

# Adult Protective Services

## Adult Protective Services

### Responsibilities

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

### 2004 Adult Protective Services Reform

In 2004, several Adult Protective Services cases in El Paso and Tarrant County attracted the attention of the news media and elected officials. As a result, the Governor issued Executive Order RP 33 on April 14, 2004. The order called for the Texas Health and Human Services Commission (HHSC) to review and reform Adult Protective Services. As a result, HHSC completed:

- ◆ A review of more than 1,200 case files involving 200 clients within the last two years that had three or more referrals to APS;
- ◆ A review of APS management structure, policy, internal reports, data analysis, personnel records, and statutes related to APS;
- ◆ Follow-up visits with clients to verify that information in case files was accurate; and
- ◆ Interviews with staff and community leaders.

In July 2004, HHSC issued a report that identified three areas that needed systemic and organizational changes. They were: improving investigations and delivery of services, increasing efficiencies, and enhancing program accountability.

The report formed the basis for 252 corrective actions and recommendations for consideration in 2005 by the 79th Texas Legislature.

### Accomplishments

- ◆ In 2004, APS further strengthened its quality assurance program by eliminating processes that do not contribute to quality casework, developing surveys to measure client outcomes, and evaluating local compliance with statewide policy. All APS districts implemented quality assurance projects to improve services in their area of the state.

- ◆ In December 2003, the DFPS Board adopted revisions to rules relating to APS investigations in MHMR facilities. The revised rules redefined the types of allegations that result in investigations and created a more flexible priority system. As a result, APS was able to maintain quality casework despite a 25 percent reduction of staff.

- ◆ In 2004, APS worked with the Baylor College of Medicine Texas Elder Abuse and Mistreatment (TEAM) Institute to establish a telemedicine project for the Houston and Amarillo APS areas. Telemedicine is an area of increased interest for the APS program as it involves the use of advanced telecommunications technologies for medical and mental health assessments. In 2005, APS will expand the use of teleconferencing and/or videoconferencing technologies to other areas in Texas to provide immediate medical and mental health assessments for clients who may not have such services in their community.

- ◆ APS worked with financial institutions to train bank tellers on how to recognize, report, and prevent financial exploitation and scams that target seniors. The program, known as Businesses Safeguarding Against Financial Exploitation (B-SAFE), is based on a similar program in Oregon.

- ◆ In conjunction with the May 2004 Elder Abuse Awareness Month, APS distributed a public service announcement to 100 TV stations. As of May 21, 2004, the public service announcement aired 232 times to an audience of more than 2 million Texans. Other activities included distribution of silver ribbons and flyers in utility bills, billboards, and senior fairs.

- ◆ APS worked with communities across the state to stock resource rooms with emergency items for APS clients. Supplies include detergent, bath soap, toilet paper, food, and gently used walkers, canes, and bathtub benches. In fiscal year 2004, several new coalitions were formed throughout the state. Dedicated APS staff continued to strengthen and build relationships with community partners such as financial institutions, animal protection agencies, retail stores, the postal service, Girl Scouts, and economic development boards. Progress continues in the development of local APS coalitions and boards that support the needs of APS clients.

- ◆ APS staff strengthened ties with law enforcement by distributing elder abuse awareness videos to South Texas law enforcement agencies that will be shown during police roll call. Training sessions were also held between APS and law enforcement agencies in Arlington, Corpus Christi, Houston, San Angelo, and San Antonio.



**I**f anything, DFPS workers are resourceful when it comes to helping our clients. And when they need help, they're usually not shy about turning to community resources.

On Feb. 5, 2004, Adult Protective Services staff in Abilene teamed up with volunteers from Adult Protective Services Partners, Inc. to install plastic sheeting on an APS client's windows to provide insulation in order to lower client's electric bill.

Jan Dagenhart (left), board member of APS Partners, Inc., said she enjoys helping clients because she thinks the more we help others, the better things are. "Any of us could be in that situation," she says. "In this world, we have to help each other. We have to give a piece of ourselves."

Donna Wittliff, (right) an APS worker in Abilene, appreciates help from community volunteers and is willing to go above and beyond the call of duty to help her clients in her spare time. "The people in Abilene are always willing to assist APS with our clients," says Wittliff. "One reason this client's electric bill was so high was due to a lack of insulation around the windows. The cost to replace the windows was prohibitive. I talked to APS Partners, and we decided to put plastic sheeting in the windows, as an alternative for insulation."

APS Partners, Inc. supports caseworkers as they meet immediate needs of elderly or disabled clients. Services include assistance with prescriptions, wheelchair ramps, home repairs, utilities, dental care, and eye care. The organization also supports a resource room where caseworkers have 24 hour access to donated items such as wheelchairs, walkers, grab bars, bathtub benches, and canes. APS Partners Inc. also has helped raise money and increase awareness of APS services and client needs.

