

Adult Protective Services

Home & Community Services

Region 2



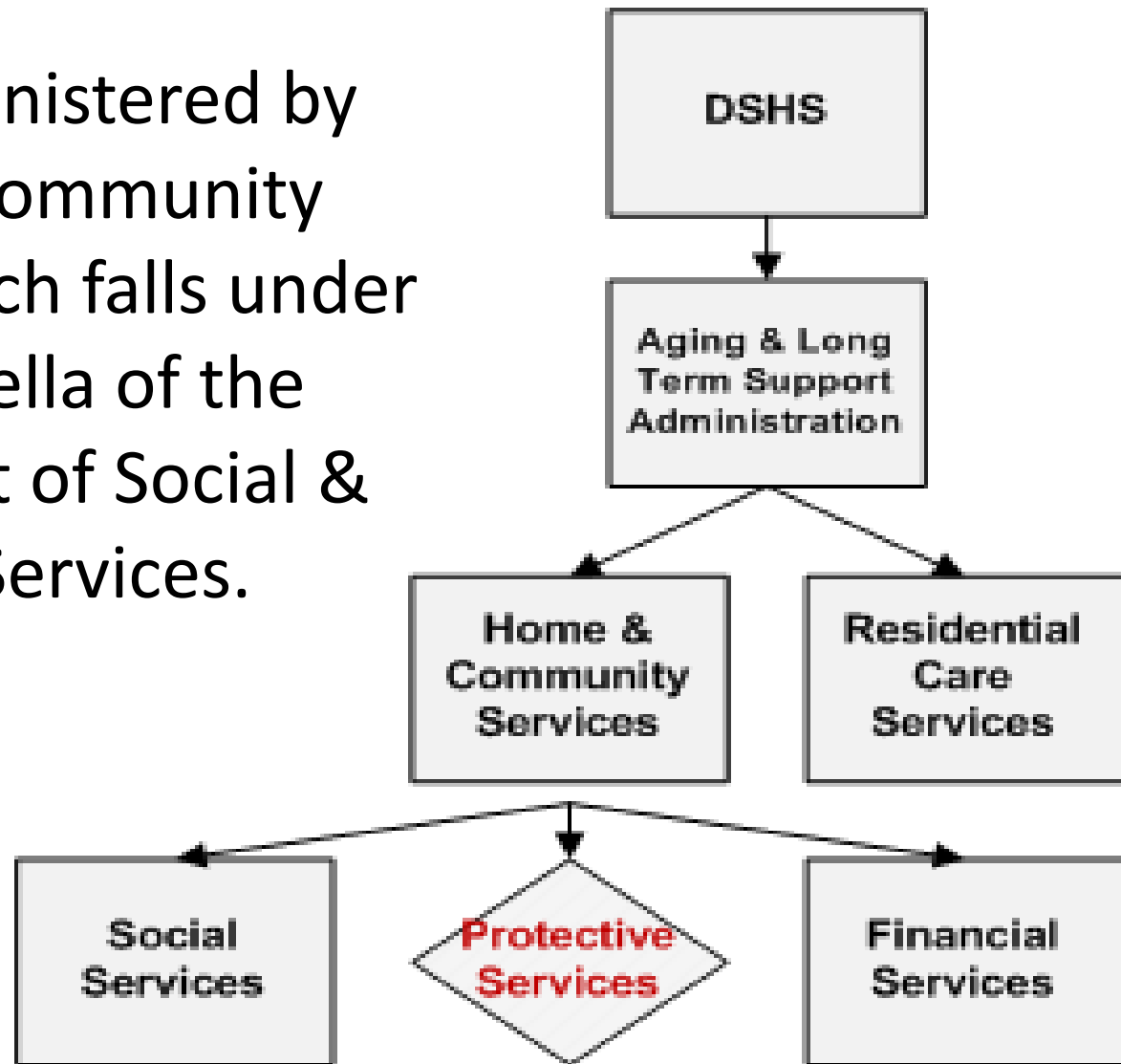
Transforming lives

Objectives & Goals

The goal of the Adult Protective Services Module is to provide an overview of the following:

- DSHS Structure
- APS Mission Statement
- Vulnerable Adult Criteria
- Allegation Categories
- Report Content and Confidentiality
- APS Services
- Protection Orders and Guardianships

APS is administered by Home & Community Services, which falls under the umbrella of the Department of Social & Health Services.



