

ADULT PROTECTIVE SERVICES (APS)

Department of Family Services (DFS)

TODAY'S OBJECTIVES

1. Statute Definitions
2. What happens after a referral is made
3. The three different kinds of APS cases
4. Confidentiality and Disclosures to reporters
5. DFS-specific services
6. What DFS/APS can and cannot do

WHO IS A VULNERABLE ADULT?

W.S. 35-20-102 (xviii) *Any person who is 18 years of age or older who is unable to manage and take care of himself or his money, assets or property without assistance as a result of advanced age or physical or mental disability.*

ADVANCED AGE IN WYOMING: 60 OR OLDER

AUTHORITY-ADULT PROTECTIVE SERVICES ACT

Department of Family Services operates under The Adult Protective Services Act, located in Wyoming Statutes 35-20-101 through 35-20-117. Further (more detailed) guidelines also exist in Adult Protective Services Rules, Chapters 1 and 2.

These statutes and Rules, as a whole, provide definitions, guidelines, rights and responsibilities for DFS/APS, as well as the rights of vulnerable adults.

ABUSE, NEGLECT, SELF NEGLECT

DFS/APS responds to reports of abuse, neglect, or self neglect of a vulnerable adult (VA). DFS is mandated per statute to also report these to law enforcement (LE).

Abuse – physical, sexual, exploitation, intimidation

Neglect – deprivation of or failure to provide minimum food, shelter, clothing, supervision, physical and mental health care, including withholding medical care.

Self Neglect – the adult is unable to, or refuses to perform self-care functions.

WHO IS A REPORTER?

- Everyone in the State of Wyoming is a mandatory reporter;
- Report must be made to either DFS or LE immediately per W.S. 35-20-103
- How to Report:

~During Business Hours – Call your local DFS office to report. <https://dfs.wyo.gov/about/contact-us/>

~After Business Hours Emergencies – Call your local law enforcement or 911. There is always an on call worker who can take after hours emergency calls.

HOW A CASE IS ASSIGNED

Prevention - no report of abuse, neglect, self neglect, but services are needed to prevent it.

Assessment - concerns of abuse or neglect.

Investigation - evidence of criminal levels of abuse or neglect.

PREVENTION CASES- EXPLAINED

Prevention services can be offered to a VA to prevent problems from escalating to a level where an Assessment or Investigation case is required.

Example: 96 year old elderly male lives on his own, is on a fixed income, is competent and able to make his own decisions, but needs help finding services to help him with back payments on his electric bill.

ASSESSMENT CASES- EXPLAINED

In this type of case, strengths and needs are evaluated, risk and safety are identified, and DFS works with the VA and their family/caregivers (if applicable) in order to determine the best course of action to mitigate the risk and safety factors.

Examples: Hoarders Homes (some offices put these on as Prevention)

Caregiver allegedly hit the VA, but didn't result in an injury.

CNA who allegedly leaves VA's in wheels chairs for too long

DV cases (depending on the case details)

INVESTIGATION CASES- EXPLAINED

This type of case determines whether or not abuse/neglect occurred and what types of interventions may be provided to prevent future abuse. DFS always teams with LE. However, LE may not find anything that they can consider criminal.

Criteria: Death, brain damage, bone fracture, burns, other serious bodily injury, sexual assault, exploitation, severe neglect, any other activity which placed the VA in imminent danger or serious bodily harm.

RESULTS OF AN INVESTIGATION

Investigations are the only type of DFS case that results in a finding:

Substantiated: Info and evidence gathered, constitutes a preponderance of evidence that the vulnerable adult was abused/neglected. Perpetrator goes on Central Registry

Unsubstantiated: Absence of preponderance of evidence, DFS can still offer services to the VA.

REJECTED REFERRALS INCLUDE:

- **The report is not about a VA (person does not fit the statute definition of vulnerable);**
- **Report doesn't fit statute definitions of abuse/neglect, etc.;**
- **Insufficient information (no address/location, no identifying information);**
- **Malicious reports;**
- **There has been a previous report with the same incident, and verification that the VA is already receiving services.**

STEPS OF A CASE

- **Meet with the vulnerable adult alone and assess their safety. (with LE, if possible)**
- **Address the concern/s of the initial report and any needs reported by the vulnerable adult. Identify safety and risk of the VA.**
- **Meet with the alleged perpetrator. (with LE)**
- **Gather evidence and collateral information.**
- **Match the services to the need of the vulnerable adult.**

IMMEDIATE AND LONG TERM SAFETY ISSUES

The Caseworker will attempt to address the safety concern with both immediate and long term solutions.

Example: Lack of food in the home.

- Immediate solution - bring a bag of food, or bring the VA to a food bank.**
- Long Term Solution - help the VA apply for SNAP or attempt to get home delivered meals for the VA.**

FOCUS ON PREVENTION SERVICES IN THE COMMUNITY

DFS-specific services such as SNAP, LIEAP, POWER, etc.

Senior Center Services- Home delivered meals, congregate meals, in-home services, all senior centers offer different services.

Medical and Mental Health Referrals- Local Providers

Waiver Providers- depends on what each community offers

DFS-SPECIFIC SERVICES

These include.....

Food Insecurities

TANF/POWER

Child Care/Child Support

Housing, Utilities and Energy Assistance

FOOD INSECURITY

Supplemental Nutrition Assistance Program (SNAP): provides monthly benefits that help low-income households buy the food they need.

Emergency Food and Commodity Assistance: DFS supports food pantries and food box program.

<https://dfs.wyo.gov/assistance-programs/food-assistance/emergency-food-and-commodity-assistance/>

TANF/POWER

Temporary Assistance for Needy Families (TANF) provides temporary cash assistance. In WY, the cash assistance program is called Personal Opportunities with Employment Responsibilities (POWER).

Three types of POWER:

***POWER Work Program: Helps people find work/financial stability based on YOUR needs.**

***POWER Child Program: Parent is illegal status, but child is not.**

***POWER Caretaker Relative Program: Cash assistance to family such as grandparents/aunts/uncles who are caring for a relatives child/children.**

<https://dfs.wyo.gov/assistance-programs/cash-assistance/>

ADDITIONAL HELPFUL DFS PROGRAMS

Child Care Assistance:

<https://dfs.wyo.gov/services/family-services/child-care/>

Child Support Services:

<https://childsupport.wyo.gov/>

HOUSING, UTILITIES AND ENERGY ASSISTANCE

Homeowner Assistance Fund (HAF)

Low Income Energy Assistance Program (LIEAP)

Weatherization Assistance Program (WAP)

Homeless Services (partnering with Wyo Homeless Collaborative)

<https://dfs.wyo.gov/assistance-programs/home-utilities-energy-assistance/>

NO SERVICES WITHOUT CONSENT

35-20-105~No vulnerable adult shall be required to accept protective services without his or her consent or, if they lack the capacity to consent, the consent of their guardian, caregiver, conservator, GAL or agent, or family member. The department of family services shall not serve as a caregiver.

NOTIFYING A PROFESSIONAL REPORTER

- **Chapter 2, Section 6 of APS Rules:**
- **DFS can provide a summary of findings to a professional reporter if that reporter requests the findings in writing.**
- **This only occurs when the case rises to the level of an Investigation (DFS form, '5R', and only notifies the reporter whether or not the case was substantiated/unsubstantiated).**
- **Remember: DFS has up to 6 months to investigate a case, and LE often has even longer timelines.**

WHAT CAN A REPORTER EXPECT AFTER A REFERRAL IS MADE?

***DFS is unable to follow up with reporters, unless you are a professional reporter.**

***If you need specific information you can go through Dr. Johnson to request it (per the MOU).**

***If the case is an Investigation you can write to the Caseworker and ask for a report. (remember this is minimal)**

***You can reach out to your local DFS office and ask to become a member of the Adult Protection Team.**

WHY CAN'T DFS.....

- *DFS can't take “protective custody” of a vulnerable adult (it's not like CPS),
- *DFS can't be a guardian (35-20-102 (iv), and 35-20-105)
- *If DFS is going to be involved in a guardianship.....there are several steps

WHY CAN'T DFS CONT'D.....

***DFS has the authority to investigate and place people on the central registry.**

***DFS cannot force anyone to accept services. W.S. 35-20-105.**

***DFS cannot force a care center to accept the VA.**

WHAT DFS CAN DO.....

- *With Supervisor approval, DFS can open a case and try to help out...
- *We can try to find family members or natural supports.
- *We can try to find appropriate services in the VA's home community that the VA will accept and try to keep them as safe as they will allow, for as long as possible.
- *We can assist family members in trying to find a care center that will accept the VA if that's what is needed.
- *We can assist in getting the VA a paysource (Medicaid), but we cannot force Medicaid to qualify them.

ADULT PROTECTIVE SERVICES TEAMS (APT'S)

***DFS is obligated per statute to facilitate these meetings.**

***They are local multidisciplinary community-based adult protection teams (APT's) that discuss adult protection issues.**

***Each community has a scheduled APT team.**

***Teams focus on provision of preventative services.**

MORE RECENT FACTS ABOUT APT TEAMS

For the past 2 years, a legislative team known as the Mental Health and Vulnerable Adult Task Force met and made some policy decisions stating that the focus of community teams should be on PREVENTION efforts.

***Prevention efforts should be the responsibility of the Team in its entirety, not just caseworkers.**

***In addition, local Team supports can be provided by the State APT team. So, if the local Teams have gaps in services, their concerns can be brought to the attention of State APT.**

ANY QUESTIONS?



CONTACT INFORMATION

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