



Adult Protective Services (APS)
for
Vulnerable Adults

DHS-Adult Protection Unit

Aging and Adult Services, Continuing Care Administration

U.S. Department of Health and Human Services
Administration for Community Living (ACL)



Final National Voluntary Consensus Guidelines for
State Adult Protective Services Systems
September, 2016

ACL Definition of Adult Protective Services

Adult protective services (APS) is a social services program provided by government serving older adults and adults with disabilities who are in need of assistance because of adult maltreatment, which is abuse, neglect, self-neglect or financial exploitation.

National Adult Protective Services Association



National Adult Protective Services Association

NAPSA Code of Ethics Practice Guidelines

- Avoid imposing person values on others
- Recognize individual differences such as cultural, historical and personal values
- Focus on case planning that maximizes the vulnerable adult's independence and choice to the extent possible.
- Use family and informal support systems first as long as this is in the best interest of the adult.
- Do no harm. Inadequate or inappropriate intervention may be worse than no intervention.

Role of the County for Adult Protective Services (APS)

Minnesota Statutes 626.557



Retrieve by number Statutes Laws Rules Court Rules Constitution Revisor's Office Search Law by Keyword

2017 Minnesota Statutes > CRIMINAL PROCEDURE; PEACE OFFICERS; PRIVACY OF COMMUNICATIONS > Chapter 626 > Section 626.557

◀ 626.5565

2017 Minnesota Statutes

626.5571 Pdf Authenticate ▶

626.557 REPORTING OF MALTREATMENT OF VULNERABLE ADULTS.

Subdivision 1. Public policy.

The legislature declares that the public policy of this state is to protect adults who, because of physical or mental disability or dependency on institutional services, are particularly vulnerable to maltreatment; to assist in providing safe environments for vulnerable adults; and to provide safe institutional or residential services, community-based services, or living environments for vulnerable adults who have been maltreated.

In addition, it is the policy of this state to require the reporting of suspected maltreatment of vulnerable adults, to provide for the voluntary reporting of maltreatment of vulnerable adults, to require the investigation of the reports, and to provide protective and counseling services in appropriate cases.

Subd. 2.

[Repealed, 1995 c 229 art 1 s 24]

Resources

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Chapter 626

[Table of Sections](#)

Goals of Adult Protective Services (APS)

- Prevent Further Maltreatment of the person who is vulnerable
- Safeguard the Welfare of the person who is vulnerable

AND

- Justice for the vulnerable adult
- Holding perpetrators accountable

Duties of the County: Adult Protective Services

626.557 Subd. 10.

Offer services to Vulnerable Adults in least restrictive manner to:

- Prevent further maltreatment
- Safeguard the vulnerable person
- Sexual Assault; immediate medical exam
- Seek authority to remove vulnerable person
- Determine if other vulnerable adults are in jeopardy

Duties of the APS Cont'd

- Assist with obtaining a restraining order to remove the perpetrator from the VA's residence
- Hold Order/Civil Commitment (not under 626.557)
- Guardianship/Conservatorship
 - appointment or replacement
 - When necessary to protect a Vulnerable Adult from “serious harm”
- Referral for criminal prosecution

Caregiver 17 (a)

- Failure or omission by caregiver to supply a VA with necessary care or services; food, shelter, clothing, health care or supervision
- Failure or omission to maintain VA's health or safety

Self Neglect 17 (b)

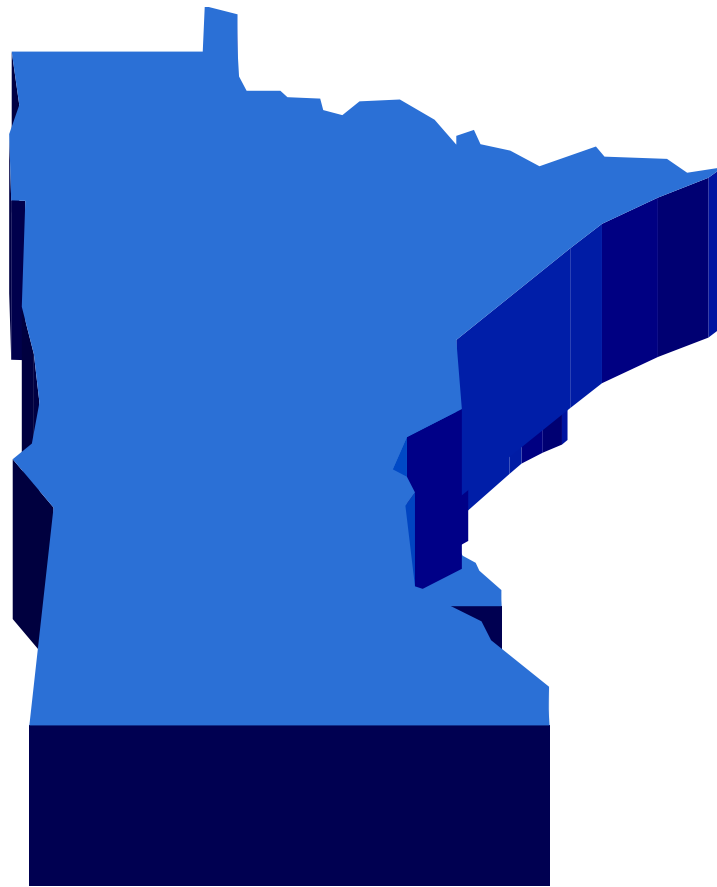
Absence or likelihood of the absence of care or services, including food, shelter, clothing, health care or supervision a reasonable person would deem essential to maintain health, safety or comfort

