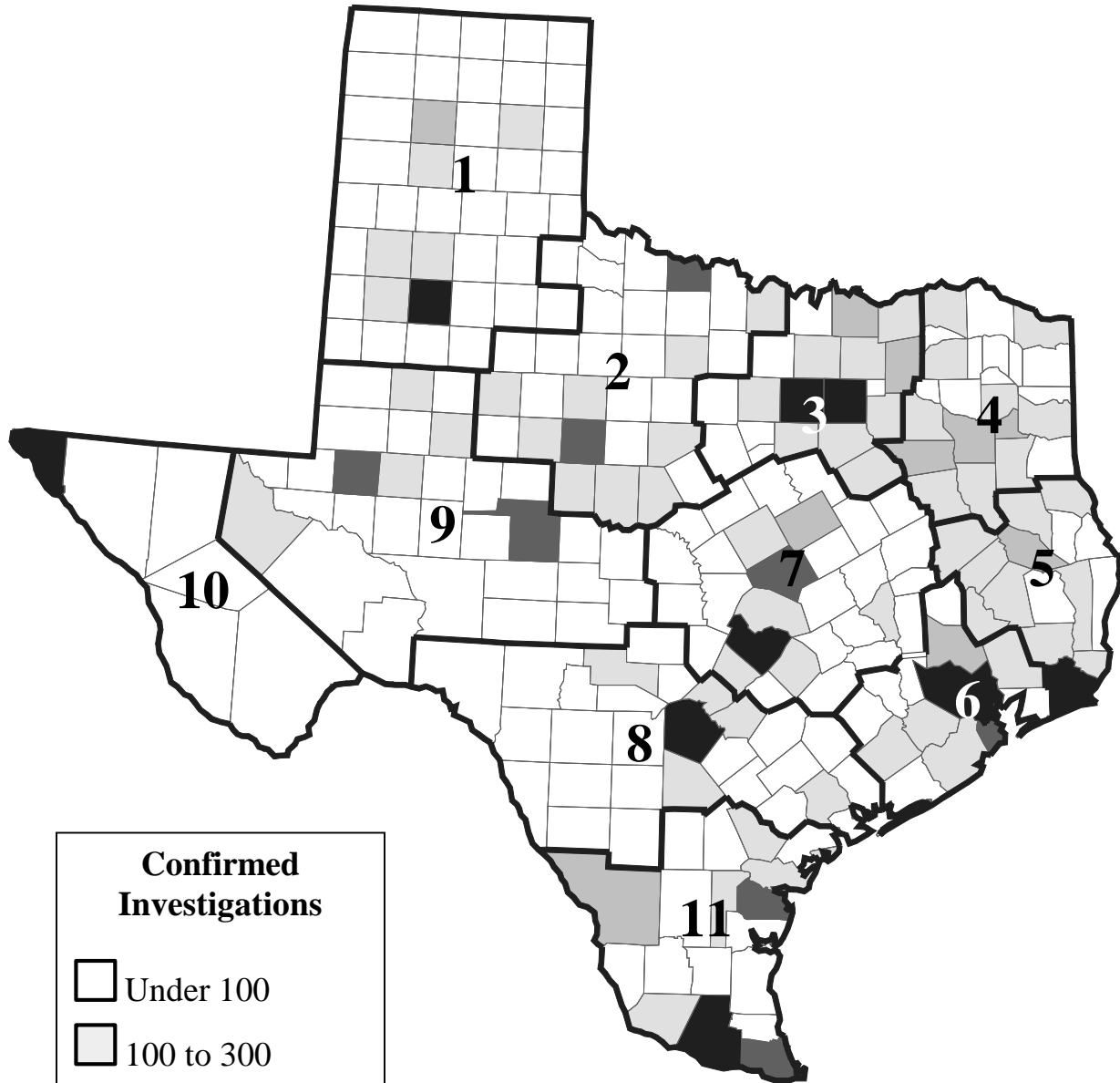
State Total: 44,694*



* 12 cases were confirmed with no region designated.
Note: The number of confirmed investigations is equal to the number of confirmed victims.

APS Confirmed In-Home Investigations by County Fiscal Year 2003

State Total: 44,694*



* 12 cases were confirmed with no county designated.
Note: The number of confirmed investigations is equal to the number of confirmed victims.

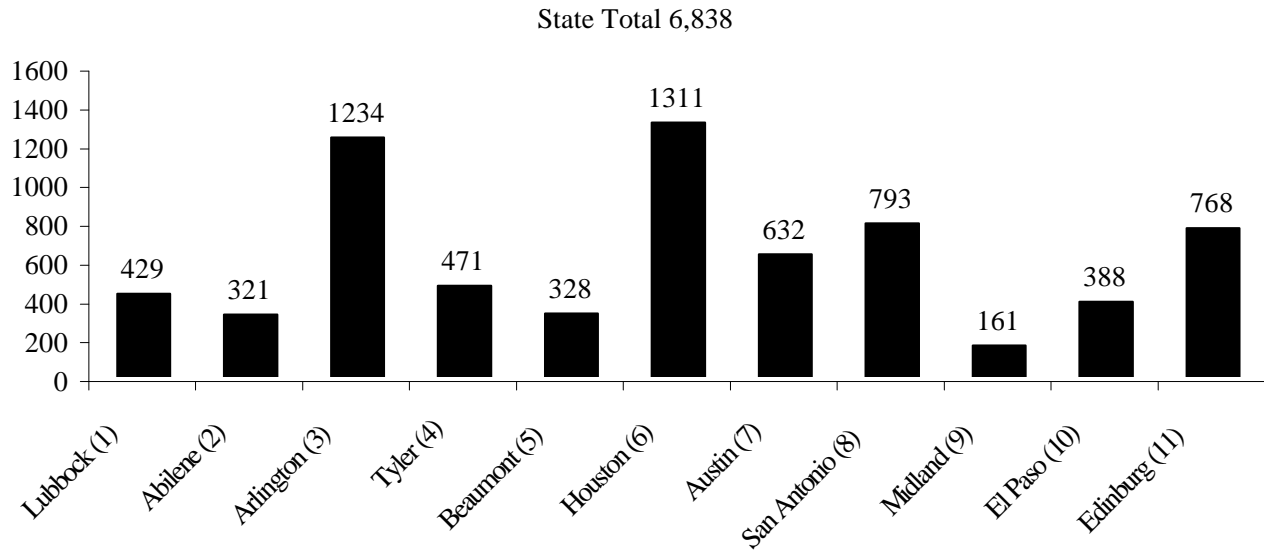
Ethnicity of APS Clients in Completed In-Home Investigations Fiscal Year 2003

