



ADULT PROTECTIVE SERVICES

DEPARTMENT FOR CHILDREN AND FAMILIES
ADULT PROTECTIVE SERVICES



Strong Families Make a Strong Kansas

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.



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.



ADULT PROTECTIVE SERVICES IN KANSAS

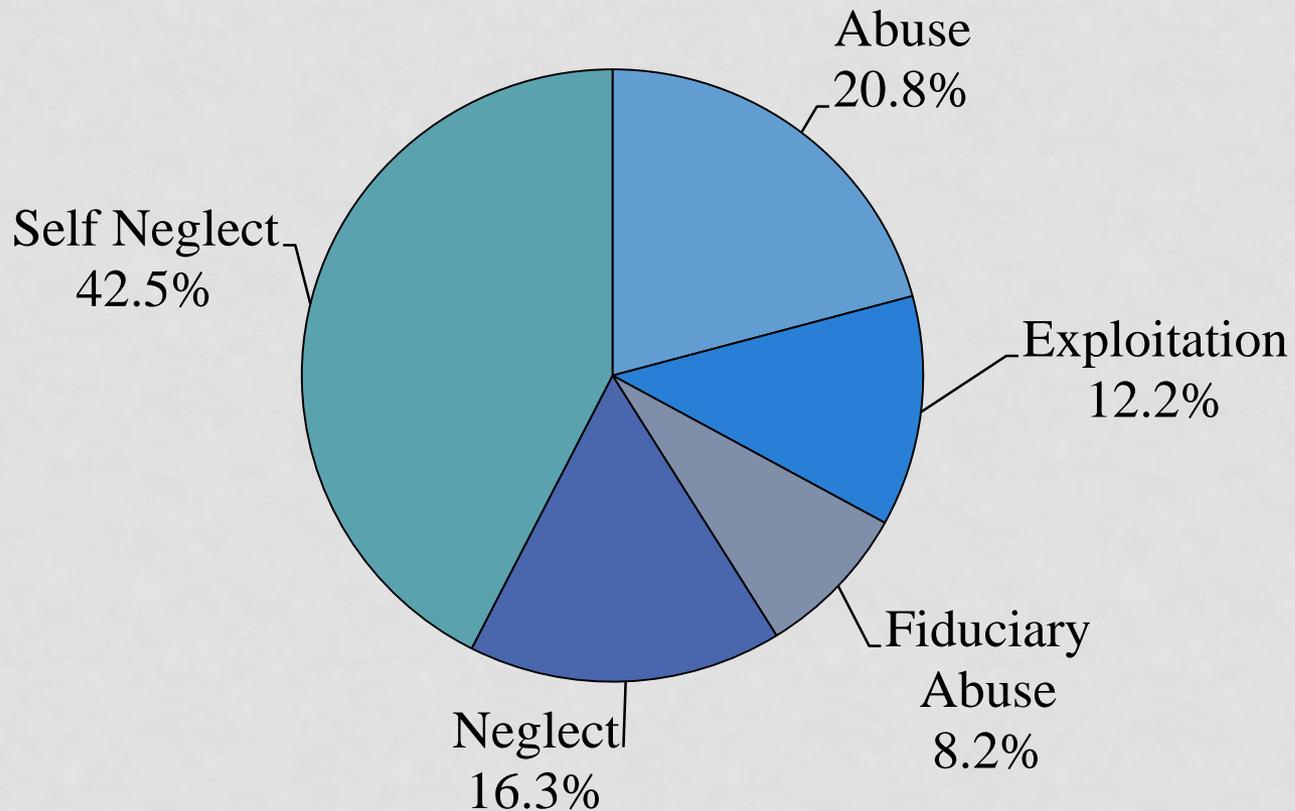
- 56 social workers based various offices all over the state
- 8 Supervisors (two in each region)
- 4 Assistant Program Administrators (one in each of the 4 DCF Regions)
- Assistant Program Manager
- Program Manager