Mission Statement

Our mission is to protect Vulnerable Adults from abuse, neglect, self-neglect, abandonment, and exploitation. We value client self-determination and the professional expertise of our APS colleagues, while working to prevent and end harm by:

- Conducting objective, timely, and thorough investigations.
- Assisting Vulnerable Adults to access appropriate services in accordance with statute, rules, policy, and client consent.

Mission Statement

- Networking and coordinating with others to serve Vulnerable Adults.
- Educating Vulnerable Adults and the community about abuse, neglect, self-neglect, abandonment, financial exploitation, and protective services.

APS Jurisdiction

The department determines when an investigation is required based on the following criteria:

- The reported victim(s) fits the RCW definition of a vulnerable adult per RCW 74.34.
- The reported circumstances fit the RCW definitions of abuse, financial exploitation, neglect, self-neglect or abandonment per RCW 74.34.

Vulnerable Adult Criteria

60 years of age or older with the functional, mental, or physical inability to care for self **or** is over age 18 and:

- Has a **guardian** appointed through superior court.
- Has a **developmental disability**, such as an intellectual disability, epilepsy, autism, or a condition similar to which originated prior to age eighteen.

Vulnerable Adult Criteria

- Lives in a **facility licensed** by DSHS.
- Receives services from an **individual provider**.
- Receives **in-home services** through a licensed home health, hospice, or home care agency; or
- **Self-directs** his or her own care by a personal care aide who performs that care for compensation.

Allegation Categories

- Self Neglect
- Financial Exploitation
- Abandonment
- Neglect
- Abuse

Subcategories of Abuse:

- **Physical Abuse**
- **Mental Abuse**
- **Sexual Abuse**
- **Personal Exploitation**
- **Improper Use of Restraint**



Self Neglect

Self Neglect is the failure of a vulnerable adult, not living in a facility, to provide for goods/services necessary for physical/mental health, absence of which impairs/threatens the vulnerable adult's well-being.

Signs of Self Neglect:

- Poor grooming, dirty/ragged clothes, unclean skin/fingernails.
- Refusing medication, will not accept medical care.
- Disoriented, incoherent, unable to focus.
- Lack of food, utilities, unclean home or rodents.
- Hoarding animals and/or trash/unneeded items.
- Inability to manage finances and property.
- Isolated, little contact with family/friends, no social support.
- Alcohol or drug dependence.

Financial Exploitation

.Means the illegal or improper use, control over, or withholding of the property, income, resources, or trust funds of the vulnerable adult by any person or entity for any person's or entity's profit or advantage other than for the vulnerable adult's profit or advantage.

Signs of Financial Exploitation:

- The use of deception, intimidation, or undue influence by a person or entity in a position of trust and confidence with a vulnerable adult to obtain or use the property, income, resources, or trust funds of the vulnerable adult for the benefit of a person or entity other than the vulnerable adult.

Financial Exploitation

Signs of Financial Exploitation:

- The misuse of a power of attorney, trust, or a guardianship appointment, that results in the unauthorized appropriation, sale, or transfer of the property, income, resources, or trust funds of the vulnerable adult for the benefit of a person or entity other than the vulnerable adult; or
- Obtaining or using a vulnerable adult's property, income, resources, or trust funds without lawful authority, by a person or entity who knows or clearly should know that the vulnerable adult lacks the capacity to consent to the release or use of his or her property, income, resources, or trust funds.

Abandonment

Abandonment is the action/inaction by a person or entity with a duty of care that leaves the vulnerable person without means/ability to obtain necessary food, clothing, shelter, or health care.