Region	Anglo	African American	Hispanic	Native American	Asian	Other	Total
Lubbock (1)	1,785	509	851	10	7	543	3,705
Abilene (2)	2,901	547	584	17	2	634	4,685
Arlington (3)	4,969	1,999	483	16	47	1,594	9,108
Tyler (4)	2,392	1,085	62	7	4	808	4,358
Beaumont (5)	2,367	1,511	71	5	9	632	4,595
Houston (6)	3,996	3,372	987	22	67	1,546	9,990
Austin (7)	3,286	1,267	706	8	33	856	6,156
San Antonio (8)	2,383	701	2,801	12	29	953	6,879
Midland (9)	1,562	387	1,200	17	4	371	3,541
El Paso (10)	524	87	1,535	5	19	330	2,500
Edinburg (11)	1,161	124	3,817	7	10	690	5,809
Unknown	6	2	0	0	0	8	16
State Total	27,332	11,591	13,097	126	231	8,965	61,342

Allegations in Confirmed APS In-Home Investigations Fiscal Year 2003

Allegation	Number of Allegations	Percentage
Emotional/Verbal Abuse	1,956	4.4%
Exploitation	1,910	4.3%
Medical Neglect	6,593	14.8%
Mental Health Neglect	1,921	4.3%
Physical Abuse	2,874	6.4%
Physical Neglect	28,819	64.4%
Suicidal Threat	392	0.9%
Sexual Abuse	229	0.5%
State Total	44,694	100.0%

APS Victims of Family Violence in Confirmed Investigations by Region for Fiscal Year 2003



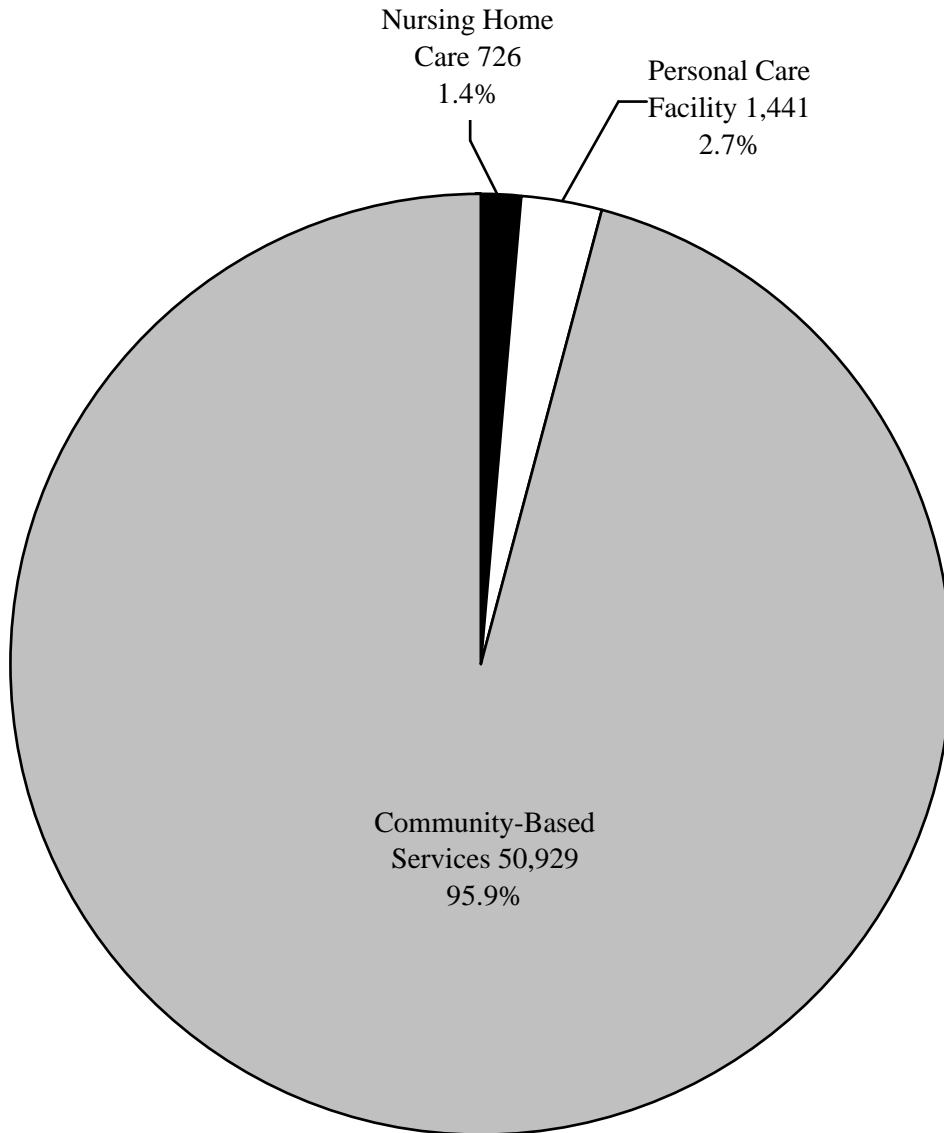
Note: 2 Victims were validated with no region designated.

Services Delivered in In-Home Cases by Region Fiscal Year 2003

Region	Rent/ Utilities Restoration	Social Services	Guardianship/ Legal Services	Health Services	Emergency Shelter & Placement	Other	Total
Lubbock (1)	441	2,471	28	608	10	658	4,216
Abilene (2)	564	1,850	46	987	5	675	4,127
Arlington (3)	289	4,052	167	1,899	39	1,078	7,524
Tyler (4)	397	2,677	29	744	12	481	4,340
Beaumont (5)	381	2,054	29	654	9	482	3,609
Houston (6)	448	4,500	136	1,279	30	827	7,220
Austin (7)	492	4,119	77	1,302	37	682	6,709
San Antonio (8)	134	3,590	95	742	21	532	5,114
Midland (9)	397	1,798	10	536	2	285	3,028
El Paso (10)	56	986	36	413	6	348	1,845
Edinburg (11)	154	3,305	55	1,288	13	549	5,364
State Total	3,753	31,402	708	10,452	184	6,597	53,096