APS DATA FROM FY2014

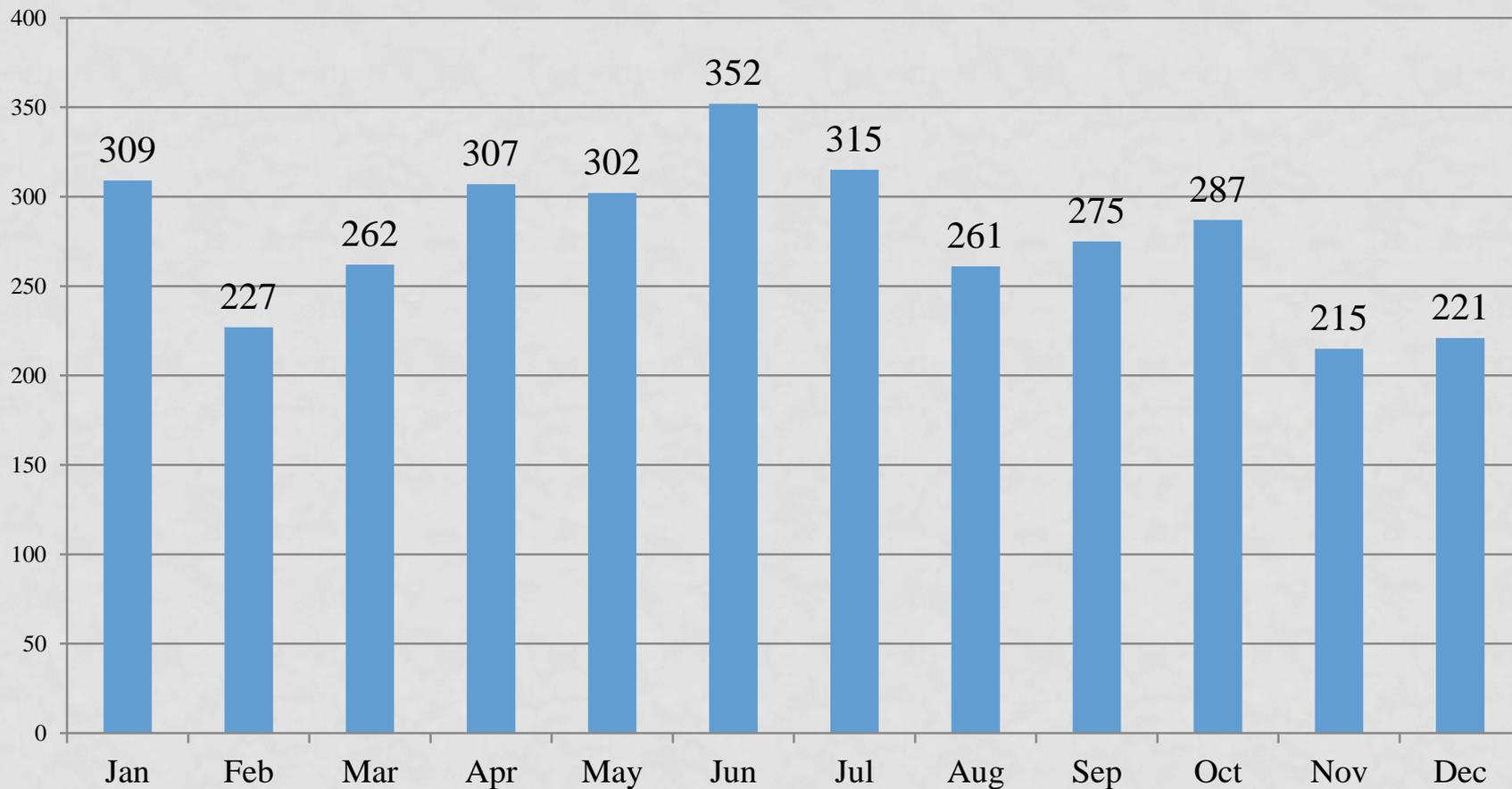
- 15,722- APS reports were received by KPRC
- 9,233- APS reports assigned for an investigation
- 31% of reports involved adults 70 year of age and over
 - Abuse- highest number age 18-29
 - Exploitation- age 80-89
 - Fiduciary Abuse- age 80-89
 - Neglect- age 80-89
 - Self-neglect – age 60-69