Signs of Abandonment:

- Desertion of an individual in public place
- Desertion of an individual in own home
- Individuals report of being abandoned
- Elder suddenly goes missing without explanation
- Responsible individuals claiming not to know whereabouts

Neglect

Neglect means (a) a pattern of conduct or inaction by a person or entity with a duty of care that fails to provide the goods and services that maintain physical or mental health of a vulnerable adult, or that fails to avoid or prevent physical or mental harm or pain to a vulnerable adult.

OR

An act or omission by a person or entity with a duty of care that demonstrates a serious disregard of consequences of such a magnitude as to constitute a clear and present danger to the vulnerable adult's health, welfare, or safety.

Neglect

Signs of Neglect:

- An individual's report of being mistreated.
- Unusual weight loss, malnutrition, dehydration.
- Untreated physical problems, such as bed sores.
- Unsanitary living conditions: dirt, bugs, soiled bedding and clothes.
- Being left dirty or unbathed.
- Unsuitable clothing or covering for the weather.
- Unsafe living conditions (no heat or running water; faulty electrical wiring, other fire hazards).

Abuse Categories

- **“Abuse”** means the willful action or inaction that inflicts injury, unreasonable confinement, intimidation, or punishment on a vulnerable adult. In instances of abuse of a vulnerable adult who is unable to express or demonstrate physical harm, pain, or mental anguish, the abuse is presumed to cause physical harm, pain, or mental anguish. Abuse includes sexual abuse, mental abuse, physical abuse, and exploitation of a vulnerable adult which have the following meanings:
- **Effective 7/24/2015: “Abuse”** means the willful action or inaction that inflicts injury, unreasonable confinement, intimidation, or punishment on a vulnerable adult. In instances of abuse of a vulnerable adult who is unable to express or demonstrate physical harm, pain, or mental anguish, the abuse is presumed to cause physical harm, pain, or mental anguish. Abuse includes sexual abuse, mental abuse, physical abuse, and personal exploitation of a vulnerable adult, and improper use of restraint against a vulnerable adult which have the following meanings:

Abuse Categories

Sexual

Physical

Mental

Personal Exploitation

Improper Use of Restraints

Physical Abuse

- **“Physical abuse”** means the willful action of inflicting bodily injury or physical mistreatment. Physical abuse includes, but is not limited to: striking with or without an object, slapping, pinching, choking, kicking, shoving, prodding, or the use of chemical restraints or physical restraints unless the restraints are consistent with licensing requirements, and includes restraints that are otherwise being used inappropriately.
- **Effective 7/24/2015: “Physical abuse”** means the willful action of inflicting bodily injury or physical mistreatment. Physical abuse includes, but is not limited to: striking with or without an object, slapping, pinching, choking, kicking, shoving, or prodding.

Physical Abuse

Signs of Physical Abuse:

- Unexplained signs of injury; lacerations, bruises, welts, or scars.
- Report of drug overdose or apparent failure to take medication regularly.
- Signs of being restrained, such as rope marks on wrists.
- Caregiver's refusal to allow you to see the elder alone.
- Broken bones, sprains, or dislocations.
- Broken eyeglasses or frames.

Mental Abuse

- **“Mental abuse”** means any willful action or inaction of mental or verbal abuse. Mental abuse includes, but is not limited to: coercion, harassment, inappropriately isolating a vulnerable adult from family, friends, or regular activity, and verbal assault that includes ridiculing, intimidating, yelling, or swearing.
- **Effective 7/24/2015: “Mental abuse”** means a willful verbal or nonverbal action that threatens, humiliates, harasses, coerces, intimidates, isolates, unreasonably confines, or punishes a vulnerable adult. Mental abuse may include ridiculing, yelling, or swearing.