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 2003



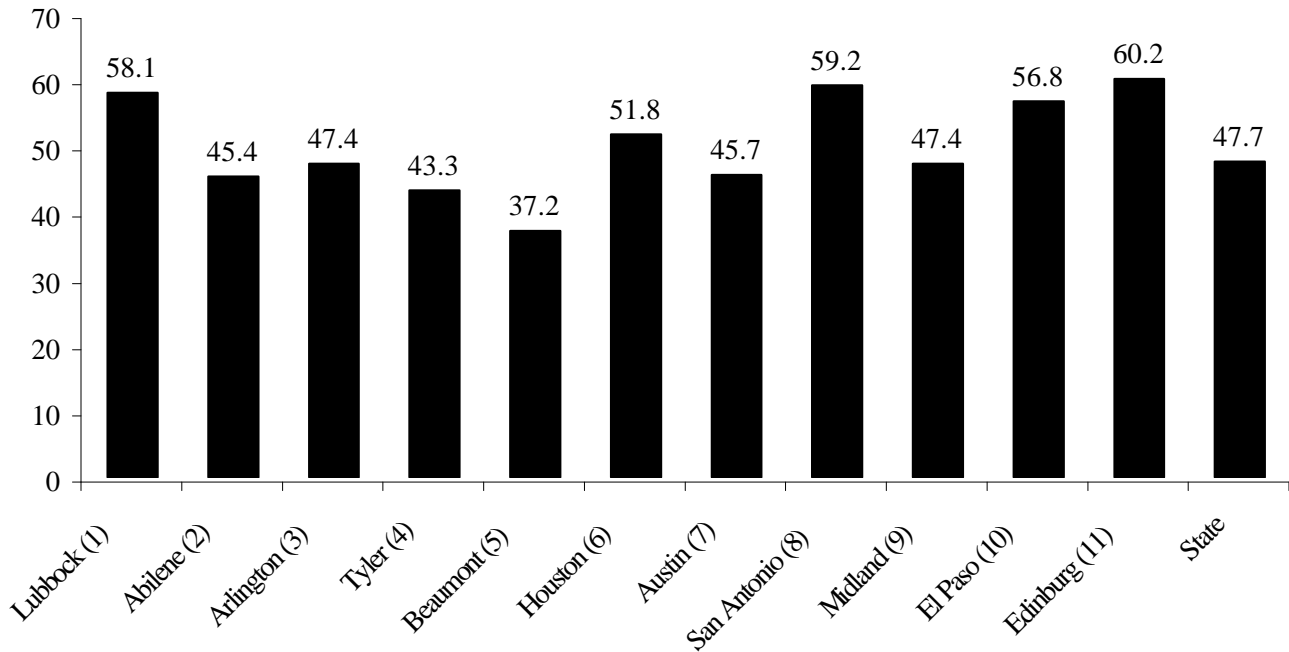
Average Length of In-Home Investigations by Region Fiscal Year 2003

Region	Days
Lubbock (1)	45.50
Abilene (2)	25.59
Arlington (3)	29.21
Tyler (4)	34.51
Beaumont (5)	24.92
Houston (6)	31.97
Austin (7)	31.23
San Antonio (8)	41.35
Midland (9)	41.11
El Paso (10)	53.68
Edinburg (11)	39.08
Unknown Region	16.13
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State Average	34.60

Average Worker Tenure in APS In-Home Program Fiscal Year 2003

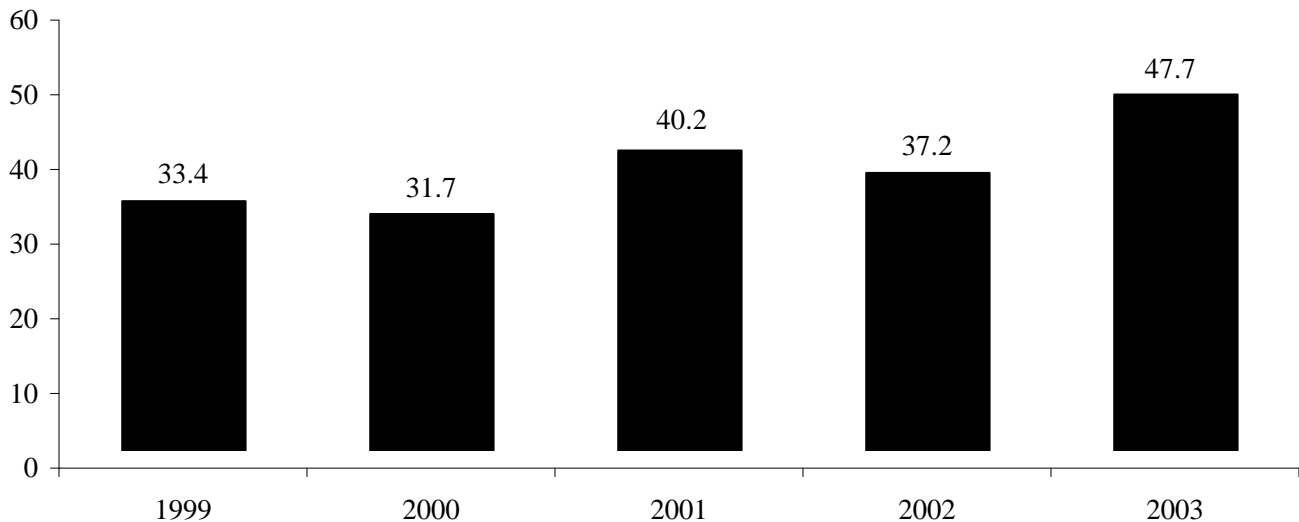
Tenure	Workers	Percentage
Under 1 Year	27	8.9%
1 Year	47	15.5%
2 Years	20	6.6%
3 Years	33	10.9%
4 Years	30	9.9%
5 Years	19	6.3%
6 - 9 years	63	20.6%
10 - 18 years	65	21.3%
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State Total	304	100.0%

Average Monthly Workload Equivalency Measure for APS In-Home Caseload per Worker by Region for Fiscal Year 2003

