

Adult Protective Services: Facts and Fiction

Division of Aging Services
NJ Department of Human Services

For contact information for a specific APS unit go to:

<http://www.state.nj.us/humanservices/doas/home/adultpsp.html>

or call

609-588-6501

In 1993, the Adult Protective Services Act was passed in New Jersey

Abuse

- Means the willful infliction of physical pain, injury or mental anguish, unreasonable confinement, or the willful deprivation of services necessary to maintain a person's physical and mental health.

Neglect

- Means an act or failure to act by a vulnerable adult or his/her caregiver which results in the inadequate provision of care or services necessary to maintain the physical and mental health of the vulnerable adult, and which places the vulnerable adult in a situation which can result in serious injury or which is life-threatening.

Exploitation

- Means the act or process of illegally or improperly using a person or his resources for another person's profit or advantage.

Vulnerable Adults

- Are persons eligible for services under the APS Program, defined as being 18 years or older, residing in a community setting and subject to abuse, neglect or exploitation, but who, because of physical or mental illnesses or disabilities lack sufficient understanding or capacity to make, communicate or carry out decisions concerning their well-being.

INTERVENTION OR SELF- DETERMINATION?

The Purpose of APS is to:

- Stabilize a crisis situation using the least intrusive methods while respecting an individual's right to self-determination.
- **An APS worker cannot:**
 - Remove a vulnerable adult from his or her home without a court order
 - Force an adult with capacity to accept services
 - Move an individual to an alternate living situation without his/her agreement or a legal representative's agreement

APS' guiding principle is at the same time its most difficult ethical issue – the right of a competent adult to make his or her own decisions.

“Who do we serve – the community/ family member/agency who makes the referrals, or the clients themselves?”

**The responsibility of APS is to the
client!**

Until you've lost the ability to make
rational decisions, you retain the
right to make dumb ones!!

Elder Abuse

- Elder abuse is defined as any knowing, intentional or negligent act by a caregiver or any person that causes harm or serious risk of harm to a vulnerable adult.
- All 50 states have Elder Abuse Prevention Laws; however, there is no uniform reporting therefore the problem remains greatly hidden

(National Center on Elder Abuse, 2005)

Types of Abuse

There are many types of abuse:

- Physical—inflicting pain or injury
- Sexual—non consensual sexual contact
- Neglect—failure to provide food, shelter, healthcare etc
- Emotional—inflicting mental pain, anguish and distress

What is Financial Exploitation?

Financial exploitation is the misappropriation of assets of an elder individual through coercion, misrepresentation or theft.

Some signs are:

- Forcing vulnerable adults to change their wills to benefit the perpetrator
- Forging the signature of a vulnerable adult
- Encouraging the vulnerable adult to sign a deed, will or Power of Attorney through coercion or deception
- Promising life long care in exchange for money.

(National Center on Elder Abuse, 2005)

Financial Exploitation can also mean...

- Exploitation carried out by someone in a fiduciary capacity -- a legally appointed agent like a power of attorney, lawyer or guardian who is overcharging or stealing money
- Exploitation by fraud i.e. unlicensed investment brokers, unethical pre-paid burial practices, telemarketing schemes

Reasons Why Victims do not Report

The elderly may be reluctant to report abuse themselves because of fear of retaliation, lack of physical and/or cognitive ability to report, or because they don't want to get the abuser (90% of whom are family members) in trouble.

Don't Assume – ASK ?s

- Don't just assume – ask the client questions if necessary to get more information. For example:
 - Ask how client gets food, medications or other necessities; how do they pay his/her bills
 - Ask the client if he/she has a support system or someone who assists them
 - Ask the client if he/she is afraid of someone or feel they are being taking advantage of

To make a Referral

- The Referral Source should be the person with first hand information about the client
- The Referral Source should relay as much information as possible including:
 - Client's name, address, phone number
 - DOB and Social Security number
 - Diagnoses – health and/or mental health issues
 - Family members/support systems (services/agencies involved)
 - A specific allegation of abuse, neglect or exploitation

Confidentiality

- All records and communications pertaining to any report, evaluation or service provided pursuant to the Adult Protective Services Act (P.L. 1993, Ch. 249, C52.:27D) are confidential and not subject to OPRA.
- APS is permitted to share the results of an APS assessment when directed to do so by a court of competent jurisdiction or when disclosure of information is necessary for the Division or the APS provider to perform its responsibilities as set forth by statute.

Mandatory Reporting

- As of April 2010, all health care professionals, police, paramedics, dentists, social workers and YOU must report abuse!

I'm calling
APS!



It's the LAW.

A person making a good-faith report to APS has:

- A right to confidentiality of his/her identity
- Protection from civil and criminal liability, as well as professional disciplinary action, including protection against retaliation by an employer
- Protection for providing information, records or services related to a report of suspected mistreatment

QUESTIONS?

