



REPORTING SUSPECTED ABUSE, NEGLECT OR EXPLOITATION OF ADULTS

DEPARTMENT FOR CHILDREN AND FAMILIES
ADULT PROTECTIVE SERVICES



Strong Families Make a Strong Kansas

ADULT PROTECTIVE SERVICES

- Provide advocacy to ensure protection of personal rights.
- Services include only those determined to be needed to protect the adult in the least restrictive manner.
- Involuntary intervention (i.e. guardianship/conservatorship) will be initiated only after all other options have been pursued and the involved adult has been determined to lack capacity.



ELDER ABUSE NATIONAL DATA

According to the best available estimates, between 1 and 2 million Americans age 65 or older have been injured, exploited, or otherwise mistreated by someone on whom they depended for care or protection.

(Elder Mistreatment: Abuse, Neglect and Exploitation in an Aging America. 2003. Washington, DC: National Research Council Panel to Review Risk and Prevalence of Elder Abuse and Neglect)

It is estimated that for every one case of elder abuse, neglect, exploitation, or self-neglect reported to authorities, about five more go unreported. (National Elder Abuse Incidence Study. 1998. Washington, DC: National Center on Elder Abuse at American Public Human Services Association.)

ABUSE OF THOSE WITH DISABILITIES

Experts estimate that people with disabilities are at least four times more likely to be victimized than people without disabilities (Sobsey, 1994; TorontoStar, 1990).

Individuals with an intellectual impairment are at the highest risk of victimization (Sobsey & Doe, 1991).

