

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
- Provision or arrangement of services needed to prevent or alleviate maltreatment
- Responsibility for provisions or arrangement of guardianship services for incapacitated adult victims of abuse, neglect and/or exploitation
- 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
- 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 revisions to rules, handbooks and operating procedures, as well as close monitoring of changes in processes that occur due to the division of MHMR programs among new state agencies
- Systematic reform of the APS program including the implementation of corrective actions identified by HHSC and anticipated relevant statutory changes that may likely occur during the 79th legislature
- Transition of the operation of the APS guardianship program to DADS that was directed by HHSC and will likely be statutorily mandated by the 79th legislature
- 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
- Revision of entry-level curriculum, use of distance learning, and on-the-job training opportunities to increase staff knowledge and performance
- Enhance and develop community resources in an effort to increase awareness of abuse, neglect and exploitation and to address increasing needs of APS consumers
- Hiring and maintaining a skilled workforce while the availability of caseworkers and specialized geriatric social work training is not keeping pace with the ever-increasing number of older Americans

Fiscal Year 2004 Staffing and Projected Expenditures

APS Staff Costs \$26,187,666

500 Direct Delivery (supervisors, workers, clerical)
545 Total Staff

Purchased Services \$3,873,295

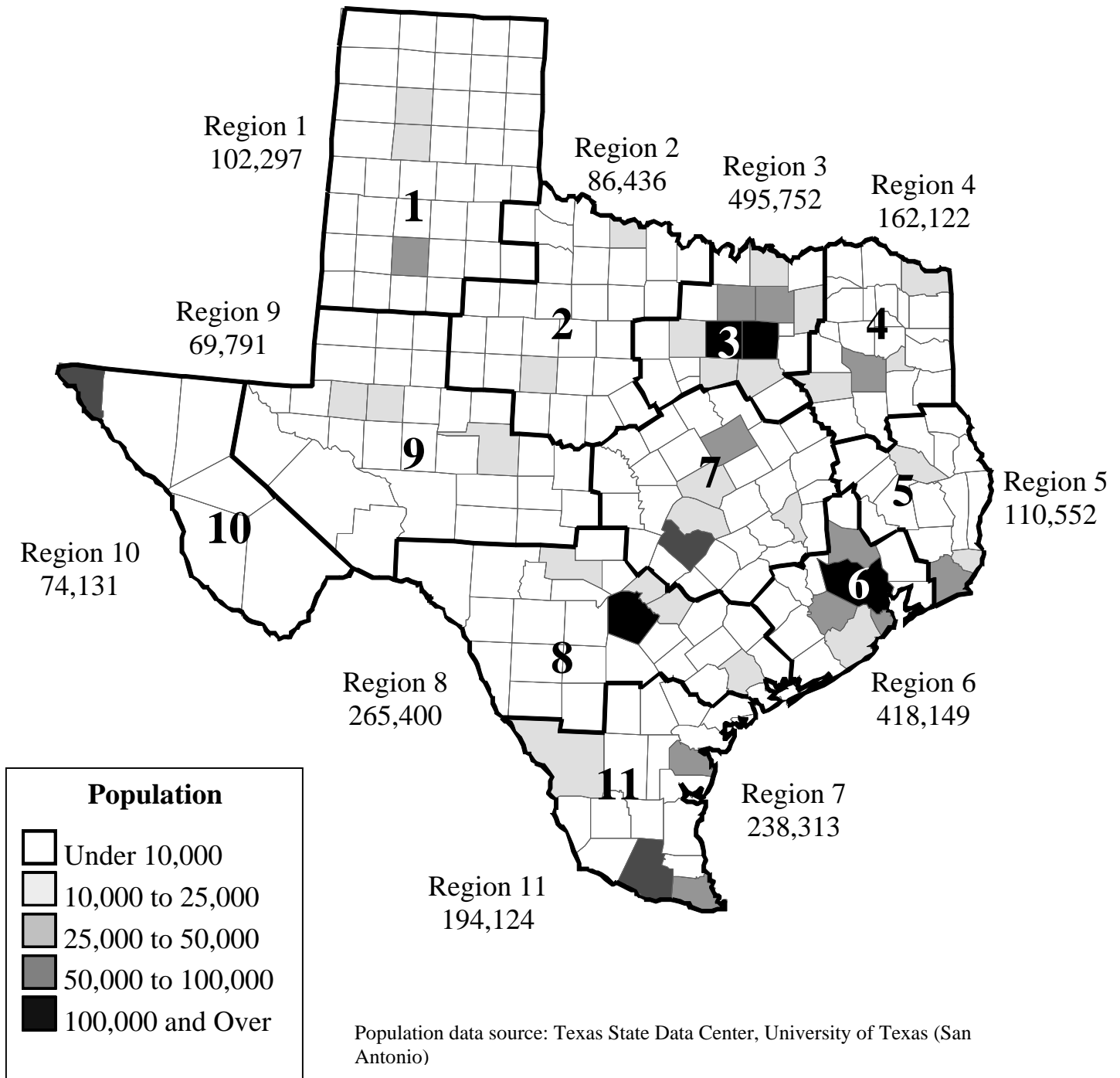
- Emergency Client Services
- Emergency shelter
- Nutrition/Food
- Personal needs
- Medical Supplies
- Guardianship Contracts
- . . and many more

MHMR Investigations Staff Costs (all settings) \$4,630,295

87 Direct Delivery (supervisors, workers, clerical)
94 Total Staff

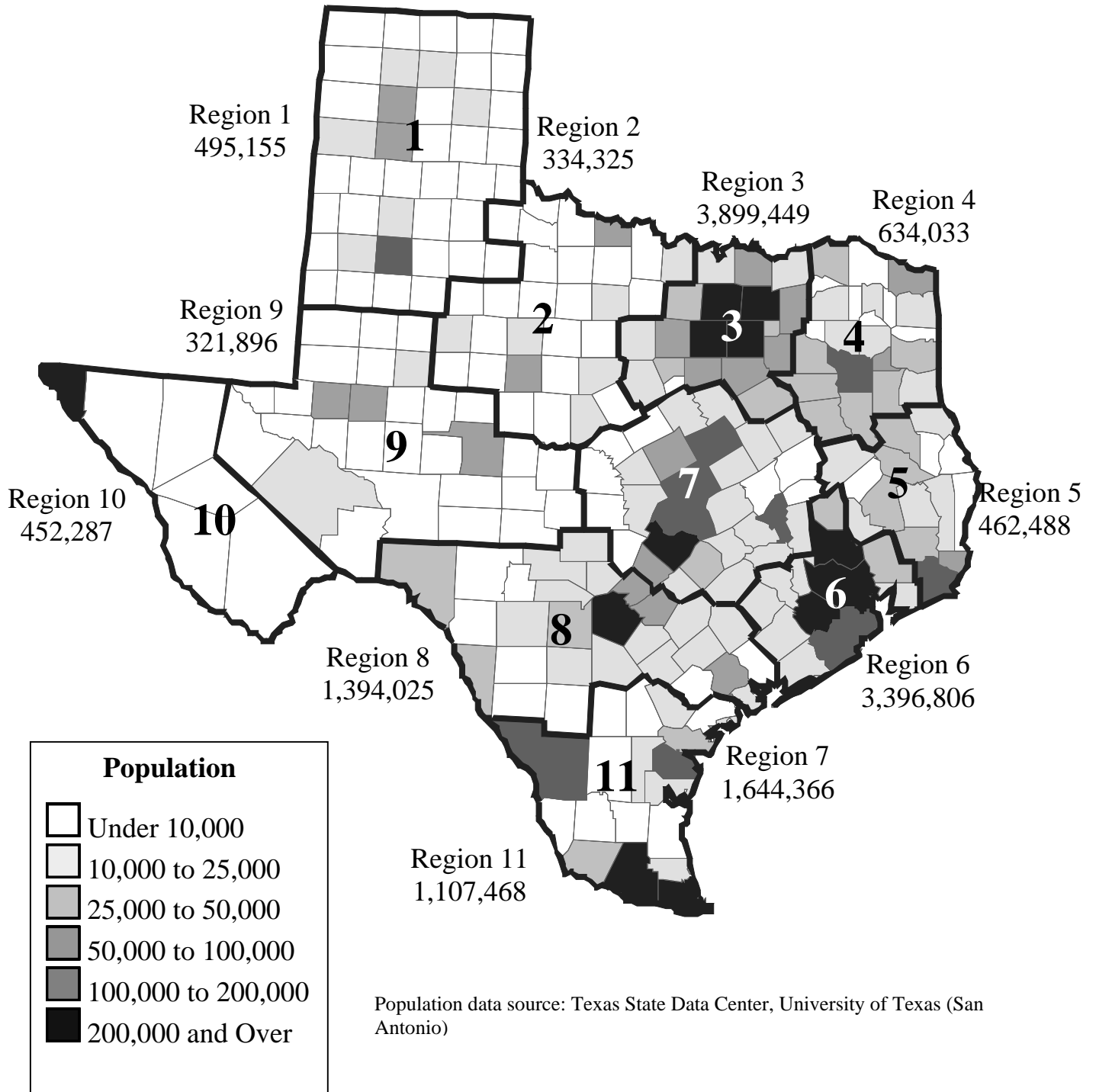
Texas Adult Population Ages 65 and Over by County Fiscal Year 2004

