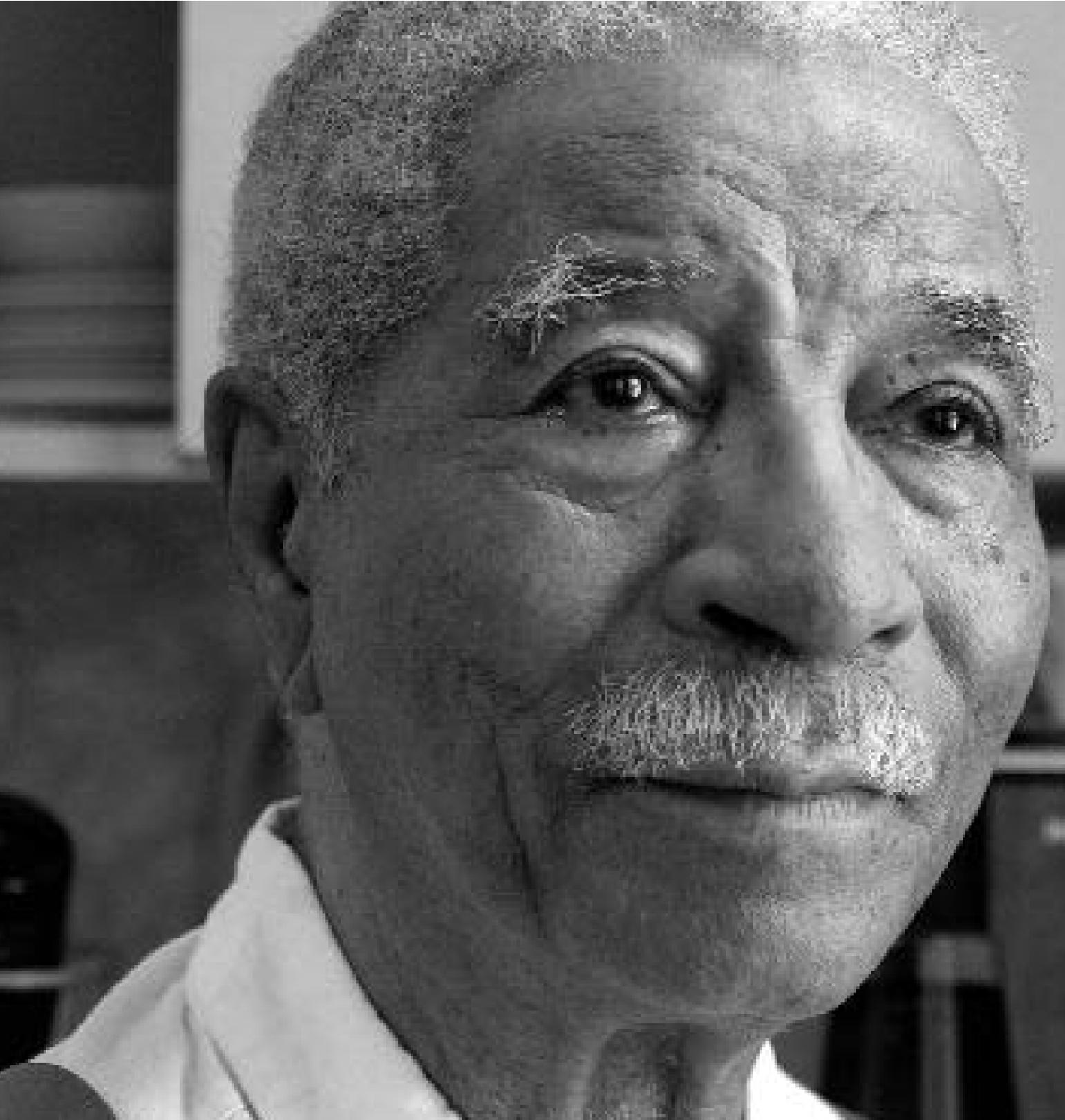


# Adult Protective Services



## Contents

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### Responsibilities

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### Completed Initiatives

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### Progress Continues

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### The APS Program

In-Home

MHMR Investigations

Guardianship

## Adult Protective Services (APS) Responsibilities

- ◆ Investigate reports of abuse, neglect and exploitation of adults who are elderly or have disabilities.
- ◆ Serve and refer clients who are maltreated.
- ◆ As a last resort, provide guardianship for APS clients who are incapacitated and have no other option to prevent further maltreatment.
- ◆ Investigate all abuse, neglect and exploitation reports on clients in MHMR settings.