Who is a Caregiver and What is Their Responsibility?

- Power of Attorney
- Guardian
- Spouse
- Parent of Adult with a Disability
- Case Manager
- Unpaid Family or Neighbor
- Paid Family or Neighbor
- PCA
- GRH Housing Provider
- PT/OT/Speech
- Pharmacist
- Homeless Shelter
- Transportation Non-emergency
- Clinic physician or nurse
- Adult Rehabilitative Mental Health (AHRMS)

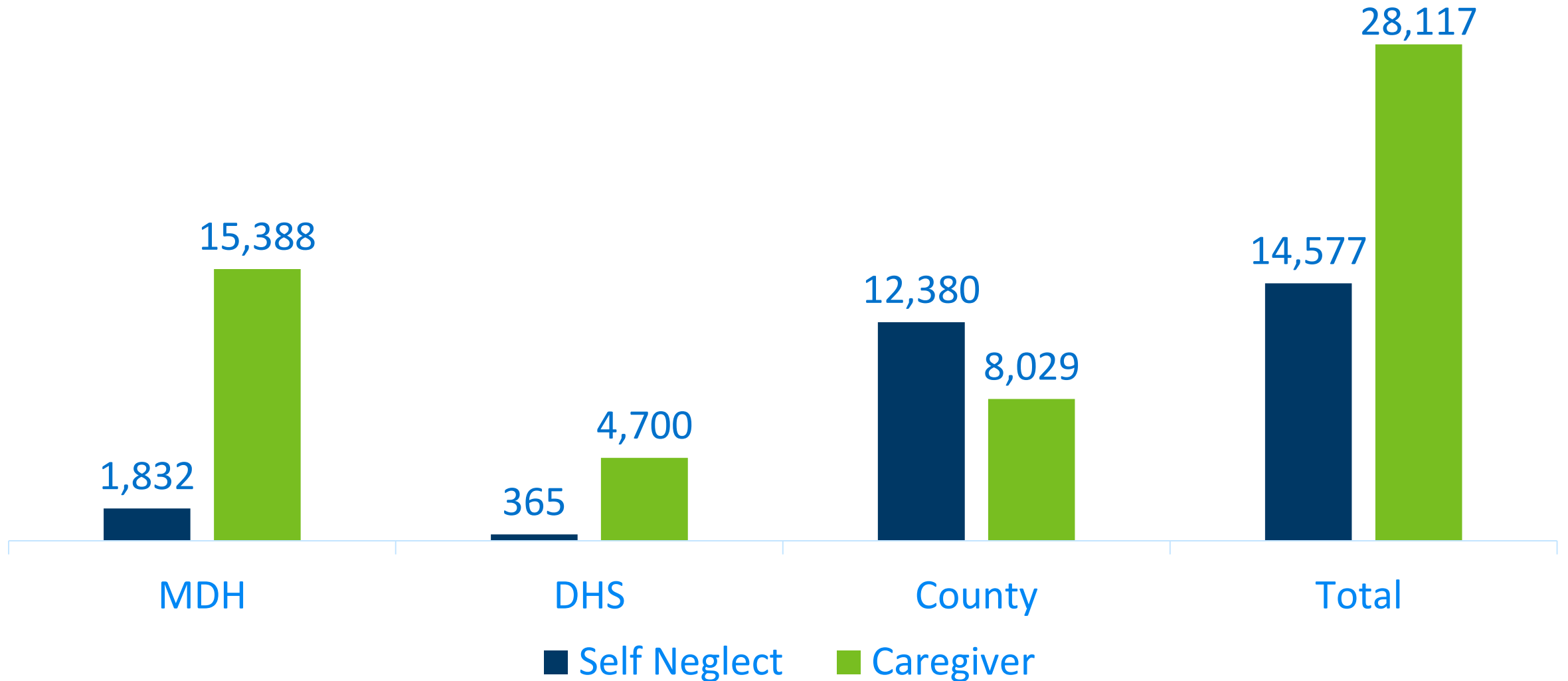
CY17 MAARC Reports 57,180
Allegations 80,666

Caregiver Neglect	35%
Financial Exploitation	18%
Self Neglect	18%
Emotional Abuse	15%
Physical Abuse	11%
Sexual Abuse	3%



DHS Data Warehouse 1-10-18

2017 Neglect Allegations



County APS Neglect Investigations 2017

Allegation	Substantiated	False	Inconclusive	Unable to Investigate-Or Not Complete	Total
Caregiver	81 6%	697 47%	451 31%	239 16%	1,468 100%
Self	361 16%	723 31%	625 27%	591 26%	2,300 100%
Total Neglect	442	1,420	1,067	830	3,768

Minnesota Supports Family Caregivers

Minnesota families provide 7.9 Billion dollars of care annually

- Minnesota Board on Aging
- Linkage Line
- Care Act
- Powerful Tools for Caregivers[®]
- Caregiver Coaching
- Working Caregiver Initiatives

Brought to you by:

AARP Foundation



The Commonwealth Fund



AARP Public Policy Institute

Long-Term Services & Supports State Scorecard

A State Scorecard on Long-Term Services and Supports for Older Adults, People with Physical Disabilities, and Family Caregivers



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Minnesota

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State Rankings

- Overall: 2
- Affordability and Access: 5
- Choice of Setting and Provider: 1
- Quality of Life & Quality of Care: 3
- Support for Family Caregivers: 6
- Effective Transitions: 19

Estimated Impact of Improvement

...if this state improved its performance to the level of the average of the top-five-performing states

127,680

more place-based subsidized units and vouchers would be available to help low-income people with LTSS needs afford housing.

more people of all ages would receive Medicaid LTSS to help them with daily activities.

396

more home health and personal care aides would be available to provide care in the community.

12,021

more low-/moderate-income adults with disabilities would have Medicaid coverage.

Wilder Foundation

YOU CALL IT

*“bringing
dad a few
groceries.”*



WE CALL IT

caregiving.

You or someone you know may be a caregiver.
WhatIsACaregiver.org

Conflicts in Caregiver Definition

- Fairness – intent to neglect, intent to be a caregiver under VAA
- Choice – to act or not act as a caregiver
- Equity - Culture, tradition, religion, income
- Do No Harm

APS Decisions Allegation

When making initial disposition, conducting investigation activities and in making final disposition, APS must determine:

- If the person, alleged to be responsible for neglect, is a caregiver AND
- If the alleged neglect is under responsibility of the identified caregiver OR
- If the alleged neglect is under responsibility of the vulnerable adult.

DHS Policy Guidance cont'd

When a professional without responsibility to provide food, shelter, clothing, health care or supervision, OR when an unpaid, informal support person, or unpaid family member, including a spouse or parent, is alleged to be the perpetrator of caregiver neglect, APS should assume the allegation is self-neglect, without information the alleged perpetrator had a duty to act under agreement or contract to meet the vulnerable adult's needs to maintain health, safety or comfort.

Who is a Family Caregiver

Consider the caregiver's understanding in:

- The vulnerable adult's necessary needs.
- Availability of options for available services or supports, other than the caregiver, to meet the vulnerable adult's necessary needs.
- Authority, or ability, of the caregiver to consent to, or to implement other options to meet the vulnerable adult's necessary needs.
- Consequences to the vulnerable adult's health, safety and comfort if the caregiver did not provide the care.

May be Family Caregiver Neglect

- Paid for care
- Contract or Agreement
- Assumption of responsibility and obstructing care
- Caregiver with authority to consent to care intentional or knowingly allows neglect of food, shelter, clothing, health care or supervision that is under the caregiver's authority to provide

May not be Family Caregiver Neglect

- Vulnerable adult refuses or does not cooperate with care
- Family did not understand care needs or impacts of neglect
- Family unable to provide care and unaware of, or could not access options to provide care
- Caregiver refuses care on behalf of the VA, but has no authority to do so

Responding to Neglect

Can be consistent with:

What is important to the vulnerable adult

Protection for the vulnerable adult

Support for families and informal caregivers

Holding perpetrators criminally accountable

Dignity for People Who are Vulnerable and Family Caregivers

QUESTIONS?



Closing



Thank you!

DHS Adult Protection Unit

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