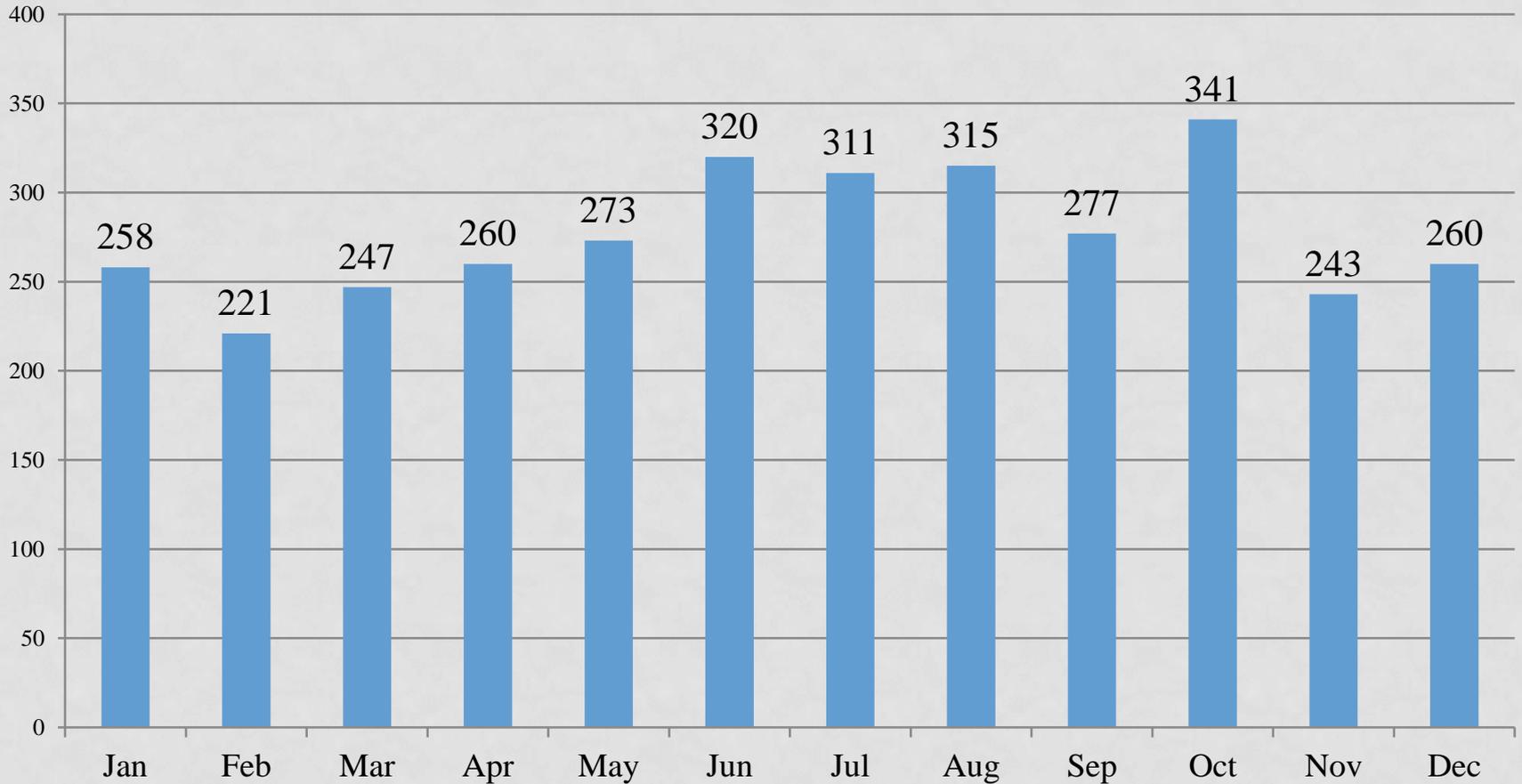
ABUSE OF THOSE WITH DISABILITIES

Most crimes against people with developmental disabilities tend to go unreported (Sorensen, 2002).

Wilson & Brewer (1992) found that 71% of crimes against people with severe intellectual disabilities go unreported.



ADULTS ON HCBS WAIVERS INVOLVED IN REPORTS RECEIVED BY DCF KPRC JANUARY - DECEMBER 2014

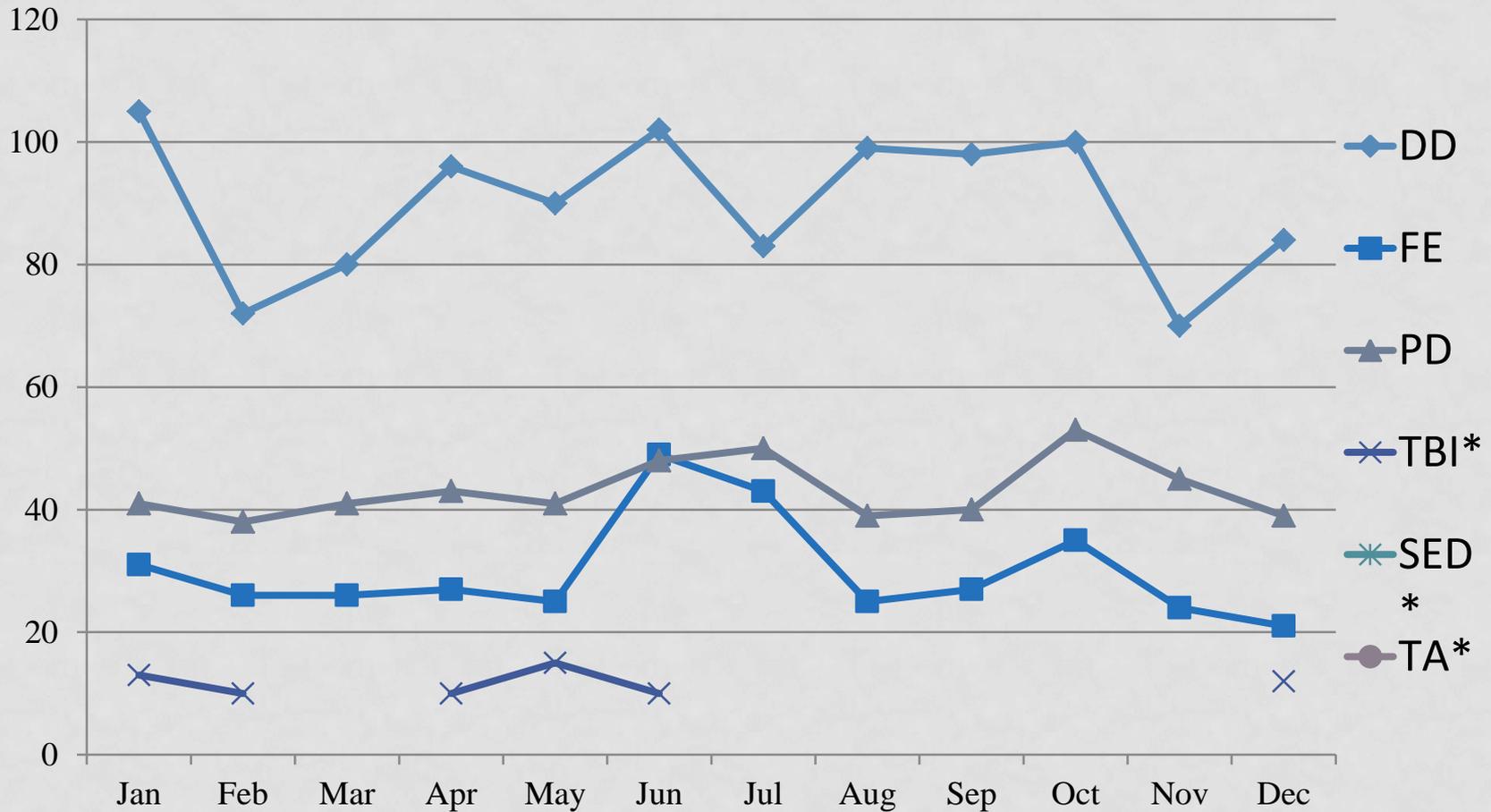


ACRONYMS FOR WAIVERS AND SERVICES

- I/DD- Intellectual and Development Disability
- FE- Frail Elderly
- PD-Physical Disability
- TBI-Traumatic Brain Injury
- SED- Serious Emotional Disturbance
- TA- Technical Assistance
- MF- Money Follows the Person

- *Indicates the number of some months were less than 10 people were served by APS

ADULTS RECEIVING WAIVERED SERVICES INVOLVED IN APS INVESTIGATIONS JAN-DEC 2014



APS DATA FROM FY2014

- 15,722- APS reports were received by Kansas Protection Report Center (KPRC)
- 9,233- APS reports assigned for an investigation
- 31% of reports involved adults 70 year of age and over
 - Abuse- highest number age 18-29
 - Exploitation- age 80-89
 - Fiduciary Abuse- age 80-89
 - Neglect- age 80-89
 - Self-neglect – age 60-69

VIDEO CLIPS ON ADULT ABUSE

- https://www.youtube.com/watch?v=n_nAkP2Q1T0&feature=player_embedded
- https://www.youtube.com/watch?feature=player_embedded&v=s_LG3EtcFco&list=PL6114E161CE0C0CD2
- www.youtube.com/watch?v=yhLsATwO0o4
- https://youtu.be/xyViq_67Vpg

MANDATED REPORTERS (39-1431)

- K.S.A. 39-1431 (Adult Abuse/Neglect)
 - When any of the following persons has reason to suspect abuse, neglect, exploitation or fiduciary abuse of a mentally ill, incapacitated or dependent persons the person shall report immediately to either DCF or law enforcement.
 - List of mandated reporters can be found in K.S.A.39-1431 or Kansas Adult Protective Services brochure.

EXCEPTIONS (39-1431)

For suspected adult abuse or neglect:

- Employee of a domestic violence center shall not be required to report information or cause a report of information to be made under this subsection.

PROTECTIONS FOR MANDATED REPORTERS

39-1403 – for suspected Adult Abuse or Neglect

- (a) Anyone participating in the making of any report pursuant to this act, or in any follow-up activity to or investigation of such report or any other report of abuse, neglect or exploitation of an adult or who testifies in any administrative or judicial proceeding arising from such report shall not be subject to any civil liability on account of such report, investigation or testimony, unless such person acted in bad faith or with malicious purpose.
- (b) No employer shall terminate the employment of, prevent or impair the practice or occupation of or impose any other sanction on any employee solely for the reason that such employee made or caused to be made a report under this act.

ALLEGATION TYPES THAT MAY BE ASSIGNED

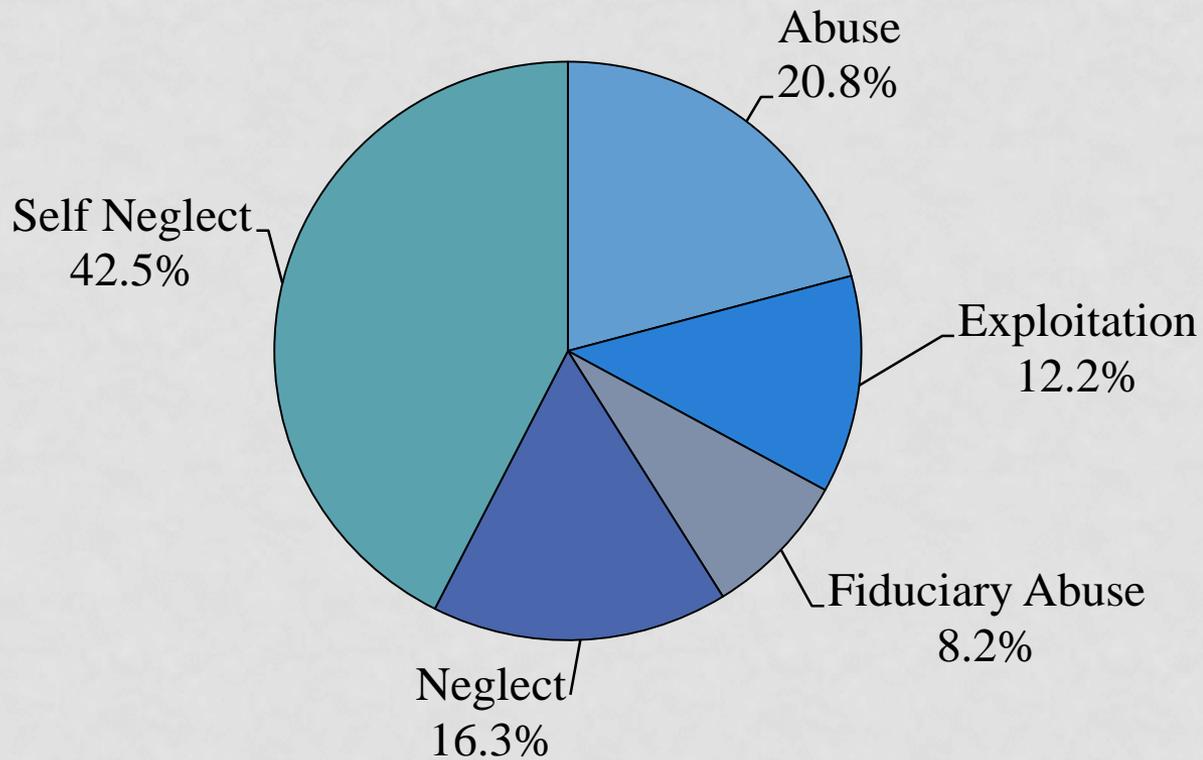
Adult Abuse Reports

- Abuse
- Neglect
- Exploitation
- Fiduciary Abuse
- Self-Neglect



APS DATA- FY 2014

APS Reports Assigned by Maltreatment Type



WHAT IS ADULT ABUSE/NEGLECT/EXPLOITATION?

“Abuse”, “neglect,” “exploitation” and “fiduciary abuse” are terms describing a wide range of potentially harmful situations. They can result from intentional or unintentional actions by a caregiver, friend or relative, as well as the elderly or disabled adult themselves.

DEFINITIONS (K.S.A. 39-1430)

Adult:

- Individuals age 18 or older who are alleged to be unable to protect their own interests and who are harmed or threatened with harm through action or inaction by either another individual or themselves.

Abuse:

- Any act or failure to act performed intentionally or recklessly that causes or is likely to cause harm, including:

DEFINITIONS (K.S.A. 39-1430)

- Infliction of physical or mental injury
- Sexual abuse
- Threats or menacing conduct
- Fiduciary abuse or omission
- Unreasonable use of physical or chemical restraints, isolation, medications
- Deprivation by a caretaker or another person of goods or services which are necessary to avoid physical or mental harm or illness

DEFINITIONS (K.S.A. 39-1430)

Neglect:

- Failure or omission by self, caretaker or another person to provide goods or services which are reasonably necessary to ensure safety and well-being and to avoid physical or mental harm or illness

Exploitation:

- Misappropriation of an adult's property or intentionally taking unfair advantage of an adult's physical or financial resources

DEFINITIONS (K.S.A. 39-1430)

Fiduciary Abuse:

- Occurs when any person who is the caretaker of, or who stands in a position of trust to an adult, takes, secretes or appropriates their money or property to any use or purpose not in the due and lawful execution of the adult's trust.

WHO IS AT RISK?

- Adults age 18 and above, who have physical, emotional or mental impairments that limit their ability to manage their personal, home or financial affairs.
- These adults may live alone, with family or in a community care giving living arrangement. Those who are frail, dependent and isolated are most at risk.



DCF INVOLVEMENT

Report is received at KPRC

- By phone
- By fax
- By email
- By online intake

1-800-922-5330, available 24 hours per day, 7 days a week.

If there's immediate danger, contact local law enforcement.

COLLECT THE INFORMATION

- Demographic information for all individuals living in the home:
 - Includes: names, ages, dates of birth, social security numbers, address, phone number, gender, race and disability
- Relationships of all individuals known to be living in the home
- Information, including contact information for caregivers and relatives, for vulnerable adults
- Any known witnesses or others who may have information about the situation

ADULT PROTECTIVE SERVICES

- Discuss with the adult, guardian, conservator, and/or caretaker what actions are needed and, with the adult's consent, develop service plans with recommendations to prevent further harm.
- With the adult's consent, assist in locating services or making referrals which are necessary to maintain physical or mental health (i.e. referrals for legal services, medical care, emergency assistance for food, clothing, protection from maltreatment, transportation).

APS GUARDIANSHIP

- Volunteers are needed to become guardians/conservators.
- Information on obtaining guardianship/conservatorship or becoming a volunteer is available at www.ksgprog.org



WHO ELSE INVESTIGATES?

- Kansas Department of Health and Environment
- Kansas Department for Aging and Disability Services
 - Investigates allegations when the perpetrator resides in or is an employee of a nursing facility
- Law enforcement
- Office of Attorney General

FINDINGS

Case finding timeline:

- All case findings must be made with 30 working days of the case being assigned for further assessment.
- An extension may be granted for an additional 60 working days if completing the case finding interferes with an ongoing investigation.



SUBSTANTIATED FINDING

“The facts and circumstances provide clear and convincing evidence to conclude the alleged perpetrator’s actions or inactions meet the KSA definitions of abuse, neglect, or exploitation.”

ABUSE/NEGLECT REGISTRY

For substantiated cases of abuse, neglect, exploitation or fiduciary abuse of adults APS is required to keep a registry



CENTRAL REGISTRY

- DCF maintains a Central Registry identifying persons involved in:
 - Substantiated cases of abuse, neglect, exploitation or fiduciary abuse of adults
- After due process, names are entered into a Central Registry
- After 3 years, a hearing for an Expungement can be requested.

CENTRAL REGISTRY CHECKS

- Statute allows any agency/organization to submit a Registry Check on their employees, volunteers or other persons involved with their agencies. This is also available to any individual wishing to know if their name is on the Registry.
- DCF must have a signed Release of Information form before a request for a Registry Check can be processed.

SOME PREVENTION TIPS FOR STAFF

- Always provide staff with information on agency policies and procedures regarding abuse.
- Make sure staff understands the consequences of abuse.
- Encourage staff to assist people in expanding their network of friends in the community. Social networking can be an effective tool for abuse prevention.
- Make it possible for people to report – modify communication devices to include words/symbols/pictures to report abuse/neglect and exploitation.

TIPS FOR SERVICE PROVIDERS AND FAMILY MEMBERS

- Listen to and believe someone who shares that they are uncomfortable or unhappy with their care.
- Do background checks on employees.
- Have a plan for backup care in the event of caregiver burnout or illness.
- Make sure the person with the disability does not feel forced to keep a caregiver who is abusive.

TIPS FOR SERVICE PROVIDERS AND FAMILY MEMBERS

- Know that many people with disabilities are fully capable of managing their own personal assistance including hiring, training, supervising, and firing their own providers.
- Offer support through challenging times in the Personal Assistance Service (PAS) relationships. Be someone they want to talk to about disability and PAS.

TIPS FOR SERVICE PROVIDERS AND FAMILY MEMBERS

- Allow the person with a disability a “reasonable right to risk” independent living. Overprotection can be abusive too.
- Unnecessary institutionalization is illegal under the Americans with Disabilities Act. People living with a disability who can manage their own care with reasonable support are legally entitled to Independent Living.

TIPS TO REDUCE ABUSE FOR PEOPLE WITH DISABILITIES

- Give clear instructions to providers about what you need.
- Expect to listen and to be listened to and respected by providers.
- Speak up if you are unhappy with your care.
- Learn about community resources.



TIPS TO REDUCE ABUSE FOR PEOPLE WITH DISABILITIES

- Talk to other people with disabilities who use assistance.
- Do criminal background checks on people you hire.
- Have locks that can be easily changed.
- Secure finances and banking systems to protect against theft.
- Don't put up with abuse – get help!

WHAT YOU SHOULD KNOW AS AN ADULT WITH A DISABILITY

- NO one deserves to be abused, neglected, or exploited
- You have the right to be safe and treated well
- It is against the law for someone to hurt you
- Sometimes, the abuser may be someone you know or live with
- You can get help.

Who are the people you would trust to go to?

IF YOU SUSPECT A PERSON IS BEING MISTREATED

- Approach the person alone in a relaxed setting (a confidential, safe space).
- Stay calm, don't panic.
- Raise the issue by expressing your concern for their safety and well-being.
- Respect their right to autonomy and self-direction, and affirm their competence and ability to live independently and with self-direction.
- Offer to brainstorm resources, including different Personal Assistance Service (PAS) support until the abusive situation is remedied.

IF YOU SUSPECT A PERSON IS BEING MISTREATED

- Offer to support this individual in handling the situation in his or her own way. Your primary resources include good listening, information about abuse prevention, and referral to community resources.
- Pressuring someone to act quickly, or a patronizing attitude, may undermine trust in you. You need to be patient to allow the individual to learn to take control of his or her own situation for the long range and develop new avenues of support. You may be challenged to modify your own standards of care, in consideration of his or her right to autonomy.

TO REPORT A CONCERN

- 1-800-922-5330, available 24 hours per day, 7 days a week. If there's immediate danger, contact local law enforcement.
- Use the online report available at www.dcf.ks.gov/services/pps/Pages/KIPS/KIPSWebintake.aspx



RESOURCES AND CONTACT INFORMATION

- Kansas APS Statutes
 - http://kansasstatutes.lesterama.org/Chapter_39/Article_14/
- DCF-APS webpage
 - <http://www.dcf.ks.gov/services/Pages/default.aspx>
- APS Policies
 - <http://content.dcf.ks.gov/PPS/robohelp/PPMGenerate>
- National Adult Protective Services Association (NSPSA)
 - www.apsnetwork.org

CONTACT INFORMATION

- Leslie Hale, Program Manager
 - Leslie.Hale@dcf.ks.gov
 - 785-368-8105
- Deb Schwarz, Assistant Program Manager
 - Deb.Schwarz@dcf.ks.gov
 - 785-296-5019
- Bobbi Kearney (for registry check questions)
 - Bobbi.Kearney@dcf.ks.gov
 - 785-296-5162

REPORTING ABUSE, NEGLECT, OR EXPLOITATION ACTIVITY

- Should this be reported as possible neglect, abuse, exploitation?
 - Susie's attendant care worker took Susie's debit card and bought new clothes for herself.
 - Kelly's mother yelled and screamed at her while she was visiting Kelly. She called Kelly a lot of bad names and threatened to hit her
 - Joe was not allowed to go to the movies because he did not earn enough good behavior points and had to stay at home with an attendant.
 - Kevin's case manager came to visit him and smelled very strongly of alcohol and then he fell asleep.

REPORTING ABUSE, NEGLECT, OR EXPLOITATION ACTIVITY

- Rosie was left all alone in the day program's van for 30 minutes in the middle of July, while the driver went inside to buy his groceries.
- Gene had his X-Box taken away for two days after he refused to make his bed or take his dishes to the sink.
- Joni's cousin touched her in a way that made her feel uncomfortable and asked her to have sex with him.
- Derrick's attendant refused to feed Derrick all day because he was mad at Derrick.