APS DATA- FY 2014

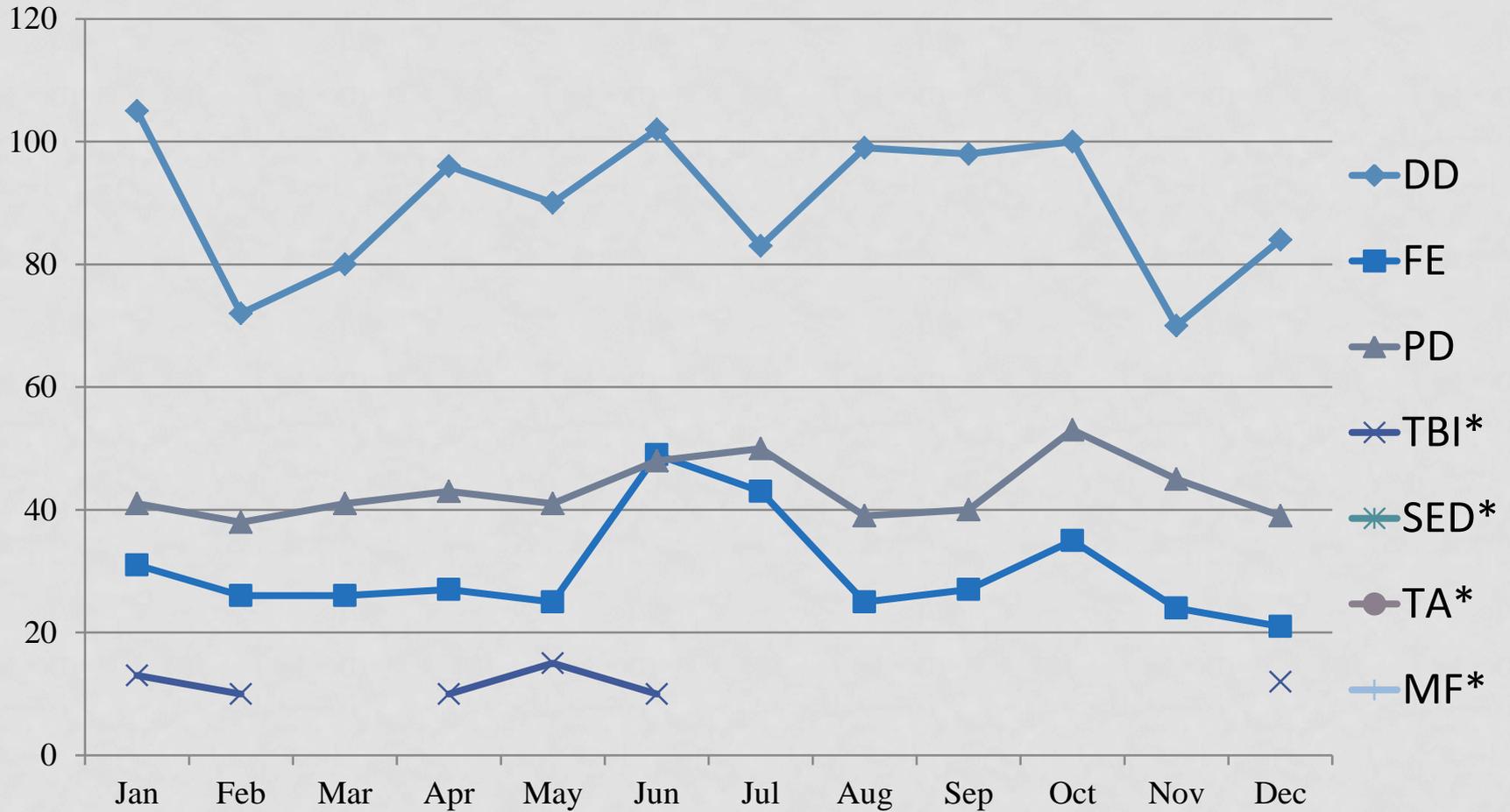
APS Reports Assigned by Maltreatment Type



ADULTS RECEIVING WAIVERED SERVICES INVOLVED IN REPORTS RECEIVED BY DCF KANSAS PROTECTION AND REPORTING CENTER JAN-DEC 2014



ADULTS RECEIVING WAIVERED SERVICES INVOLVED IN APS INVESTIGATIONS JAN-DEC 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

ALLEGATION TYPES THAT MAY BE ASSIGNED

Adult Abuse Reports

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



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 OF ABUSE CONTINUED(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.

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

EXAMPLES

- The daughter (Durable Power of Attorney) an older adult spent her mother' money buying a new car for herself and a trip to Vegas
- Individuals who are being cared for by a friend or relative and are not receiving adequate food, clothing or necessary medical care
- Individuals who refuse needed medical care despite urging from friends

EXAMPLES

- A mother is placed in a long term care facility and her daughter spends her money and does not pay for her care in the facility.
- A person who has become disoriented, home delivered meal remnants pile up and spoil, numerous calls to the house by EMTs or law enforcement
- A parent who lives with an adult and has been observed at a senior center with questionable bruises and gives vague answers as to how they got them

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 vulnerable 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.



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.

MANDATED REPORTERS (39-1431)

Mandated reporters are persons who are required by law to immediately report to authorities, if they have reasonable cause to believe that an adult is being or has been abused, neglected or exploited or is in need of protective services shall report.



MANDATED REPORTERS (39-1431)

For suspected abuse or neglect of adults:

- Any person who is licensed to practice any branch of the healing arts
- Licensed psychologist
- Licensed master level psychologist
- Licensed clinical psychotherapist



MANDATED REPORTERS (39-1431)

For suspected abuse or neglect of adults:

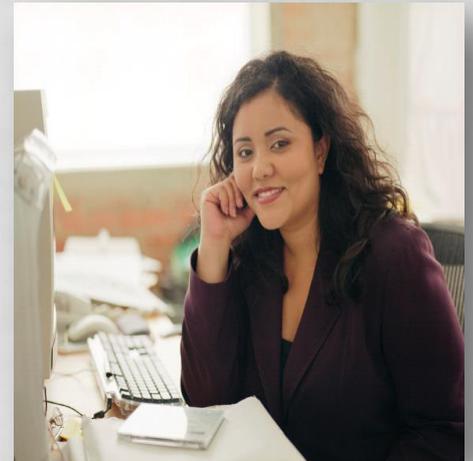
- Teacher
- Licensed social worker
- Licensed professional nurse
- Licensed practical nurse
- Licensed dentist



MANDATED REPORTERS (39-1431)

For suspected abuse or neglect of adults:

- Licensed marriage and family therapist
- Licensed clinical marriage and family therapist
- Licensed professional counselor
- Licensed clinical professional counselor
- Registered alcohol and drug abuse counselor
- A law enforcement officer
- A case manager
- A rehabilitation counselor



MANDATED REPORTERS (39-1431)

For suspected abuse or neglect of adults:

- Bank trust officer or any other officers of financial institutions
- Legal representative
- Governmental assistance provider
- An owner or operator of a residential care facility
- Independent living counselor

MANDATED REPORTERS (39-1431)

For suspected abuse or neglect of adults:

- CEO of a medical care facility
- CEO of a licensed home health agency
- CEO of an adult family home
- CEO of a provider of community services and affiliates thereof operated or funded by the Kansas Department for Children and Families or licensed under K.S.A. 75-3307b and amendments thereto

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.

FAILURE OF A MANDATED REPORTER TO REPORT

For Suspected Adult Abuse or Neglect

K.S.A. 39-1431

- Willful and knowing failure to make a report is a Class B misdemeanor and punishable by a \$1,000 fine and/or up to 6 months in jail.

K.S.A. 39-1431

- A Court, in addition to other damages and remedies, may assess reasonable attorney fees against an employer who has been found to have violated this other Intentionally preventing or interfering with making a report as required.

HOW TO MAKE A REPORT

Report is received at Kansas Protection and Reporting Center

- 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.

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



MAKING THE INITIAL REPORT- 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

MAKING THE INITIAL REPORT- COLLECT THE INFORMATION

- Information, including contact information for caregivers and relatives, for vulnerable adults
- Any known witnesses or others who may have information about the situation
- Should be asked if you would like notification if the report is going to be investigated.

SCREENING THE REPORT

Once the report has been taken by a KPRC Intake Specialist, the report is reviewed by a licensed social worker. The following is reviewed:

- Is the adult vulnerable?
- Is there any imminent danger?
- What type of abuse, neglect, exploitation is being alleged?
- Does the report meet the statutory requirement for an APS investigation?
- Is there currently an open APS investigation?

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 law enforcement 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.”

This finding is different than a criminal finding by law enforcement.



APS ABUSE/NEGLECT REGISTRY

For substantiated investigation involving abuse, neglect, exploitation or fiduciary abuse of adults there is a central registry maintained by DCF.

If a person is on the registry, they may be prevented from being hired or may result in termination of employment in an agency that checks the registry.

APS CENTRAL REGISTRY

- People are placed on the registry in substantiated cases of abuse, neglect, exploitation or fiduciary abuse of adults
- After due process, names are entered into a Central Registry
- After name has been on the registry for at least three years, an expungement hearing 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.
- There is no charge for an APS registry check.

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