State Total: 2,217,067

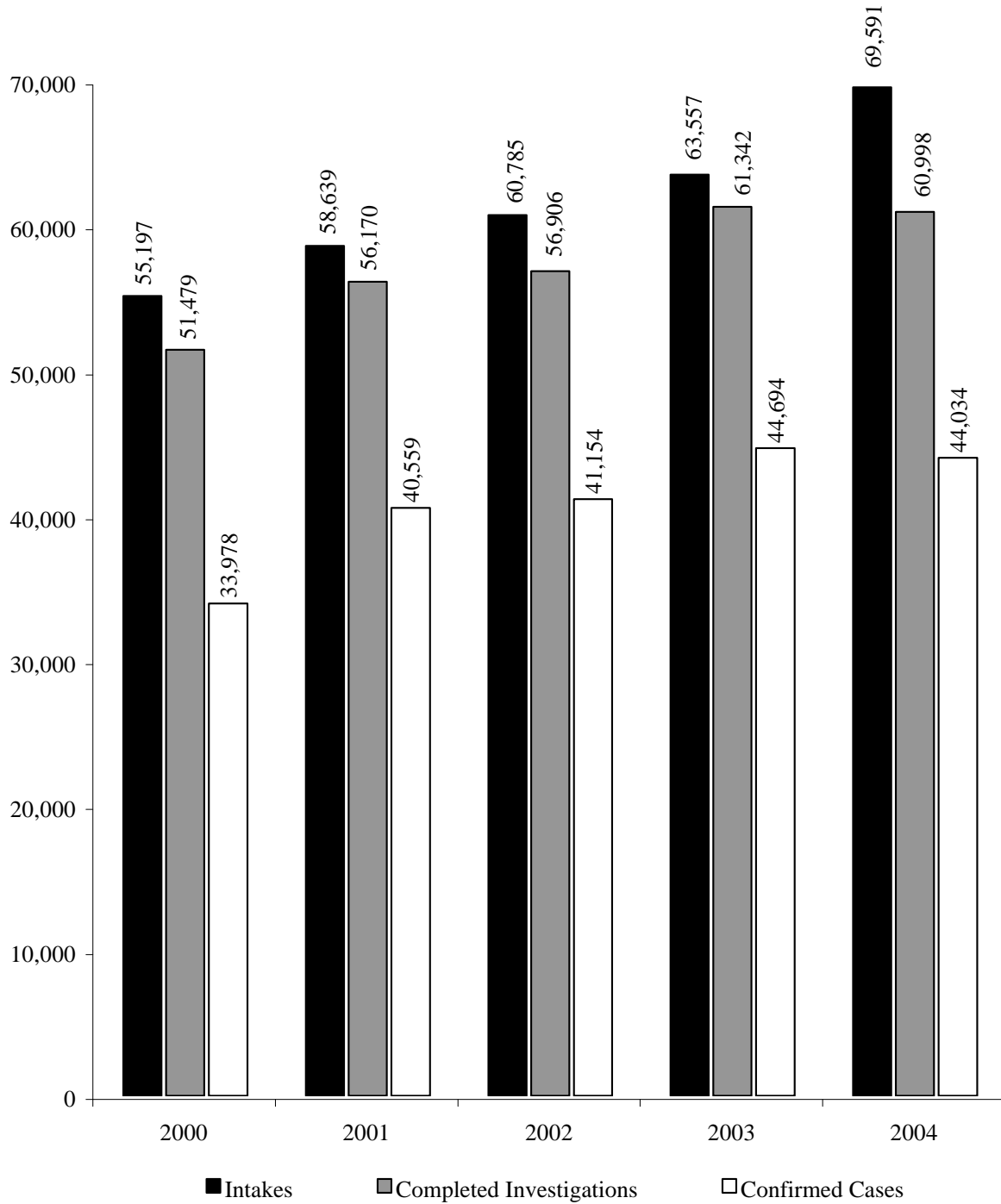


Texas Adult Population Ages 18 to 64 by County Fiscal Year 2004

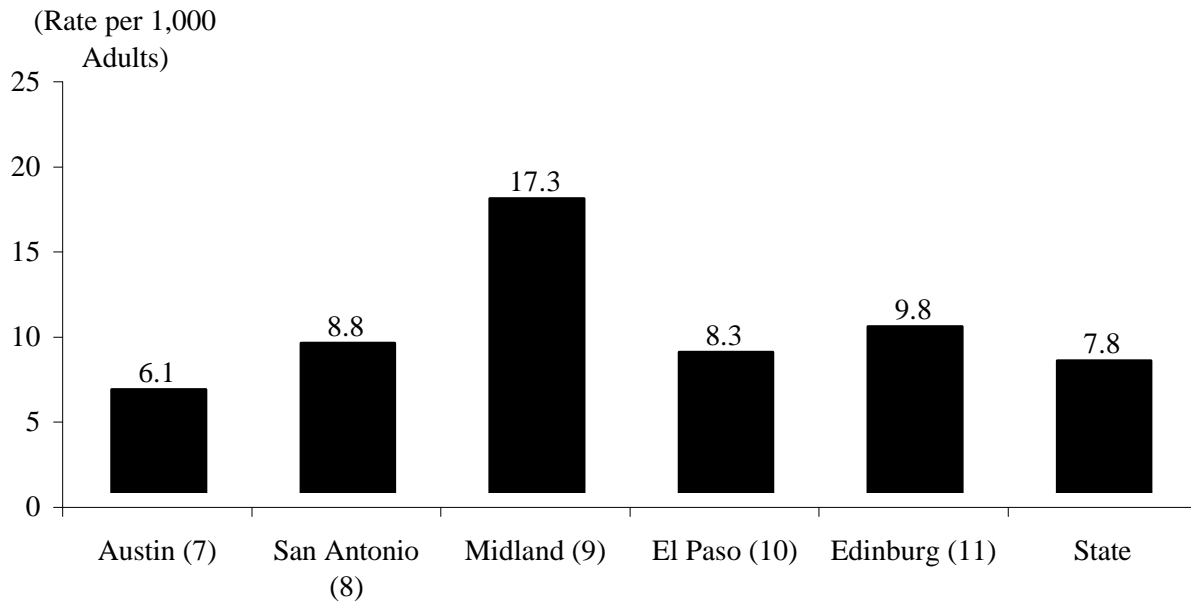
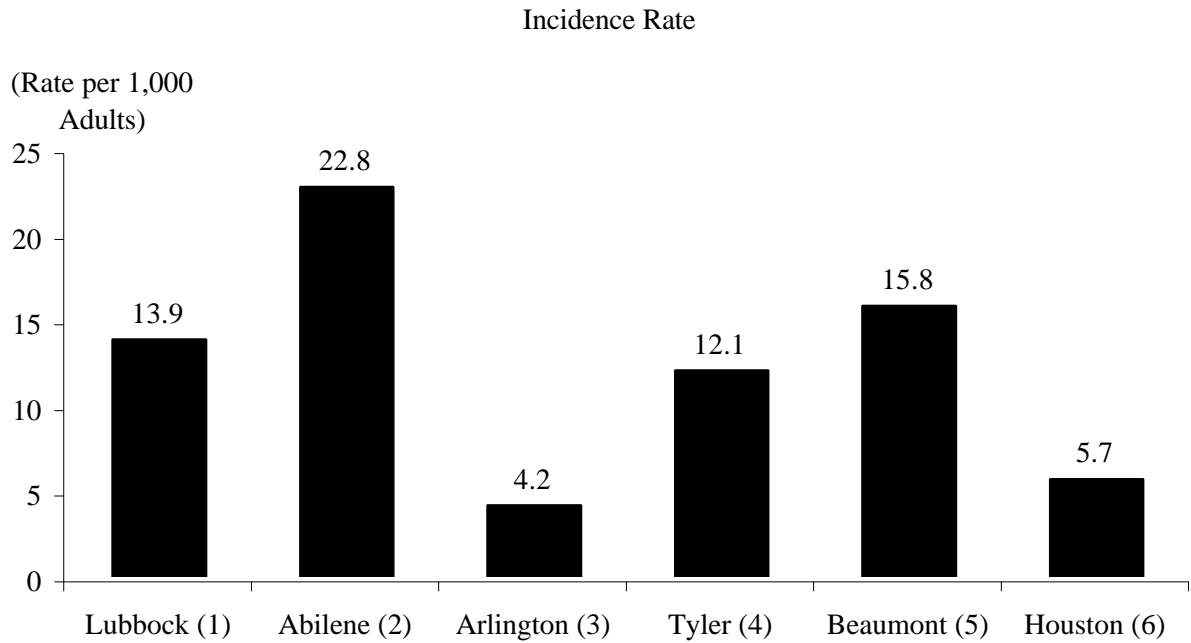
State Total: 14,142,298



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

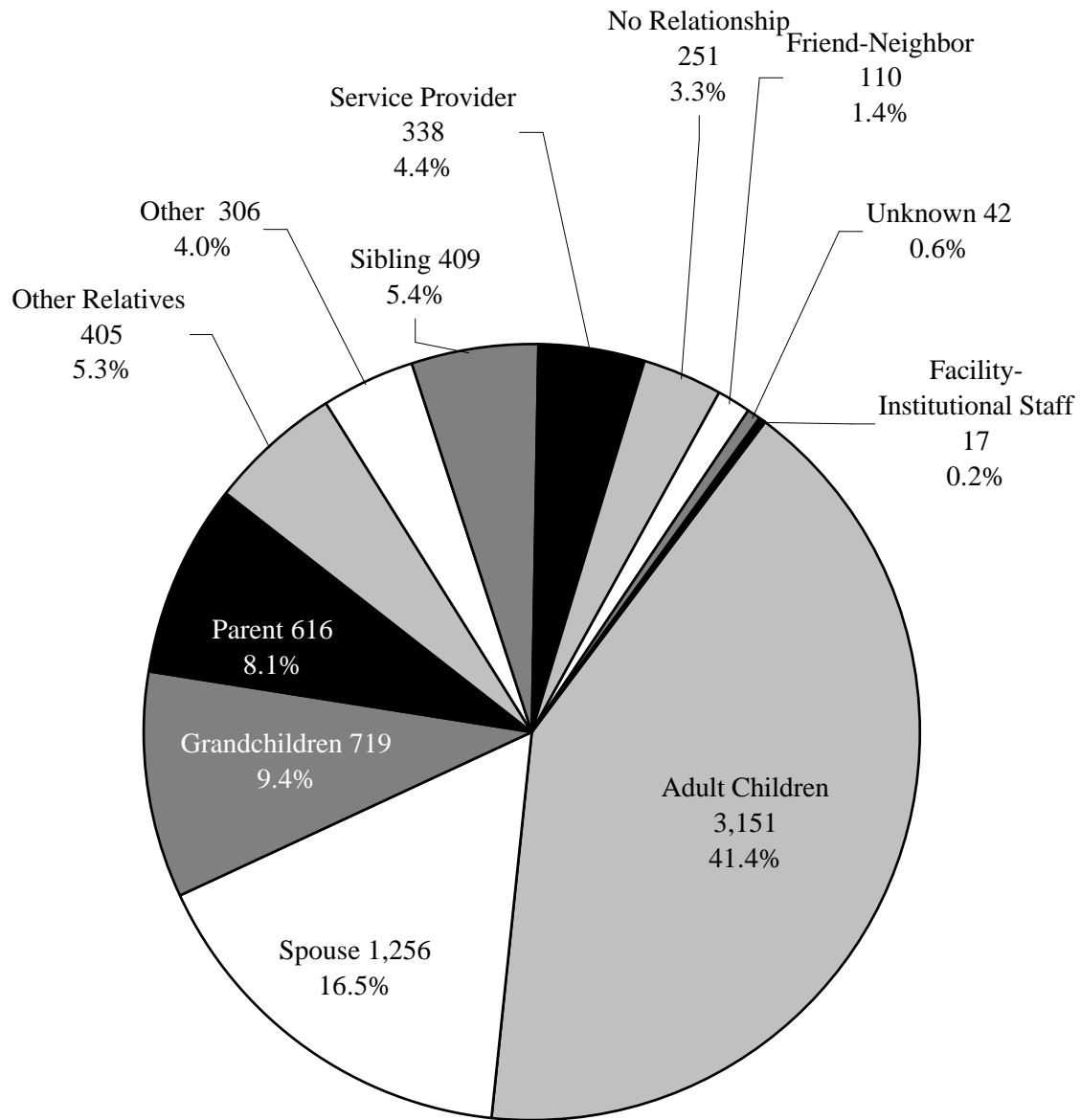


Incidence of Maltreatment per 1,000 Adults in Texas Adult Population by Region Fiscal Year 2004



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

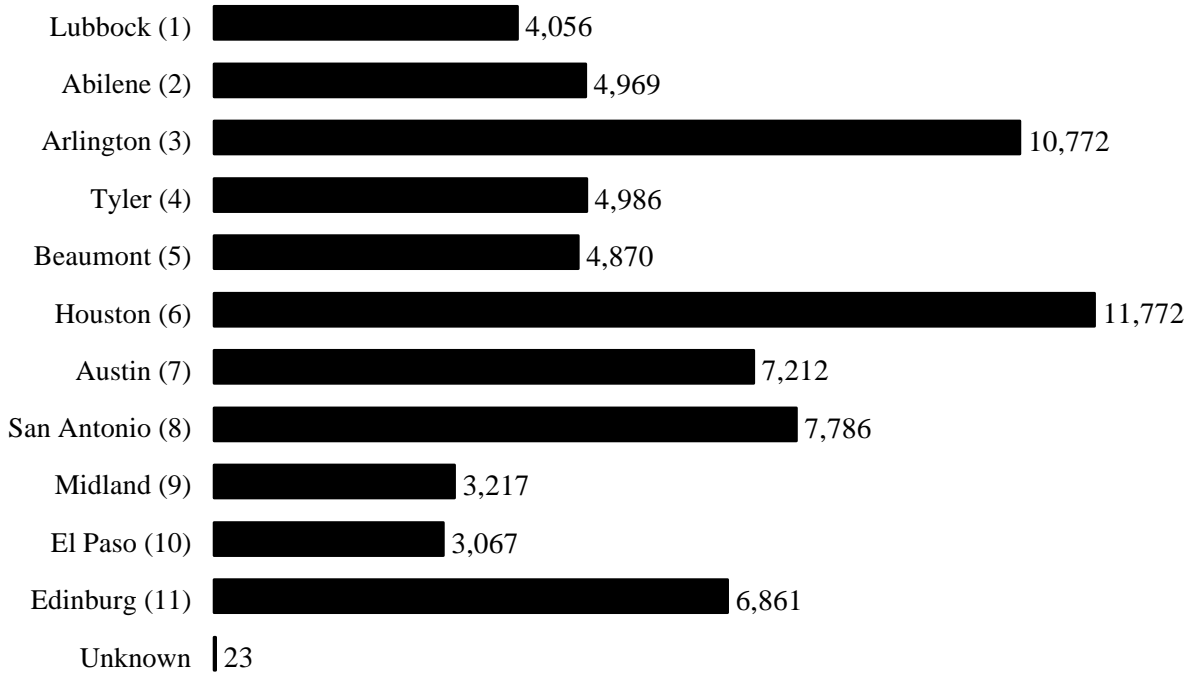
Perpetrators in Confirmed In-Home Cases Fiscal Year 2004



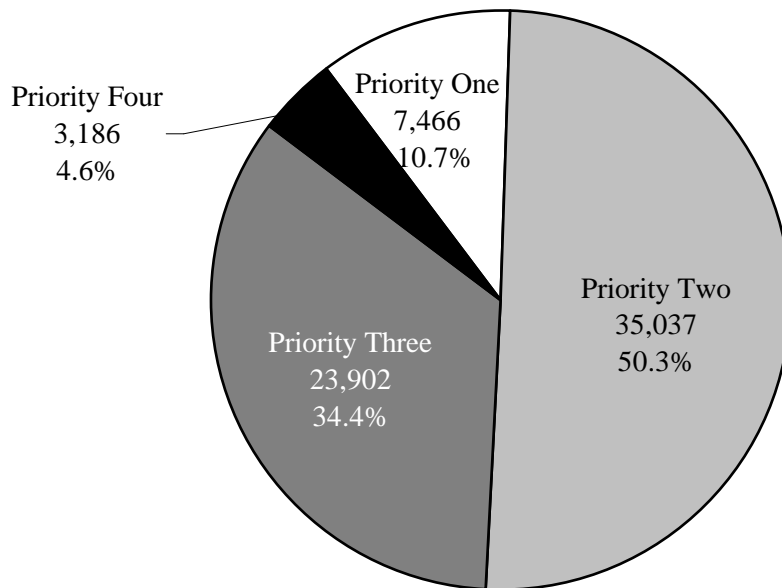
Note: Each victim may have more than one perpetrator at the end of the investigation.

APS In-Home Intake Reports by Region Fiscal Year 2004

State Total: 69,591



APS Intake Reports by Priority Fiscal Year 2004

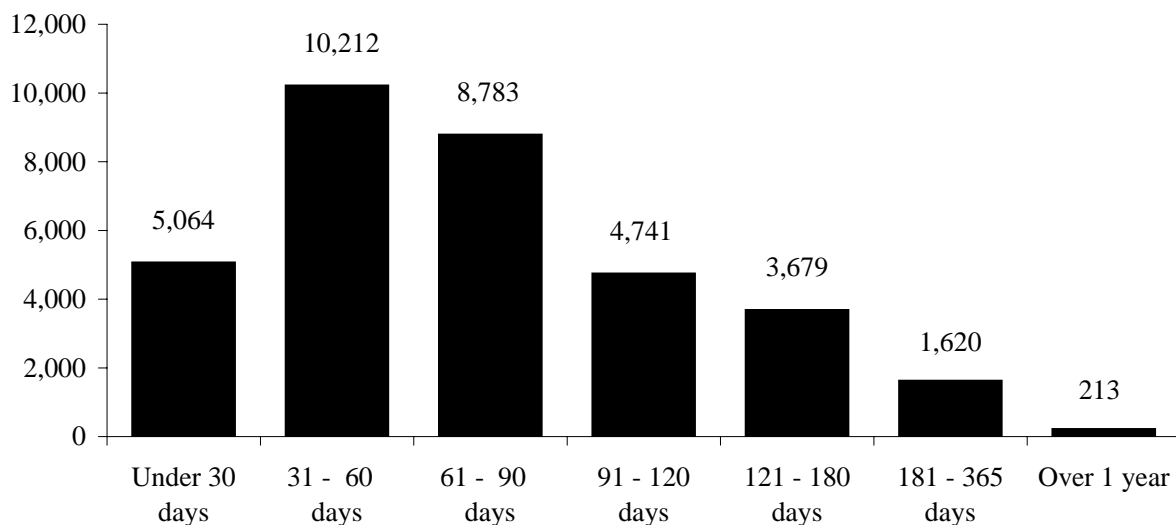


APS In-Home Intake Reports by Source Fiscal Year 2004

Sources	Number	Percent
Anonymous	2,610	3.7%
Physician	565	0.8%
Family Member	13,816	19.4%
Friend-Neighbour	4,583	6.4%
Healthcare Provider	9,947	14.0%
Law Enforcement	3,037	4.3%
Mental Health Worker	1,143	1.6%
Institutional Staff	231	0.3%
Nurses	2,088	2.9%
Other	8,017	11.3%
Paid Caregivers	5,497	7.7%
Public Employee	1,726	2.4%
Psychologists	72	0.1%
Social Services Staff	7,596	10.7%
Self	10,234	14.4%
State Total	71,162	100.0%

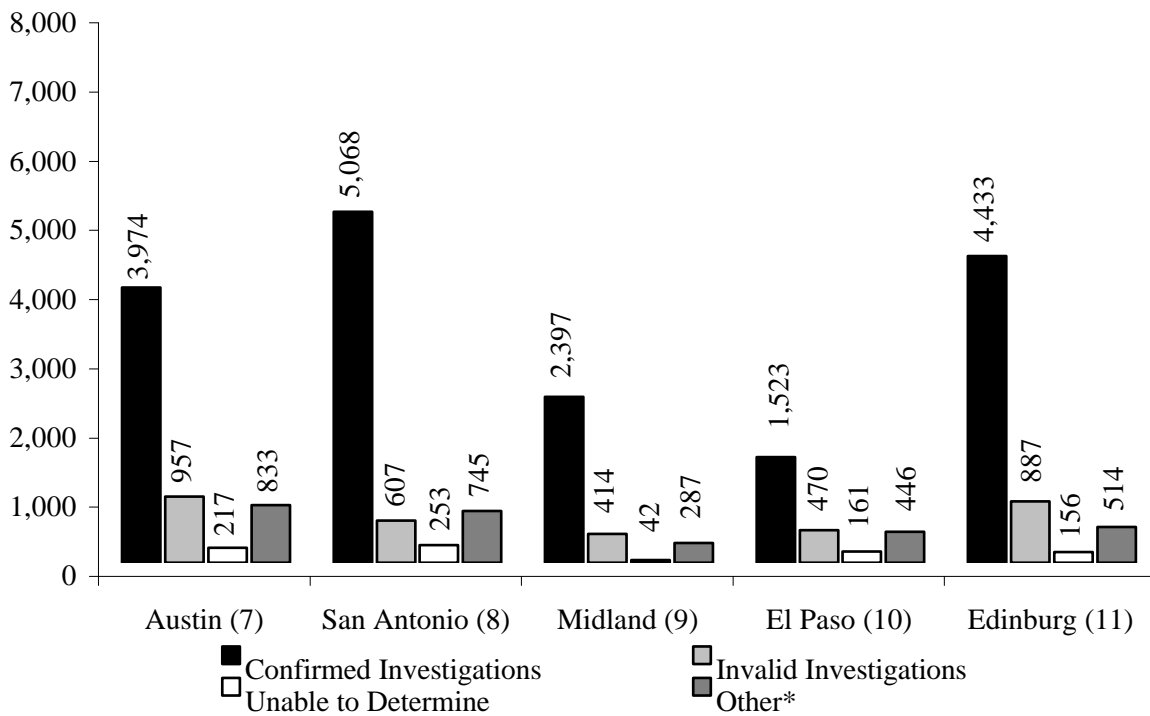
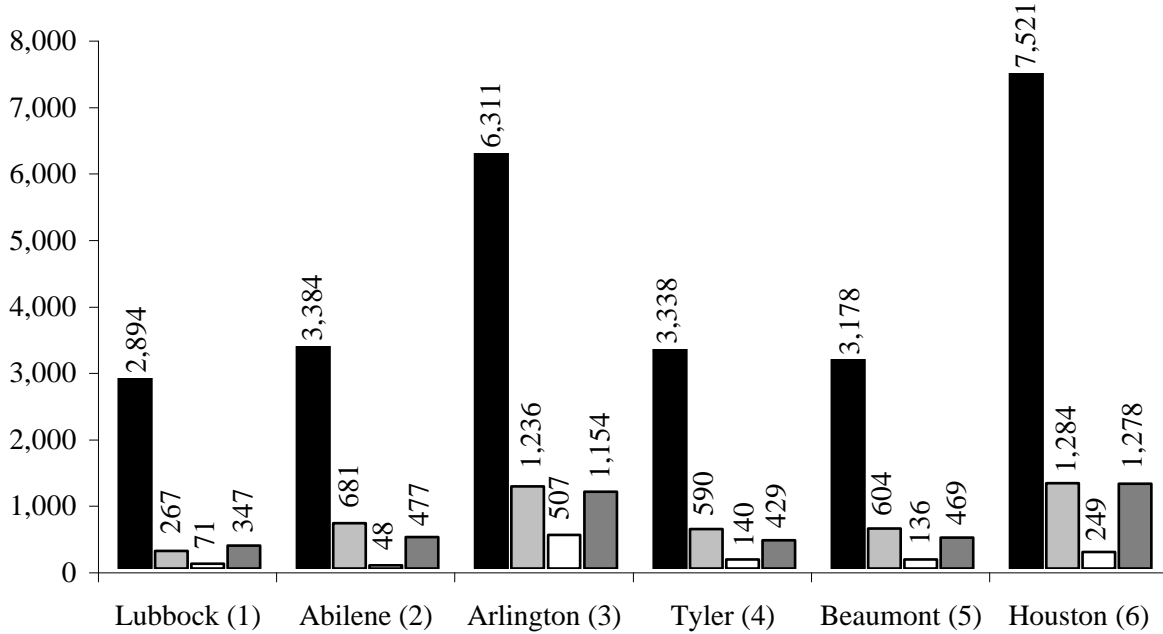
Note: Reports of Abuse/Neglect situations may come from multiple sources.

Duration of APS Service Delivery Cases Closed During Fiscal Year 2004



Completed APS In-Home Investigations by Region for Fiscal Year 2004

State Total: 60,998



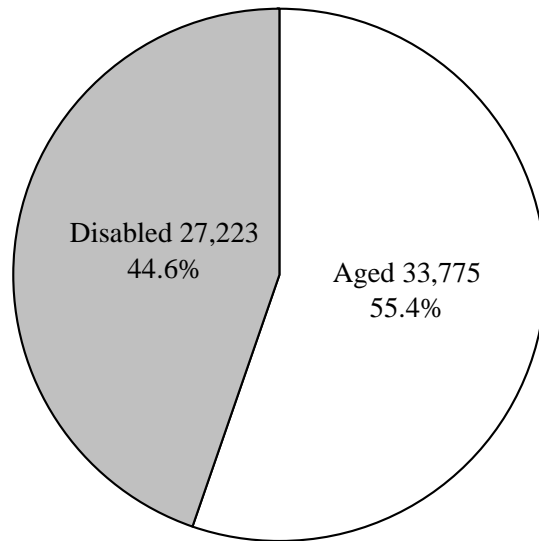
* "Other" category refers to those investigations that workers could not complete for some reason, e.g. clients died or cases were misclassified.

Note: 21 investigations had an "unknown" region.

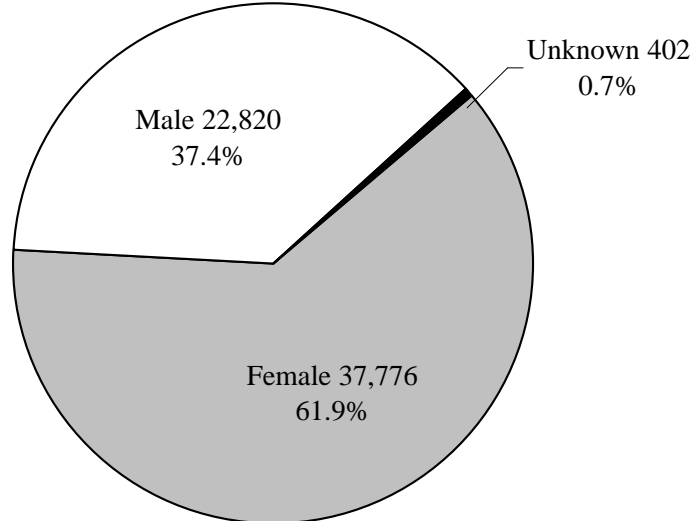
Characteristics of APS In-Home Clients in Completed Investigations Fiscal Year 2004

State Total: 60,998

Age and Disability

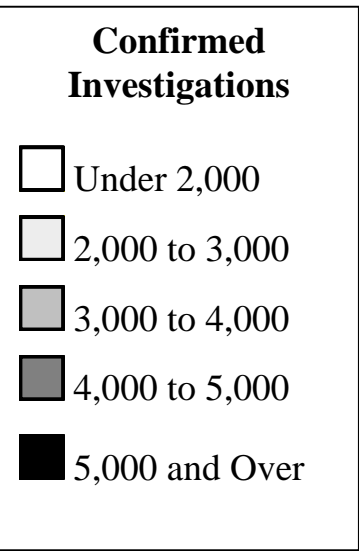
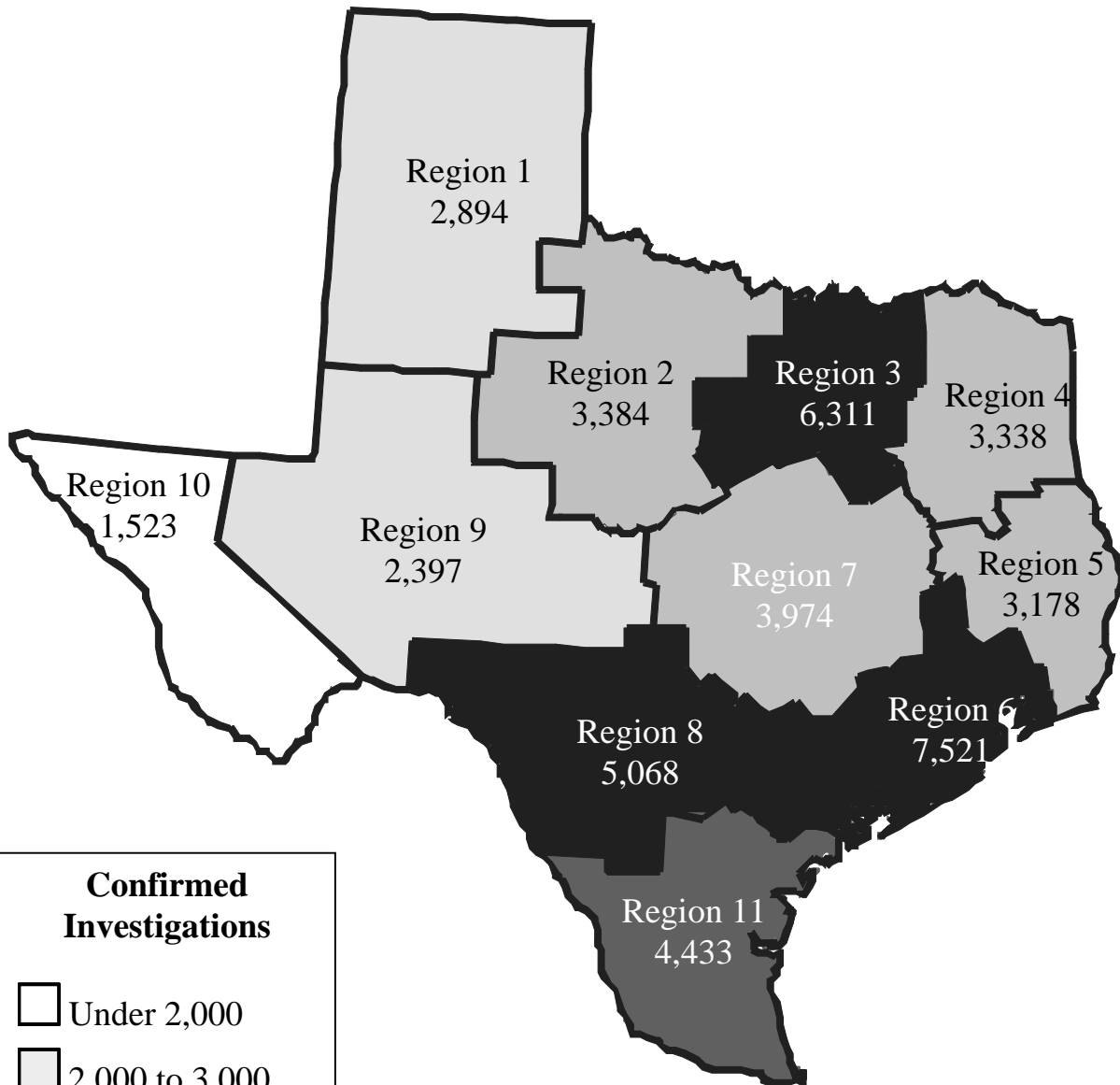


Gender



APS Confirmed In-Home Investigations by Region Fiscal Year 2004

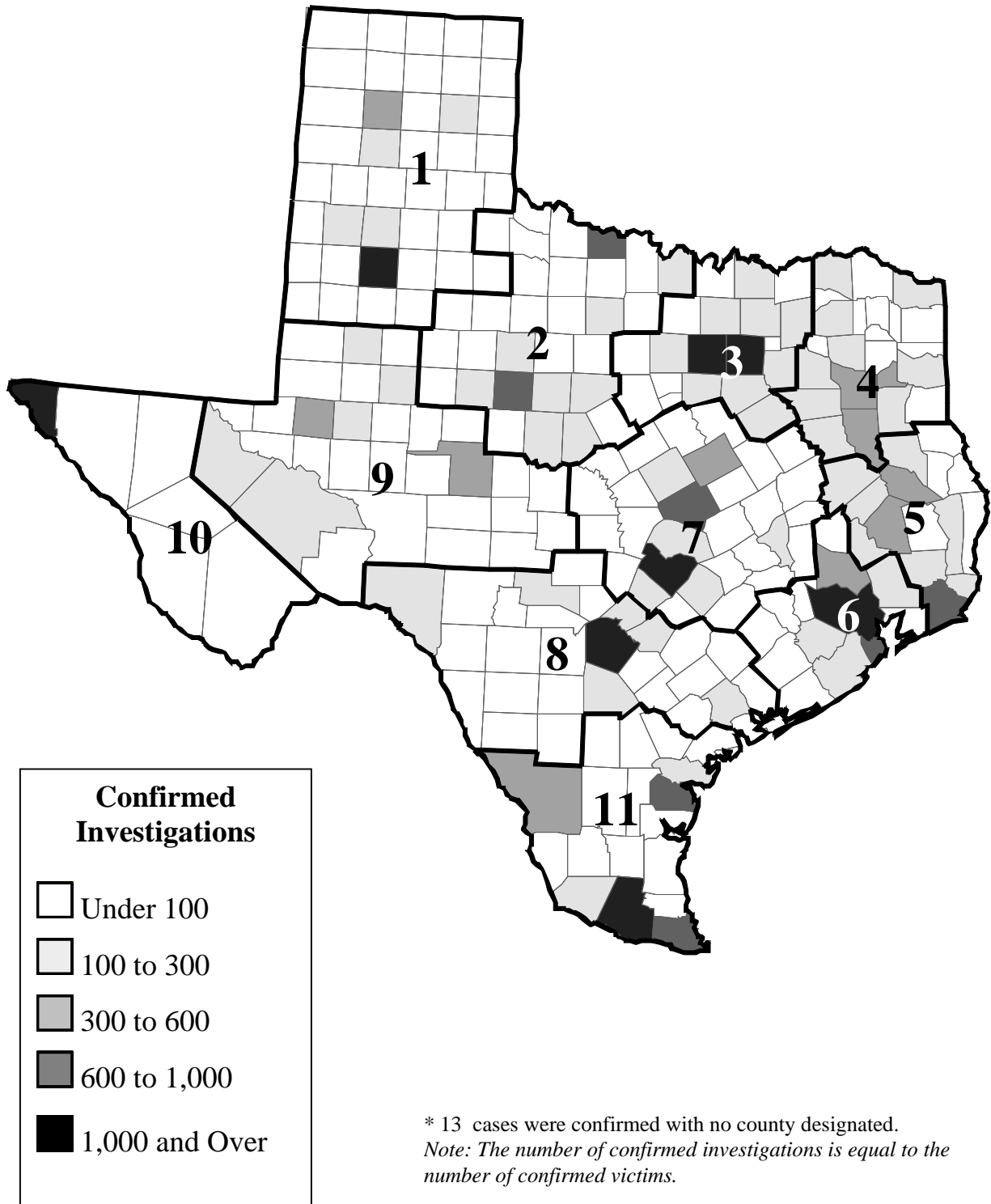
State Total: 44,034*



* 13 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 2004

State Total: 44,034*



Ethnicity of APS Clients in Completed In-Home Investigations Fiscal Year 2004

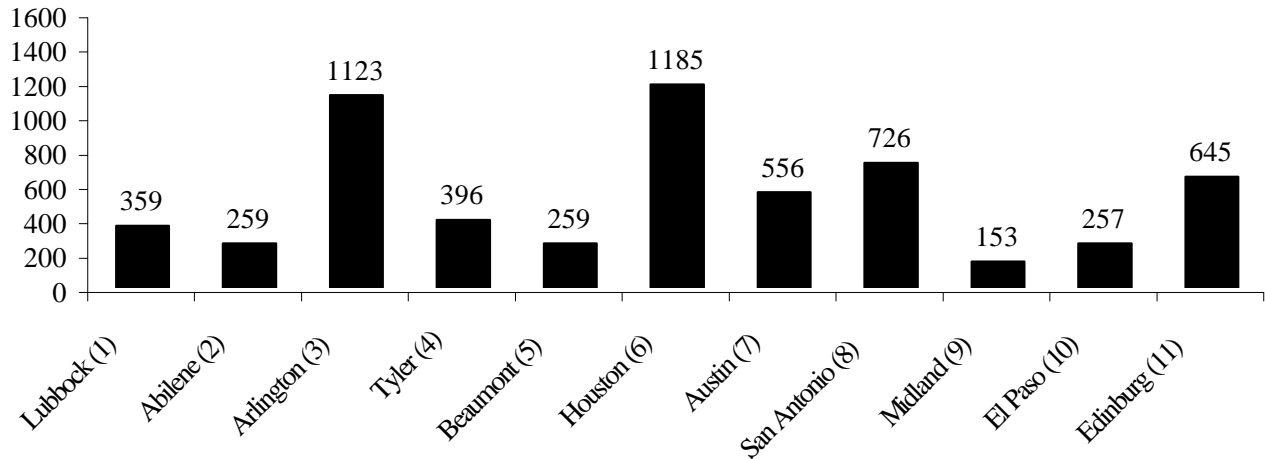
Region	Anglo	African American	Hispanic	Native American	Asian	Other	Total
Lubbock (1)	1,656	614	813	5	6	485	3,579
Abilene (2)	2,811	497	575	19	13	675	4,590
Arlington (3)	4,902	2,047	506	20	40	1,693	9,208
Tyler (4)	2,452	1,214	65	7	1	758	4,497
Beaumont (5)	2,251	1,437	78	3	5	613	4,387
Houston (6)	4,065	3,295	1,085	17	65	1,805	10,332
Austin (7)	3,124	1,319	666	9	26	837	5,981
San Antonio (8)	2,372	677	2,627	4	16	977	6,673
Midland (9)	1,308	341	1,102	9	2	378	3,140
El Paso (10)	543	93	1,580	5	20	359	2,600
Edinburg (11)	1,091	174	3,924	8	7	786	5,990
Unknown	7	2	8	0	0	4	21
State Total	26,582	11,710	13,029	106	201	9,370	60,998

Allegations in Confirmed APS In-Home Investigations Fiscal Year 2004

Allegation	Number of Allegations	Percentage
Emotional/Verbal Abuse	1,965	4.5%
Exploitation	1,665	3.8%
Medical Neglect	5,837	13.3%
Mental Health Neglect	1,758	4.0%
Physical Abuse	2,859	6.5%
Physical Neglect	29,301	66.5%
Suicidal Threat	420	1.0%
Sexual Abuse	229	0.5%
State Total	44,034	100.0%

APS Victims of Family Violence in Confirmed Investigations for Fiscal Year 2004

State Total: 5,918

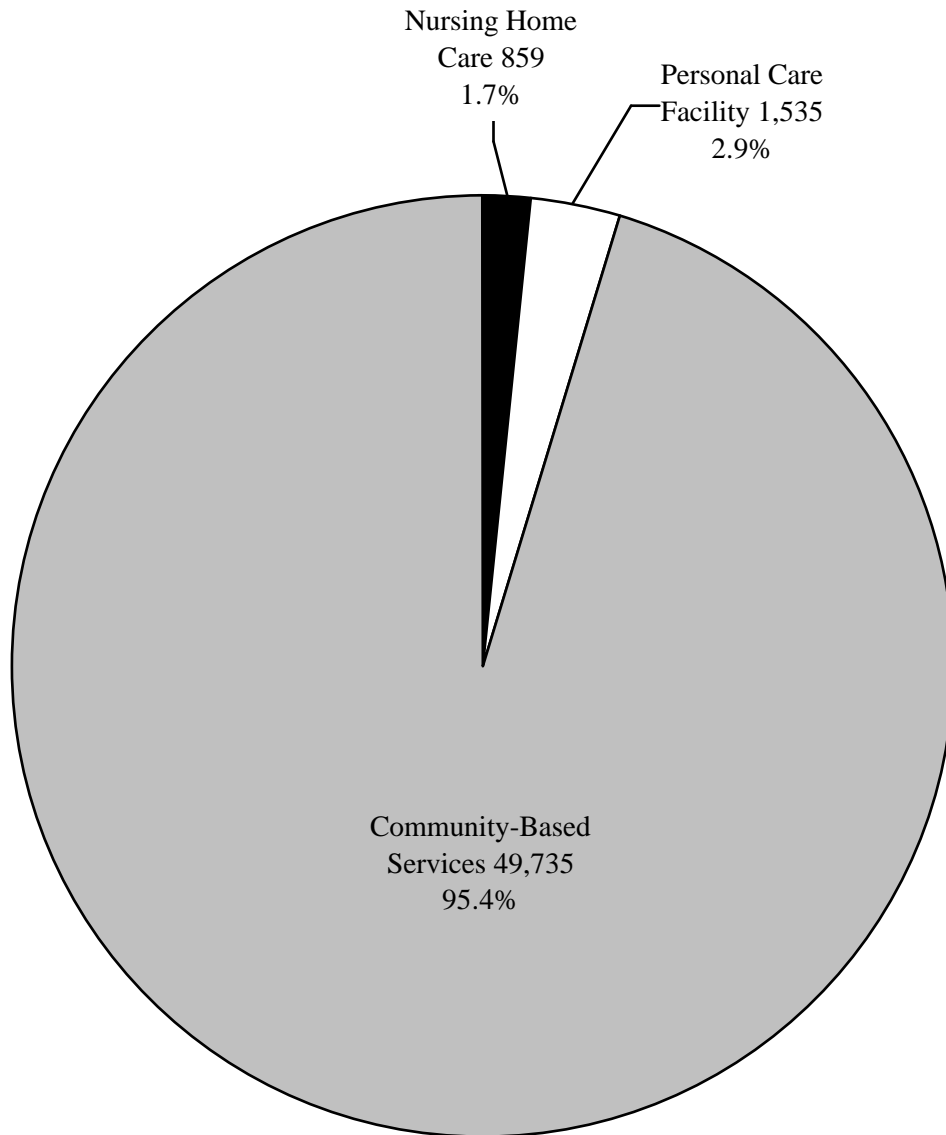


Services Delivered in In-Home Cases by Region Fiscal Year 2004

Region	Rent/ Utilities Restoration	Social Services	Guardianship/ Legal Services	Health Services	Emergency Shelter & Placement	Other	Total
Lubbock (1)	666	2,103	40	586	7	571	3,973
Abilene (2)	716	1,968	53	959	2	609	4,307
Arlington (3)	337	3,797	198	2,400	39	970	7,741
Tyler (4)	533	2,683	24	792	8	445	4,485
Beaumont (5)	420	2,089	27	655	9	421	3,621
Houston (6)	600	5,222	152	1,395	16	950	8,335
Austin (7)	424	2,957	55	1,007	16	425	4,884
San Antonio (8)	168	4,069	51	750	7	585	5,630
Midland (9)	370	1,507	10	496	4	328	2,715
El Paso (10)	38	635	34	252	2	224	1,185
Edinburg (11)	174	3,429	35	1,013	11	543	5,205
Other	5	25	1	10	0	7	48
State Total	4,451	30,484	680	10,315	121	6,078	52,129

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 2004



Average Length of In-Home Investigations by Region Fiscal Year 2004

Region	Days
Lubbock (1)	39.3
Abilene (2)	23.0
Arlington (3)	36.9
Tyler (4)	33.9
Beaumont (5)	27.6
Houston (6)	32.8
Austin (7)	37.8
San Antonio (8)	38.9
Midland (9)	27.5
El Paso (10)	61.7
Edinburg (11)	41.5
Unknown Region	30.9
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State Average	35.7

Average Worker Tenure in APS In-Home Program Fiscal Year 2004

Tenure	Workers	Percentage
Under 1 Year	54	16.9%
1 Year	25	7.8%
2 Years	48	15.0%
3 Years	29	9.1%
4 Years	27	8.4%
5 Years	18	5.6%
6 - 9 years	72	22.5%
10 - 21 years	47	14.7%
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State Total	320	100.0%

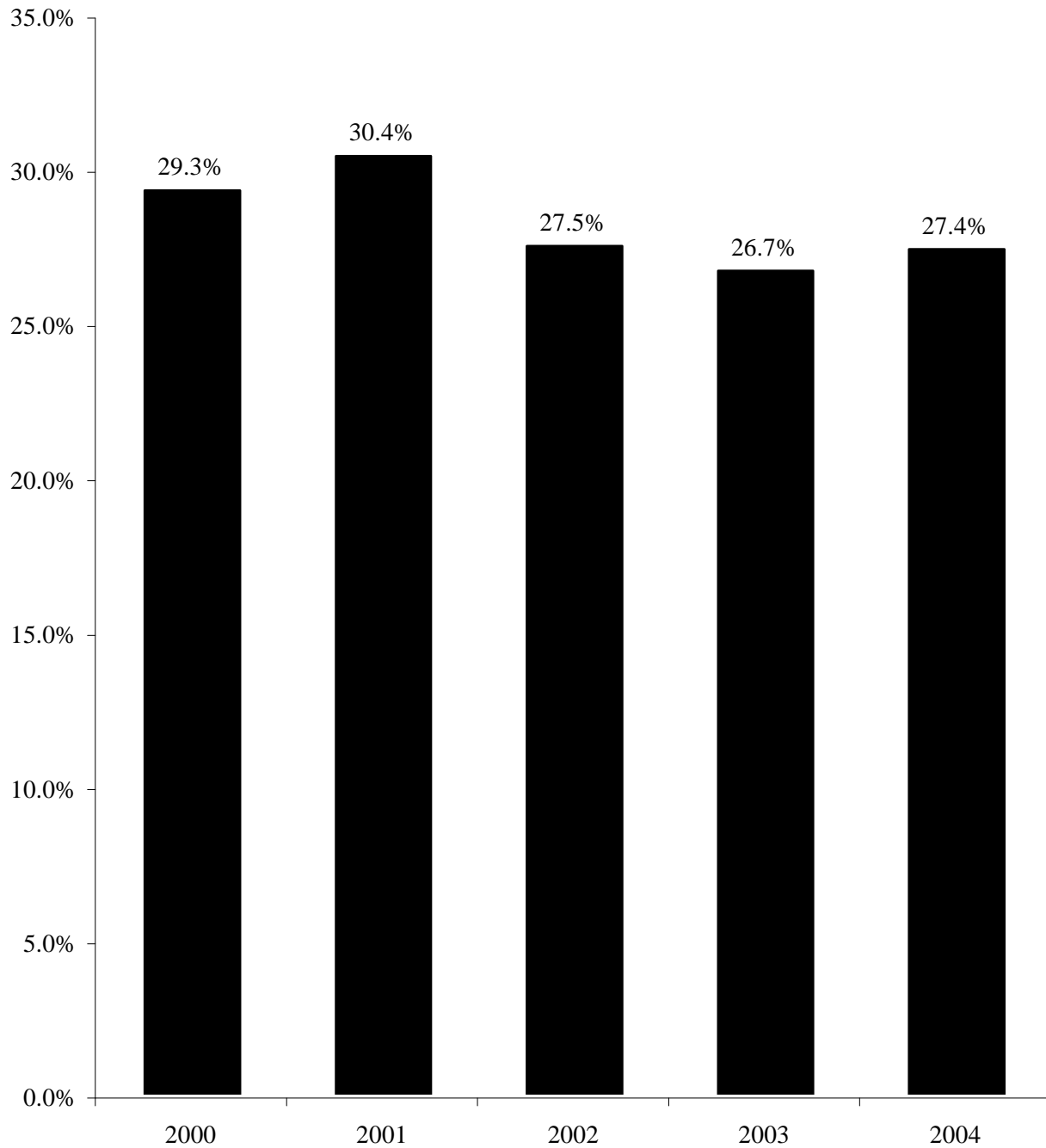
Characteristics of Perpetrators in Confirmed APS In-Home Investigations

Fiscal Year 2004

State Total: 7,592

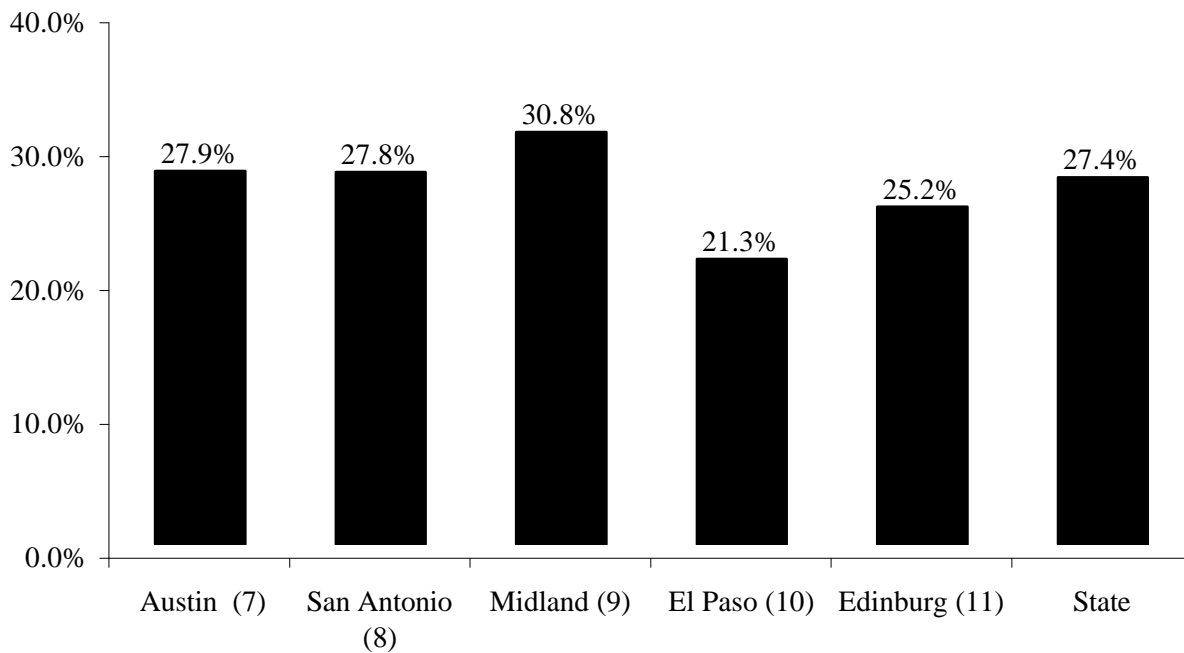
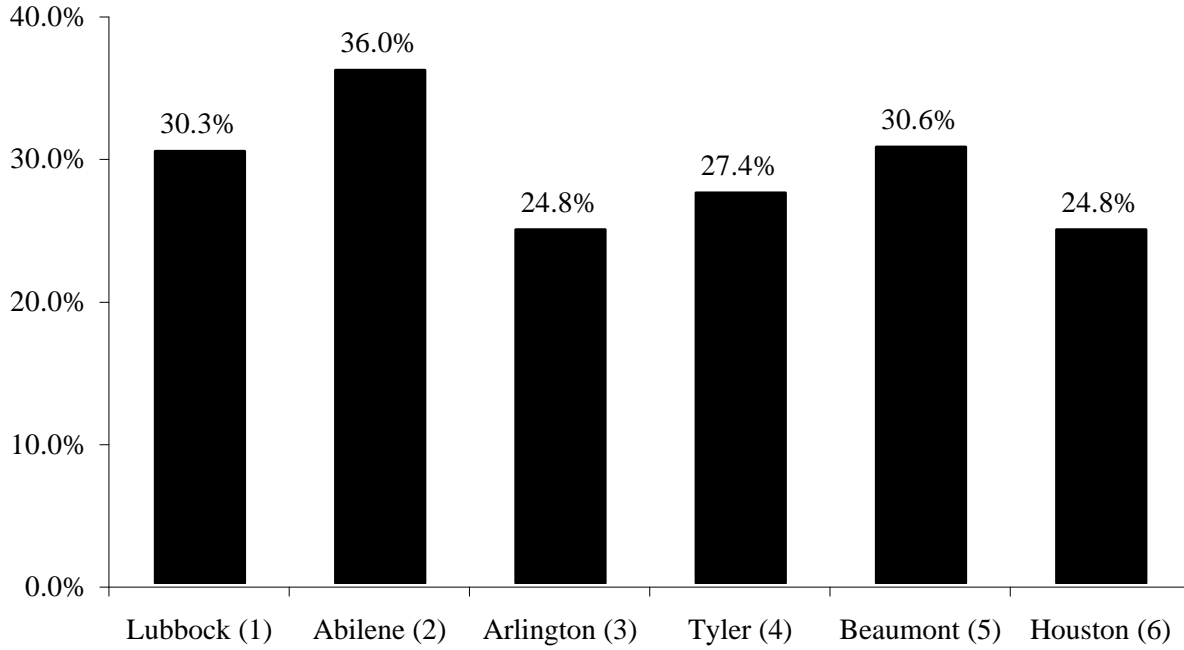
Characteristic	Female		Male		Unknown		Total		
	N	%	N	%	N	%	N	%	
Age									
Under 18	218	2.9%	206	2.7%	3	0.0%	427	5.6%	
18-25	307	4.0%	307	4.0%	5	0.1%	619	8.2%	
26-35	557	7.3%	468	6.2%	14	0.2%	1,039	13.7%	
36-45	969	12.8%	909	12.0%	16	0.2%	1,894	24.9%	
Over 45	1,682	22.2%	1,861	24.5%	24	0.3%	3,567	47.0%	
Unknown	15	0.2%	20	0.3%	11	0.1%	46	0.6%	
Marital Status									
Married	988	13.0%	1,168	15.4%	11	0.1%	2,167	28.5%	
Widowed	89	1.2%	31	0.4%	1	0.0%	121	1.6%	
Separated	101	1.3%	87	1.1%	0	0.0%	188	2.5%	
Divorced	281	3.7%	201	2.6%	1	0.0%	483	6.4%	
Single	345	4.5%	424	5.6%	3	0.0%	772	10.2%	
Unknown	1,740	22.9%	1,648	21.7%	56	0.7%	3,444	45.4%	
N/A (Under 18)	204	2.7%	212	2.8%	1	0.0%	417	5.5%	
Ethnicity									
Anglo	1,384	18.2%	1,533	20.2%	7	0.1%	2,924	38.5%	
African American	676	8.9%	506	6.7%	6	0.1%	1,188	15.6%	
Hispanic	803	10.6%	838	11.0%	2	0.0%	1,643	21.6%	
Native American	4	0.1%	4	0.1%	0	0.0%	8	0.1%	
Asian	8	0.1%	7	0.1%	0	0.0%	15	0.2%	
Other	873	11.5%	883	11.6%	58	0.8%	1,814	23.9%	
Total Perpetrators	3,748	49.4%	3,771	49.6%	73	1.0%	7,592	100.0%	

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.

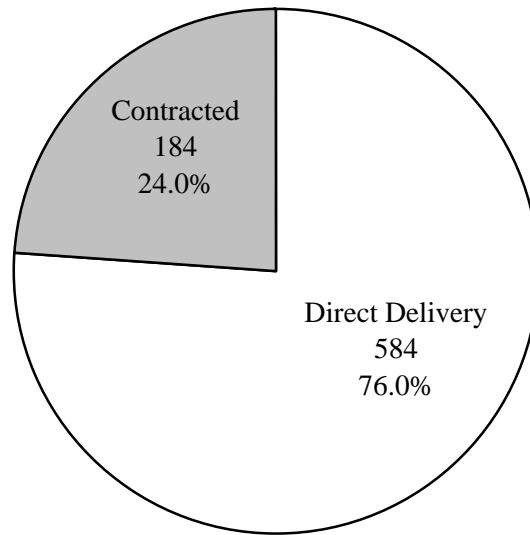
Recidivism* of APS In-Home Cases by Region Fiscal Year 2004



* 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, 2004

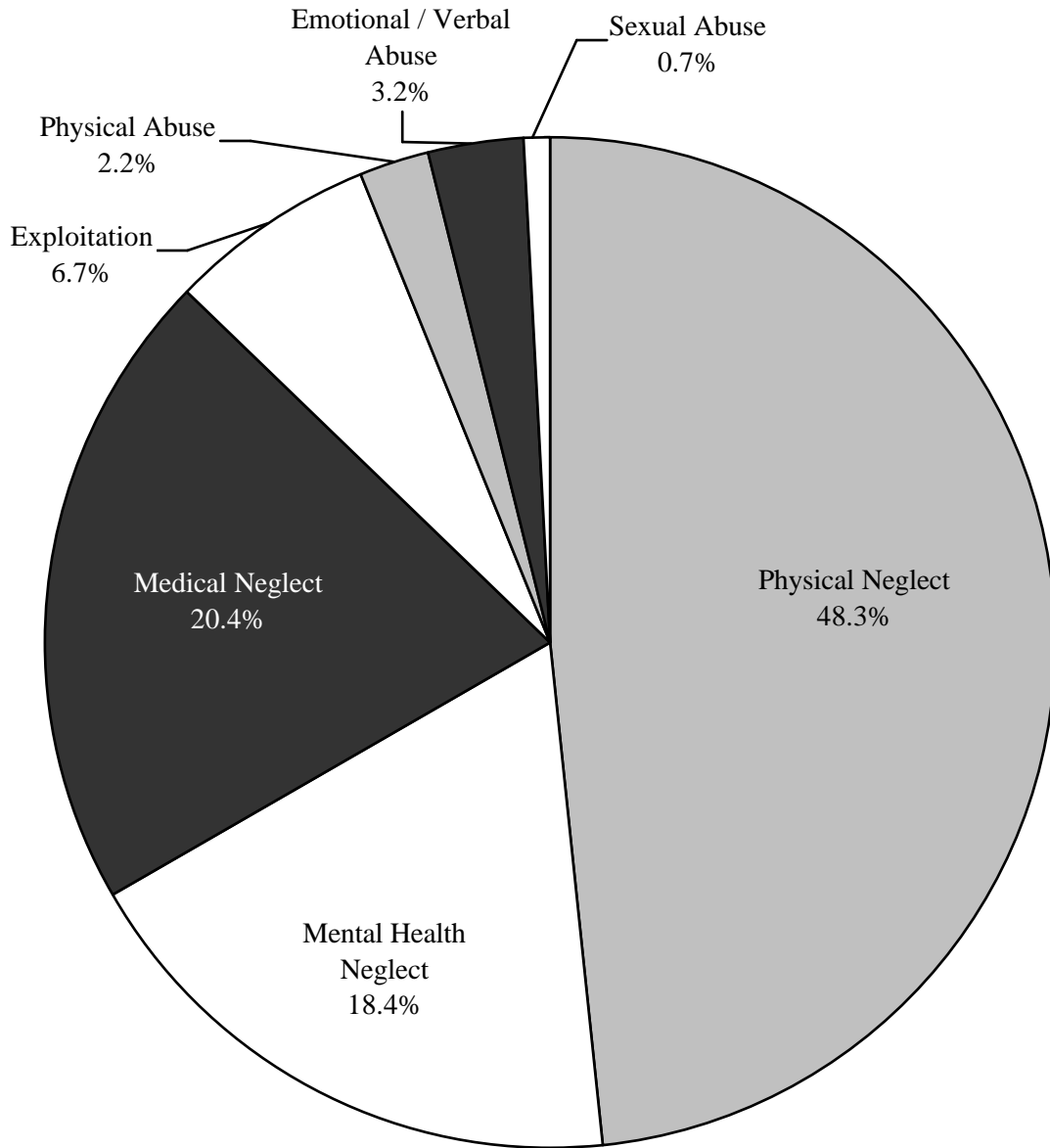
State Total: 768



Average Worker Tenure in Guardianship Program Fiscal Year 2004

Tenure	Workers	Percentage
Under 1 Year	4	12.9%
1 Year	1	3.2%
2 Years	4	12.9%
3 Years	2	6.5%
4 Years	5	16.1%
5 Years	1	3.2%
6 - 9 years	7	22.6%
10 - 21 years	7	22.6%
State Total	31	100.0%

Types of Abuse in Cases that Received Guardianship Services as of August 31, 2004



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

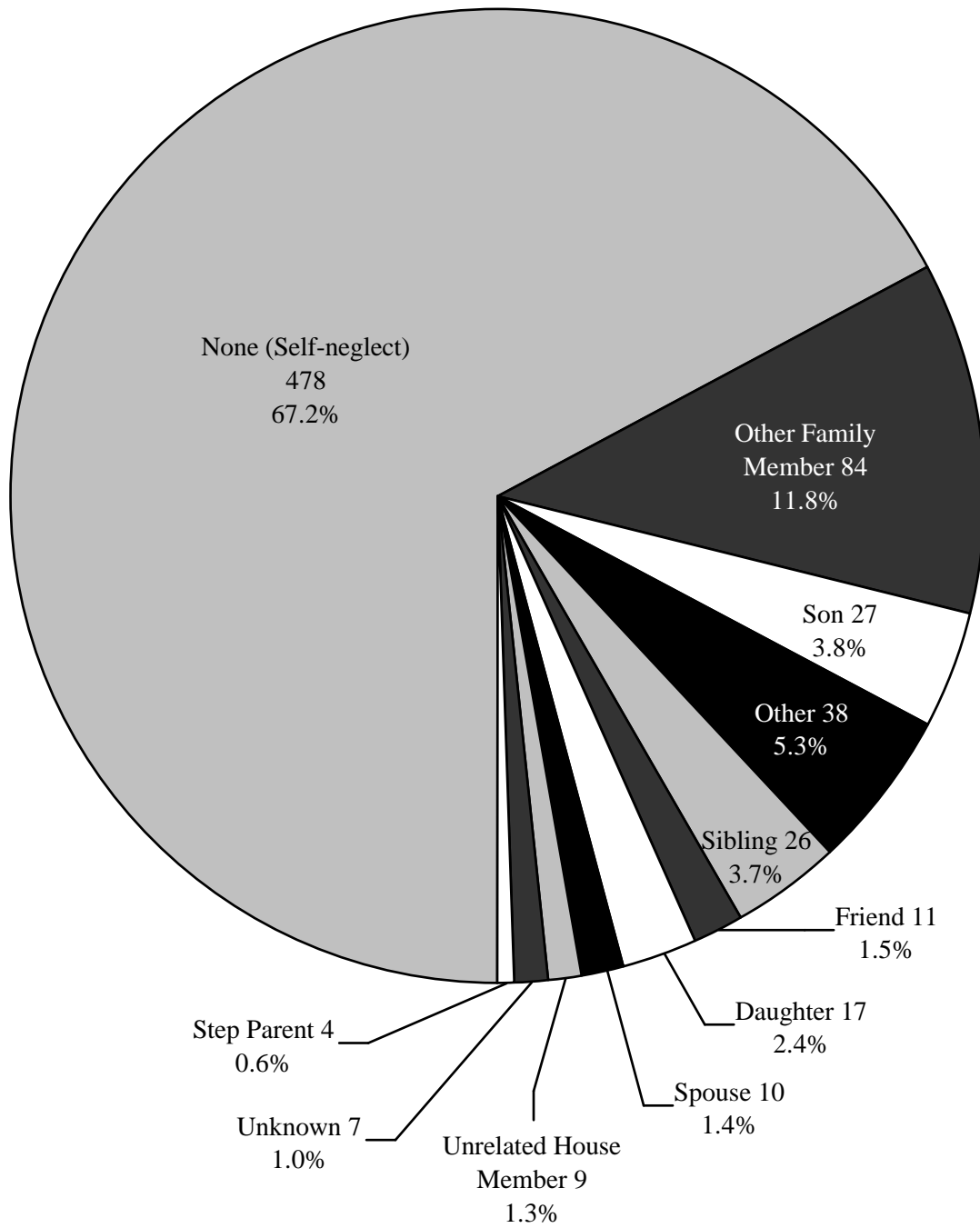
Demographics of APS Guardianship Clients as of August 31, 2004

Age	Cases	Percentage
18 - 33 Years	247	32.2%
34 - 49 Years	81	10.5%
50 - 64 Years	96	12.5%
65 - 81 Years	174	22.7%
82 + Years	170	22.1%
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State Total	768	100.0%

Gender	Cases	Percentage
Female	472	61.5%
Male	292	38.0%
Unknown	4	0.5%
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State Total	768	100.0%

Ethnicity	Cases	Percentage
Anglo	400	52.1%
African American	181	23.6%
Hispanic	124	16.1%
Native American	1	0.1%
Asian	5	0.7%
Other	57	7.4%
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State Total	768	100.0%

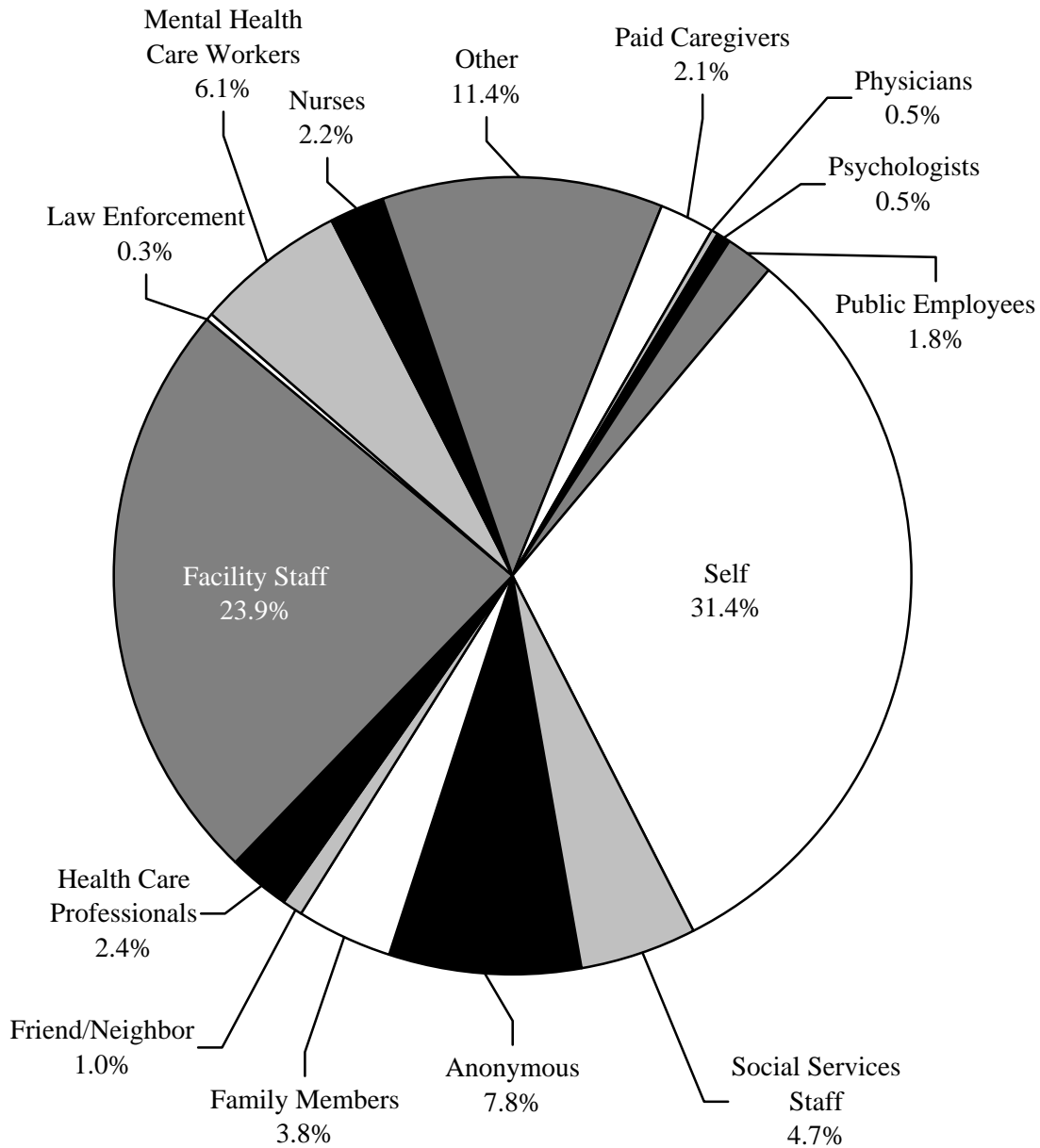
Perpetrators in Cases that Received Guardianship as of August 31, 2004



Completed Investigations in MHMR Settings by Source of Report

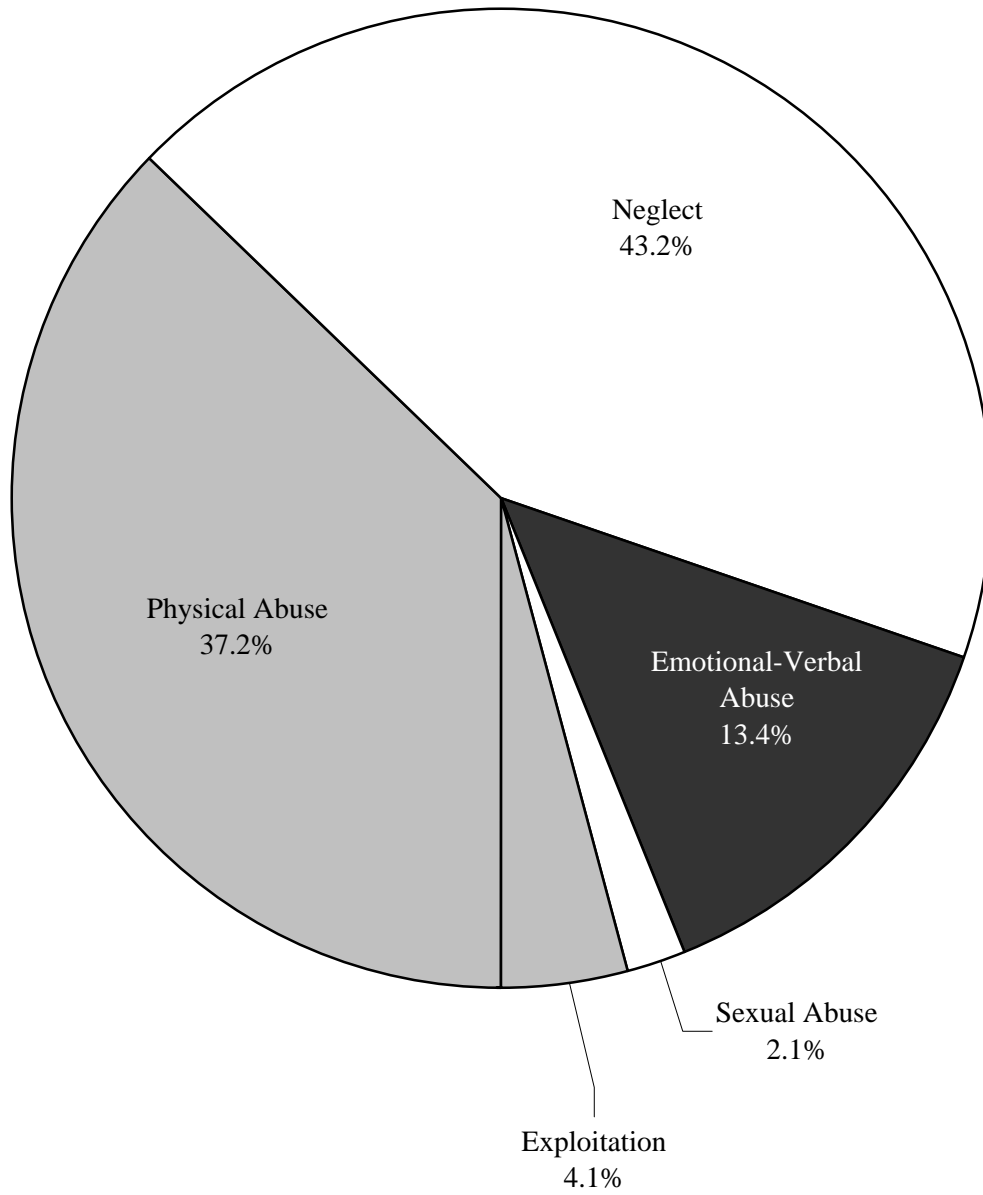
Fiscal Year 2004

Total Reporters: 8,175

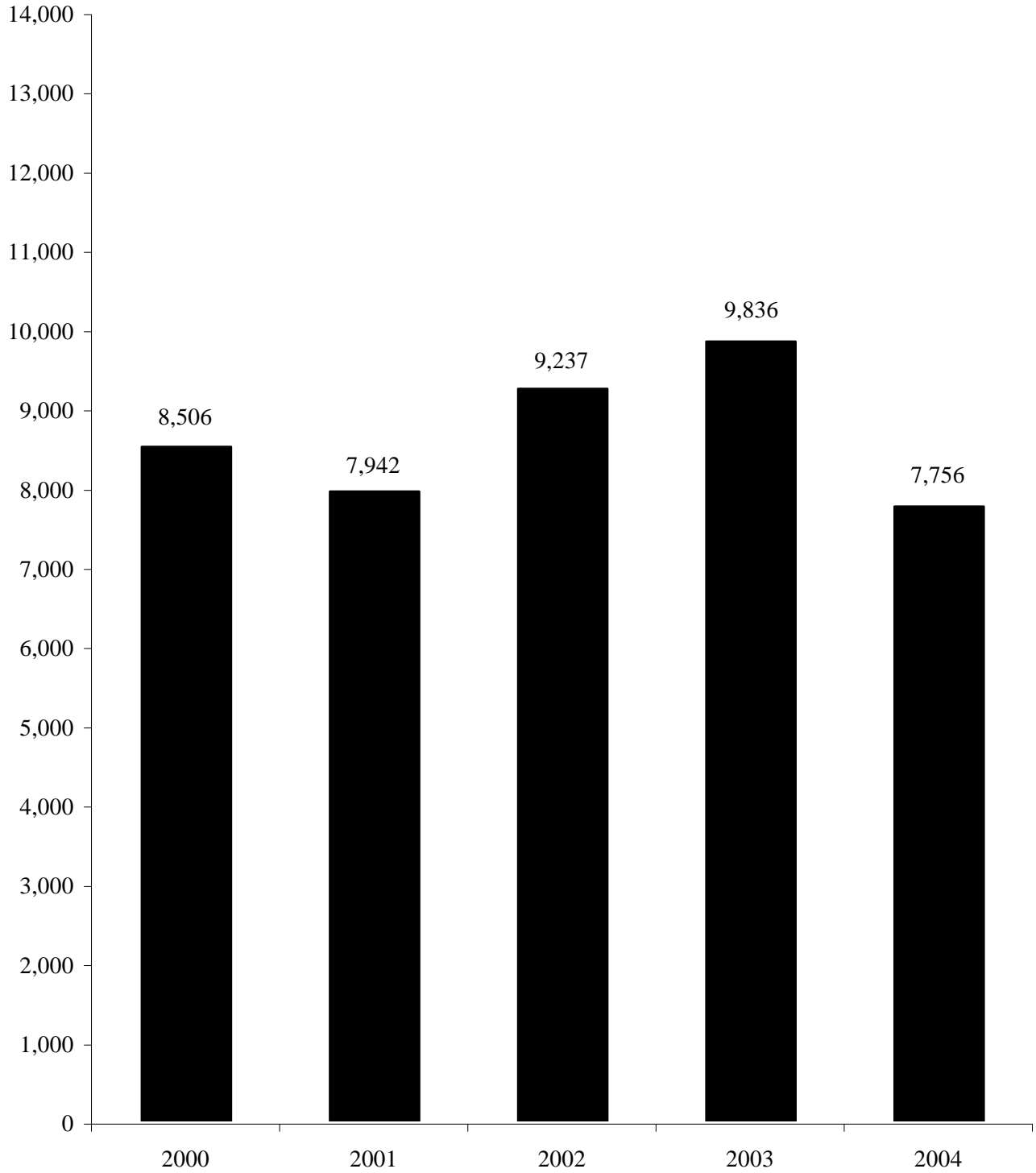


Note: Reports of abuse/neglect situations may come from multiple sources.

Types of Abuse Confirmed in MHMR Settings Fiscal Year 2004

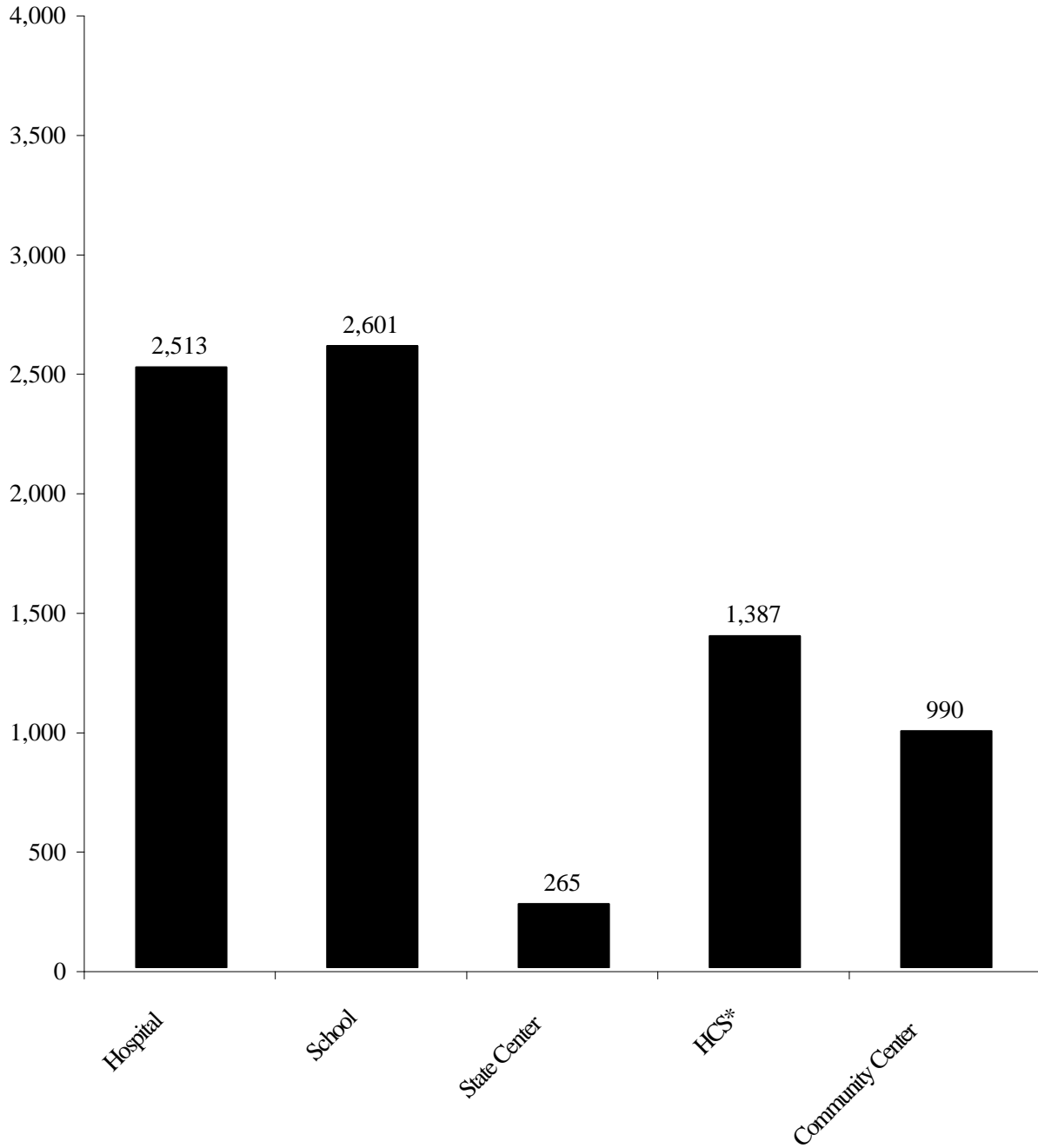


Completed Investigations in MHMR Settings by Fiscal Year



Completed Investigations by MHMR Setting Fiscal Year 2004

State Total 7,756



* Home and community based services.

Average Length of MHMR Investigations by Region Fiscal Year 2004

Region	Days
Lubbock (1)	10.5
Abilene (2)	10.6
Arlington (3)	5.4
Tyler (4)	7.9
Beaumont (5)	11.5
Houston (6)	16.3
Austin (7)	10.0
San Antonio (8)	12.7
Midland (9)	10.0
El Paso (10)	10.5
Edinburg (11)	13.4
Unknown	10.7
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State Average	10.5

Average MHMR Investigator Tenure in Program Fiscal Year 2004

Tenure	Number of Investigators	Percentage
Under 1 Year	10	13.5%
1 Year	6	8.1%
2 Years	4	5.4%
3 Years	5	6.8%
4 Years	7	9.5%
5 Years	8	10.8%
6 - 9 Years	26	35.1%
10 - 15 Years	8	10.8%
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State Total	74	100.0%

Notes: