

Adult Protective Services

Overview



TEXAS
Department of Family
and Protective Services

About Adult Protective Services





To protect people age 65 and older and adults (18-64) with disabilities from abuse, neglect, and financial exploitation by investigating and providing or arranging for services necessary to alleviate or prevent further maltreatment.

www.dfps.state.tx.us



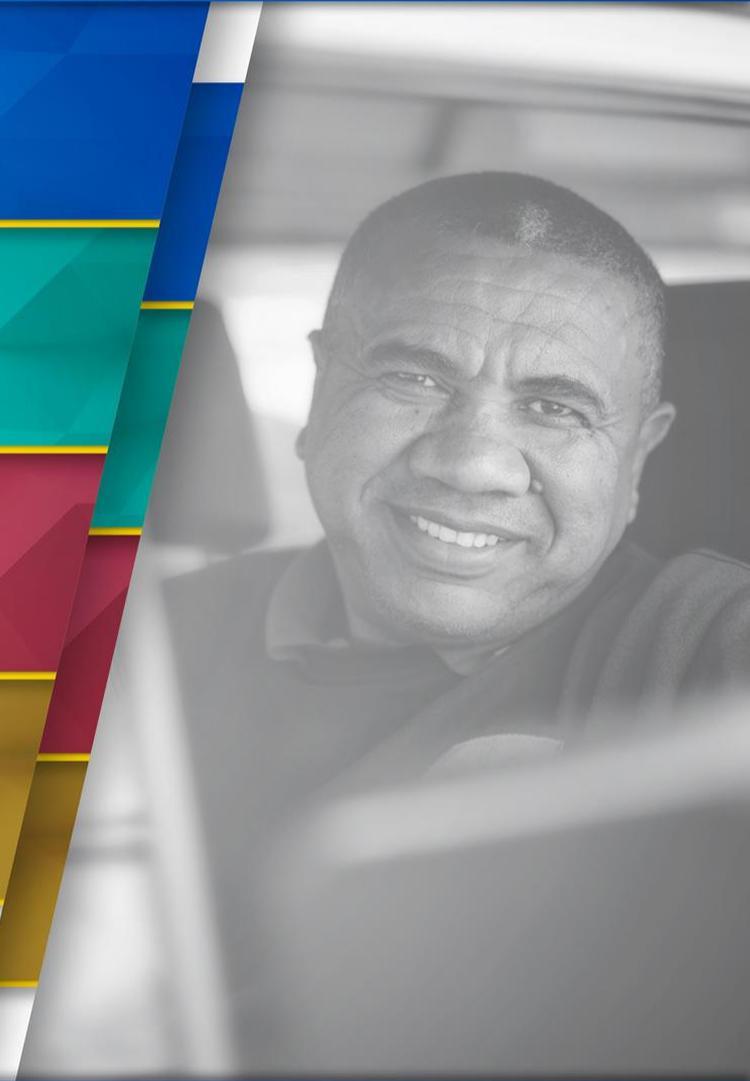


- In 2020, Texas APS program received 117,034 intake reports.
- Of those cases, APS confirmed 73,567 perpetrators.
- In Region 11, APS received 10,955 intake reports.
- Of those cases, APS confirmed 6,293 perpetrators.





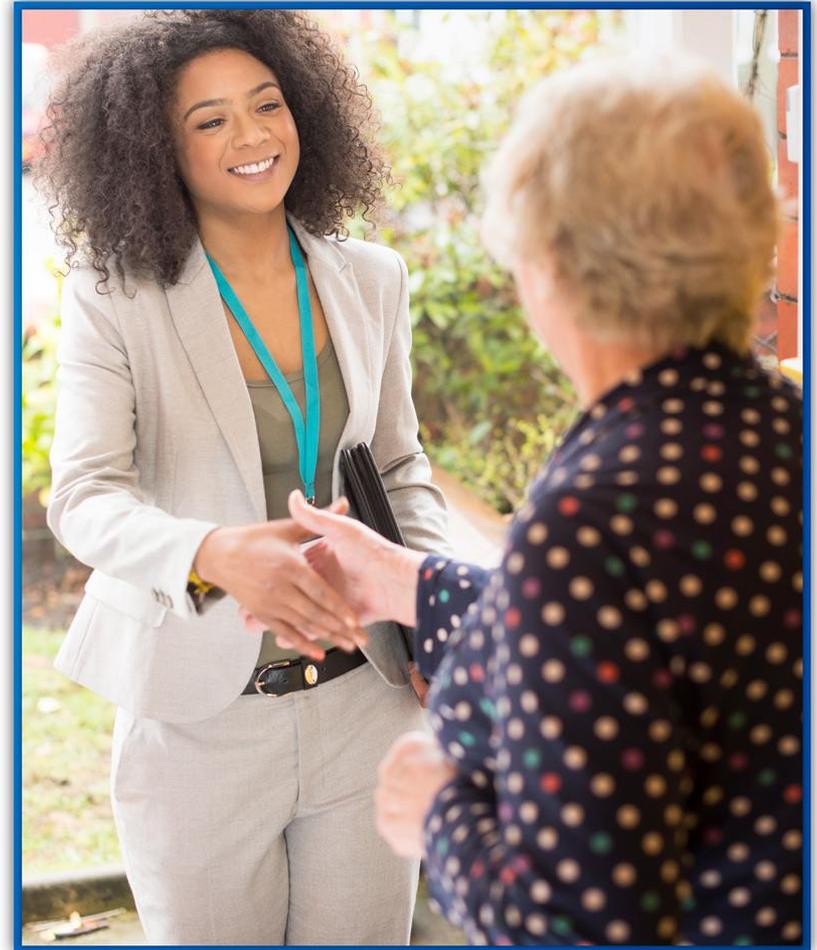
- **More than 3.5 million older residents in Texas.**
- **Almost one-half of all elderly nationwide have a disability.**
- **1.7 million adults with a disability in Texas.**
- **Nearly 1 out of 7 people have a disability.**





Statutory Authority (Federal and State)

- Title 20, Social Security Act
- Human Resources Code – Chapters 40 and 48
- Texas Family Code Title IV
- Health & Safety Code – Chapter 532 and Chapters 591-595



**About the
People
We Serve**





APS Serves People:

- Over the age of 65
- 18 years and older with a mental, physical, or developmental disability that substantially impairs the person's ability to provide adequately for the person's care or protection.





What is a Substantial Impairment?

A substantial impairment is a disability that grossly and chronically diminishes physical or mental ability to live independently or provide self-care.

A mental, physical, or developmental disability:

- A medical condition
- Professionally diagnosed
- Reported or observed behavior that is consistent with such a diagnosis.

Causing a long-lasting and considerable inability to live independently or provide self-care.



Activity Limitations:

- Shopping, cooking, housekeeping, administering medications;
- Dressing in clothing appropriate for the weather;
- Obtaining needed medical services, support services, or transportation;
- Making sound decisions; or
- Preventing harm to self or others.



Abuse Neglect and Exploitation





Negligent or willful infliction of injury, unreasonable confinement, intimidation or cruel punishment resulting in physical or emotional harm or pain to an elderly or disabled person by the **person's caretaker, family member or other individual who has an ongoing relationship with the person.**

Texas Human Resources Code 48.002





- **Bruises, burns, unexplained injuries.**
- **Pushed or shoved, manipulated by force.**
- **Bathed, changed, or dressed with unnecessary force.**
- **Forced to place limbs in unnatural or painful positions.**



Verbal/Emotional Abuse Indicators

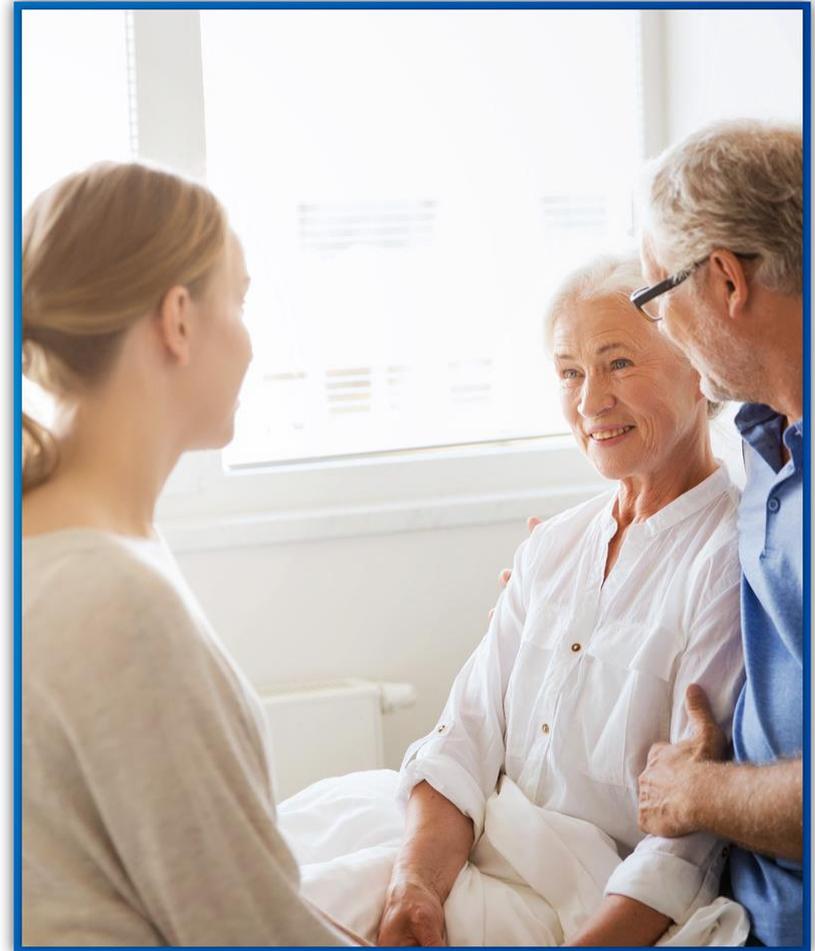
- **Fear of the perpetrator**
- **Low self-esteem, depression**
- **Caretaker yelling, cursing, or screaming**
- **Threats of harm, intimidation factor**



Definition of Sexual Abuse

Nonconsensual sexual activity, which may include, but is not limited to any activity that would be a sexually-oriented offense per Texas Penal Code, such as indecent exposure, or public indecency committed by a paid or non-paid caretaker; a family member; or another individual who has an ongoing relationship with the alleged victim.

Texas Human Resources Code 48.002





Sexual Abuse Indicators

- Sexually transmitted disease
- Unexplained pregnancy
- Unexplained rectal bleeding
- Bruising or other injuries



The failure to provide for one's self the goods or services, including medical services, which are necessary to avoid physical or emotional harm or pain, or the failure of a caretaker to provide such goods or services.

Texas Human Resources Code 48.002





- **Malnutrition, dehydration, poor hygiene**
- **Evidence of inadequate care**
- **Unsafe, unsanitary living conditions**
- **Lack of basic necessities or needed equipment**
- **Over or under medicating**



- Fear, anxiety, nervousness
- Refusal or reluctance to talk in presence of a caretaker
- Disorientation or confusion
- Agitation
- Contradictory statements
- Afraid to get family in trouble
- No one else available for caregiving



Definition of Exploitation

The illegal or improper act or process of a caretaker, family member or other individual who has an ongoing relationship with the elderly or disabled person using the resources of an elderly or disabled person for monetary or personal benefit, profit or gain without the informed consent of the elderly or disabled person.

Texas Human Resources Code 48.002





Impact of Financial Exploitation

- Loss of Resources
- Loss of Independence
- Increase in Mental Health Issues
- Inability to Pay Expenses
- Inability to replace lost assets through employment
- Inability to hire attorney to pursue legal protections and remedies





Indicators of Financial Exploitation

- **Sudden changes in bank account or banking practice**
- **Unexplained withdrawal of a lot of money by person accompanying the alleged victim**
- **Unapproved withdrawal of funds using an ATM card**
- **Unexplained missing funds or valuables**



Indicators of Financial Exploitation

- Providing substandard care
- Unpaid bills despite having enough money
- Sudden appearance of previously uninvolved relatives claiming their rights to a person's affairs or possessions
- Providing unnecessary services



Perpetrator Indicators

- Prevents the client from speaking or seeing visitors, friends or family.
- Anger or indifference; aggressive behavior toward the client.
- History of substance abuse, mental illness, criminal behavior, or family violence.
- Lack of affection towards the client.



Perpetrator Indicators

- **Conflicting accounts of incidents.**
- **Talks about the client as being a burden.**
- **Shows more concern for the inheritance than the client.**
- **Blames the client for their actions.**
- **Flirtation or coyness as possible indicator of inappropriate sexual relationship.**

Investigations and Reporting





Who We Investigate

- Self
- Caretaker
- Family members
- Ongoing relationship with the alleged victim

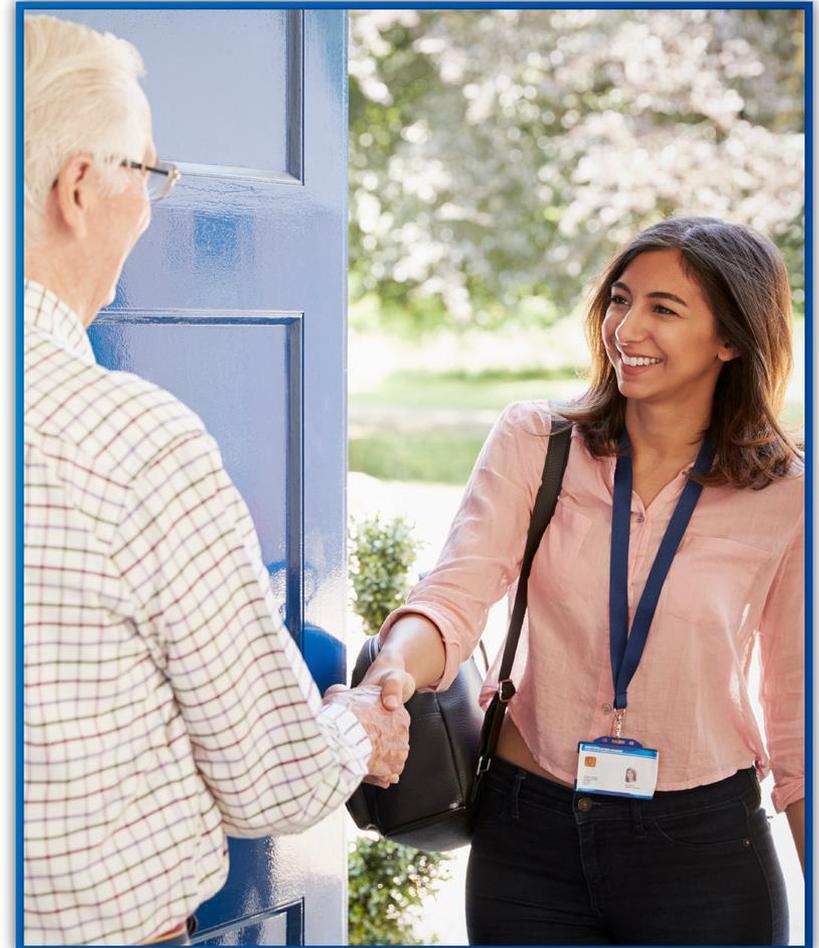




In-Home Investigations

Responsible for investigating AN&E for those who reside in the community, these include:

- Private homes,
- Adult foster homes,
- Unlicensed board and care homes.
- Three or fewer individuals living in a home.





Investigation and Assessment

- Is immediate intervention necessary?
- Initial client face-to-face visit
- Conduct safety assessment
- Initiate collateral contacts
- Document and collect any evidence
- Emergency services needed





Texas is a **MANDATORY** Reporting State

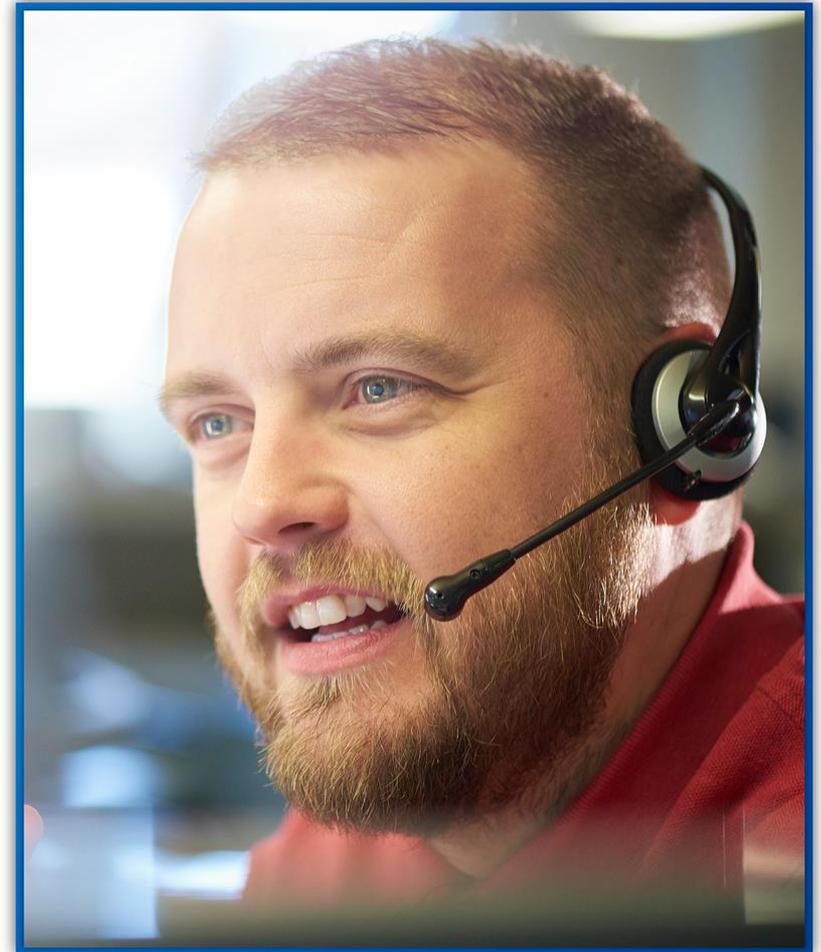
Abuse Hotline:

1-800-252-5400

www.txabusehotline.org

If an emergency,

CALL 9-1-1





Who Is Required To Report?

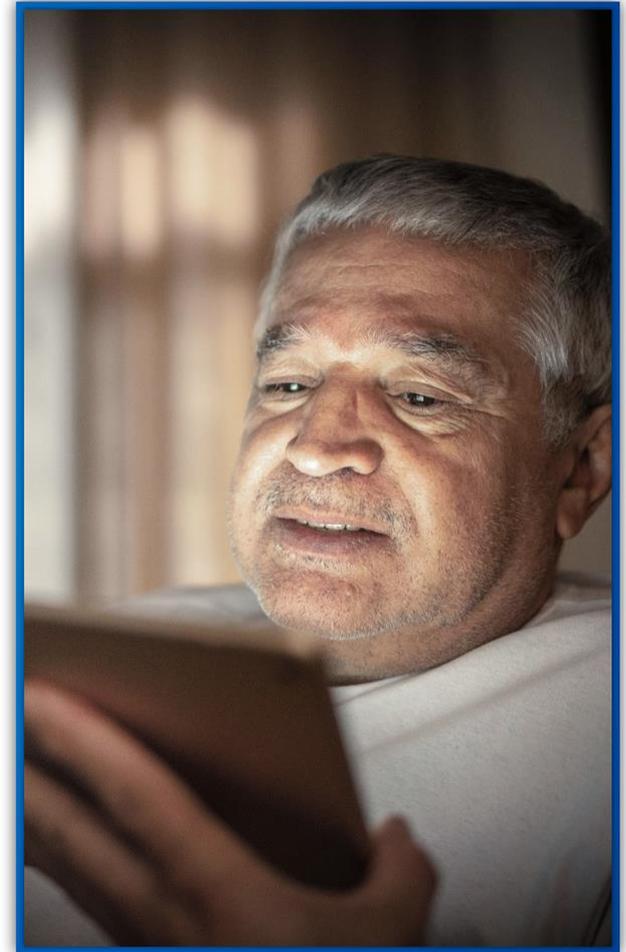
The law mandates any person (18 years or older) who suspects that a vulnerable adult is in a state of abuse, neglect or exploitation shall immediately report the information to Adult Protective Services.





Helpful Information for Reporting

- Name, DOB, and current address of the alleged victim
- A brief description of the situation
- Details about the alleged perpetrator
- Current injuries and medical conditions
- Names and phone numbers of relatives, neighbors, and friends that may have knowledge of the situation
- Reporter should provide all appropriate contact information

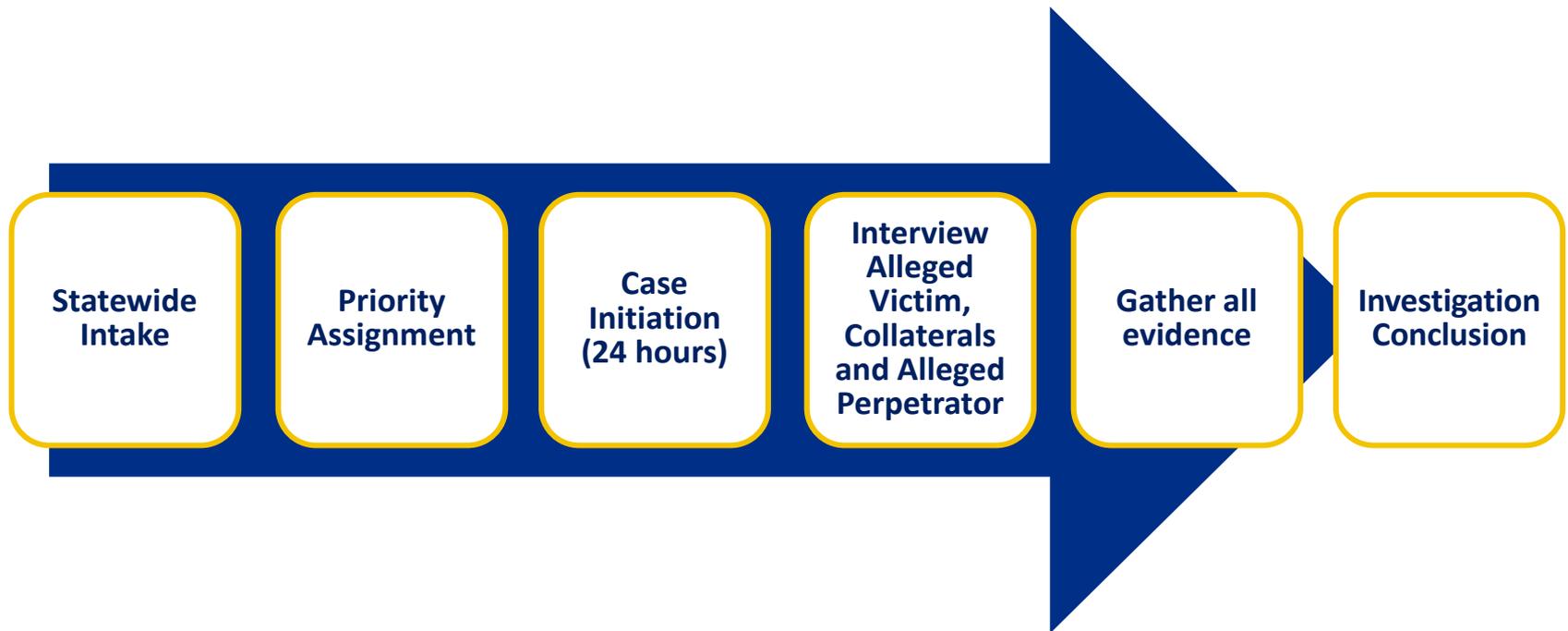




Reporter Information

- All information pertaining to the reporter shall be kept confidential.
- Identification is prohibited by policy and statute.
- Exceptions:
some legal situations.





Rolling Service Plan

Client Rights

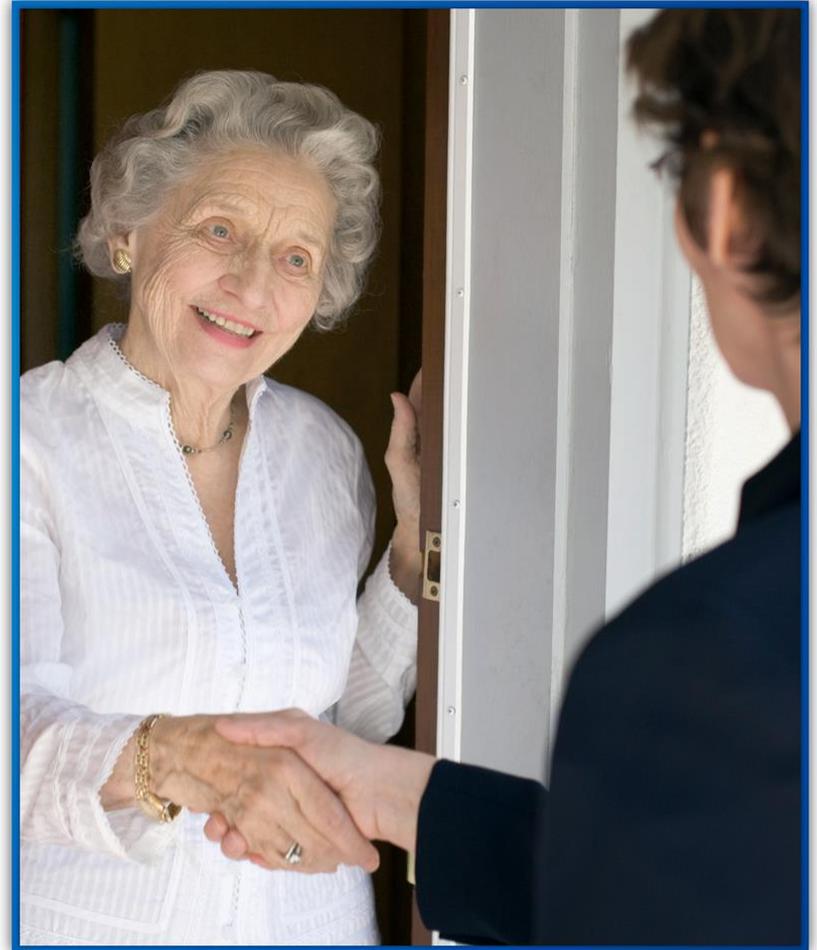




Adult Protective Services

APS may furnish protective services to a person who is age 65 or older or is an adult with a disability:

- With the person's consent; or
- Without the person's consent, if the person lacks the capacity to consent and meets conditions in Human Resources Code §48.208.





Capacity to Consent

A person lacks the capacity to consent to receive protective services if because of a mental or physical impairment, the person is incapable of understanding the nature of the services offered and agreeing to receive or rejecting protective services.

Human Resources Code Section 48.208 (a)

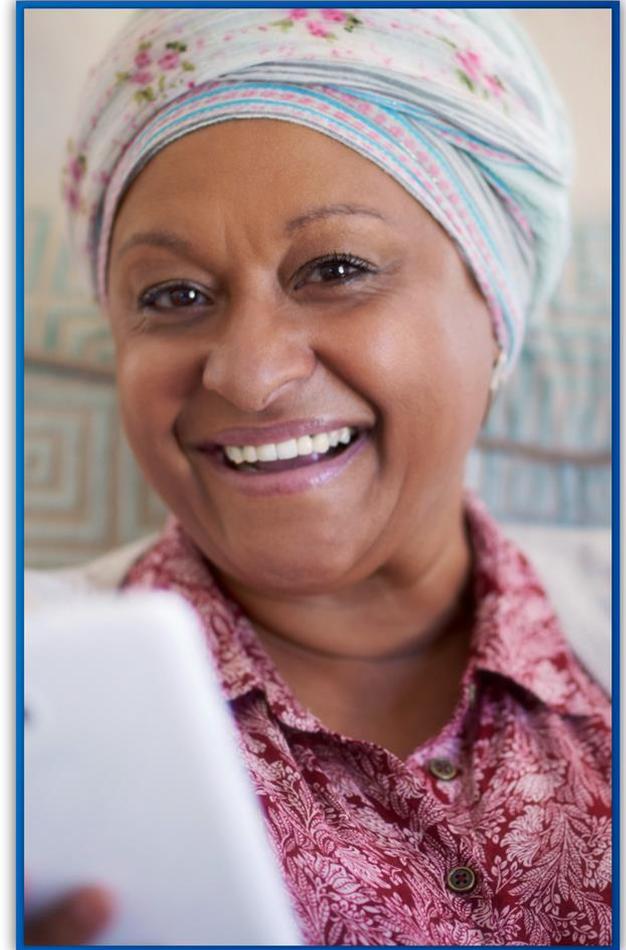




List of Clients' Rights

Clients may:

- Refuse to cooperate with investigation
- Refuse or allow staff entry into their home
- Refuse protective services, with capacity to consent
- Participate in service planning
- Select least restrictive alternatives
- Refuse medical treatment based on religious beliefs, regardless of capacity
- Court-appointed attorney ad-litem





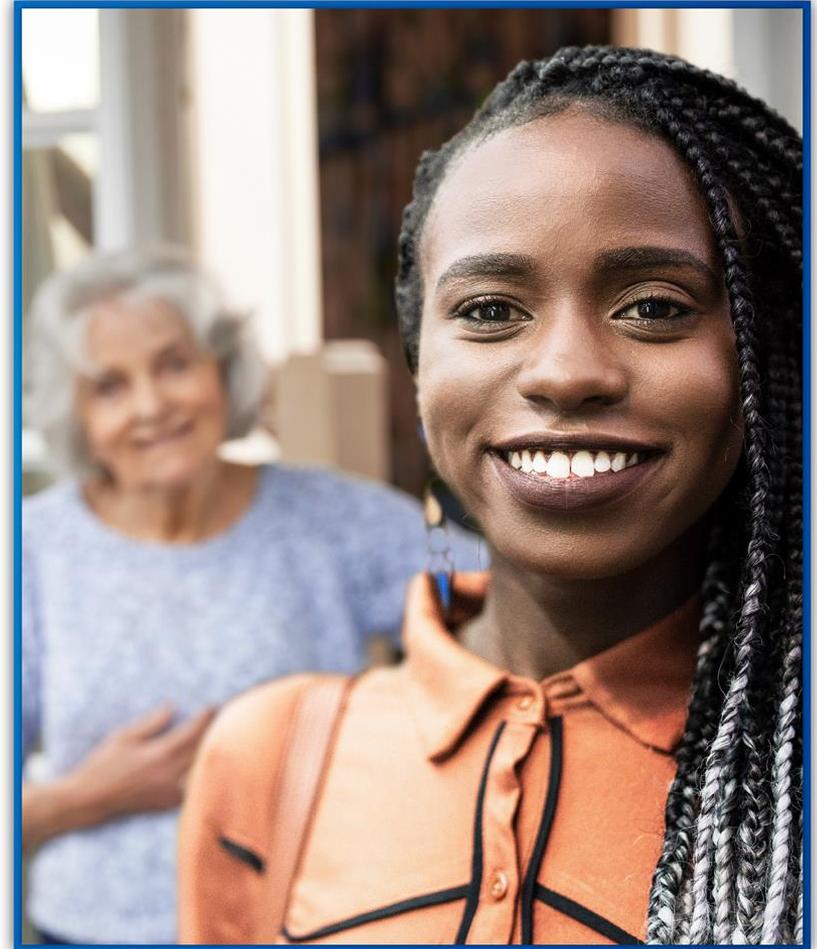
Legal Alternatives

- **Emergency order for protective services**
- **Court authorized entry**
- **Prohibit interference with investigation or protective services**
- **Unrestricted access to records**
- **Petition guardianship to health and human services commission**



Service delivery is focused on an individual plan developed to reduce or eliminate further risk of harm.

The caseworker, along with the client, defines the problem and decides on the course of action.





Potential Courses of Action:

- Helping the client find money management resources
- Setting up provider services, Meals on Wheels, ERS, etc.
- Referring to other agencies for continued assistance
- Assisting with home improvements in order to continue living at home safely
- Providing a safe environment
- Purchasing life sustaining medications
- Immediately intervening for the client's safety
- Make a referral to guardianship

Collaborative Efforts





- Food, medications, and other supplies
- Emergency shelter and alternate living arrangements
- Heavy housecleaning and minor home repairs
- Utility initiated, reinstated, and recovered
- Medical and Psychiatric assessments
- Facilitating services provided by other agencies



Involving Law Enforcement

- Send a copy of every report received
- If abuse, neglect, and exploitation constitutes a crime
- Investigative and technical assistance
- Personal safety concerns
- Notification at the conclusion with results
- APS does not conduct criminal investigations

Be a Champion

**For older Texans
and those with
disabilities**



Report Abuse Neglect and Exploitation

TDFPS Abuse Hotline
1-800-252-5400
www.txabusehotline.org



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