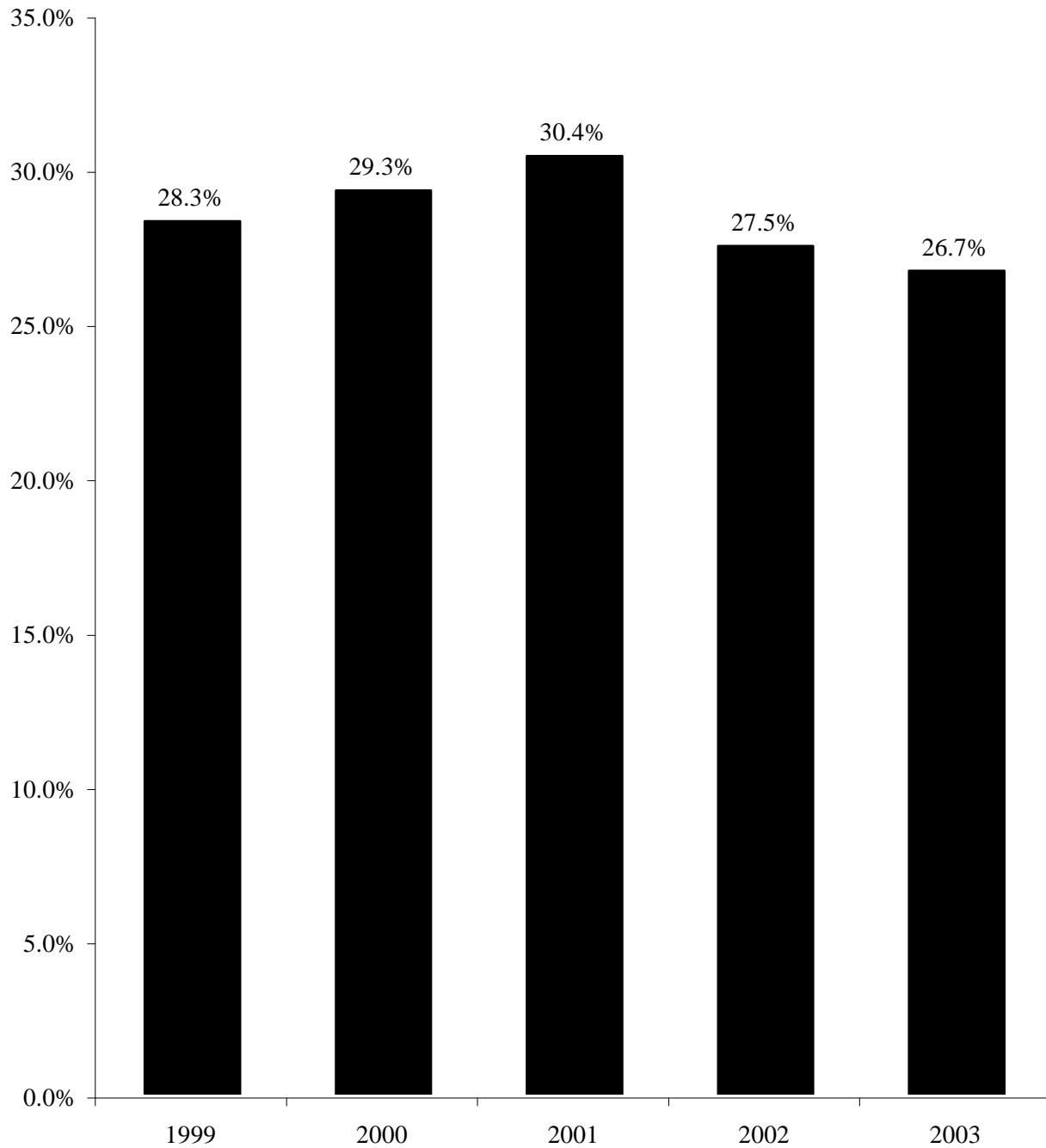


Note: In fiscal year 2003 DFPS implemented a new methodology for calculation of the Average Monthly Workload Equivalency Measure caseload per worker.

Average Monthly Workload Equivalency Measure for APS In-Home Caseload per Worker by Fiscal Year

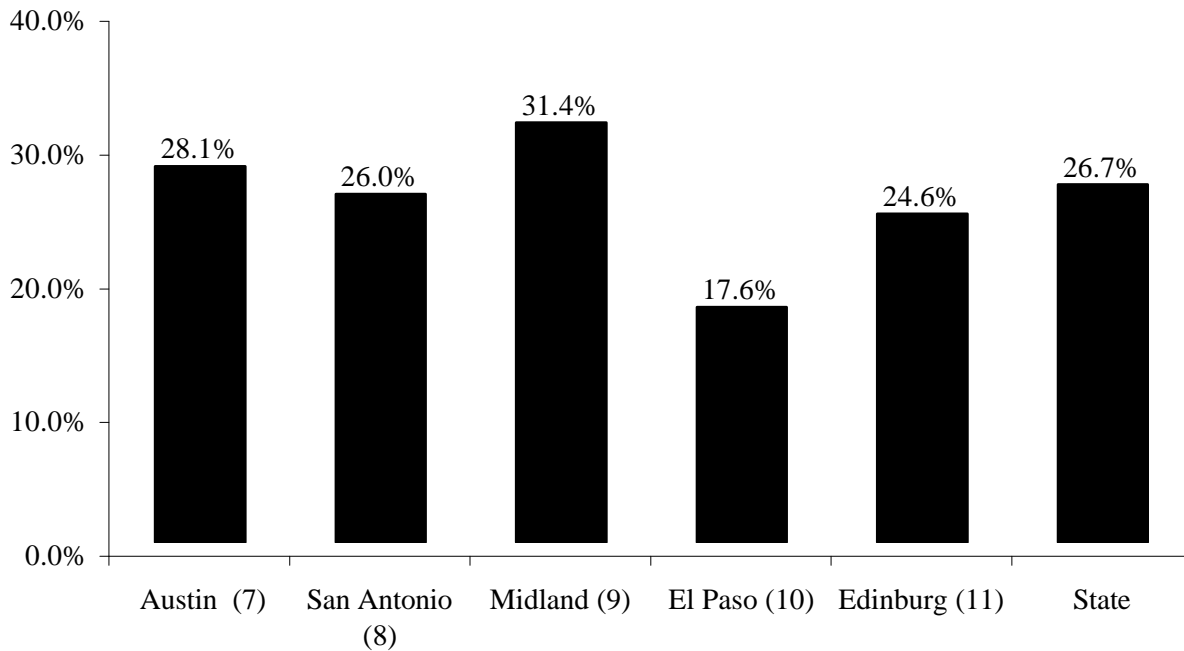
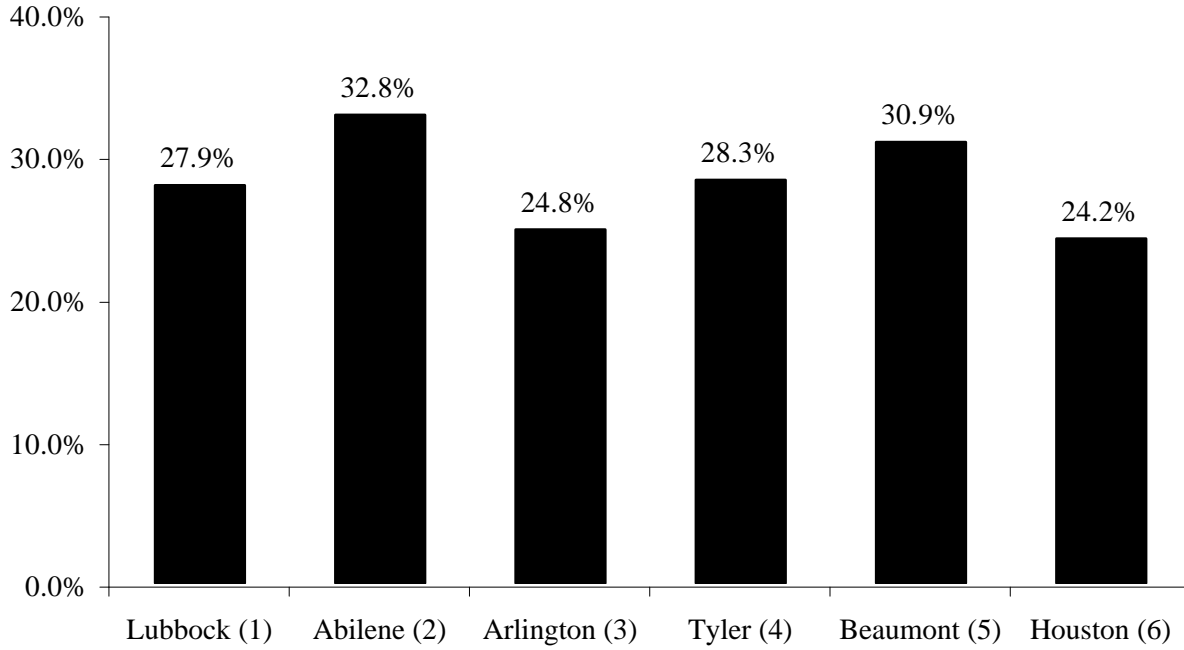


