

# **ADULT PROTECTIVE SERVICES – A BASIC OVERVIEW OF THE IN-HOME PROGRAM**

---

# FACTS AND FIGURES

- Every day in the United States, 10,000 people turn 65! This growth is expected to continue for at least the next 20 years.
- In the United States, the 2010 Census recorded the greatest number and proportion of people age 65 and older in all of decennial census history: 40.3 million, or 13% of the total population.

# FACTS AND FIGURES CONT'

- By 2050, people age 65 and older are expected to comprise 20% of the total U.S. population. The fastest growing segment of Americas population consists of those 85 and up. In 2010, there were 5.8 million people aged 85 or older. By 2050, it is projected that there will be 19 million people aged 85 or older.

# Abuse of Elders is Underreported

- It is estimated 5 million (1 out of 10) seniors are victims of abuse, neglect and/or exploitation every year.
- National statistics show that from 50% to 80% are not reported to protective services

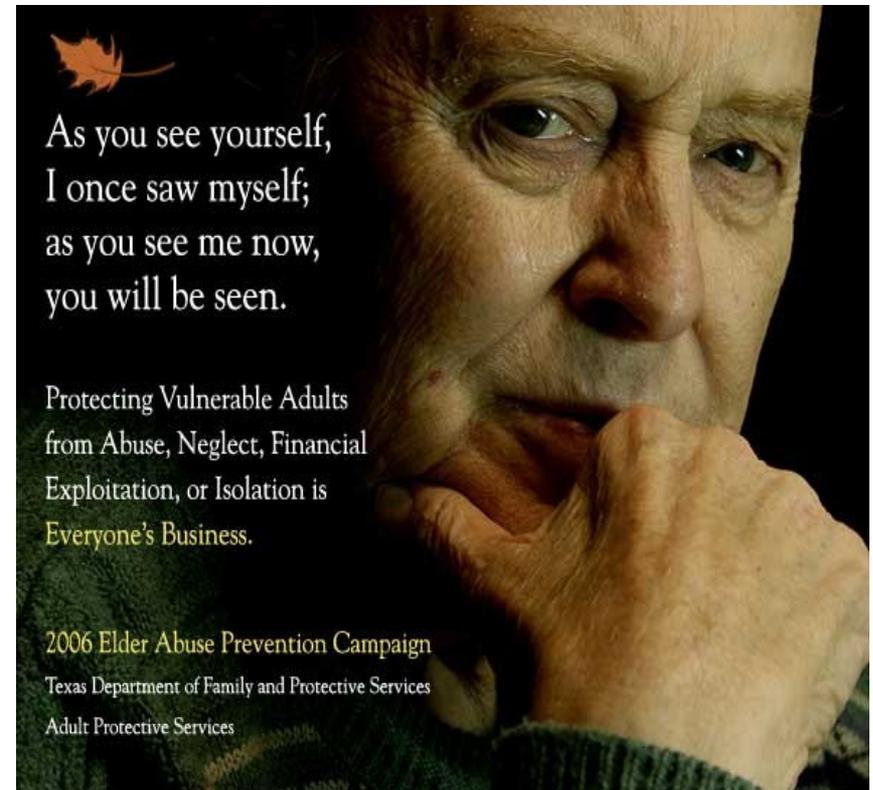
# Chapter 48, Texas Human Resources Code

- Chapter 48 authorizes APS to investigate abuse/neglect/exploitation of the elderly and disabled adults
- Provides immunity to the reporter
- Provides confidentiality protection for the reporter

# Who Is Eligible For APS?

- People reported to be abused, neglected or exploited
  - **Age 65 or older**
  - **Adults 18-64 who have disabilities**

*THRC 48.002*



# Substantial Impairment

- When a disability grossly and chronically diminishes an adult's physical or mental disability to live independently or provide self-care as determined through observation, diagnosis, evaluation or assessment.
- Disability payments are no longer an automatic qualifier.

# Abuse Definition

Applies to all AP's except paid caretakers...  
any knowing, reckless, or intentional act or  
failure to act, including unreasonable  
confinement, corporal  
punishment, inappropriate or excessive  
force, or intimidation, which caused physical  
injury, death, or emotional harm.

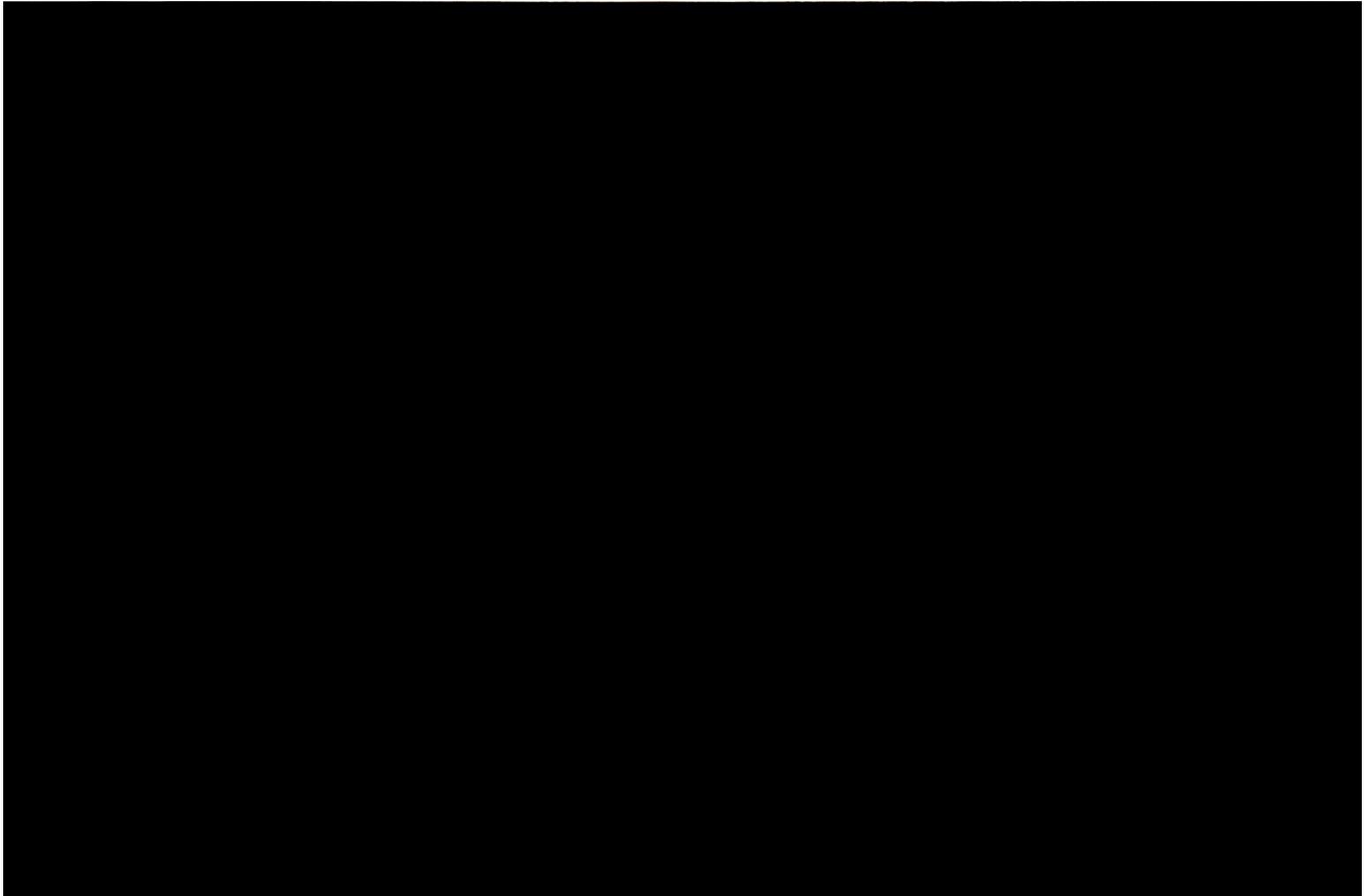
*Texas Human Resources Code 48.002*

# Signs of Abuse

## Hidden Bruises



Abuse cont'.



# Abuse cont'.



# Who is an Alleged Perpetrator??????

- Paid Caretaker
- Unpaid Caretaker
- Family Member
- Ongoing Relationship w/ the alleged victim

# Ongoing Relationship

- A personal relationship that includes:
- Frequent and regular interaction;
- A reasonable assumption that the interaction will continued;
- An establishment of trust, beyond a commercial or contractual agreement.

# Sexual Abuse

- Any nonconsensual sexual activity ,which may include, but is not limited to,any activity that constitutes an offense under Texas Penal Code...
- There is no consent when;
- Alleged victim is incapable of consent
- Consent is induced by force or threat
- Alleged victim is unconscious or unable to resist
- AP has impaired the victim or there is fear

# Emotional/ Verbal Abuse

**Caretaker, family member, or individual w/ an ongoing relationship**

**Any act or use of verbal or other communication to threaten violence that makes a reasonable person fearful of imminent physical injury.**

# Neglect Definition

Self-neglect:

The failure to provide the protection, food, shelter, or care necessary to avoid emotional harm or physical injury.

# Types of Neglect

- Refusal / Failure to Provide
- Food
- Water
- Clothing
- Shelter
- Personal Hygiene
- Medication
- Medical Care
- Comfort
- Personal Safety
- Other essentials or basic needs

# Neglect/ Hoarding



# Neglect cont'.



# Severe Medical Neglect



# Paid and Unpaid Caretakers

- The failure to provide the protection, food, shelter, or care necessary to avoid emotional harm or physical injury; or
- A negligent act or omission that caused or may have caused emotional harm, physical injury, or death.

# Exploitation Definition

Attempting to use, the resources of the alleged victim including the SS number or other identifying information for monetary or personal benefit, profit, or gain without the informed consent of the alleged victim.

# Financial Exploitation continued:

- There is no informed consent when....
- Not voluntary
- Deception/coercion
- Unable to make decisions

# Financial Exploitation continued:

- When an AP is a caretaker, family member or other individual who has an ongoing relationship with the alleged victim, financial exploitation excludes Theft in Chapter 31 of the Texas Penal Code.

## Financial Exploitation continued:

- When an AP is a paid caretaker, financial exploitation includes, but is not limited to, Theft in Chapter 31 of the Texas Penal Code.

# Abuse/Neglect Indicators

- Bruises, burns, unexplained injuries
- Malnutrition, dehydration, poor hygiene
- Evidence of inadequate care
- Unsafe, unsanitary living conditions
- Lack of basic necessities
- Lack of needed equipment

# Exploitation Indicators

- Signing checks made out by someone else
- Discrepancy between resources and living conditions
- Frequent checks written to “cash” or to caregiver
- Victim is unaware of his income or expenditures

# Suicidal Threat

- SWI will refer calls regarding suicidal threats to LE if no A/N/E allegation.
- APS staff not trained as first responders
- LE may report A/N/E to APS if observed on the scene( lack of utilities, home infestation, hoarding, etc...)

# Who Is Required To Report Abuse/Neglect/Exploitation

- Texas State Law mandates that any person who has cause to believe that a vulnerable adult is in a state of abuse, neglect or exploitation shall immediately report the information to APS

# Methods to Report Abuse/Neglect/Exploitation

- Statewide Intake Toll Free
  - 1-800-252-5400
- Internet
  - [www.txabusehotline.org](http://www.txabusehotline.org)
- If an emergency, CALL 9-1-1

# The Investigation Begins

- Statewide Intake Staff take the information and enter it into the data base
- APS Caseworkers initiate the investigation within 24 hours
- APS may telephone someone with current and reliable information to gain further knowledge of the situation and determine whether immediate intervention is required

# Priorities

- Statewide Intake staff assign all reports a priority. APS staff may upgrade/downgrade the priority.
  - Priority 1 = 24 hours
  - Priority 2 = 3 days
  - Priority 3 = 7 days
  - Priority 4 = 14 days

# Service Delivery

- Are protective services needed to remedy the situation?
- Clients with mental capacity have the right to refuse APS services.
- Clients with mental capacity have the right to be involved with the service planning process.
- Least restrictive alternatives, if possible.

# For More Information

- <http://www.dfps.state.tx.us>
- <http://www.everyonesbusiness.org>
  
- Wendi Edwards
- Adult Protective Services
- Community Engagement Specialist
- 698-5574
- 241-3726