Mental Abuse

Signs of Mental Abuse:

- Verbal
 - ✓ Intimidation through yelling or threats
 - ✓ Humiliation and ridicule
 - ✓ Habitual blaming or scapegoating
- Non Verbal
 - ✓ Ignoring the elderly person
 - ✓ Isolating an elder from friends or activities
 - ✓ Terrorizing or menacing the elderly person
- Observe
 - ✓ Mimics dementia, i.e. rocking, mumbling
 - ✓ Caregiver threaten, belittles or controls

Sexual Abuse

- **“Sexual abuse”** means any form of nonconsensual sexual contact including, but not limited to, unwanted or inappropriate touching, rape, sodomy, sexual coercion, sexually explicit photographing, and sexual harassment. Sexual abuse includes any sexual contact between a staff person, who is not also a resident or client, of a facility or a staff person of a program authorized under [Chapter 71A.12 RCW](#), and a vulnerable adult living in that facility or receiving service from a program authorized under [Chapter 71A.12 RCW](#), whether or not it is consensual.
- **Effective 7/24/2015: “Sexual abuse”** means any form of nonconsensual sexual conduct including, but not limited to, unwanted or inappropriate touching, rape, sodomy, sexual coercion, sexually explicit photographing, and sexual harassment. Sexual abuse includes any sexual conduct between a staff person, who is not also a resident or client, of a facility or a staff person of a program authorized under [Chapter 71A.12 RCW](#), and a vulnerable adult living in that facility or receiving service from a program authorized under [Chapter 71A.12 RCW](#), whether or not it is consensual.

Sexual Abuse

Signs of Sexual Abuse:

- Bruises around breasts or genitals.
- Unexplained venereal disease, genital infections.
- Unexplained vaginal or anal bleeding.
- Torn, stained, or bloody underclothing.

Personal Exploitation

- **Exploitation”** means an act of forcing, compelling, or exerting undue influence over a vulnerable adult causing the vulnerable adult to act in a way that is inconsistent with relevant past behavior, or causing the vulnerable adult to perform services for the benefit of another.
- **Effective 7/24/2015: “Personal Exploitation”** means an act of forcing, compelling, or exerting undue influence over a vulnerable adult causing the vulnerable adult to act in a way that is inconsistent with relevant past behavior, or causing the vulnerable adult to perform services for the benefit of another.

Exploitation of Person

Signs of Exploitation of Person:

- Alleged perpetrator is recent acquaintance or previously uninvolved family.
- Alleged perpetrator has financial, mental health or substance abuse problems.
- Activities not consistent with previous behavior.
- Gifts that are not consistent with previous behavior.
- Victim is depressed, fearful, withdrawn, isolated.
- Victim has an excessive dependence on others.
- Medications are missing or refilled too frequently.
- Objects of value going missing.

Improper Use of Restraint

- **Effective 7/24/2015:** “Improper use of restraint” means the inappropriate use of chemical, physical, or mechanical restraints for convenience or discipline or in a manner that:
(i) Is inconsistent with federal or state licensing or certification requirements for facilities, hospitals, or programs authorized under chapter 71A.12 RCW; (ii) is not medically authorized; or (iii) otherwise constitutes abuse under this section.

Effective 7/24/2015: “Chemical restraint” means the administration of any drug to manage a vulnerable adult’s behavior in a way that reduces the safety risk to the vulnerable adult or others, has the temporary effect of restricting the vulnerable adult’s freedom of movement, and is not standard treatment for the vulnerable adult’s medical or psychiatric condition.

Effective 7/24/2015: “Mechanical restraint” means any device attached or adjacent to the vulnerable adult’s body that he or she cannot easily remove that restricts freedom of movement or normal access to his or her body. “Mechanical restraint” does not include the use of devices, materials, or equipment that are (a) medically authorized, as required, and (b) used in a manner that is consistent with federal or state licensing or certification requirements for facilities, hospitals, or programs authorized under chapter 71A.12 RCW.

Effective 7/24/2015: “Physical restraint” means the application of physical force without the use of any device, for the purpose of restraining the free movement of a vulnerable adult’s body. “Physical restraint” does not include (a) briefly holding without undue force a vulnerable adult in order to calm or comfort him or her, or (b) holding a vulnerable adult’s hand to safely escort a resident from one area to another.

Reporters Types

Mandated Reporter

- Employee of the department; law enforcement officer; social worker; professional school personnel; individual provider; facility employee; facility operator; social service, welfare, mental health, adult day health, adult day care, home health, home care, or hospice agency employee; county coroner or medical examiner; Christian science practitioner; or health care provider.