Recidivism* of APS In-Home Cases by Fiscal Year



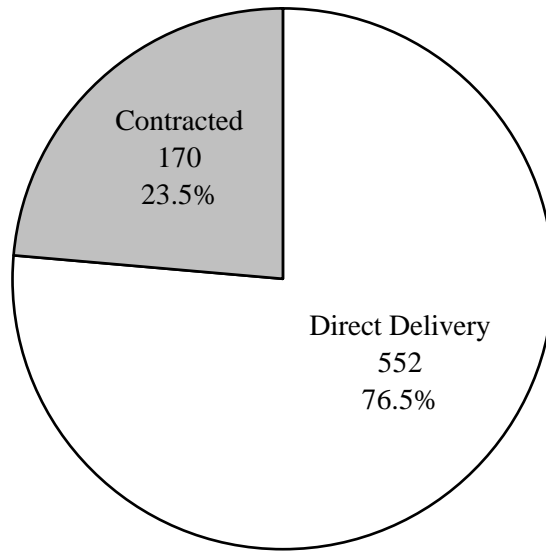
* Recidivism is a measure of the percentage of APS clients referred to the APS system more than once during the fiscal year, including clients who refused services and were re-referred.

Recidivism* of APS In-Home Cases by Region Fiscal Year 2003



* 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.

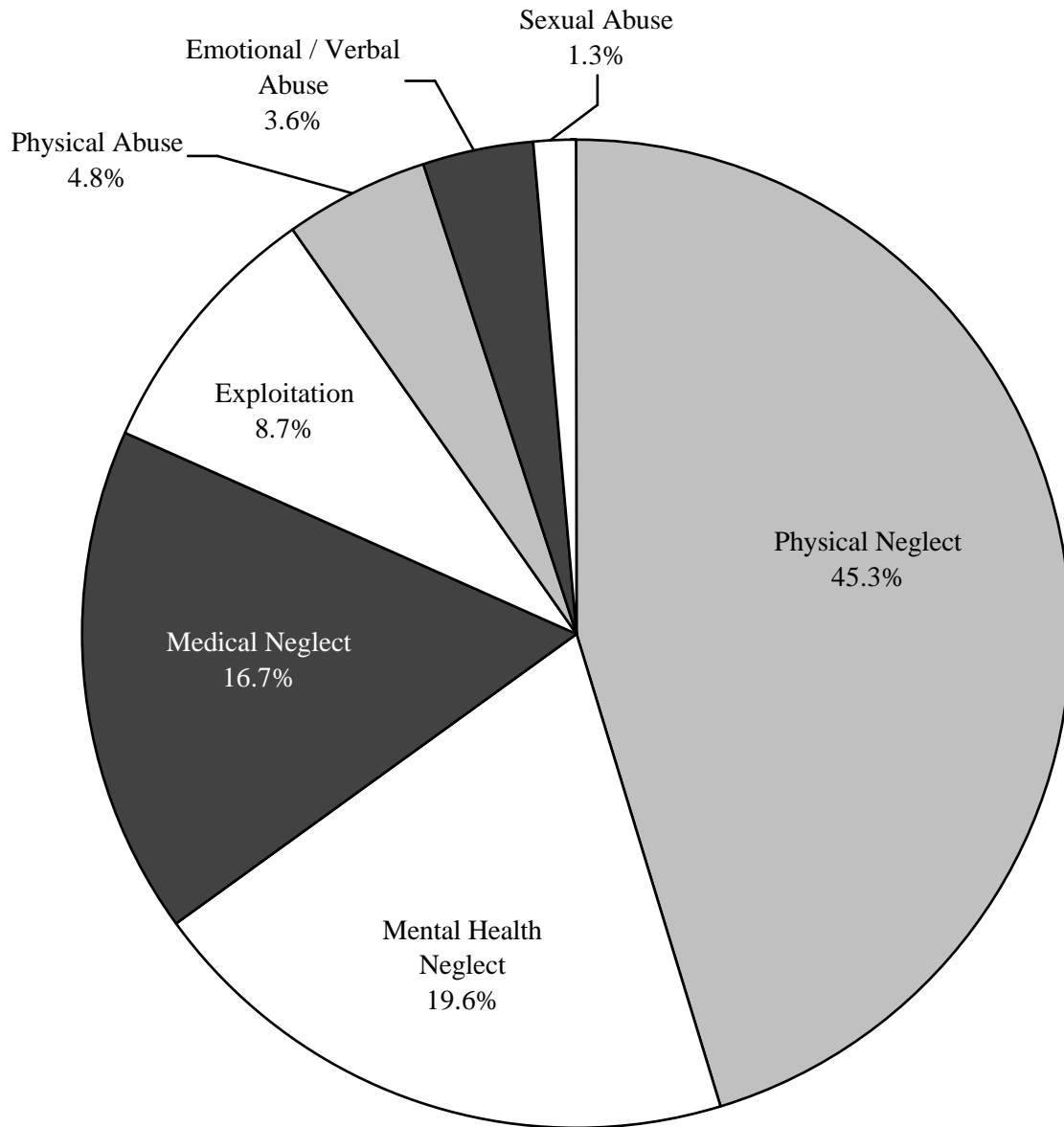
APS Guardianships as of August 31, 2003



Average Worker Tenure in Guardianship Program Fiscal Year 2003

Tenure	Workers	Percentage
Under 1 Year	0	0.0%
1 Year	6	16.7%
2 Years	2	5.6%
3 Years	4	11.1%
4 Years	1	2.8%
5 Years	2	5.6%
6 - 9 years	7	19.4%
10 - 18 years	14	38.8%
State Total	36	100.0%

Types of Abuse in Cases that Received Guardianship Services as of August 31, 2003



