



The Ohio Adult Protective Services System:

Situation Review, Challenges and Suggestions

To highlight gaps, explain challenges, and make suggestions to enhance the Adult Protective Services (APS) system in Ohio, the Ohio Coalition for Adult Protective Services (OCAPS) wrote this document for policy and legislative decision-makers. Sub H.B. 49 and the Mid-Biennial Budget Review offer a unique opportunity to address Ohio's APS system before the crisis gets worse

Elder Abuse Overview

- *“Elder Abuse is the violation of human rights and a significant cause of injury, illness, lost productivity, isolation and despair.”* *1
- Older people are often subjected to abuse by their spouse/domestic partner, adult children and grandchildren. Criminal justice studies indicate two-thirds of abuse victims are women and approx. 90% of elder abuse occurs in the home.*2
- In addition to affecting older people and their families, elder abuse has a ripple effect on communities and society as victims often become dependent on community services and Medicaid for the remainder of their lives.
- Conservative projections indicate one in eight older people are victims of elder abuse.*3 In Ohio, based on U.S. Census data, that suggests up to 200K people aged 60+ are victims of some form of elder abuse (e.g., emotional, exploitation, neglect, physical, self-neglect, sexual).*4
- Collaboration between state and local government agencies, person-centered social services, protective services, legal, and medical services, offers much needed hope for primary and secondary prevention efforts.

Challenge	Suggestion
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| <ul style="list-style-type: none"> • Reducing the risk of harm from elder abuse and meeting the safety needs of vulnerable older Ohioans requires enhanced identification & reporting of suspected elder abuse, better coordinated investigations & interventions, and increased community education. • As detailed below, due to a dire lack of resources, aside from meeting the basic requirements, APS tends to focus on the most egregious cases of abuse. • The network of services focused on vulnerable adults is central to the commitment to prevent the first instance of harm through education and empowerment of individuals, families and communities regarding risks and proactive steps to prevent harm. APS has a role in this education/empowerment strategy as the experts in the risks associated with elder abuse. Two additional roles are unique to APS: (1) to educate those individuals investigated in response to allegations that are not validated with the goal of reducing risk factors and increasing protective factors; and (2) to offer remedies that can prevent the reoccurrence of harm that has been validated. The wide network of other services has a responsibility to educate and empower individuals to plan for vulnerability and appropriately protect their well-being and independence. • The APS function is almost entirely locally funded (<i>often through Counties federal Social Services Block Grant (SSBG) allocation</i>). | <ul style="list-style-type: none"> • Increased state funding is essential to achieve the bare minimum APS staffing needed in each Ohio county. • “Best practices” of elder abuse prevention and intervention efforts from within the state must be identified, documented and made available for the benefit of all Ohio counties/residents. • The current plan to educate managed care staff to recognize and report elder abuse is a first step in creating a more system wide response. Increased funding is needed to support APS staffing to prepare for an increase in reports from the MyCare Ohio implementation and passage of amendments to the APS law. The Mid-Biennial Review offers this opportunity. |
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1. Provision of Adult Protective Services (APS)

