**COUNTY ADULT PROTECTION SYSTEM INVESTIGATION GUIDELINES**

**September 2018**

|  |  |  |
| --- | --- | --- |
|  | Adult at Risk Abuse | Elder Adult At Risk Abuse |
| Age Range | 18-59 | 60-older |
| Wisconsin Statutes | Chapter 55 | Chapter 46.90 |

**RECEIVING A REPORT:**

An ADRC employee will receive information regarding an adult at risk or elder adult at risk of maltreatment. A report will be completed and be provided to the ADRC manager within the same business day. A report will be saved in an electronic version in the HSA/ADRC/APS Report folder and titled by the client’s last name, first name, and date the report was taken. A SAMS client contact will be entered with the case note including summary of type of concern and that an APS report was taken on behalf of the adult.

**VENUE:**

 APS report screening occurs only by the county receiving the report.  This includes reports where the alleged incident happened in the county receiving the report and reports involving individuals under guardianship and/or protectively placed by other counties.

If an APS report is received involving an individual under protective placement made by another county, immediate safety issues and communication with DQA if warranted should be addressed by the receiving county and then the APS investigation should be transferred onto the county who completed the protective placement.  The transfer will include continued investigative efforts, completion of the investigation, services including placement, and WITS.  Additional courtesy services may be requested by the county of responsibility to the county where the individual is placed. [DHS Team, 7/20/2018 and 7/23/2018]

**SCREENING A REPORT:**

The ADRC manager will review a report of alleged adult maltreatment within 24 hours after receiving a report. The ADRC manager will assess the adult protective services [APS] eligibility based on the age of victim, type of alleged abuse, the victim’s vulnerability or dependence, and the victim’s relationship with the perpetrator. [Draft Voluntary Consensus Guidelines for State APS Systems, July 2015] . The ADRC manager will complete SAMS case note detailing the screening decision and assignment if appropriate as well as and fill out necessary WITS reporting for screened out report.

**ASSIGNMENT OF AN APS INVESTIGATION:**

The ADRC manager will assign an ADRC employee to commence an APS investigation within 24 hours after a report is received, excluding Saturdays, Sundays, and legal holidays [(55.043(1r)]; [46.90(5)].

**DESIGNATION OF RESPONSE TIME:**

The ADRC manager will designate an emergency or non-emergency response time for the face-to-face contact of the adult at risk or elder adult at risk.

* EMERGENCY: If imminent or life-threatening harm is alleged, a face-to-face contact of the alleged victim shall occur the same day or within the next business day.
  + Imminent harm can be defined as physical abuse, sexual abuse, financial abuse, self-neglect, or neglect.
* NON-EMERGENCY: If risk of harm is alleged, the investigation shall include a face-to-face contact with the alleged adult at risk/elder adult at risk may occur up to 10 business days. [Draft Voluntary Consensus Guidelines for State APS Systems, July 2015] As first steps, it may be common practice for the investigator to contact police, call the reporter for more information, review medical or financial records, be in contact with the guardian, or have phone contact with the adult at risk.

**APS INVESTIGATOR LEGAL AUTHORITY:**

During an APS investigation, an ADRC employee has the right to collect the necessary information to assess the safety of the adult at risk. Per WI. Stats. 55.043(1r)(b) and 46.90(5)(b), the investigation may include the following actions:

1. A visit to the residence of the adult at risk
2. Observing an interview of the adult at risk
3. An interview with the adult at risk
4. An interview with the guardian or POA
5. A review of the treatment and patient health records of the adult at risk
6. A review of financial records of any financial records of the adult at risk or by any caregiver of the adult at risk or by any member of the immediate family of the adult at risk. These records shall be released without consent in either situation
   1. Release from the adult-at-risk agency
   2. Court order

**INVOLVEMENT OF LAW ENFORCMENT:**

Law enforcement should be notified if there is cause to believe the at the adult at risk has been maltreated by another person in a manner that constitutes a crime.

**APS ASSESSMENT AREAS:**

An ADRC employee will gather information in the following assessment areas. [Draft Voluntary Consensus Guidelines for State APS Systems, July 2015]

1. Health and Functional Ability
   1. Physical health – Determine emergency medical needs
   2. The client’s ability to perform ADL’s & IADL’s (daily tasks to meet his or her own needs)
2. Mental Health Status and Capacity
   1. Mental-Determine if need for emergency mental health treatment
   2. Emotional Status
   3. Decision-making capacity and ability to direct his or her own care
3. Social Interaction and Support
   1. Support system including caregiver (formal and informal)
   2. Care-Determine client’s need for care
   3. Behavioral Issues
   4. Interpersonal dynamics
4. Environmental Conditions
   1. Health hazards
   2. Safety hazards
5. Financial Means and Capacity
   1. Capacity to manage Finances
   2. Appropriate use of finances
   3. Determine immediate need to preserve assets

**COMPLETION OF AN APS INVESTIGATION:**

The ADRC employee will conclude an APS investigation within 90 days. [Draft Voluntary Consensus Guidelines for State APS Systems, July 2015] At the conclusion of an investigation, the following steps will be completed.

1. Substantiation decision will be based on a preponderance of evidence. [Draft Voluntary Consensus Guidelines for State APS Systems, July 2015]
2. WITS information will be collected and entered.