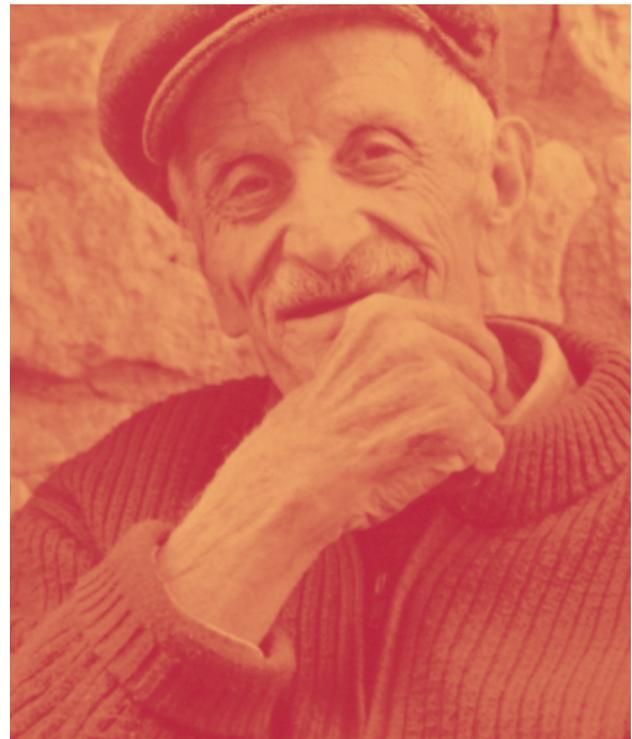
## APS Services

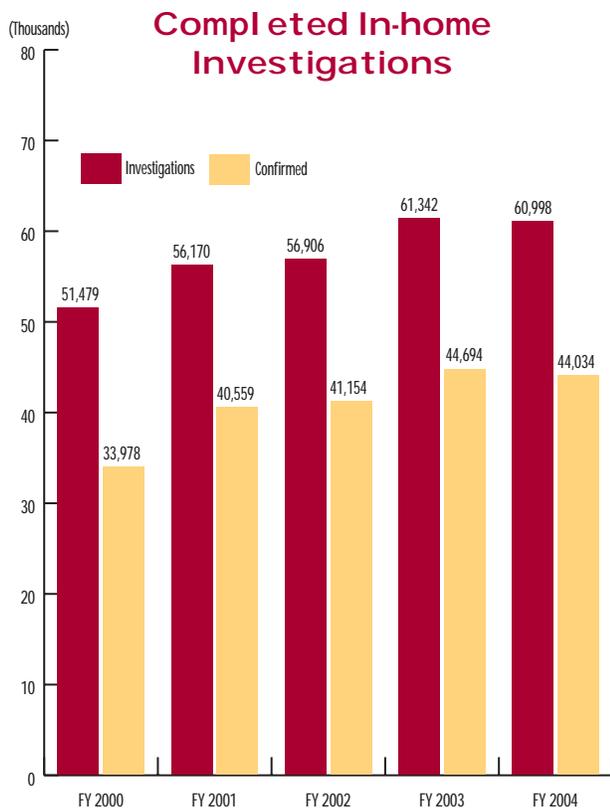
APS clients are adults who live in their own homes, in facilities regulated or operated by Mental Health Mental Retardation (MHMR), or in unregulated facilities. Three program areas serve APS clients: in-home investigations and services, MHMR investigations, and guardianship services.

Protecting people who are elderly or have disabilities continues to be a growing issue in Texas. Based on the 2000 Census of non-institutionalized people, Texans who are elderly or have disabilities make up about a quarter of the state's population. In 2004, more than 2.2 million Texans were age 65 and older, according to population projections. Nearly one out of five adults between the ages of 18 and 64 have a disability, and almost one-half of people over 65 have a disability. Many of these people live alone or are dependent on others for care.

## In-Home Investigations and Services

The largest APS program area is in-home investigations and services. The in-home program investigates allegations of abuse, neglect, and exploitation of the elderly or adults with disabilities. Specifically, APS works with vulnerable adults who reside in their own homes or in room-and-board homes not subject to licensure. APS also investigates alle-





gations of exploitation involving vulnerable 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 2004, APS completed 60,998 investigations of which 44,034 cases were confirmed cases of abuse, neglect, or exploitation. When maltreatment is confirmed, APS provides or arranges for emergency services to alleviate abuse, neglect, and exploitation.