APS Overview	Status
<ul style="list-style-type: none"> • APS is a set of interventions to investigate and address cases of suspected elder abuse.*5 • Since the early 80's, all states have designated some form of protective services.*6 • From current law: "Protective services" means services provided by the County DJFS or its designated agency to an adult who has been determined by evaluation to require such services for the prevention, correction, or discontinuance of an act of as well as conditions resulting from abuse, neglect, or exploitation. Protective services may include, but are not limited to, case work services, medical care, mental health services, legal services, fiscal management, home health care, homemaker services, housing-related services, guardianship services, and placement services as well as the provision of such commodities as food, clothing, and shelter. 	<ul style="list-style-type: none"> • The mandate specific to APS/elder abuse is codified in state law – ORC 5101.60–5101.72. • The APS function is administered by each of the 88 county Department of Job and Family Services (DJFS) offices. • APS varies significantly between urban, suburban and rural counties, due especially to the reliance on local funding.. • While in some cases certain services may be available through existing programs such as PASSPORT, these services are not available on an emergency basis and programs like PASSPORT are only available to those victims who qualify for Medicaid. In some counties, services may be available through county property tax levy-funded programs, but of course this is not true for all counties.
Challenges	Suggestions
<ul style="list-style-type: none"> • Despite the older adult population growing at record rates and elder abuse on the rise, state funding for APS has been reduced from a high of \$3.35M (1997) to the current annual funding level of \$500K. • Forced to creatively fund their own APS efforts, most county DJFS are operating in a survival mode leaving the State and counties exposed to litigation/liability. • Because it may take some time to initiate protective services through the formal system, counties should have available funds for emergency services that may be accessed immediately. 	<ul style="list-style-type: none"> • Increased state funding for APS at Mid-Biennium to support needed minimum staffing (projected at \$18.4M – 20M annually).*7 • Adequate state funding formula to include the cost for emergency services in each county (medical, food, housing, e.g.).

2. Mandated Reporting of Elder Abuse

Status	Pending Changes (Sub H.B. 49)
Mandatory reports, ^{*8} those required to make a report with the county DJFS if they have reasonable cause to believe a vulnerable older adult is a victim of elder abuse, include: Attorneys, clergy, coroners, health care professionals/providers (various), peace officers, and senior & social services providers.	An expanded list of professionals and paraprofessionals may include: Bank employees, CPA's, financial planners/investment advisors, fire-fighters, first responders, local health dept. employees, building code inspectors, humane society workers, notary publics, pharmacists, and real estate brokers/salespersons
Challenges	Suggestions
<ul style="list-style-type: none"> • Awareness and education is needed as the mandated reporting requirement is not well known, nor is the reporting process. • The need to adequately staff APS in each county is vital as the addition of mandated reporters is likely to increase the need to receive and respond to reports. 	<ul style="list-style-type: none"> • To help increase reporting of suspected elder abuse, mandatory reporters must be made aware of their legal responsibility, and be provided with information and in-service training. Passage of Sub H.B. 49 (a.k.a. the Ohio Elder Justice Act) would require ODJFS to develop education/training targeted to mandatory reporters. • New reporting mandates support increased State funding – <i>(See #1 above)</i>

3. APS Intake Process

Intake Overview	Status
APS processes specify a means to receive and screen reports of abuse and include: <ul style="list-style-type: none"> • Having a hotline or other method (e.g., fax) capable of receiving and responding to reports 24-hours a day, 7 days a week. • Screening reports within one business day of receipt, and assigning for investigation, or referring to other providers (if not appropriate for APS). 	<ul style="list-style-type: none"> • In the largest urban counties, the designated APS phone line is routinely answered during business hours. • In suburban/rural counties, APS phone numbers are often difficult to locate. Also, due to extremely limited resources calls often go to voice mail (VM). Getting VM may deter reporting especially for people already hesitant to report suspicions due to uncertainty. There is a lack of data on unanswered calls and if callers hang-up. Any barrier to reporting is of concern. • Outside of normal business hours, callers are often directed to law enforcement in the event of an emergency.

3. APS Intake Process – *cont'd*

Challenges	Suggestions
<ul style="list-style-type: none"> • Consistent intake and screening of all reports is expected regardless of the county. • A VM left for APS at 5:01 pm on a Friday may not be received until Monday morning. 	<p>To make reporting easier, standardize the intake process, and aid in tracking, a single Statewide APS phone number for reporting of suspected elder abuse is suggested (as is common in many other states). If a Central Intake is not feasible, at a minimum:</p> <ul style="list-style-type: none"> • Adopt a single Statewide phone number and use technology to automatically route calls to the nearest APS office.

