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ASPN

Adult Services Practice Notes

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by

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The aspen is perhaps the world's largest organism. Although some aspen forests cover acres and seem to be composed of individuals in all stages of life, they share a common root system.

ASPN: Adult Services Practice Notes is dedicated to providing information on excellent family-centered social work practice with adults and their families.

Adult Protective Services

Let's examine how Adult Protective Services works in this state and what some of the challenges are, using Mrs. Parker's situation as a case scenario. We talked with Vicki Kryk, Program Coordinator for Adult Protective Services and Guardianship at the Adult Services Branch, to learn more about the issues, and her comments appear here.

First of all, what is adult protective services? The box on the last page provides highlights of North Carolina's statute on the Protection of Abused, Neglected or Exploited Disabled Adults. Unlike child protective services, where there is federal legislation and tracking, there is no equivalent in the arena of elder mistreatment. Each state has its own law(s). Some only deal with frail or impaired people over age 60, and others deal with all disabled adults, as we do in North Carolina.

One issue for community agencies and others who make reports to DSS is the confusion over what NC's reporting statute means by "in need of protective services" and what that means county DSSs are given authority to do. "Adult protective services is very different from children's protective services," according to Ms. Kryk. She says, "I find this difference to be frustrating for social workers at DSSs. Members of the community want to report abuse and neglect of disabled adults just like they do with children, and often they expect the same results. The APS reporting law requires the adult also be unable to provide for his or her own needs and have no one else able, willing, and responsible to provide for him or her." This last requirement is what the reporting law by "in need of protective services."

There are very good reasons for the differences in the protection laws for children and adults, explains Ms. Kryk. "With adults, we're dealing with people who have the right to make choices that juveniles can not make. Adults have the right, for example, to live in surroundings

The Case Scenario

Mr. Stevens is concerned about his neighbor, Mrs. Parker, who lives about a mile from him in the country. He occasionally sees her at the mailboxes when he drives by. She seems to have lost an alarming amount of weight in the past six months. When she was younger, she had polio and has always worn a brace. The last time he saw her, she was standing by the mailbox in a dirty nightgown at about 4 in the afternoon, and he noticed that she had rags stuffed into her brace, probably to keep it snug against her leg. He doesn't know Mrs. Parker very well—his wife used to go see her, but since he's been widowed, he hasn't gone over to visit. Mrs. Parker's husband died about five years ago, and now she lives alone. She doesn't seem to go out much, and nobody ever seems to visit her. Her husband inherited the farm from his parents, but the Parkers had no children. Both Mr. Stevens and Mrs. Parker are in their late 70s.

Mr. Stevens talks to his minister about the situation and decides to go see her. He tries twice, but Mrs. Parker doesn't answer the door either time. He notices that her house needs lots of repairs and that there are about 20 cats and kittens in the yard and on the porch. He reports this to the minister, who suggests that maybe he should call the county department of social services. Mr. Stevens is reluctant to do this, because it seems like getting government to meddle in her business, but he's worried that she's getting so she can't take care of herself. The minister offers to call for him, and he agrees.

The minister presents Mrs. Parker to the intake worker as someone who may be disabled and neglecting herself. The intake worker refers him to the Adult Protective Services unit. Mr. Brown takes the call, thanks the minister for the report, and briefly explains what APS will and will not do.



Mr. Brown goes to see Mrs. Parker. By law, he must respond to the report within 72 hours. APS guidelines recommend also that there be a case decision within 30 days, but this depends on how quickly the social worker can obtain any collateral information.

that may be considered by most people to be dangerous. They have the right to do things or to act in ways that may place them in danger. It is only when adults have impairments appearing to make them unable to arrange for basic needs such as food or health care that government would have reason to question their decision making and ability to protect themselves. North Carolina considers the additional possibility that someone else may be able, willing, and responsible to help the disabled adult and therefore protection by a government agency would not be needed.”

Why does Mr. Brown explain APS now? It is very important for Mr. Brown to explain to the minister what APS can do—first, to give him realistic expectations, and second, because there are limits on what information the APS worker will be able to provide later, because of confidentiality requirements.

What’s Mr. Brown’s goal in visiting Mrs. Parker? Ms. Kryk told us, “There are three things APS workers have to determine when they evaluate a case like this, and the comprehensive assessment they perform with the client and others helps

them do it. First they’ve got to decide whether the potential client is age 18 or older and is either physically or mentally disabled. Then, they have to decide if the person has been abused or neglected or exploited, based on the statutory definitions of the terms. Finally, they must determine if the person is in need of protective services. This means that the person is unable to care for him- or herself and there is no one else—family members, neighbors, facility staff—able, willing, and responsible to provide care. If Mr. Brown finds that these three things are true for Mrs. Parker, the case is substantiated. If any one of them is not true, the case is not substantiated.