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

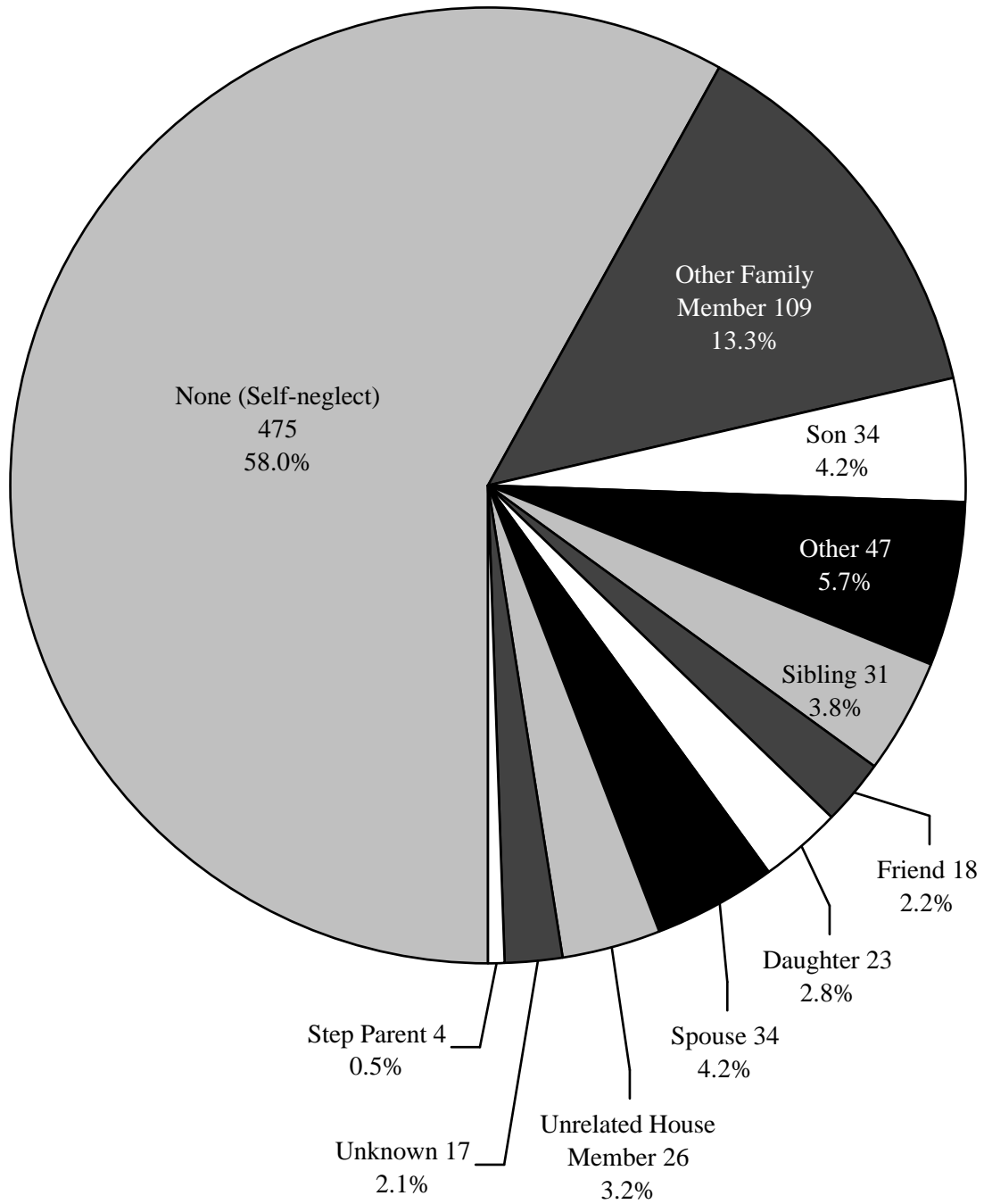
Demographics of APS Guardianship Clients as of August 31, 2003

Age	Cases	Percentage
18 - 33 Years	218	30.2%
34 - 49 Years	75	10.4%
50 - 64 Years	88	12.2%
65 - 81 Years	174	24.1%
82 + Years	167	23.1%
State Total	722	100.0%

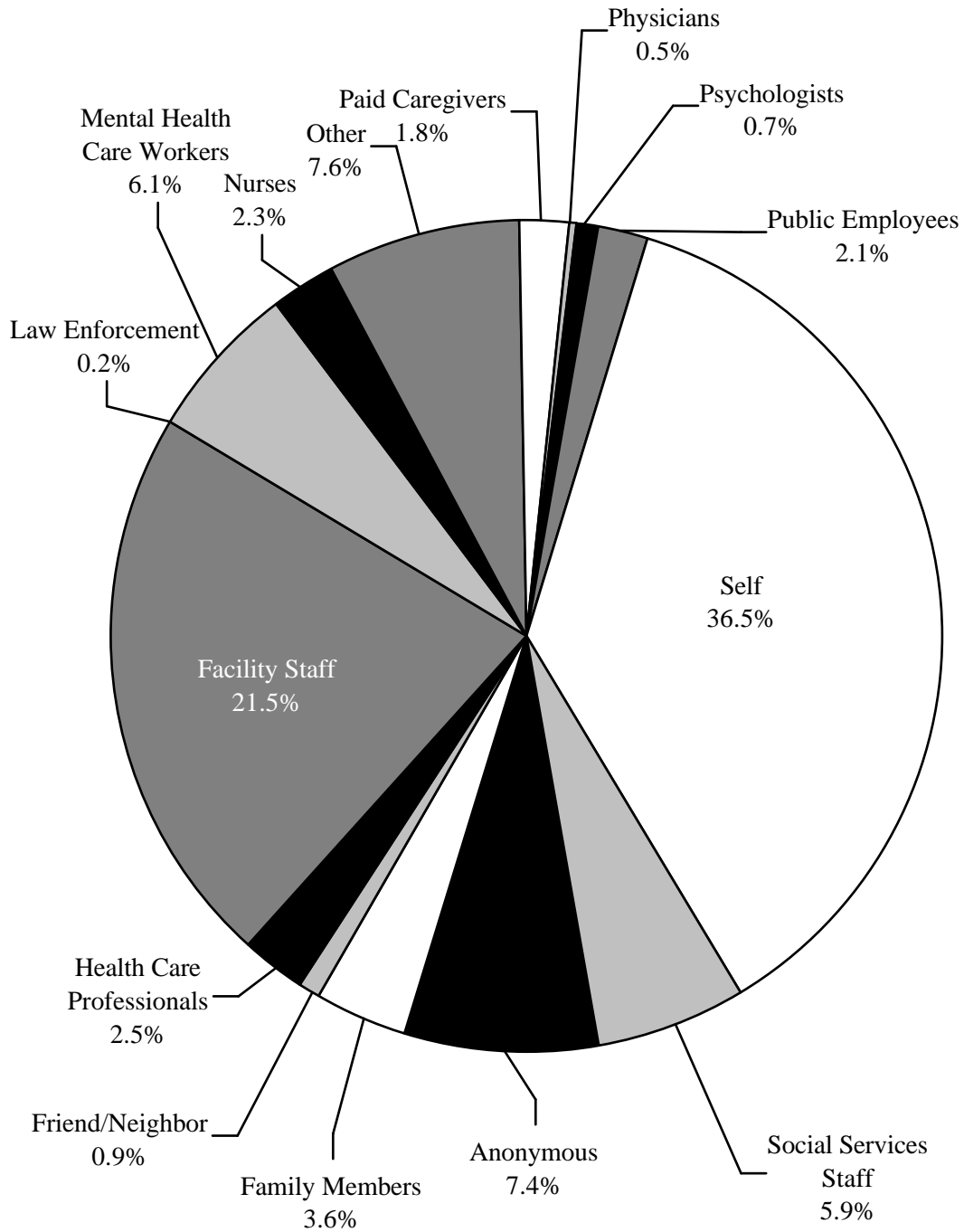
Gender	Cases	Percentage
Female	447	61.9%
Male	271	37.5%
Unknown	4	0.6%
State Total	722	100.0%