## Completed Initiatives

◆ APS became a full partner in the Protective Services Training Institute (PSTI) in 1999. In 2000 with APS, PSTI conducted a training needs assessment and developed sets of “competencies” for all APS workers and supervisors. In addition, they developed nine new workshops focusing on APS issues and delivered 33 days of training to APS staff across the state. APS supervisors also attended two PSTI management workshops.

◆ APS collaborated with the Personal Safety Awareness Center to deliver abuse prevention workshops across the state for people who have disabilities or work with people with disabilities. The workshops provided an overview of violence and abuse directed toward people with disabilities. The participants learned the vulnerability of people with disabilities; how to respond when abuse is disclosed; how to detect, report and prevent abuse; and how to plan for their own personal safety. APS staff in each region attended this training.

◆ APS staff coordinated the 16th Annual APS Conference in San Antonio in November 1999. The conference was successful, drawing more than 500 participants from 38 states and several foreign countries. The Texas APS conference is the major training event for APS practitioners and related professionals nationally. The National Association of Adult Protective Services Administrators, the National Committee for the Prevention of Elder Abuse, and the Texas Guardianship Association also held meetings in conjunction with the conference. The 1999 conference offered continuing education credits to lawyers, law enforcement officers and social workers.

◆ In its first appropriation specific to PRS guardianship, the 76th Texas Legislature funded additional staff. PRS used this appropriation to make systemic improvements, increasing accountability of PRS guardianship services. PRS revised guardianship policies and procedures to enhance safeguards for managing wards' estates and to increase supervisory oversight. PRS hired 26 legal protection caseworkers, supervisors and accountants.

# Adult Protective Services



## Progress Continues

◆ APS focused efforts to increase public awareness about abuse, neglect and exploitation of vulnerable adults. In conjunction with Older Americans Month, Gov. George W. Bush proclaimed May 2000 to be Elder Abuse Prevention Month in Texas. The 2000 Adult Abuse Prevention Kit contains an overview of the APS program, public awareness materials and information about issues surrounding vulnerable adults. The National Center on Elder Abuse is adapting the material for national use. In May 2000, APS launched a three-year campaign aimed at preventing isolation, a major risk factor that can lead to adult abuse, neglect and exploitation. Information about the *Not Forgotten* campaign is available at [www.notforgotten.org](http://www.notforgotten.org).

◆ APS continued collaboration with Baylor College of Medicine and the Harris County Hospital District on the Texas Elder Abuse and Mistreatment Institute (TEAM). TEAM provides interdisciplinary geriatric assessment and treatment for APS clients, provides education to medical students on elder abuse, gives training to APS staff on geriatric syndromes, and conducts research. TEAM developed the first in-patient elder abuse unit in the United States at Ben Taub Hospital in Houston. Representatives from the U.S. Department of Justice visited the TEAM Institute May 15-16, 2000, at Quentin Mease Hospital in Houston.

## The APS Program

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

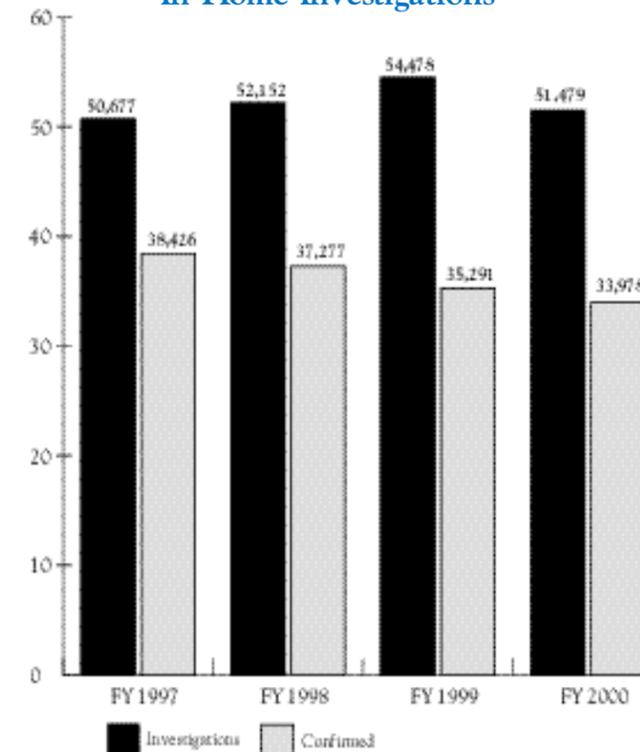
Protecting people who are elderly or have disabilities continues to be a growing issue in Texas. These Texans make up almost a quarter of the state's total population; in 2000 more than 2 million Texans were age 65 and older. Nearly one out of five people have a disability, and one-third of people over 65 have a severe disability. Many live alone or are dependent on others for care.

## In-Home

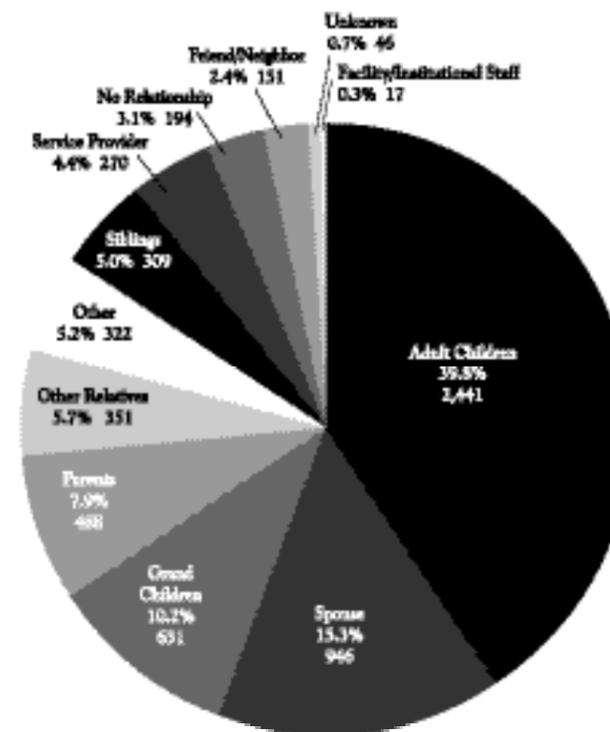
The largest APS program area is in-home investigations and services. When maltreatment is confirmed, this program provides and arranges for services to alleviate abuse, neglect and exploitation. APS in-home investigations protect people age 65 and older who reside in their own homes or in room-and-board homes not subject to licensure. This program area 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 the information to PRS. The 24-hour hotline is 1-800-252-5400.

APS caseworkers begin an investigation within 24 hours of receiving a report. Clients who have the cognitive ability to consent have the right to refuse any or all

## In-Home Investigations



## Perpetrators: In-Home Cases FY 2000



services. Services may include short-term personal assistance, shelter, food, medication, transportation, minor home repair and various other interventions.

## MHMR Investigations

APS is responsible for investigating abuse, neglect and exploitation in MHMR facilities and related programs, including:

- state schools,
- state hospitals,
- state centers,
- community mental health/mental retardation centers,
- facility and community-center contractors, and
- home and community-based services waiver programs.

# Adult Protective Services



who is known as a ward. A guardian's duty may include protecting the ward's estate.

APS guardianship, which may be provided directly or through contracts with local entities, is a small part of a statewide system. Recognizing the role of APS, the 76th Legislature changed the membership of the Texas Guardianship Advisory Board to include an APS representative. Known as the Guardianship Alliance, the board is coordinated by the Texas Health and Human Services Commission.

APS works closely with the Guardianship Alliance to develop more resources for guardianships in the state. When guardianships are needed, APS works with family members, other interested parties, local guardianship programs and contractors to arrange services.

When all other options have been exhausted and no family member, other interested party or alternative is available, PRS may seek, as a last resort, guardianship of:

- incapacitated children reaching adulthood in CPS conservatorship; or
- incapacitated adults in APS investigations where abuse, neglect or exploitation has been confirmed and there are no other means of protecting the person.

At the end of 2000, APS directly provided 426 guardianships and contracted for an additional 196. There were 82 referrals for guardianship of children with severe disabilities who will age out of CPS conservatorship upon their 18th birthday.



"I always was heavy and stayed there by myself," said Bobby. "I took care of myself a bit at a time."

But, knee injuries and more than 650 pounds confined him to his bed and his home. Rotting floors in his mobile home prevented ambulance staff from helping Bobby outside and into a waiting ambulance.

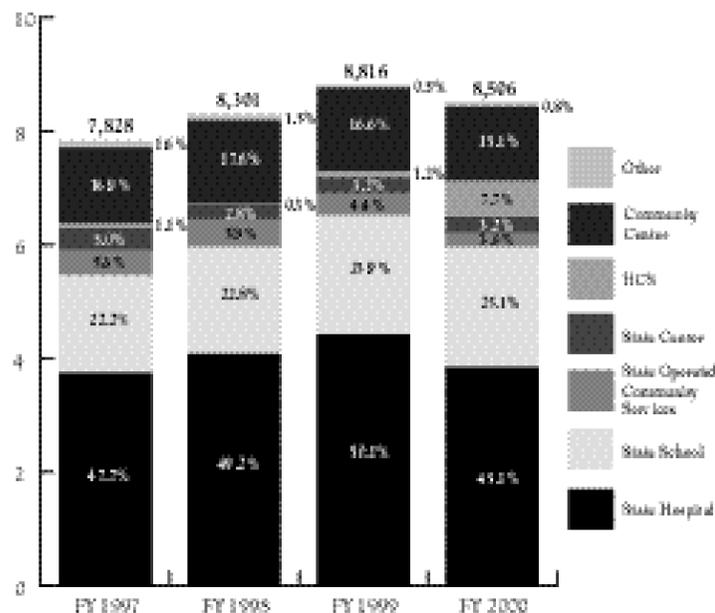
Linda Flanigan, an APS caseworker, arranged for a carpenter to cut a hole in Bobby's wall and for a wrecker company's boom to move Bobby into the ambulance. Hospital staff and Flanigan found a long-term nursing facility that specialized in weight loss.

"Now I'm president of the resident council," Bobby said. "I'm checking around with everyone and help in every way I can."

Bobby has lost almost 200 pounds in about one year. Only a touch of arthritis bothers his knees now.

"I want to get back working and everything. That's what my plan is. I miss everybody, but I'm trying to take care of myself right now."

## MHMR Investigations



The 76th Texas Legislature completed a major revision of Chapter 48 of the Texas Human Resource Code. Amendments clarified the responsibility for investigating abuse, neglect and exploitation in MHMR home and community-based services waiver programs. PRS now conducts home and community-based services investigations according to the rules for MHMR investigations. In-home assists with any emergency services needed during these investigations. The 76th Legislature also revised the Texas Family Code, using consistent abuse and neglect definitions for both child and adult victims in MHMR investigations.

During 2000, APS completed 8,506 investigations in MHMR settings. Of these, 1,077 cases were confirmed, half of which involved neglect.

## Guardianship

Guardianship is a legal method to protect individuals' well being when they cannot protect themselves. A guardian is a court-appointed person or entity that makes decisions on behalf of an incapacitated person,