

# Adult Protective Services (APS) Update

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December 2018

## 2019 Legislative Session, Judy B. Taylor (Idaho Commission on Aging)

**Charge:** Review and revise current rules, applicable to Adult Protective Services (APS).

**Update:** Working closely with our Deputy Attorney General, the scope of our project this legislative session is to modify Statute 39-5302. Proposed changes to the current code include replacing the term “adult protection” to the more descriptive and nationally recognized “Adult Protective Services (APS)”. We are also clarifying the definition of contractor as related to the provision of APS services. Our assigned tracking number is **RS26422**. If this statute passes, we can work with our Deputy Attorney general to align applicable IDAPA for presentation to the next legislative session.

## Guardianship/Conservatorship, Nanci Thaemert (Idaho Supreme Court)

**Charge:** Deliver education regarding the current guardianship/conservatorship process.

**Update:** The group consists of representatives from DisAbility Rights Idaho, Adult Protective Services, Professional guardians and conservators and court staff. We have had two phone conferences and one full day meeting in person at the Idaho Supreme Court. The two main issues identified by the group include: (1) lack of training for professionals and families on the process to obtain guardianship or conservatorship, the duties and responsibilities of appointed guardians and conservators, and resources available in the community; and (2) the lack of guardians and conservators for individuals with no one to fill the role and no resources to hire a professional. In response to the lack of training, the group has proposed creating an easy to understand resource that APS staff could provide to families and stakeholders in the community. This resource will be a handout modeled after several existing educational aids. The group is currently working on the first version of the document. The group has also recommended a section on guardianship and conservatorship be included in any ongoing training of APS staff. The group has not identified any concrete strategies on the second item around lack of guardians and conservators but will continue to work with other groups with similar interests on identifying strategies to fill the gap.

## Adult Perpetratory Registry, Tamara Prisock (Idaho Department of Health and Welfare)

**Charge:** Convene a workgroup that examines the framework needed to develop and implement an APS Registry.

**Update:** The group has met five times since forming in May 2018. The group has examined registries from other states and has also examined the process the Department of Health and Welfare’s Division of Family and Community Services uses to maintain a child abuse registry, including the appeals process. The group is working on a proposal to shift APS investigations involving paid caregivers and the maintenance of a perpetrator registry [to be developed] to the Department of Health and Welfare, leaving the Commission on Aging’s Adult Protective Services Program in place to investigate allegations involving non-paid caregivers. The group will further develop the proposal to identify statute and administrative rule changes necessary to implement the proposal as well as the resources required by the Department to take on adult protection investigations and maintenance of the registry.

### **Involuntary Hold Statute, Tamara Prisock (Idaho Department of Health and Welfare)**

**Charge:** *Convene a workgroup that examines the merits of either revising the current statute or developing a separate statute that enables a designated examiner to place a person with a neurocognitive disorder on an involuntary hold. (Note: reviewing placement options may be a second phase of this workgroup.)*

**Update:** The group has met six times since it was formed in May 2018. We have reviewed the draft legislation developed by the Alzheimer’s Planning Group but determined that we can leverage the existing statute related to involuntary holds for individuals with mental illness. The Deputy Attorney General for the Department of Health and Welfare’s Division of Behavioral Health has drafted language that would add individuals with neurocognitive disorders as a population covered by the existing statute, and the group is currently reviewing those proposed changes.

### **Vulnerable Adult Statute Review, Mary Holden (Justice Alliance for Vulnerable Adults)**

**Charge:** *Convene a workgroup to examine the advantages and disadvantages of including an age-related provision in the definition of a “vulnerable adult.”*

**Update:** Interviews with stakeholders have been conducted regarding the current definition of a vulnerable adult in Idaho. Overall, stakeholders indicate the current statute is too vague and poses a challenge when prosecuting cases. A report containing the findings and recommendations is being developed.

### **Statewide Collaborative Model, Raul Enriquez (Area 3 Senior Services Agency)**

**Charge:** *Convene a workgroup that establishes a collaborative network of professionals across Idaho that will strengthen APS service delivery and community partnerships.*

**Update:** Research into the feasibility of developing Multidisciplinary Teams (MDTs) has been conducted. A report containing the findings and recommendations is being developed.

### **APS Grants, Tami Cirerol (Idaho Commission on Aging)**

Under the “new” APS grant, activities include implementing and evaluating new tools and two interventions. The interventions – Goal Attainment Scaling and a Critical Time Intervention – will be piloted at the Area 3 Senior Services Agency, beginning March 2019.

### **APS Model Research (Idaho Commission on Aging)**

Research into various delivery models for APS in Idaho began with a review of other state models and conversations with ACL staff. In most states, APS staff are either state employees or employees of the AAAs. Five states have hybrid models, using a mix of county employees, AAA employees, or private contractors. Next steps include collecting information on costs, software needs, and staffing associated with the various APS delivery models.