Ethnicity	Cases	Percentage
Anglo	391	54.1%
African American	155	21.5%
Hispanic	115	15.9%
Native American	1	0.1%
Asian	4	0.6%
Other	56	7.8%
State Total	722	100.0%

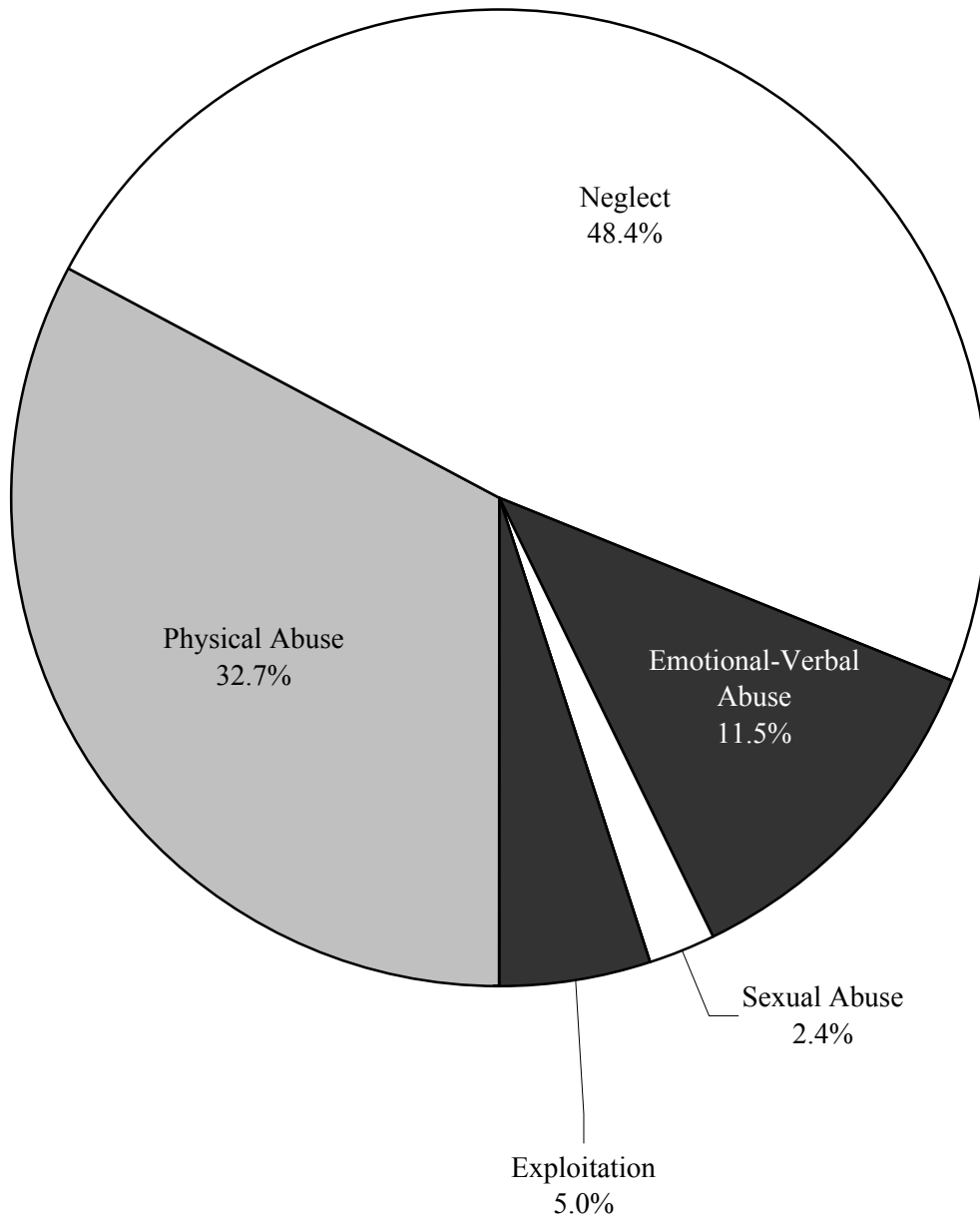
Perpetrators in Cases that Received Guardianship as of August 31, 2003



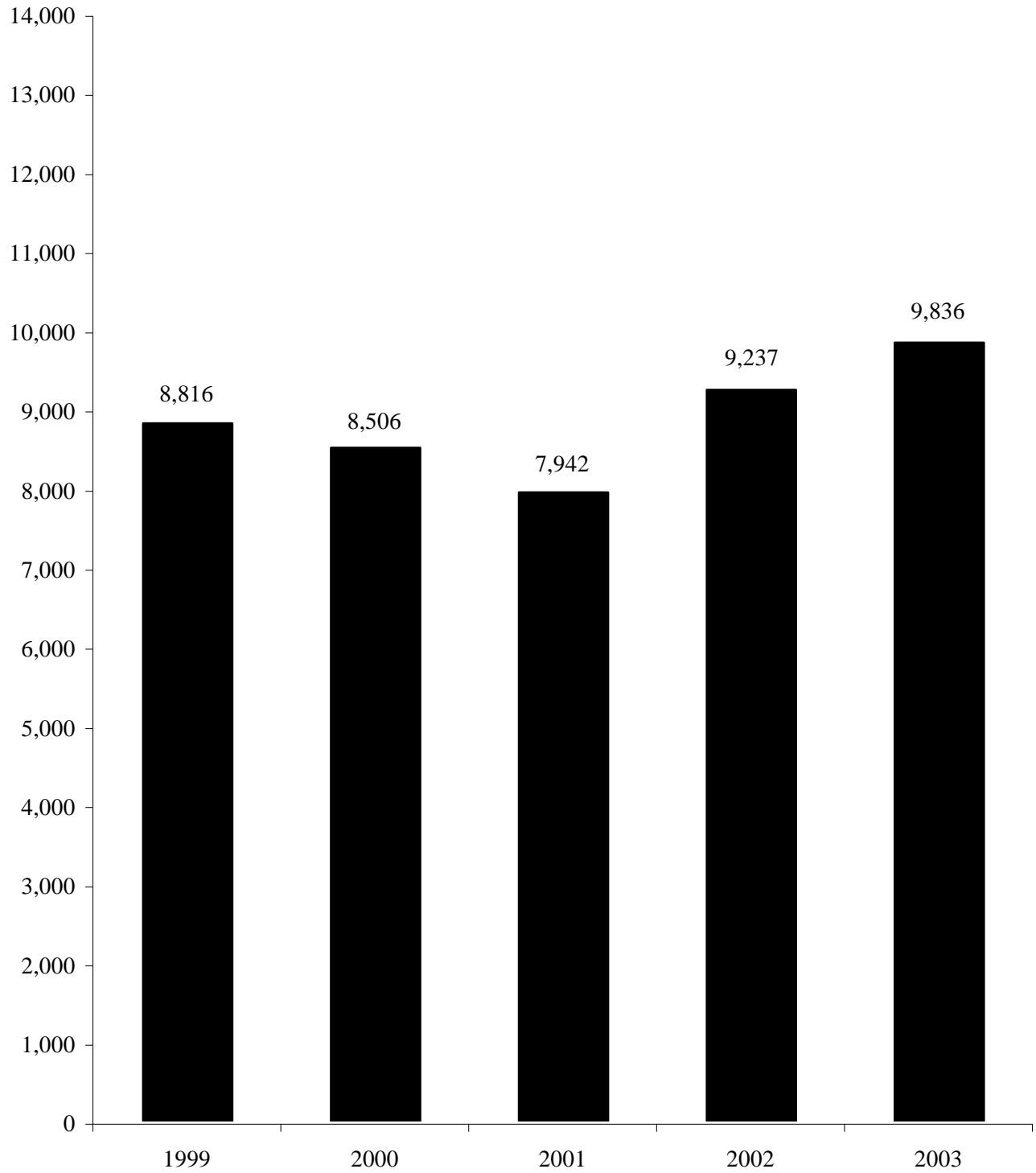
Investigations in MHMR Settings by Source of Report Fiscal Year 2003