APS may provide or arrange for 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 used to protect the well being of individuals when they cannot protect themselves. A guardian is court-appointed to make decisions on behalf of an incapacitated person. Guardians can be family members, county attorneys, banks, private attorneys, etc.

Photo by Rudy Gutierrez, Courtesy *The El Paso Times*



In 2004, several Adult Protective Services (APS) cases in El Paso and Tarrant County generated heightened concern and attention among members of the news media and elected officials. As a result, the governor called for the Texas Health and Human Services Commission (HHSC) to review and reform APS.

In August, Erica Molina of *The El Paso Times* profiled Marie Borrego (right) who was one of the APS caseworkers caught in the middle of the controversy. "I want (the public) to understand the people here are very committed and doing the absolute best they can," said Borrego in *The Times* article. "If they didn't care, they would not be here."

Borrego explained that in order to help clients, she must gain their trust over time. "It's not easy to just go into someone's house and say, 'I want to look at your place,'" Borrego said. "You have to have a manner about you that will allow you to develop a rapport."

One of the clients with whom she developed a good working relationship is Roy Holguin (left). Thanks to Borrego's help, he was able to regain his electrical service. "This agency is wonderful," said Holguin. "They put them in a bad light because of what happened. People do make mistakes, but they have a lot of people to take care of. Ms. Borrego is wonderful. ."

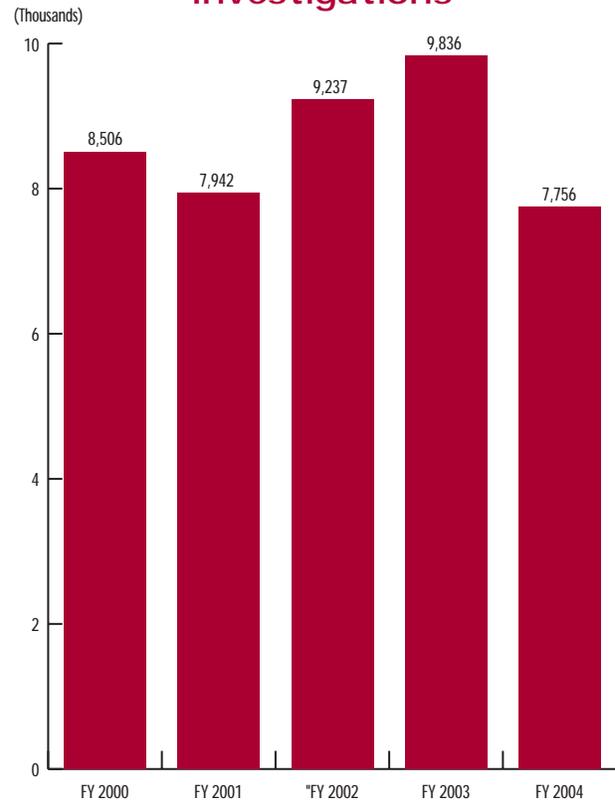
Borrego said that although her job was challenging, it was all worth it just to see people's problems solved. "When the black eyes are gone and ...they are smiling, it makes all the difference."



**W**hen his doctors told him he would be living out his life in hospice care due to emphysema, diabetes, kidney disease, and cellulitis in both legs, William Jones of Brownwood knew he was facing a challenging future. Although he knew his medical conditions were serious, Mr. Jones also wanted a say in how he was being treated. “Angie Medina, my case-worker, became an advocate for me and spoke on my behalf to the doctors,” says William. “APS does good things and they helped me.”

When William went into hospice care, doctors gave him three to six months to live. He’s hoping to beat the odds. “I’m just tickled pink to be home with my dog, Chester.”

## Completed MHMR Investigations



Guardianship duties may include managing a person’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 children aging out of the CPS system who have severe disabilities. APS may also seek guardianship of adults who are incapacitated and victims of abuse, neglect, or exploitation.

APS guardianship, which may be provided directly or through contracts with local entities, is 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 2004, APS directly provided 584 guardianships and contracted for an additional 184.

### **Mental Health Mental Retardation (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; and
- ◆ Facility and community center contractors, including home and community-based waiver programs.

During 2004, APS completed 7,756 investigations in MHMR settings. ❀



**L**inda Evans (right) of May, Texas has known about Adult Protective Services for many years. When she was younger and working as a home health care worker, she contacted APS because of an elderly client living in a state of self-neglect. She never expected that some day she would find herself in a similar situation. "I'm living on disability and needed help, so I called the 1-800 number," she says.

APS worker Joseph King (left) was assigned the case and was able to get her the medical attention she needed. Ms. Evans is glad that Joseph and APS were there to help. "Joseph has been so kind and helpful. He kept me informed every step of the process and checked on me to make sure I was okay. And I'm just so grateful Adult Protective Services was there for me."