“If the case is substantiated—that is, Mrs. Parker is disabled, has been mistreated, and has no one to help her get what she needs and she can’t get it herself—Mr. Brown needs Mrs. Parker’s consent to the needed services. An adult who is being mistreated and has mental capacity has the right under the law to refuse protective services.” Ms. Kryk further explains, “We all have the right to make choices, even ones that others consider to be unreasonable, and that right is not abridged by the APS statute. County DSSs have the responsibility of making a determination about whether a disabled adult has the mental capacity to consent to services. If Mr. Brown determines that Mrs. Parker doesn’t have this capacity, then his agency may request the district court to order services to be provided.”

How do social workers make first contact with clients being evaluated for APS? “APS workers approach these situations in a way similar to providing voluntary services. First of all, they should always think of themselves as social workers, rather than investigators, and as professionals going out to help because somebody else has called in a concern. They might ask how the person is doing, and if the person asks why they’re there, they could answer, ‘Well, someone was concerned and thought Social Services might help you, and that’s who I work for.’ What APS workers consistently tell me is that people are usually quite willing to let them in the door. It’s only after they’ve been there awhile and start asking sensitive questions, they may run into some resistance.”

What if the client won’t let you in? “One of the ways APS is different from voluntary services is that the DSS can get a warrant and police support if the worker cannot gain access to the house or the alleged victim. Before it comes to that, however, the social worker should explain his or her authority to get access to the house and see the disabled adult. The worker may explain this obligation in a nonthreatening way by

When Mr. Brown arrives at Mrs. Parker’s house, he sees that it has flaking paint, a broken handrail on the front steps, and there are cats everywhere. He calls out to Mrs. Parker from the yard and gets no response, though he can see her watching him at the front window. He comes up to the steps, holds out his county identity card where she can see it, introduces himself, and explains that he is with the Department of Social Services. He says there may be some ways his agency or others in the community might be able to help her, if she’d like. Then he waits.

After a little while, Mrs. Parker opens the window and talks to Mr. Brown through the screen. He begins by asking her how her day has been going. He mentions the cats and asks whether they all have names. She tells him what she calls the four or five she can see out the window. He replies that it must take a bit of money to keep them all fed. She says that it does, and that one of the feed stores delivers a couple 20-pound bags of cat food once a month. He compliments her on coming up with that strategy and asks how she manages for herself. She says the feed store also delivers cracked corn for the chickens she keeps, and she just boils up some of that for herself, with some greens she raises. She says it takes some boiling for it to be soft enough to eat with her bad teeth.

He remarks that some of the floorboards on the porch have come loose and asks if she has someone who can help nail them down. She says no and that it worries her, and he asks if there are other chores like that around the house she’s concerned about and can’t do herself. She says that she doesn’t use the hallway to the bathroom after dark because she can’t see where the boards are rotted out. He asks if he can have a look, and she opens the door for him.

On one of the tables in her living room are photos. Mr. Brown notices the very old one he suspects is the Parkers' wedding photo and a more recent one of the couple that shows a somewhat stout Mrs. Parker. The woman before him, though, probably weighs about 80 pounds and she is dressed in a frayed housedress that isn't very clean. She is wearing a brace on her leg with rags stuffed around the top to hold it in place. Although she is somewhat slow getting around, she doesn't appear to have bruises and the skin above and below the brace seems to be in good condition.

The house itself smells strongly of cat, but it has been swept recently and is not cluttered. The hallway between the bedroom and the bathroom is treacherous—several of the boards are broken through, others are loose, and the crawlspace under the house is visible.

As they pass back through the living room, Mr. Brown asks about the pictures and learns that his guess was right. He says that Mrs. Parker seems to have gotten much thinner since the latest picture, and he asks whether she has been having any health problems lately. She says no, but that she finds it hard to keep enough wood on the fire to keep warm in the winter, but then, the cats all come sit with her on the couch or sleep on the bed at night. Mr. Brown asks whether she has other ways of heating the house, and she tells him that she had the gas and electricity cut off a few years ago because she couldn't keep up with the bills. She says she doesn't really need them most of the year because she goes to bed when it's dark and gets up when it's light. He asks whether she has any problems getting her Social Security check, and she says she doesn't get one, just a little pension from her husband, which gets sent to the bank. She sends her bill from the feed store to the bank manager, who pays it and also the property tax on the farm.

After determining that she is probably not in immediate danger and getting this general information, Mr. Brown asks if he can come back to see her the next day. He explains the normal assessment process to her, and she agrees.

ing? Have you had your lunch yet? What did you have?' Once inside the house, they might ask about pictures that are displayed or about other family members, and that's how they begin learning about the client, her family, and the relationships. Older and disabled adults—particularly those who are isolated—are often quite willing to tell the worker about their physical ailments, what they had for lunch, and even such details as whether the meals-on-wheels person arrived on time. This information tells the social worker that the adult is receiving a service, getting at least one good meal a day, and is able to recall recent events.

"Skilled workers are often able to weave some of the standard types of questions about judgment, arithmetic, and orientation into their interview in a way that reveals the adult's mental status while gathering standard information. For example, in the review of the client's economic status, if the client can talk about income and expenses and do at least some of the math to show how much money is left at the end of the month, that tells the social worker about more than just the household budget. The social worker knows the adult has some notion of where the money is going, can make judgments about how her check is spent each month, and does not appear to have any of the typical symptoms of dementia.

"The DSS has the legal responsibility to make a decision about the adult's mental capacity in APS cases but can call upon other experts before making a final decision. County DSS staff can conduct some mental status tests, but for the most part, if they're in doubt, they will contact the adult's physician, the mental health program, or some other professional who can provide a second opinion."

saying, 'I have to do this—it's part of my job. Please let me come in and ask you a few questions, and then I may not have to bother you any more.' If necessary, the worker may say he or she is there under the authority of a state law, and as a last resort, say he or she will get a court order and be back."

What does Mr. Brown do once she opens the door? "Even though one purpose of the first visit is to begin assessing mental capacity, APS workers don't start asking people 'Who's the president?' or 'What day is it?' when they walk in the door. Social workers actually can get a lot of information from what might seem like casual conversation and from standard assessment questions. As in any other assessment, they often start with general questions, 'Well, tell me how your day has been going? How are you feel-

The next day when he returns, he asks her more detailed questions about her health and her weight loss. She says she knows she's gotten thin, but that she feels all right and doesn't get sick much. She hasn't seen a doctor in 10 years, and she doesn't want to see one now. She says she had enough doctors when she had polio as a girl. She doesn't care much what she eats, she says. Her cats come first, because they are her responsibility. The house is also important to her, because it was her husband's. She would like to keep it up better, but she can't do some of the work or afford to get someone else to do it. He asks her if there's anything that worries her about her life right now or if there's something that would make her happier if it was different. She says no, she's got her chores and her cats to keep her busy.

He describes what protective services might offer her, and he leaves her information about other community services for older people. He mentions that the meals-on-wheels program provides three meals a week, and that some of the church youth groups do home repair as a service project. She thanks him for the information, and he leaves.

What happens if a case is not APS or the adult refuses services after an APS evaluation? Is there any follow-up?

“Any time a case comes to the attention of DSS as a potential APS report or is accepted as a report, two things are possible. One, if the situation does not constitute an APS report but there appears to be a need for other services, the

In his agency, APS workers confer with their supervisors once the evaluation is completed. At the case conference Mr. Brown and his supervisor agree that Mrs. Smith is disabled, neglecting herself, and has no one to help her, so they substantiate the case. However, they agree that she demonstrates capacity, because she acknowledges the consequences of living as she does. When Mr. Brown returns to offer services, Mrs. Parker refuses. He encourages her to contact the DSS if she would like help in the future.

DSS is obligated to refer the case to other services. Two, if the case is accepted for protective services but is not substantiated or if the client refuses services, and there is still a need for other

services, then the DSS is obligated to make that offer to the client. The client might be willing to accept a telephone reassurance service or to talk to her doctor about having home health services, so there may be other opportunities for follow-up.”

This scenario draws on situations found in APS cases, but any resemblance between the characters mentioned here and real individuals or cases is purely coincidental.

Highlights of the Protection of the Abused, Neglected, or Exploited Disabled Adult Act (NCGS 108A, Sec. 6)

- Anyone who has “reasonable cause to believe that a disabled adult is in need of protective services” must report this to the local department of social services
- A **disabled adult** is anyone over the age of eighteen (or an emancipated minor) who is incapacitated due to a physical or mental problem.
- A disabled adult is considered to be in need of protection if he is unable to take care of himself, unable to obtain services for himself, has no one to help him, and may be experiencing either abuse, neglect, or exploitation.
- **Abuse** is defined as willful infliction of harm.
- **Neglect** is the lack of provision of services necessary to maintain physical or mental health.
- **Exploitation** is the illegal or improper use of a disabled adult or his resources.
- The local department of social services is required to evaluate all reports of disabled adults in need of protection, determine what services are needed, and provide or arrange for those services as appropriate and available.

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