Permissive Reporter

- Permissive reporters may report to the department or a law enforcement agency when there is reasonable cause to believe that a vulnerable adult is being or has been abandoned, abused, financially exploited, or neglected. Permissive reporters include: financial institution employees; attorneys; facility or program volunteer; any person who believes abuse, neglect, abandonment, or exploitation has occurred.

Confidentiality & Immunity

- Confidentiality RCW 74.34.035: the name of the reporter is kept confidential unless there is a judicial proceeding, confidentiality is waived.
- Immunity RCW 74.34.050: Any person reporting in good faith is immune from liability resulting from the report or testimony.

Who to Contact

Adult Protective Service (APS)

206-341-7660 or 1-866-221-4909

Fax: 206-626-5705

R2HCSAPSIntake@dshs.wa.gov

Suspected abuse of an individual living in a residential setting
or suspected abuse of an individual living in a facility.

Complaint Resolution Unit (CRU)

1-800-562-6078

Suspected provider practice violations for individuals living in
licensed adult family home, nursing home, assisted living,
intermediate care facility or certified supported living
program.

No Wrong Door Policy

- The APS Intake Unit may generate a report(s) even if the report is not related to an APS issue.
- The intake Unit will make a referral(s) to the appropriate agency or region based on the information provided; i.e. such as RCS or CPS.

Report Content

- Please provide the Alleged Victim's and Perpetrator's identity, and address/contact information.
- Please provide specific information as to why you believe suspicious activity has occurred.
- Please provide as many known facts as possible and be as concise as possible.
- Please include your name and contact information.
- Please include any safety concerns for the Alleged Victim or investigative staff.

Response Requirement

Within 24 hours of APS knowing that an intake report of suspected abandonment, abuse, financial exploitation, neglect or self-neglect of a vulnerable adult has been received, APS will initiate a response as required under [RCW 74.34.063](#). An initial response may include, but is not limited to:

- Referral to the appropriate agency for investigation.
- Referral to law enforcement.
- Calling reporter/collateral for additional information.
- Screening out for failure to meet program criteria.
- Assigning the report for investigation.

Investigation Response Time

High (24 Hours)	Serious/Life Threatening harm is occurring or appears imminent.
Medium (5 Days)	Harm that is more than minor, but does not appear to be life threatening at this time, has occurred, is on going, or may occur.
Low (10 Days)	Harm that poses a minor risk at this time to health or safety, has occurred, is ongoing, or may occur.

APS Investigations

When a referral is received, the assigned APS investigator must determine:

- If the allegation meets the criteria/definition to qualify as abuse, abandonment , neglect or exploitation.
- If the identified individual meets the criteria/definition of a vulnerable adult.
- If the identified individual has capacity.
- Consent is not required for APS to conduct an investigation, but a courtesy notification is provided to a legal representative, if that person is not the alleged perpetrator.
- **The Alleged Victim has the right to refuse services as long as they have the ability to make decisions and they are not in imminent danger.**

What Happens Next?

APS will investigate if APS has jurisdiction and the adult is considered a vulnerable adult.

- Investigators will conduct a home visit, usually unannounced.
- Investigators will interview other individuals who may have information about the situation.
- Investigators may offer protective services if the investigator determines abuse has occurred.
- Investigators may contact law enforcement and request an investigation.

What Happens Next?

APS works closely with others in the community to ensure the health and safety of vulnerable adults. This may include:

- Referrals for Financial Services to determine eligibility for state/federally funded programs or services and subsequent case management.
- Referrals to private social service agencies to assist with emergency shelter, food, medical care, counseling, etc.
- Referrals to Mental Health, Rape Crisis Centers, Animal Shelters, DV Programs, Protective Payee Services, etc.

What Happens Next?

- APS may report the alleged abuser to law enforcement, assist with obtaining a protection order, an injunction or referral for legal assistance.
- In extreme cases, APS may work with the Attorney General's office to appoint a guardian.
- On substantiated matters, APS will place Perpetrators on the Abuse Registry once due process is exhausted.

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