Types of Abuse Confirmed in MHMR Settings Fiscal Year 2003

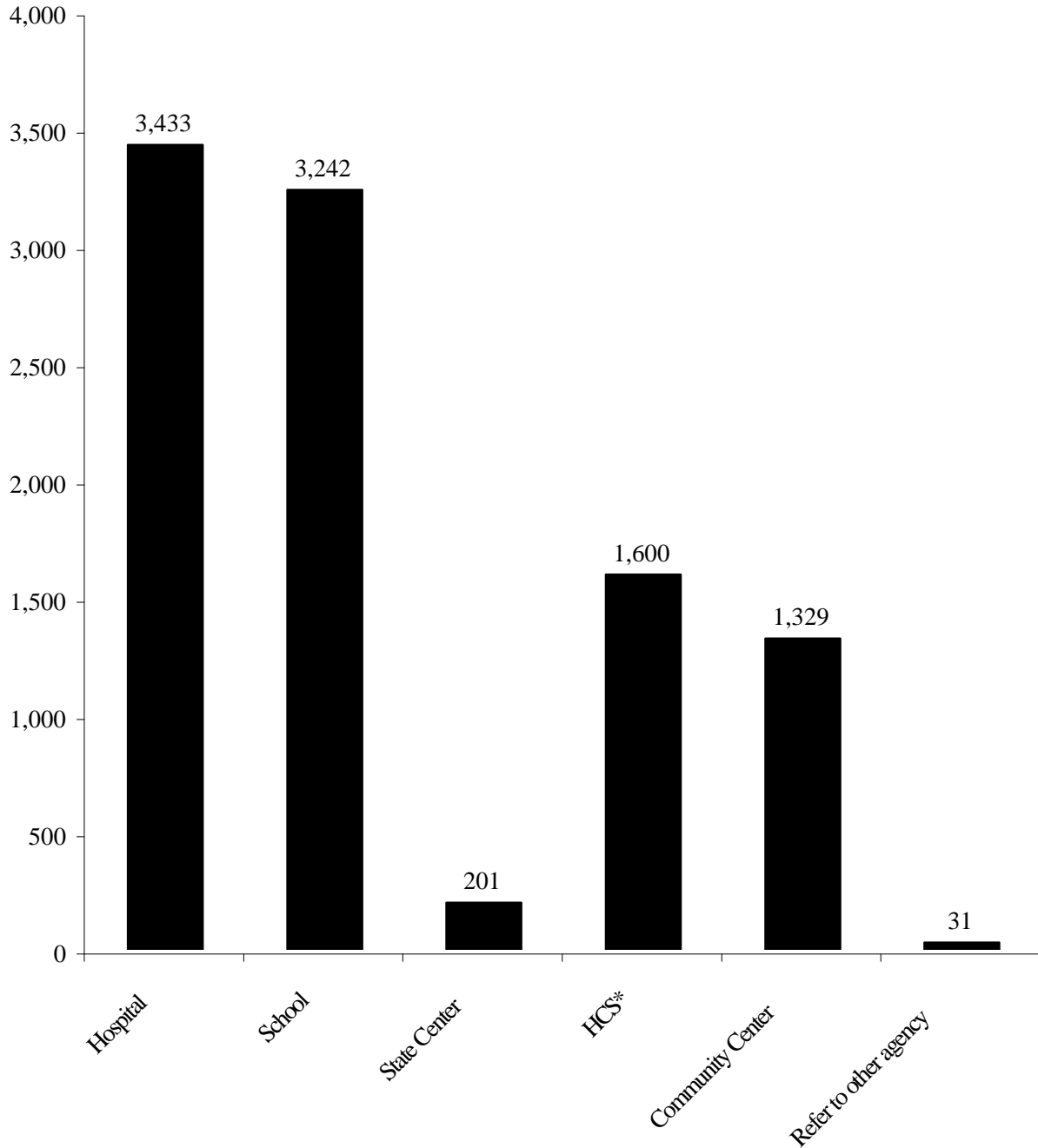


Completed Investigations in MHMR Settings by Fiscal Year



Completed Investigations by MHMR Setting Fiscal Year 2003

State Total 9,836



* Home and community based services.

Average Length of MHMR Investigations by Region Fiscal Year 2003

Region	Days
Lubbock (1)	11.59
Abilene (2)	7.67
Arlington (3)	8.63
Tyler (4)	12.85
Beaumont (5)	17.99
Houston (6)	8.70
Austin (7)	11.71
San Antonio (8)	12.44
Midland (9)	10.67
El Paso (10)	10.00
Edinburg (11)	10.01
Unknown	10.11
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State Average	10.57

Average MHMR Investigator Tenure in Program Fiscal Year 2003

Tenure	Number of Investigators	Percentage
Under 1 Year	7	9.3%
1 Year	9	12.0%
2 Years	6	8.0%
3 Years	9	12.0%
4 Years	7	9.3%
5 Years	4	5.3%
6 - 9 Years	21	28.1%
10 - 15 Years	12	16.0%
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State Total	75	100.0%

Notes: