

Legal Responsibility

Statutory References

- ★ *Federal: Title XX, Social Security Act*
- ★ *State: Chapter 48, Human Resources Code*

Major Provisions:

- ▲ Mandatory reporting of reports of abuse, neglect, and exploitation of elderly persons and adults who are disabled.
- ▲ Receipt and investigation of all reports (unless patently false); initiation of investigations within 24 hours of receipt of report.
- ▲ Responsibility for investigations in facilities operated by the Texas Department of Mental Health and Mental Retardation (TxMHMR).
- ▲ Oversight of investigations conducted by other state agencies in facilities they regulate.
- ▲ Responsibility for guardianship of persons with disabilities who age out of Child Protective Services (CPS) conservatorship.
- ▲ Assessment of the adult's capacity to understand the situation and the degree of danger it presents.
- ▲ Provision or arrangement of the services needed 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 of all valid cases of physical abuse and caregiver neglect.
- ▲ 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.
- ▲ 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.

Lack of alternatives:

- Need for long term therapeutic and residential services for aging-out CPS clients who will be maintained under guardianship of PRS as adults.
- Phase-out of ICF II for persons who don't need medical care, but still require assistance or supervision.
- De-institutionalization of persons who are mentally ill and/or mentally retarded.
- OBRA/PASARR regulations make placements more difficult.
- Not enough licensed board and care homes, TxMHMR registered homes, and adult foster homes.
- Waiting lists for in-home care.

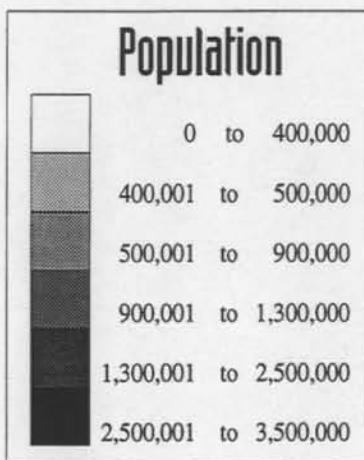
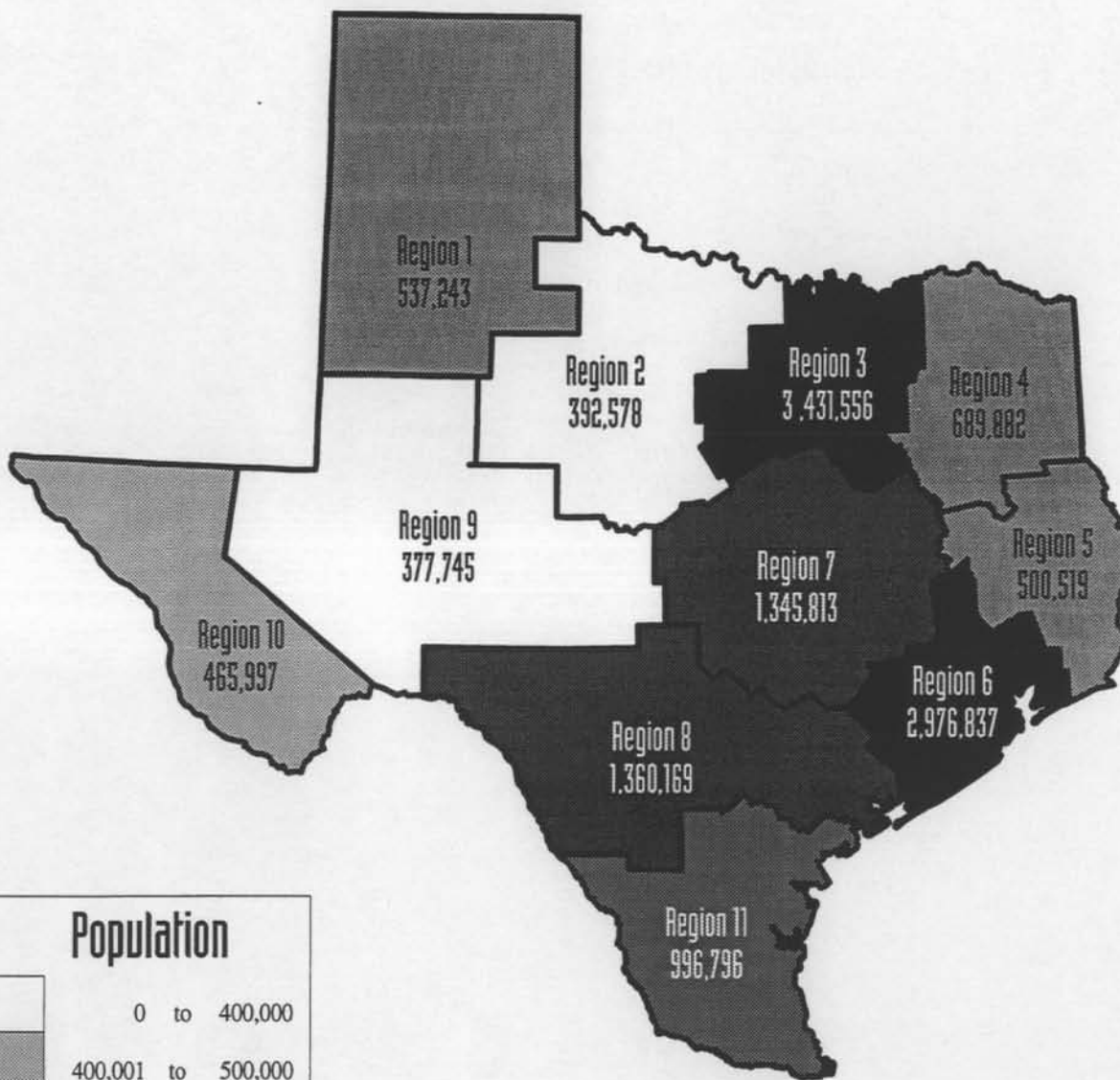
Review and Oversight of Other State Agency Investigations

- ▲ *Annual memoranda of understanding with other state agencies:*
 - Texas Commission on Alcohol and Drug Abuse
 - Texas Commission for the Blind and Visually Impaired
 - Texas Commission for the Deaf
 - Texas Department of Health
 - Texas Department of Human Services
 - Texas Education Agency
 - Texas Department of Mental Health and Mental Retardation
 - Texas School for the Blind
 - Texas School for the Deaf
 - Texas Rehabilitation Commission
- ▲ *Review other agency rules to ensure uniformity and compliance with HRC 48*
- ▲ *Review other agency investigations*
- ▲ *Receive and investigate complaints regarding other state agency investigations*
- ▲ *Collect and analyze data*
- ▲ *Prepare annual report with analysis of:*
 - trends
 - incidence
 - systemic problems

Total Adult Population by Region

[Ages 18 and over]

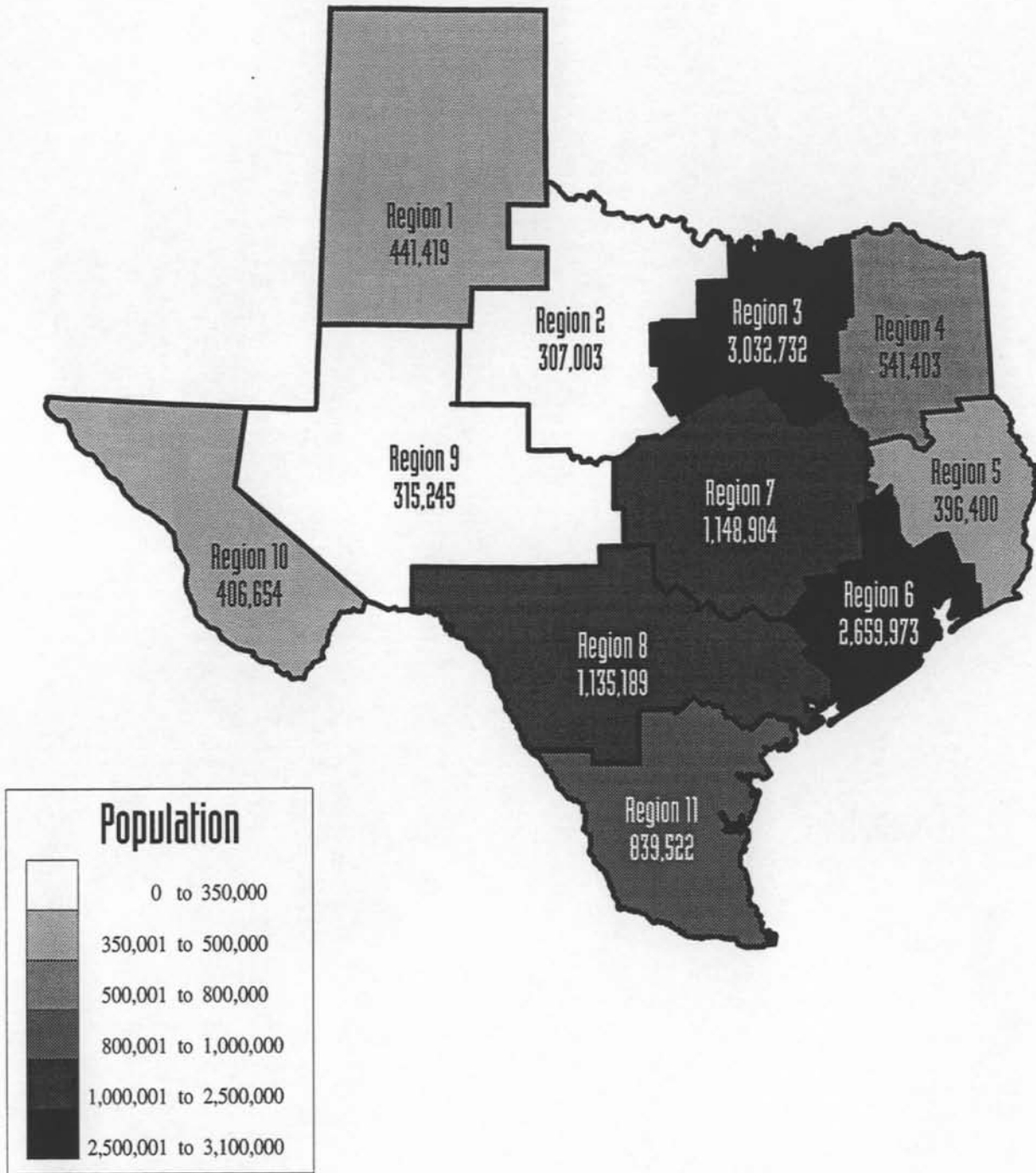
13,075,135



Younger Adult Population by Region

[Ages 18 to 64]

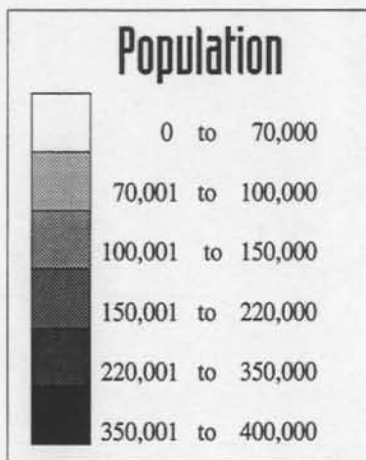
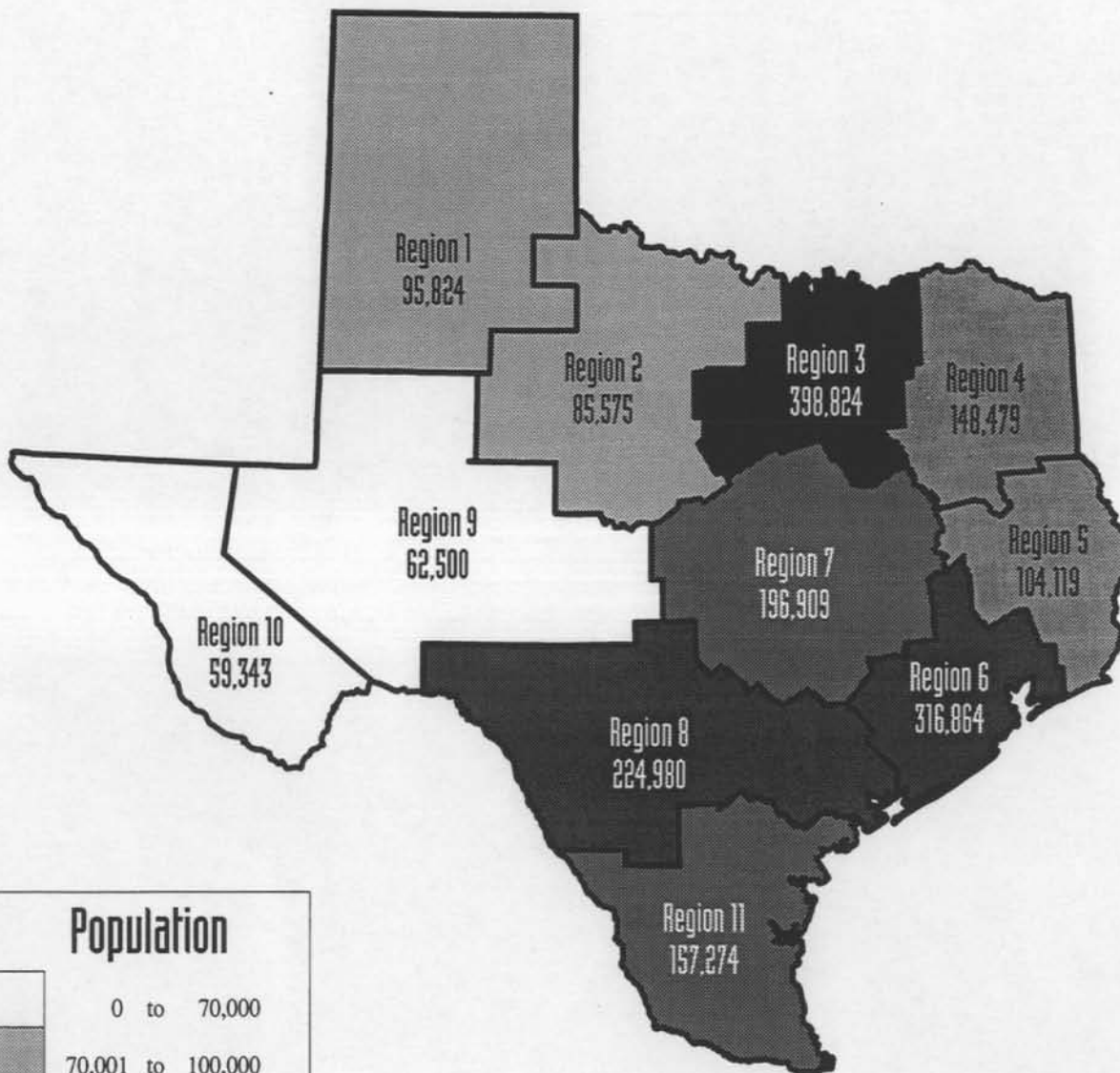
11,224,444



Older Adult Population by Region

[Ages 65 and older]

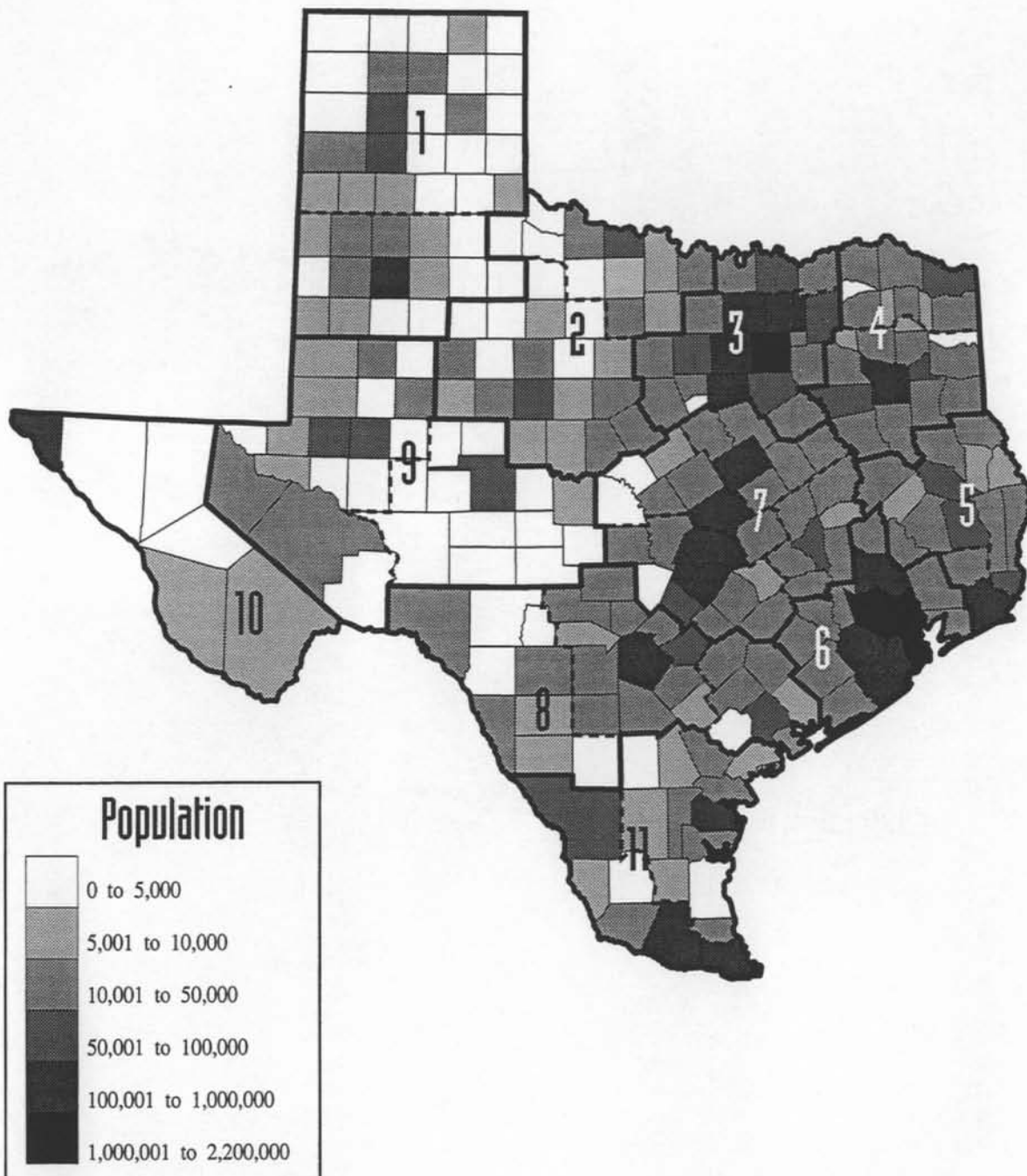
1,850,691



Total Adult Population by County

[Ages 18 and over]

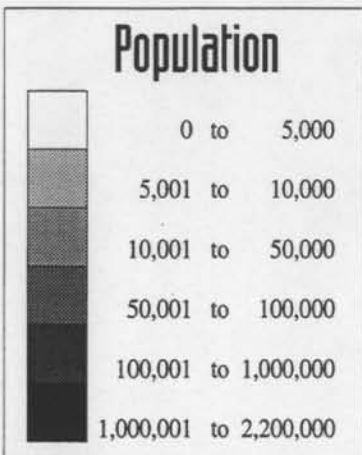
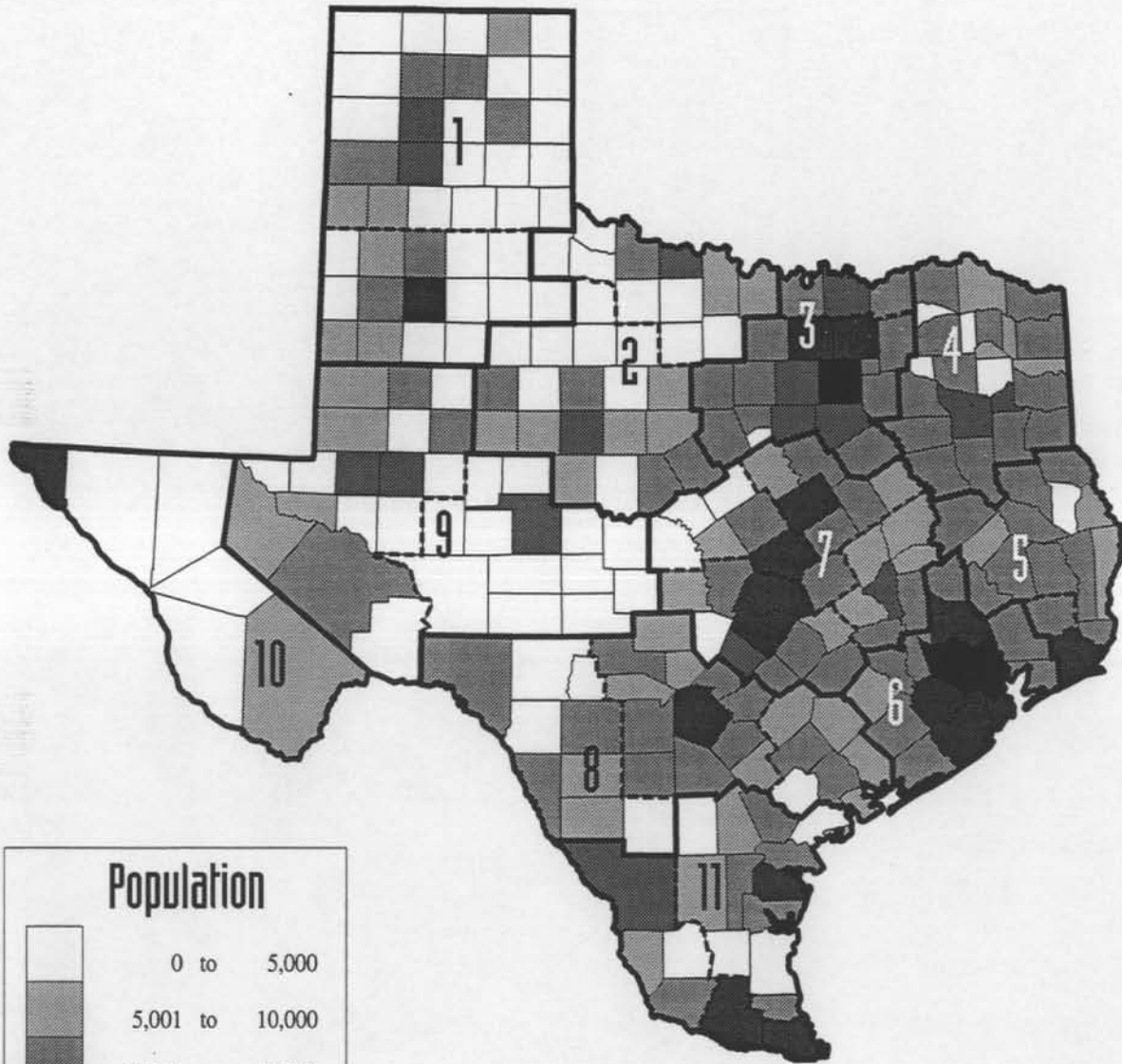
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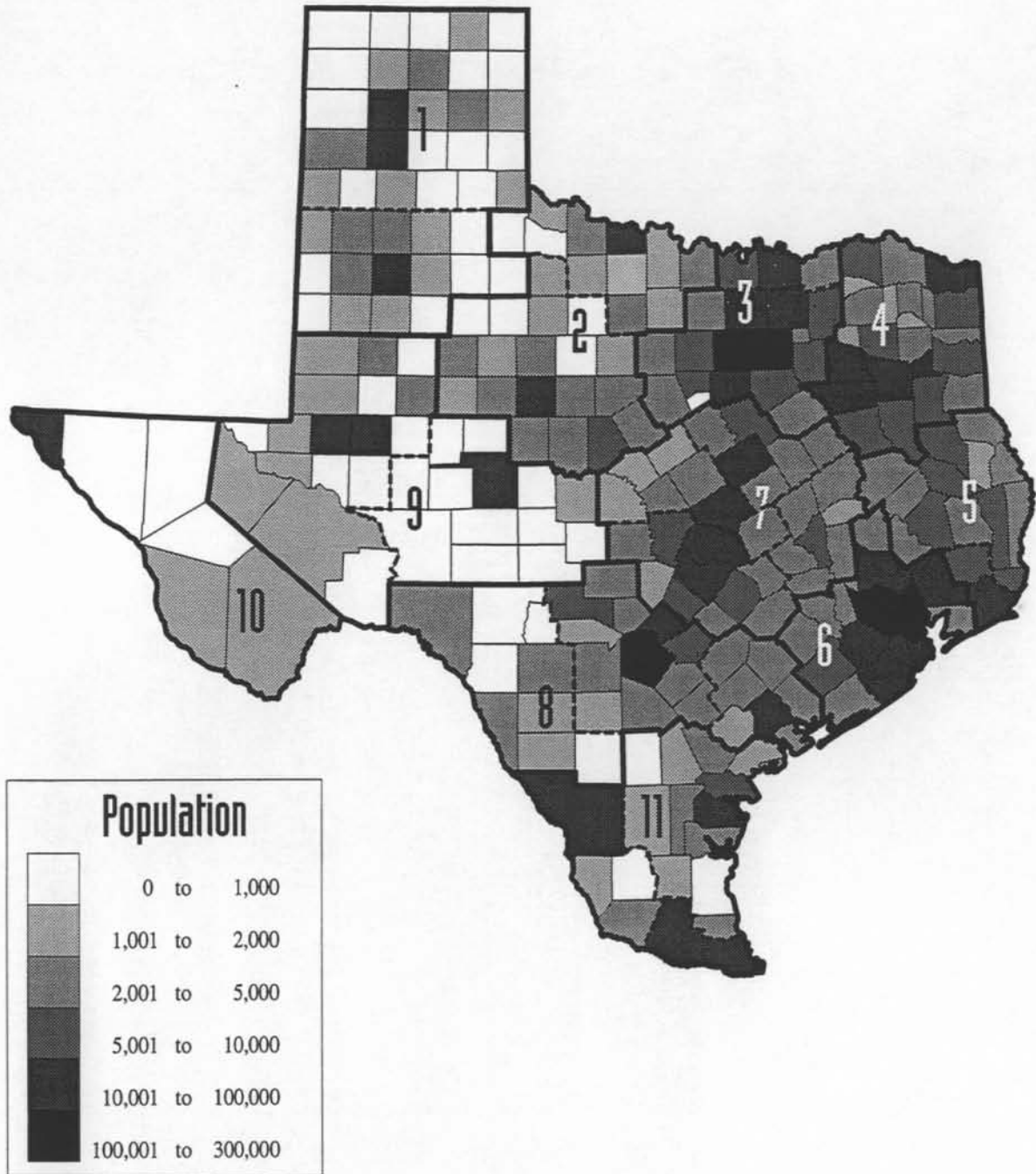
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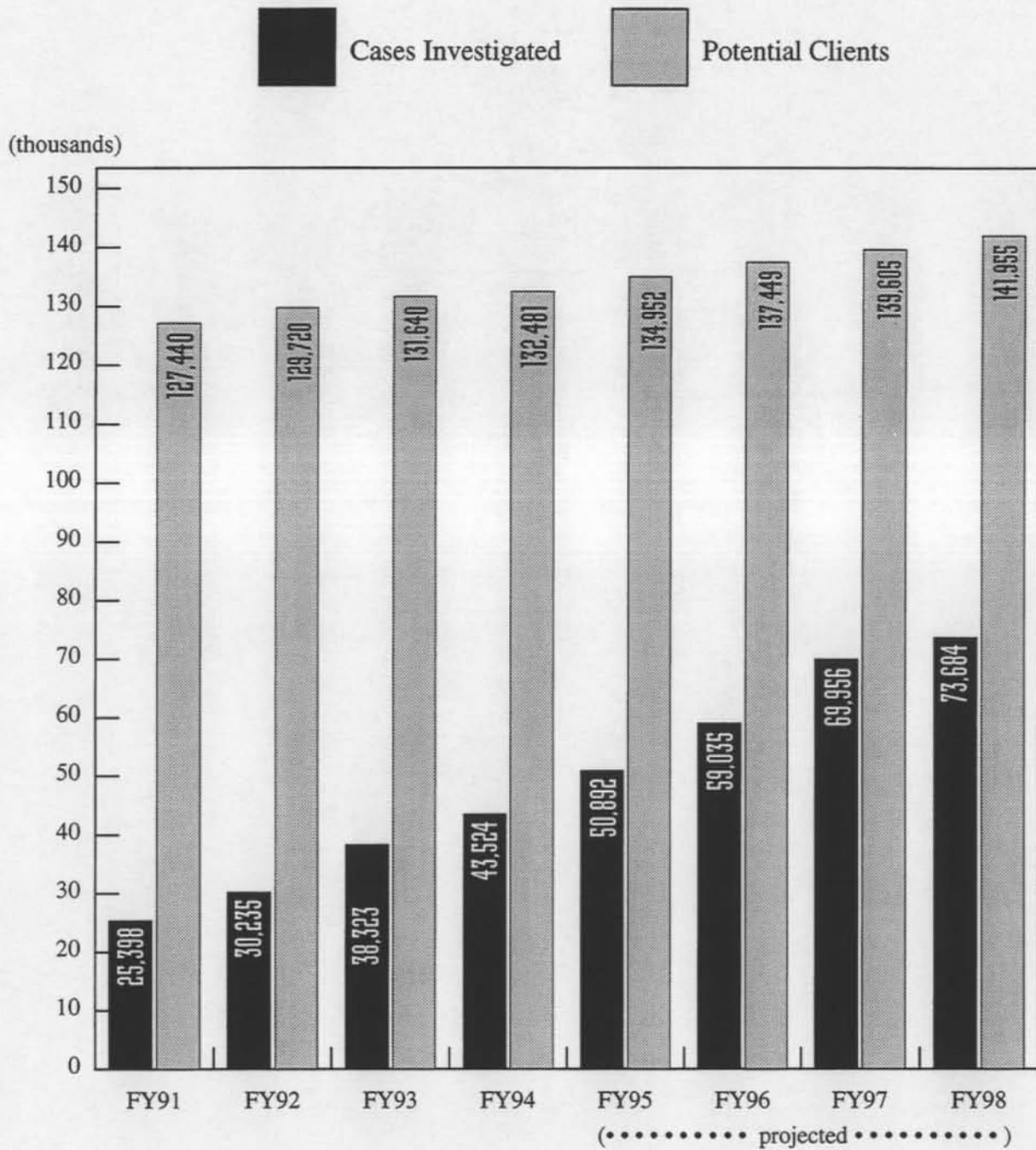
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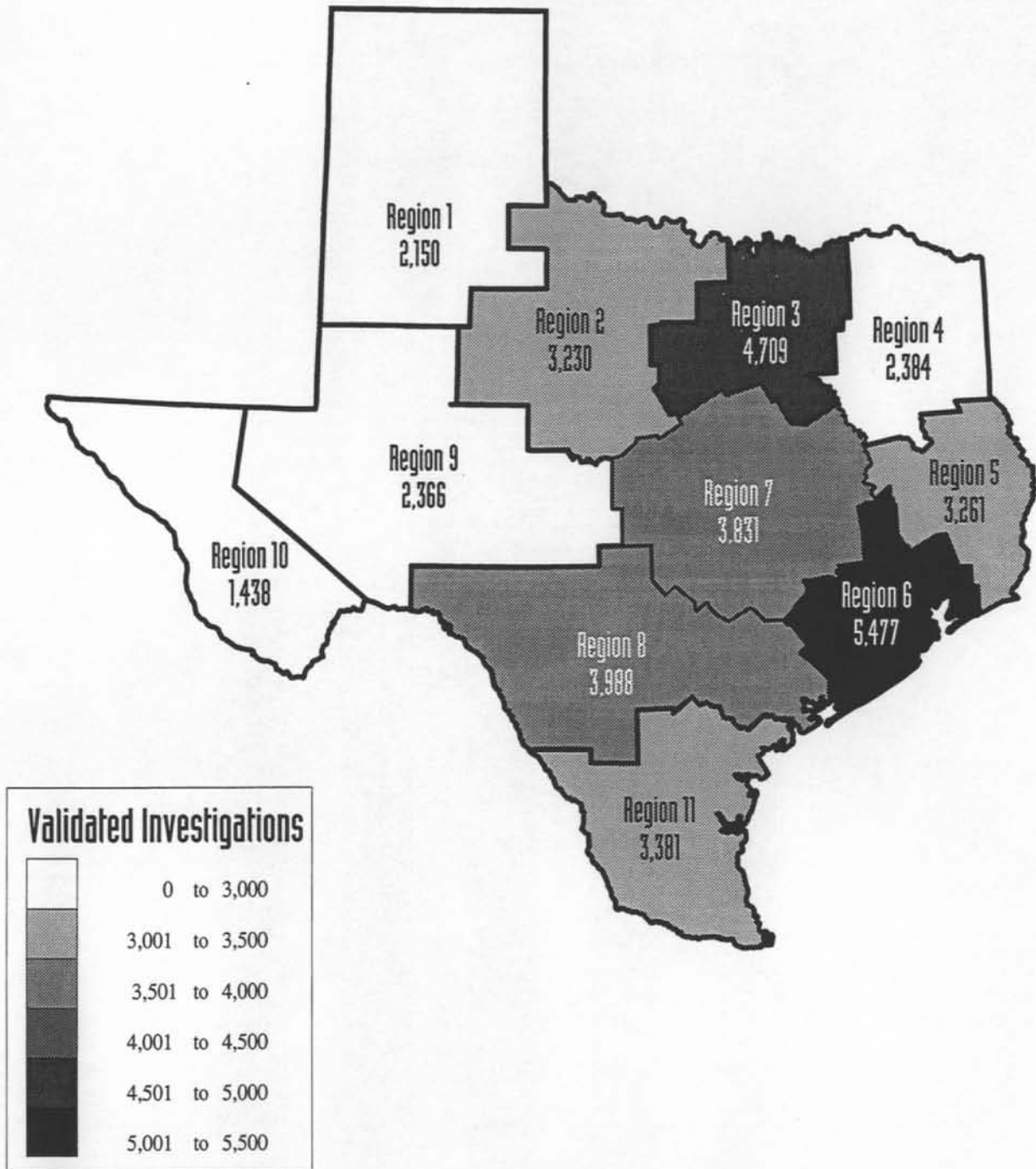


Over 132,000 vulnerable adult Texans need protection; only 33% were reported and received an investigation during Fiscal Year 1994

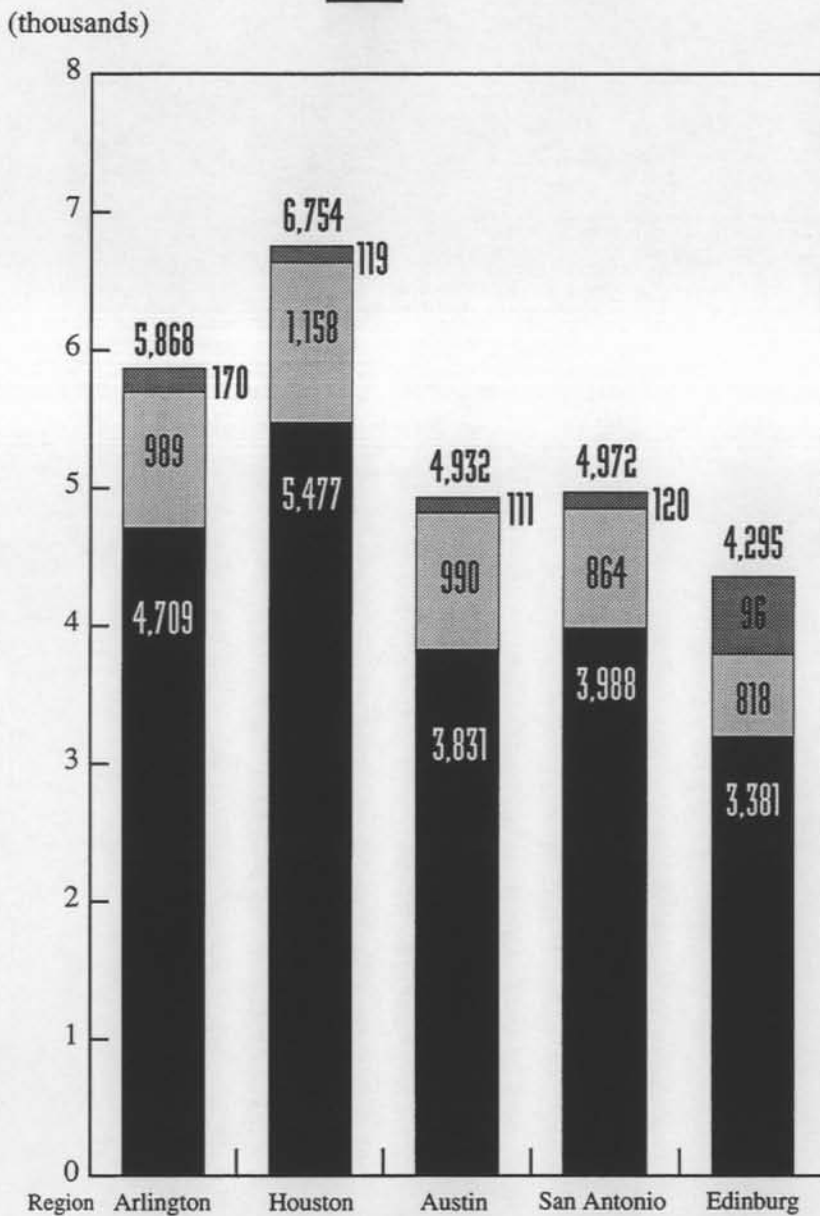
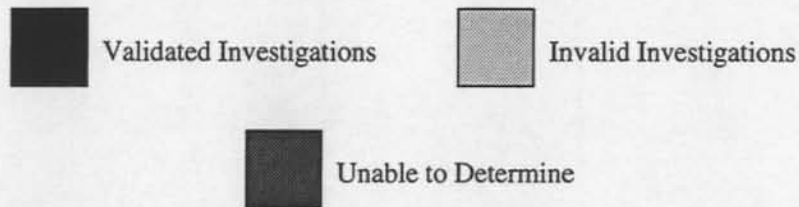


Adult Protective Services Validated Investigations by Region Fiscal Year 1994

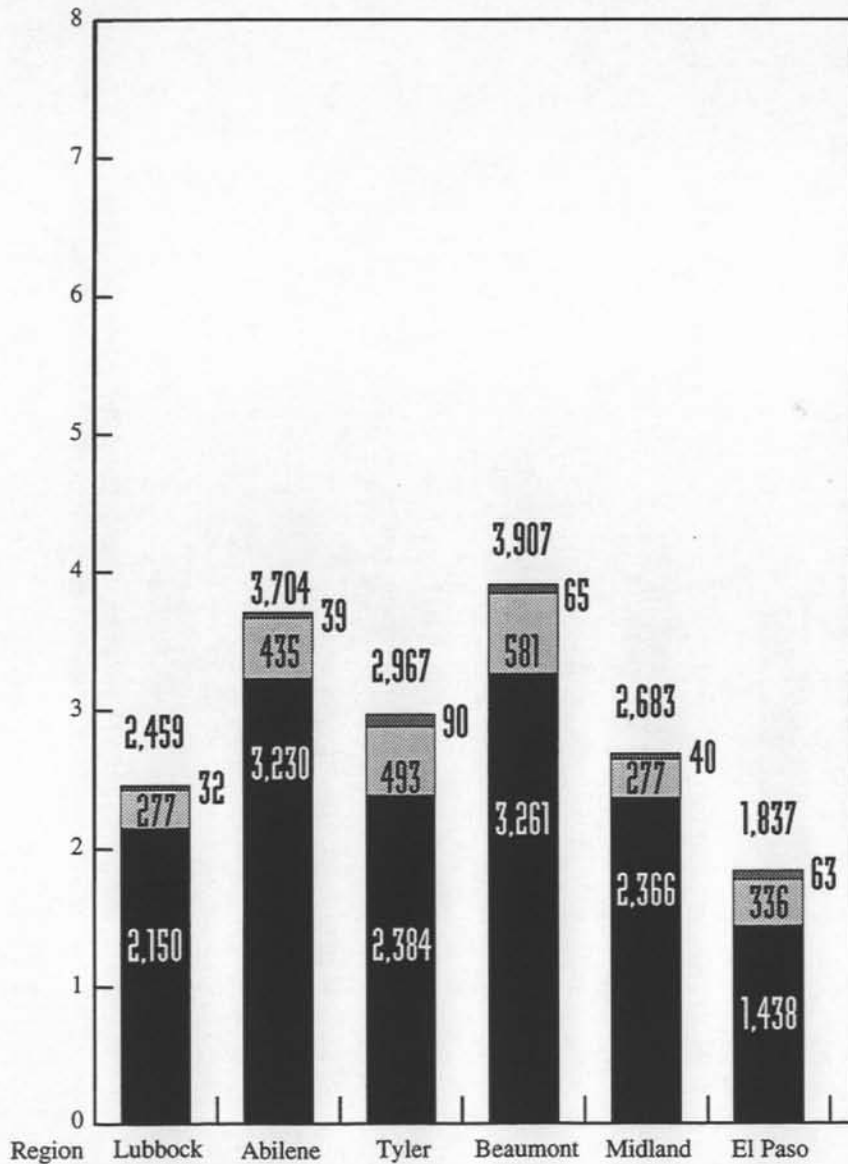
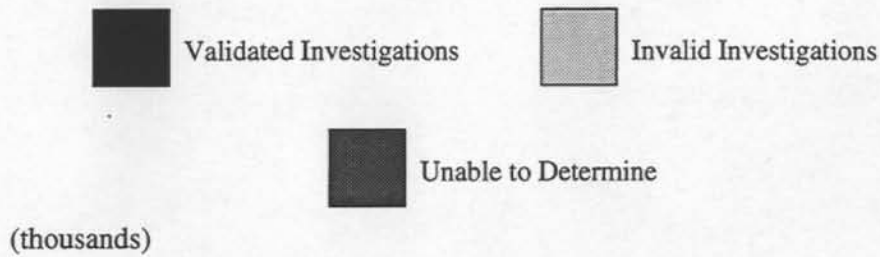
36,215



APS Confirmed Investigations to Total Investigations by Region in Fiscal Year 1994



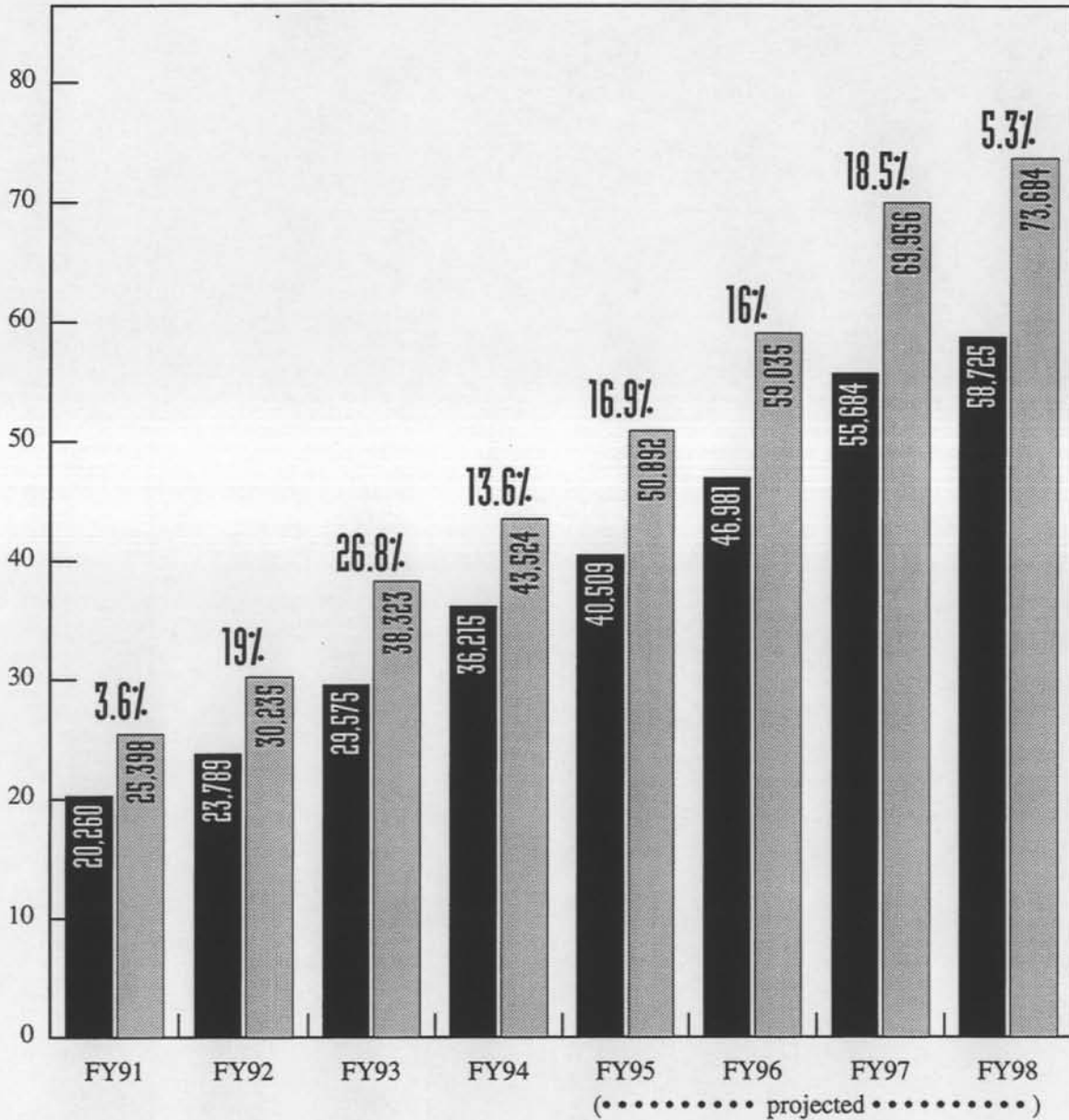
APS Confirmed Investigations to Total Investigations by Region in Fiscal Year 1994



APS Investigations and Validations by Fiscal Year

Cases Validated
 Cases Investigated

(thousands)

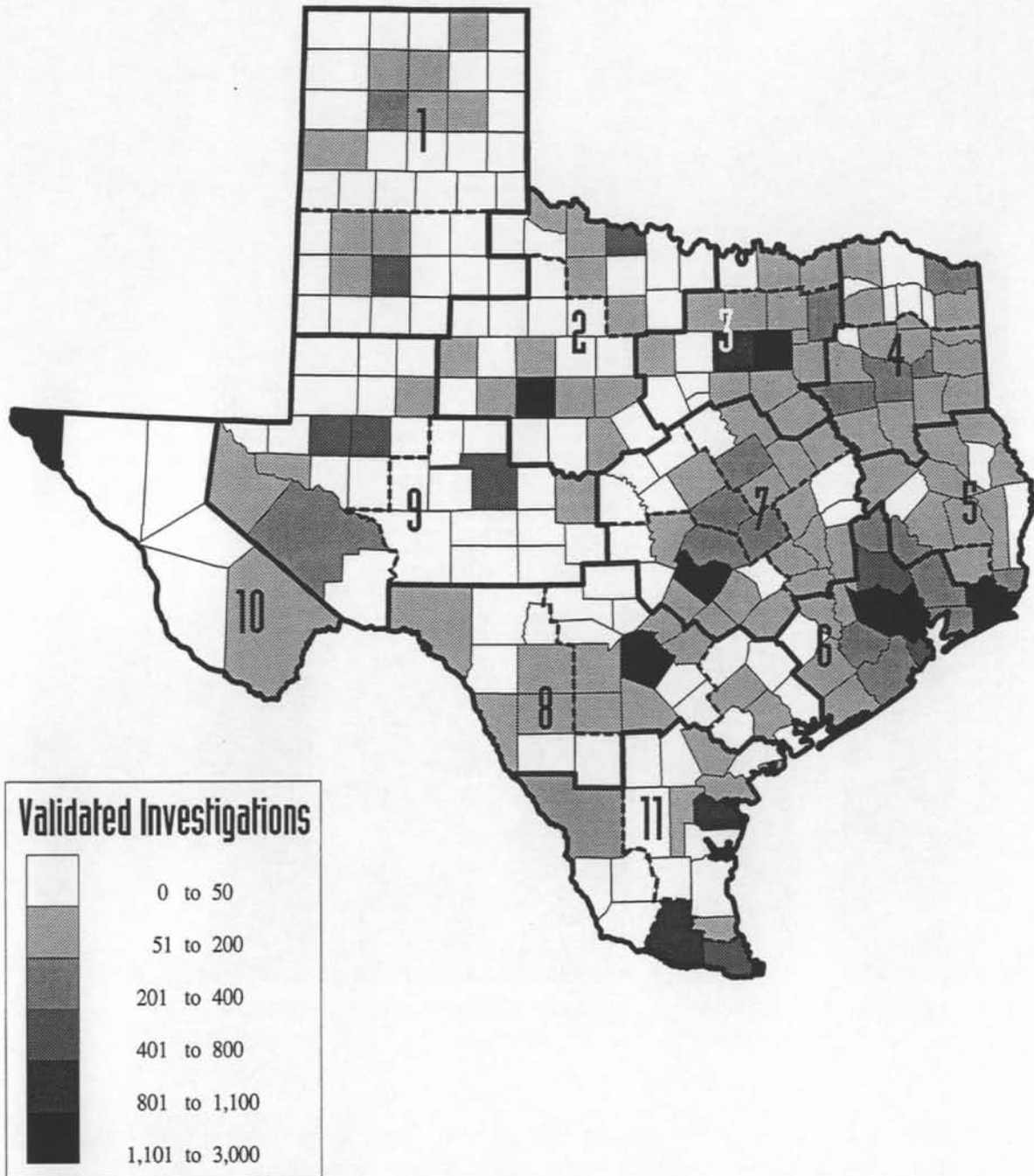


Percent indicates the percent of increase of APS investigations between fiscal years.

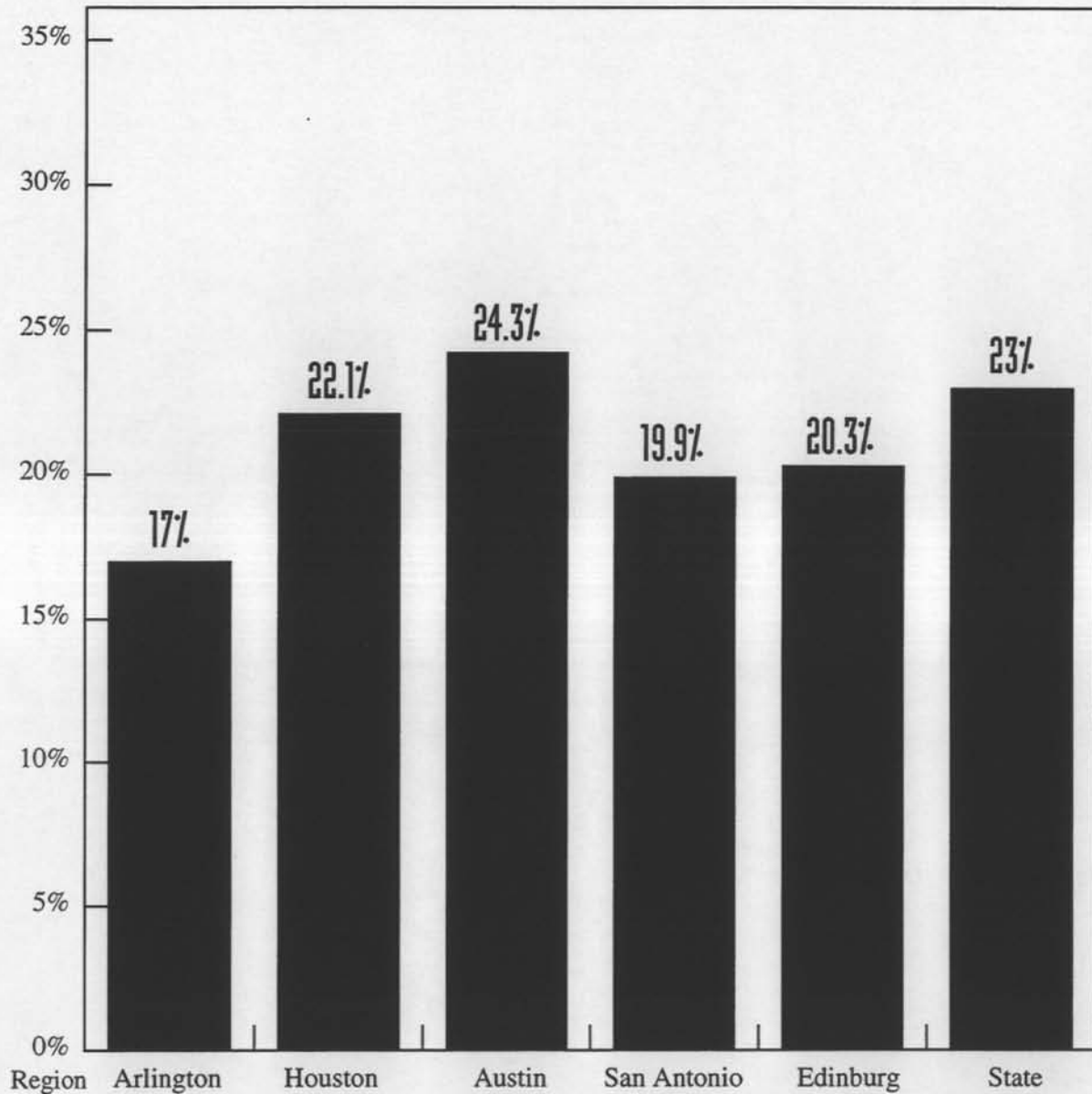
Adult Protective Services Validated Investigations by County

Fiscal Year 1994

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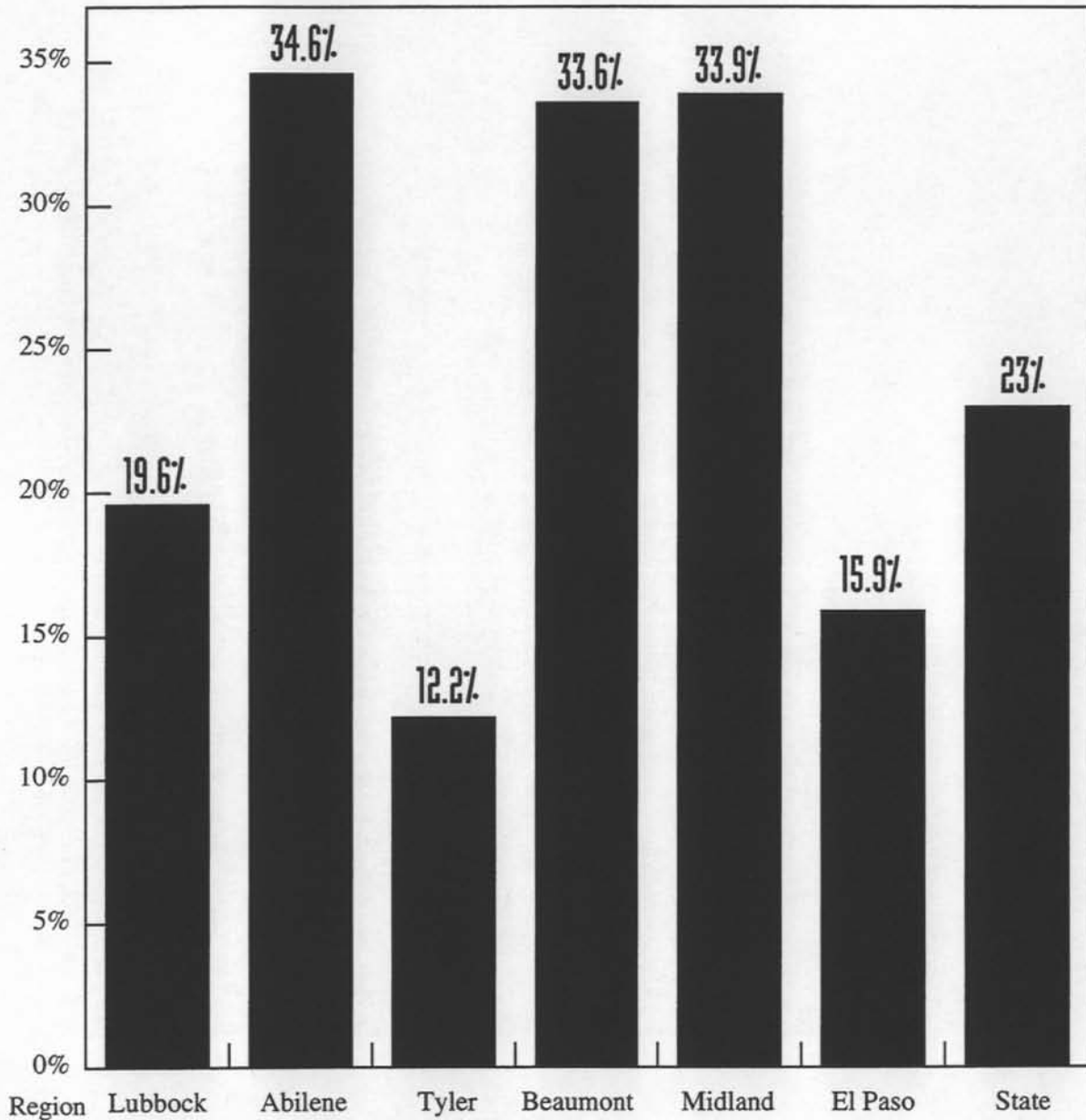


Recidivism* of Abuse and/or Neglect of Vulnerable Adults in Community Settings by Region in Fiscal Year 1994



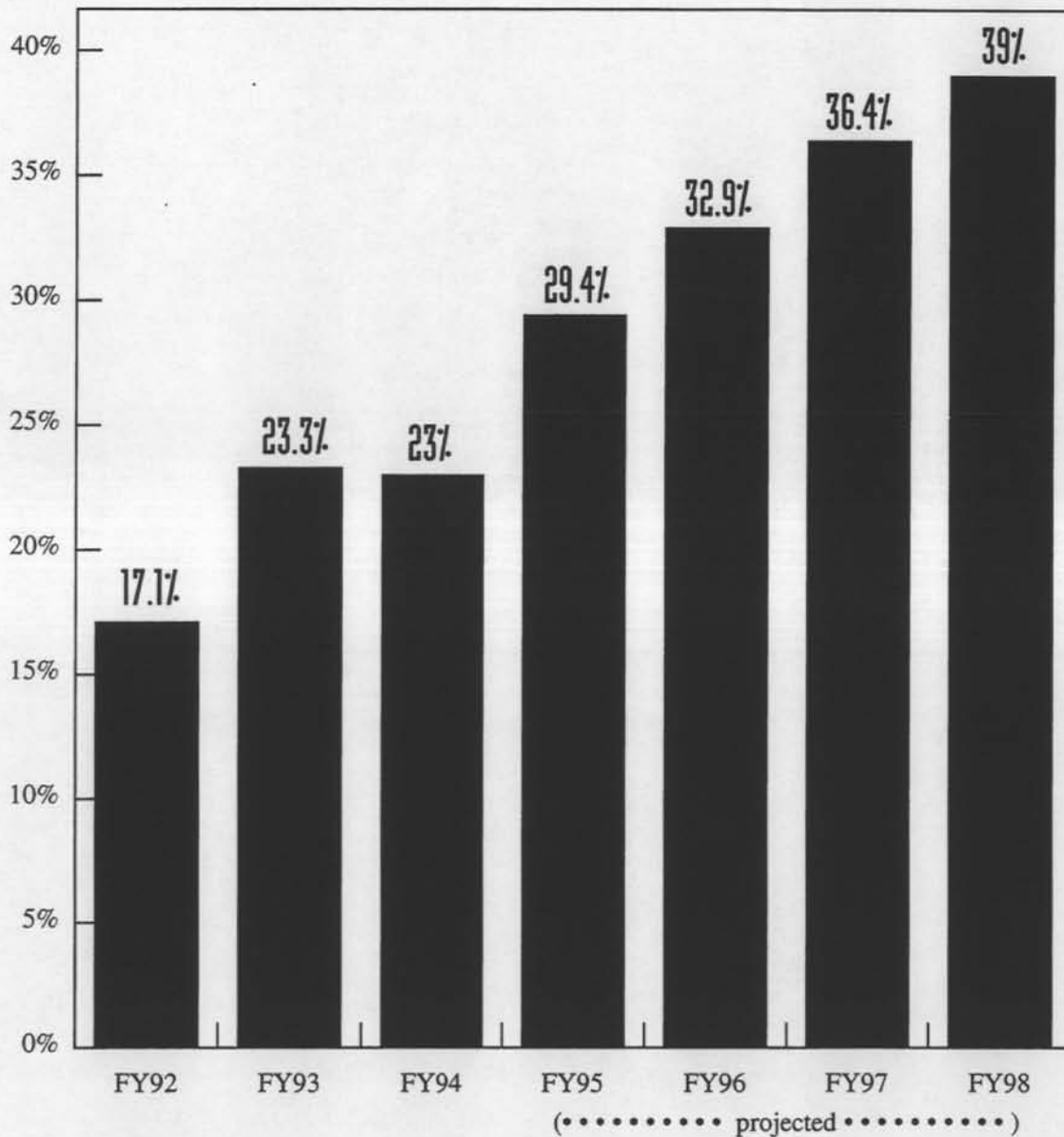
* Percent of APS clients referred to the APS system more than once during the fiscal year, including those clients who refused services and were referred again.

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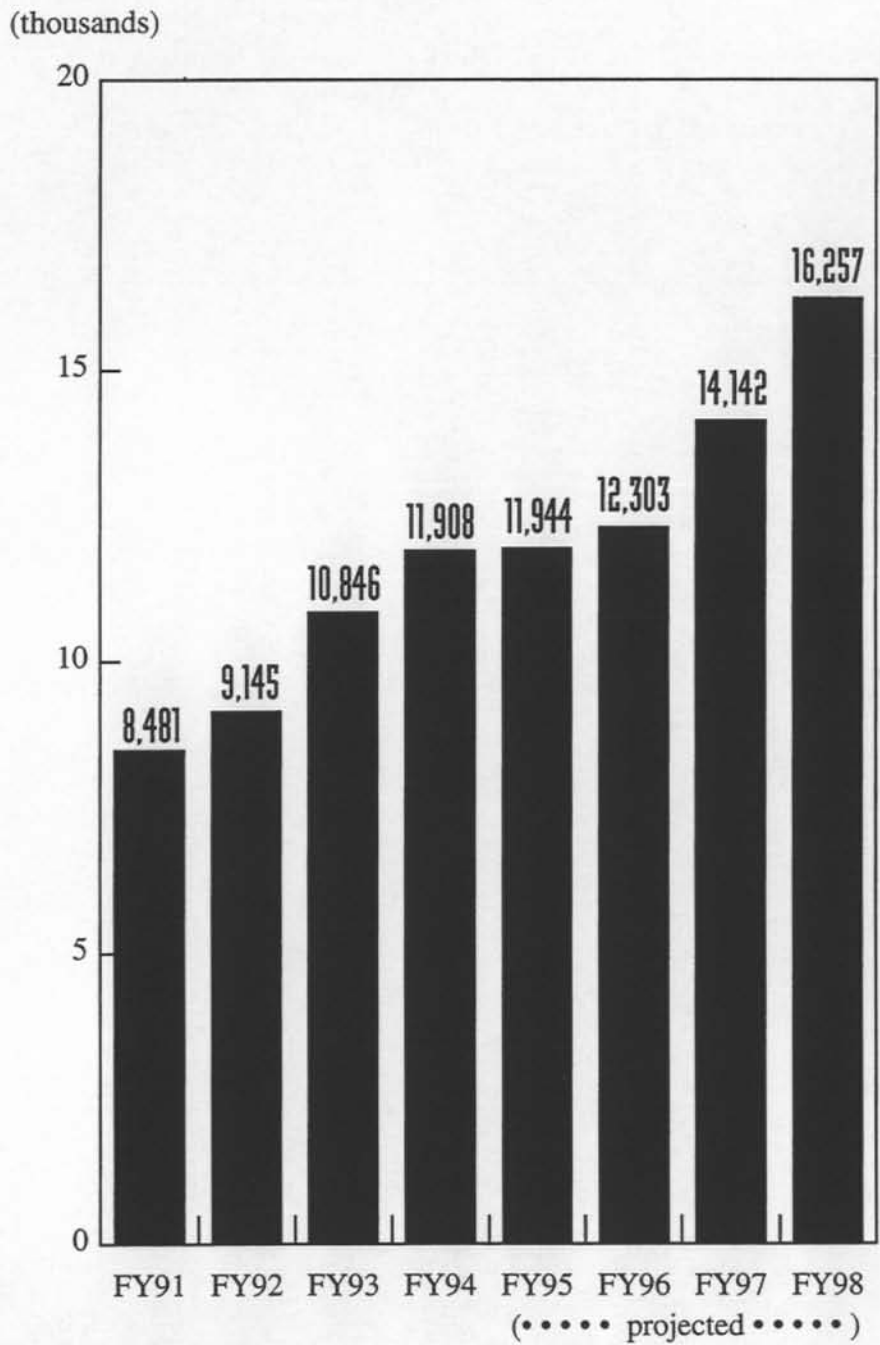
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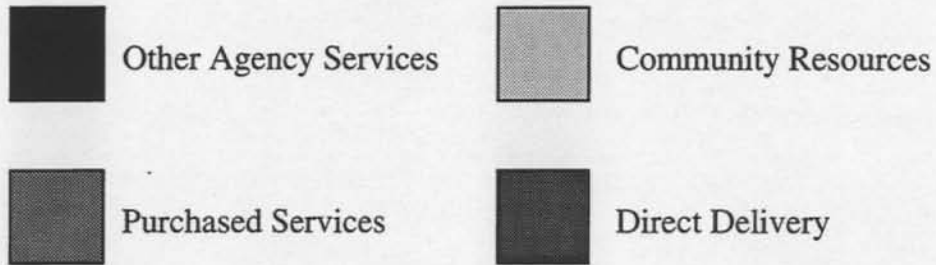


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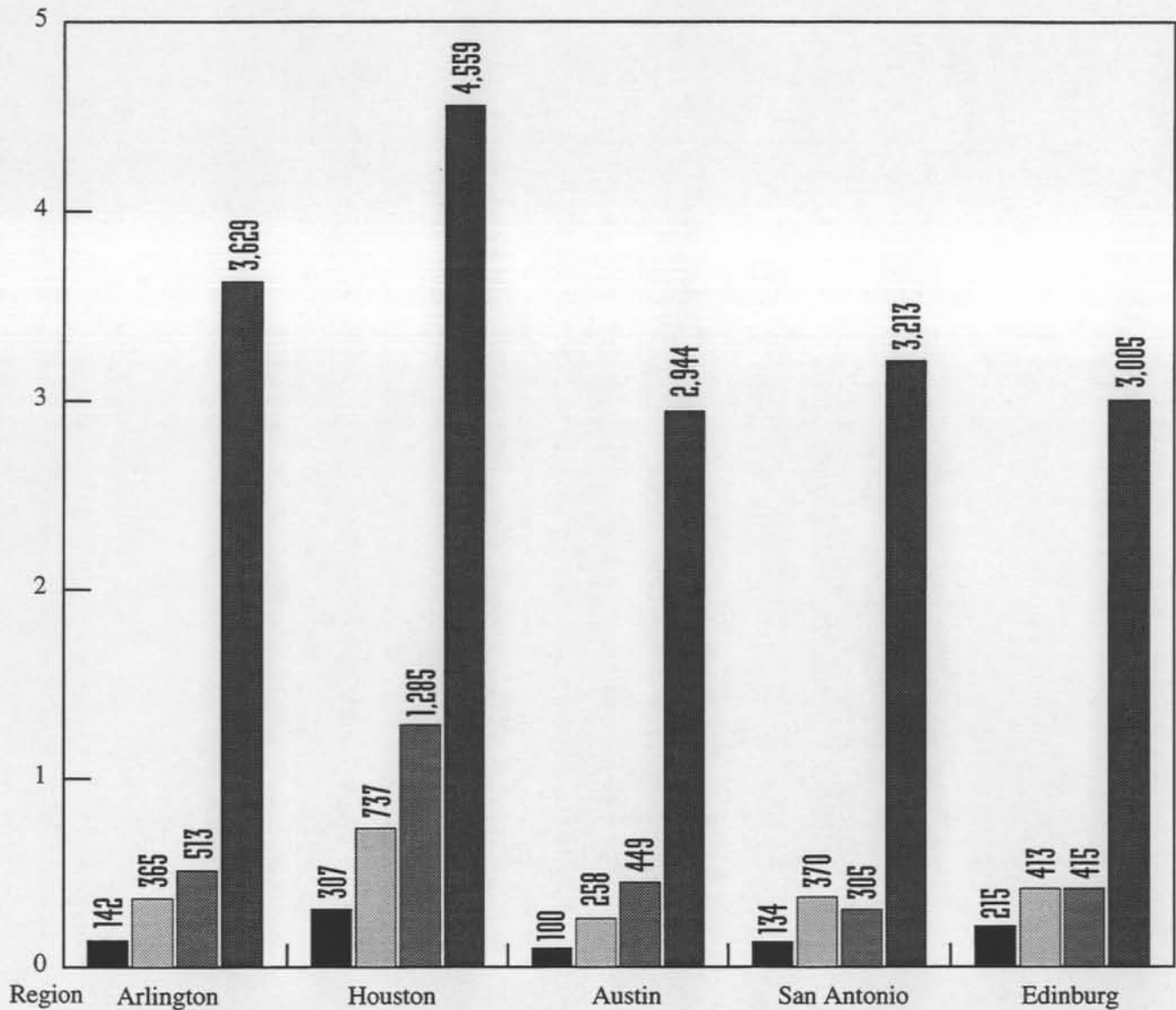
APS Caseload Average per Month by Fiscal Year



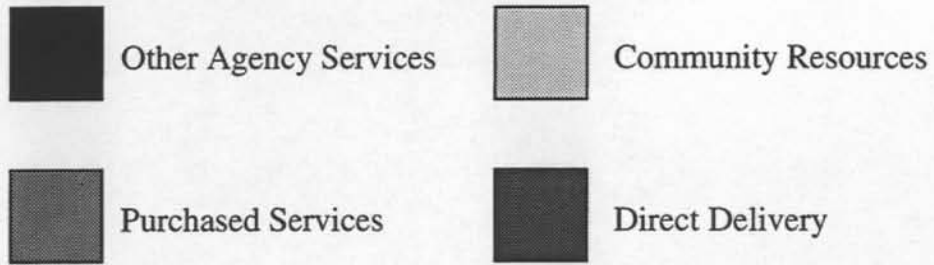
APS Clients Receiving Services Beyond Investigation by Region in Fiscal Year 1994



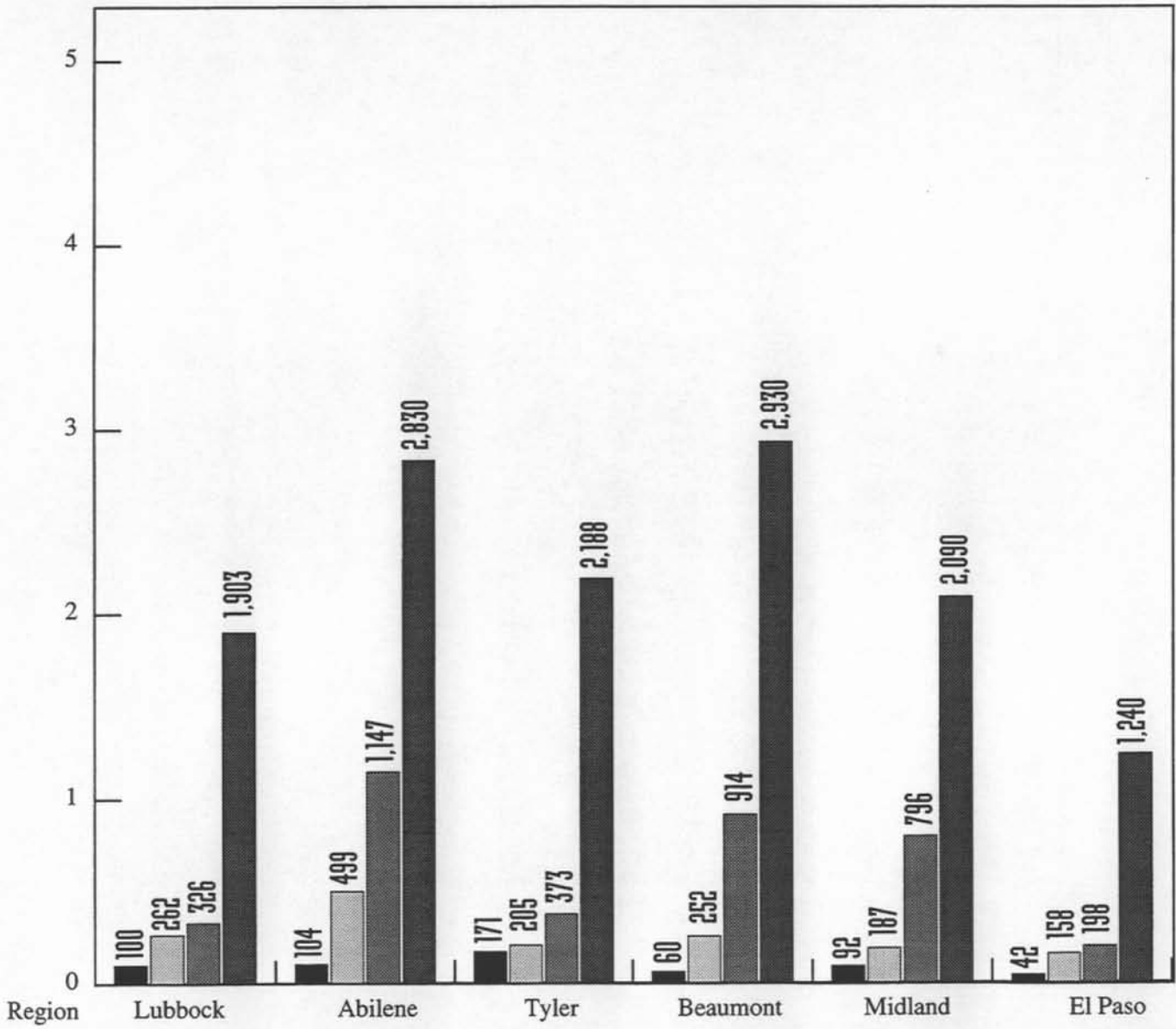
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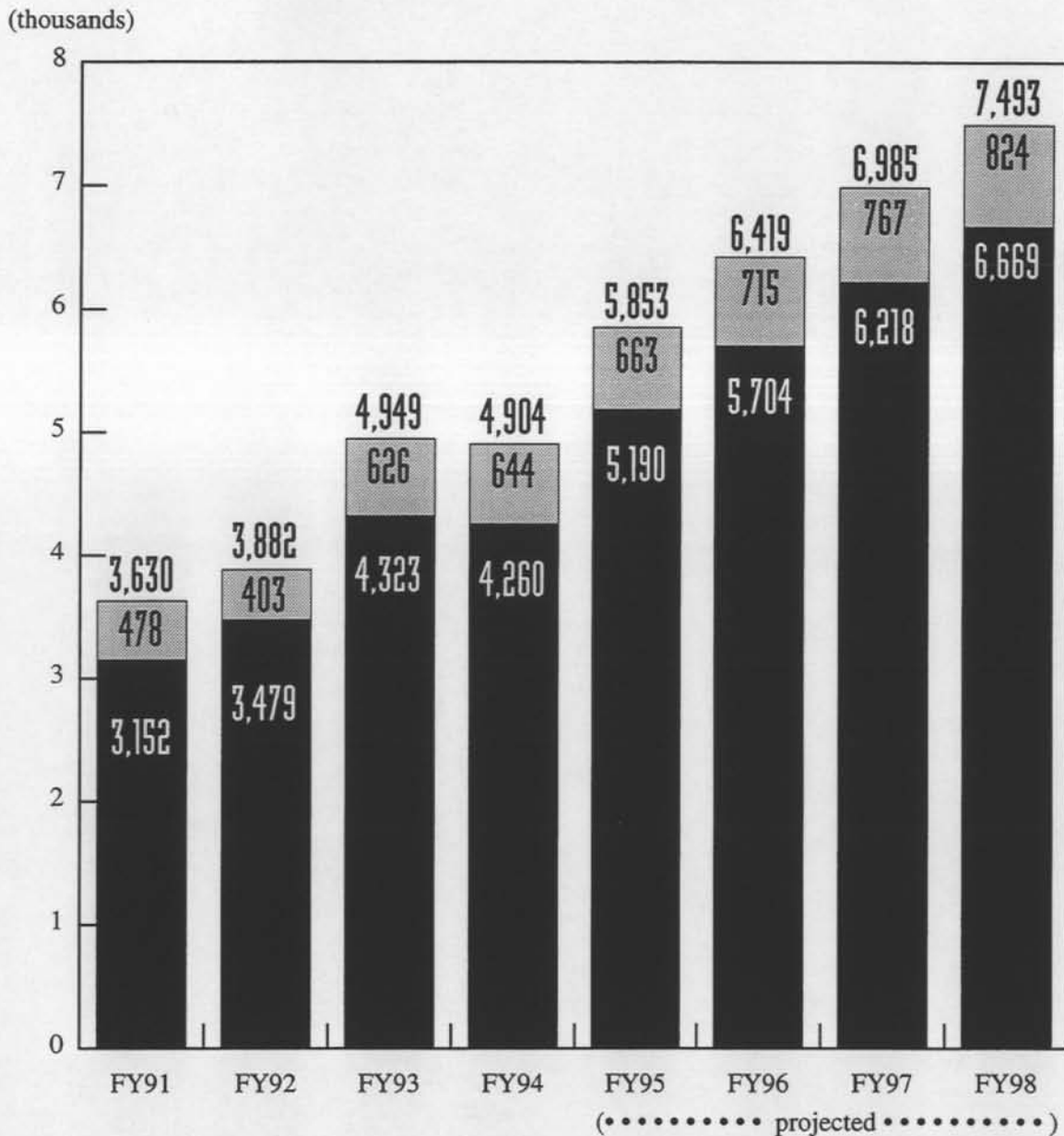
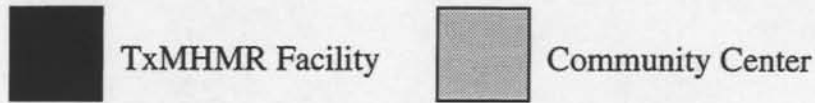
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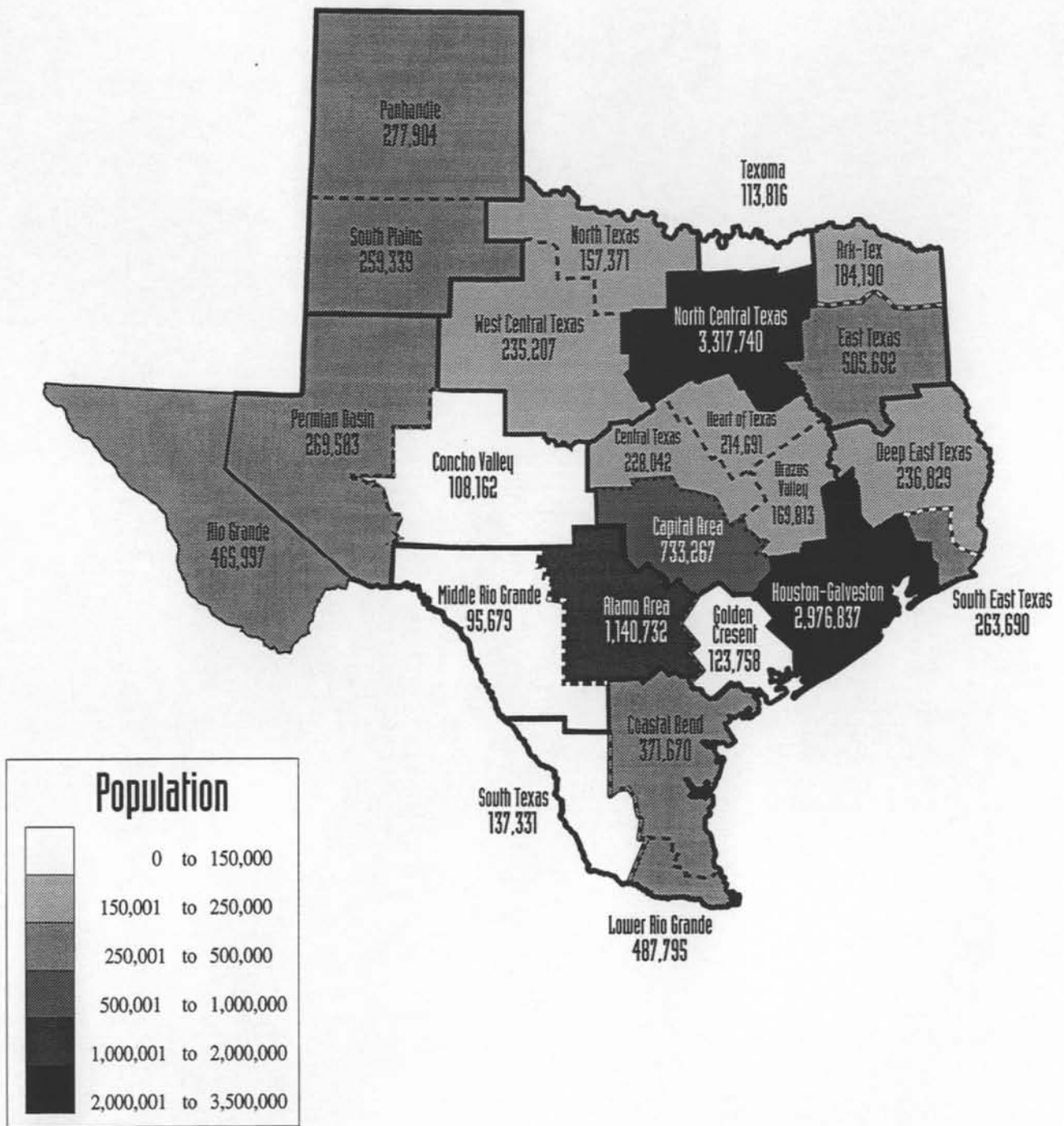
Investigations in TxMHMR Facilities, Outreach Programs, and Community Centers



Total Adult Population by COG

(Ages 18 and over)

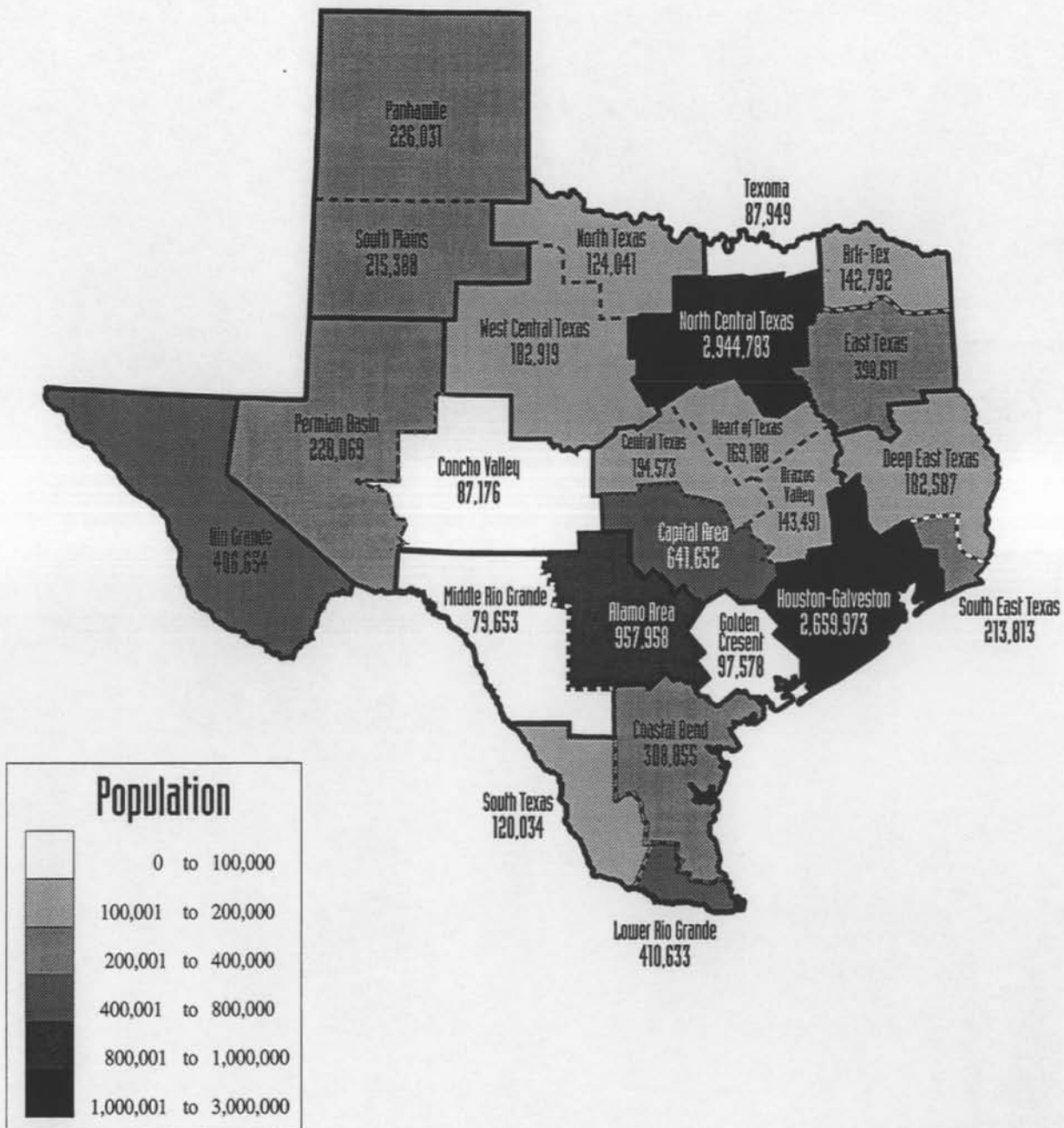
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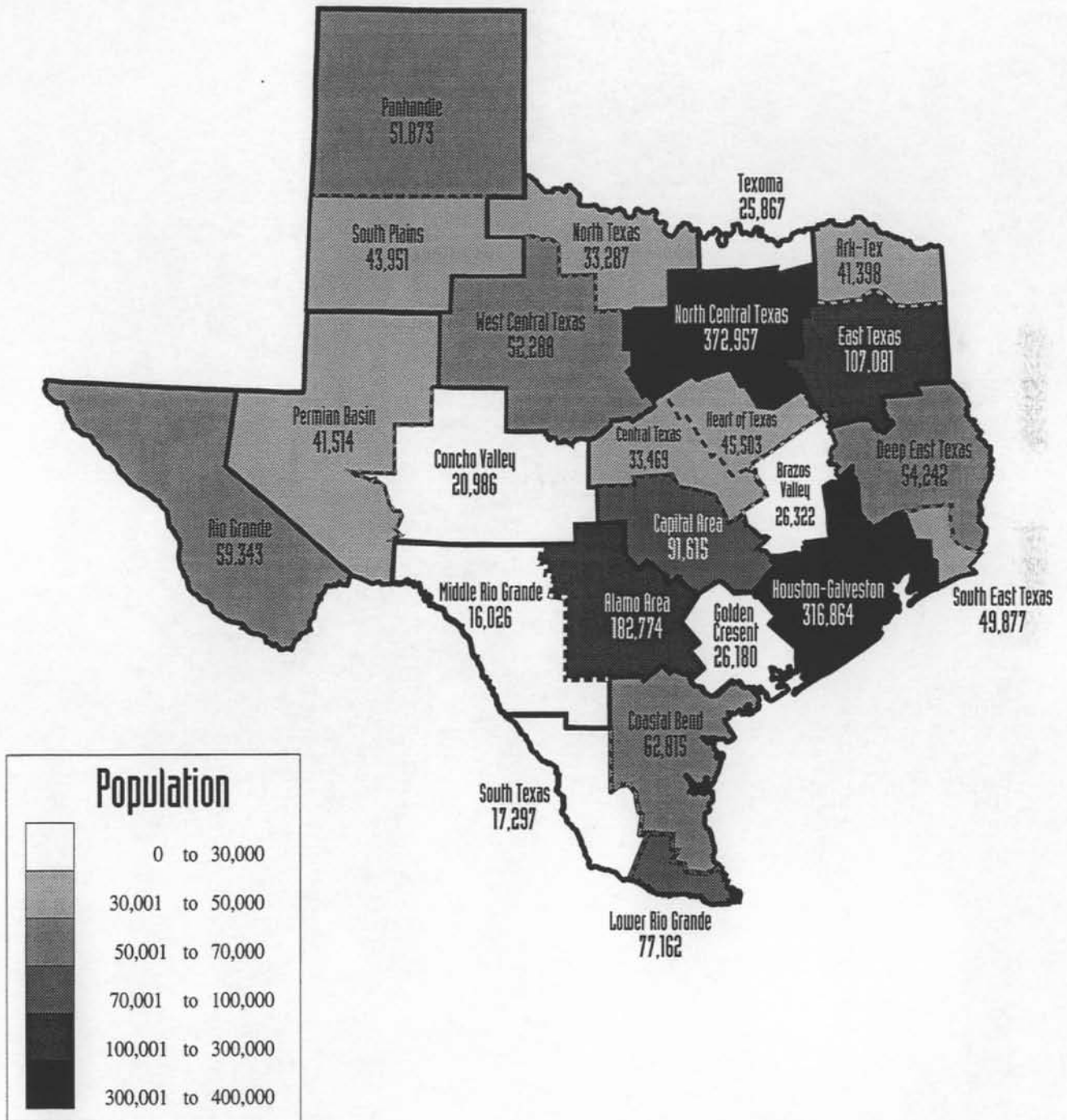
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