4. APS Investigation Process

Investigation Overview	Status
<p>The process entails substantiating alleged abuse, evaluating the need for protective services, and providing/arranging services as needed. Also,</p> <ul style="list-style-type: none"> • The capacity to respond 24-hours a day to emergencies; • Initiating an investigation within one or three business days, based on perceived severity. • Addressing five critical domains (i.e., physical health, mental health, social support system, environmental considerations, financial capacity) to ascertain the risk to the safety and independence of alleged victims [other for perpetrators]. • Establishing and maintaining working relationships with community agencies to assist in the response. • Having decision-making criteria specific to when to 1) involve others (e.g., law enforcement) and 2) initiate court action when appropriate/required (e.g., high risk). 	<p>Assessing protective services needs requires:</p> <ul style="list-style-type: none"> • Making an in-person visit to alleged victim. • Giving written notice of the intent to investigate. • Consulting with person making reports and/or others to gather relevant information to support the investigation. • Determining if alleged victims are in need of protective services and if so, seeking voluntary consent. • Petitioning the court to order/authorize the provision of protective services if an alleged victim is incapacitated. • Seeking court order temporary restraining order and/or emergency protective services as needed. • Providing on-going case management as needed. • Writing a case report confirming or denying the need for protective services, explaining the rationale, and submitting data from each report to ODJFS.

4. APS Investigation Process – cont’d

Challenges	Suggestions
<ul style="list-style-type: none"> • APS staff training not required nor are supervisors required to be trained in APS law, principles and resources. • APS investigations are handled/managed differently county to county due to staffing constraints and a lack of protocols and processes. • The rationale for cases not opened as an APS investigation is inconsistent across counties. • The current version of the required written notice is written at an 11.9 grade level. • Few counties have established /working I-Teams. 	<ul style="list-style-type: none"> • Funding to support the development and delivery of the training and supervision is essential (including training for prosecutors and judges on the legal remedies in APS law). • Funding to identify and standardize “Best Practice” processes and establish I-Teams (as required by Sub H.B. 49) across all Ohio Counties, and for ODJFS to provide technical assistance. • ODJFS initiate a regular process of case audits similar to the process that exists for child protective services. Consistency in intake and investigation protocols is not present across Ohio, leaving vulnerable adults with an uneven system of protection. • Modify the notice of intent to investigate letter to ensure it is in common language at a 5th -8th grade level.

References

- 1 – World Health Organization (2002). *Toronto declaration on the global prevention of elder abuse*. Retrieved December 13, 2010 from www.who.int/ageing/projects/elder_abuse/alc_toronto_declaration_en.pdf
- 2 – Breton, T. (2008, November 30). Study of elder abuse in R.I. women reveals surprising discoveries. *The Providence Journal*. Retrieved January 5, 2010, from www.projo.com/news/content/OLDER_RHODE_ISLAND_ABUSED_WOMEN_11-30-08_45CC_v50.3ac6b8b.html.
- 3 – University of Chicago. News Release. (2008). More than 10 percent of older Americans suffer mistreatment, University of Chicago study shows. Retrieved January 21, 2009, from http://news.uchicago.edu/news.php?asset_id=1428.
- 4 – U.S. Census Data 2010 – Population: 308,745,538 of which 57,087,908 (18.5%) are age 60 & above. www.census.gov/prod/cen2010/briefs/c2010br-03.pdf. Ohio population: 11,536,504 x 18.5% (est. age 60 & above) = 2,134,253 www.census.gov/geo/reference/guidestloc/select_data.html.
- 5 – Elder abuse includes emotional, physical, sexual abuse, neglect, self-neglect and financial exploitation.
- 6 – The APS concept originated in 1974 when Congress passed Title 20 of the Social Security Act requiring states to protect children, elder adults and adults with disabilities from abuse, neglect, and exploitation.
- 7 – Reflects estimate developed by Policy Matters Ohio (between \$11.5-\$18.4M) – <http://www.policymattersohio.org/aps-jun2013> and conversations with experts.
- 8 – The ORC currently states that any person having reasonable cause to believe that an adult has suffered abuse, neglect, or exploitation may report, or cause reports a report to be made of such belief to the county department of job and family services.