

**Report to
The Vermont Legislature**

**Annual Report on
Adult Protective Services**

**In Accordance with Act 79 (2006), Sec. 12, as amended by Act 46, (2013), Sec. 3,
An act relating to criminal abuse, neglect, and exploitation of vulnerable adults.**

Submitted to: Senate Committee on Judiciary
Senate Committee on Health and Welfare
House Committee on Judiciary
House Committee on Human Services

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Secretary, Agency of Human Services

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The Department of Disabilities, Aging and Independent Living (DAIL) in the Agency of Human Services is pleased to present the State Fiscal Year 2013 Legislative Report on the Adult Protective Services (APS) program, in accordance with Act 79 (2006), Sec. 12, as amended by Act 46, (2013), Sec. 3.

Please note that previous APS Annual Reports had been filed by the calendar year, which did not align with other reporting within the division. This and subsequent reports will be prepared by the state fiscal year that runs from July 1st to June 30th.

APS Mission, Funding and Organizational Structure

Vermont's APS program is the primary unit of state government responsible for investigating allegations of abuse, neglect and exploitation of vulnerable adults under Title 33 of Vermont Statutes. APS is a program within the Division of Licensing and Protection (DLP).

APS is funded entirely through State General Fund revenues, with \$1,296,149.46 in expenditures for SFY13 (90% personnel; 10% operating).

During SFY13, APS was staffed with 16 FTE positions, as follows:

- 1 Program Chief
- 2 Field Supervisors (with each .5 FTE Supervision/.5 FTE Investigator)
- 10 Field Investigators
- 2 Program Specialists (Intake, Screening)
- 1 Administrative Assistant

Services Delivered by APS

APS delivers the following services in response to reports of abuse, neglect, or exploitation of vulnerable adults.

Intake and Screening

Within 48 hours of receiving an intake, APS staff determine if the alleged victim is a vulnerable adult and if the allegations meet the statutory definitions for abuse, neglect, or exploitation. If yes to both, an investigator is assigned and an investigation conducted. In all cases, APS staff will make appropriate referrals to other organizations that could assist the reporter and/or alleged victim.

Investigation

When an investigation is warranted, APS Investigators will interview the reporter, the alleged victim, and any other relevant witnesses, along with reviewing any available documentation. They will also provide the alleged perpetrator with an opportunity to present information. At the

conclusion of the investigation, they will make a recommendation for substantiation if the evidence indicates there was abuse, neglect, or exploitation.

Protective Services

The investigator will discuss with the alleged victim and/or their legal representative appropriate protective services. Except where protective services are court ordered, the investigator works to implement protective services agreed to by the victim, which frequently may be no services at the request of the victim. Some services that can be offered are:

- Referrals to service providers, including case management, guardianship services, mental health and developmental services, law enforcement, and health care.
- Securing change of representative payee.
- Petitioning for removal of a court-appointed guardian.
- Notifying and filing a misuse of funds report with the Social Security Administration.
- Alerting financial institutions of misappropriation of funds.
- Assisting the client to close/change banking or other accounts.
- Intervening in cases of identity theft.
- Petitioning for guardianship.
- Filing for temporary restraining orders and relief from abuse orders.

Community Outreach and Education

APS provides training to the staff of community-based providers and other community groups to prevent and/or limit the abuse, neglect and/or exploitation of vulnerable adults. We emphasize making timely reports (for mandated reporters), increasing the participants' knowledge of the vulnerable adult statute (Title 33) and its definitions, and understanding how to proceed when they suspect a vulnerable adult is at risk.

Adult Abuse Registry

APS is responsible for maintaining and managing the Vermont Adult Abuse Registry, which provides a confidential listing of individuals who have been substantiated for abuse, neglect or exploitation of a vulnerable adult. The registry may be accessed by current or prospective employers of people who are or will work or volunteer with vulnerable adults and/or children.

Success Stories

These stories illustrate how APS serves individual Vermonters, and how individuals are 'better off' as a result. The names have been changed to protect confidentiality.

Michael

Michael is an 88 year old retired dairy farmer who lives at home. He provides care to his wife, who has dementia and significant hearing loss. They have little contact with the outside world other than weekly participation in a senior meals program, fifteen miles away. One day last spring, Michael received a call from a stranger who was selling a "great business deal", offering him an opportunity to invest in a business selling ATM machines. After several hours and a heavy marketing pitch, Michael was convinced that this was an opportunity he could not refuse. He was promised a "guaranteed" return on his investment, which would supplement his limited

Social Security income. The caller told Michael that all he needed to do to get in on the investment was to provide his personal credit card account information, which he did. Michael was left with \$29,000 in credit card charges and no return on his investment. A few months later a report was made to APS. The resulting investigation found that Michael was one of several victims in a multi-state scam. APS substantiated the allegations against the perpetrators and assisted Michael in reversing the \$29,000 in credit card charges.

Jane and Joe

Jane and Joe had lived together in a rural, isolated setting for many decades and were suspicious of outsiders. Jane had served as Joe's guardian for decades, as he has developmental disabilities. Jane is 88 and Joe is 86. APS received a report that Jane was neglecting Joe, as he was unkempt, poorly clothed, malnourished, and had several untreated serious health conditions. The APS investigation found that Jane had a progressive dementia illness and was neglecting Joe's needs as well as her own. APS assisted in transferring Joe's guardianship to another person, relocating him to another home, and setting up social and medical services. APS also provided support and referrals for Jane herself, as family members became her guardians.

SFY13 Program Highlights

Financial Abuse Specialist Team (FAST)

The FAST was formed by the APS Financial Exploitation Unit in January 2013 and is a collaborative effort including banks/credit unions, the Attorney General's Office, law enforcement, state agencies and non-profit human services providers. It achieves its mission by taking a holistic and multi-disciplinary approach to the problem of financial exploitation. FAST partners assist and support one another in a shared belief that all Vermonters are entitled to financial security and independence, and they work to:

- Raise awareness within the state about the financial exploitation of vulnerable adults.
- Prevent financial exploitation of the vulnerable adult population through collaboration and cooperation among the FAST team membership.
- Develop more effective prevention and intervention systems.
- Expand our partnerships with financial institutions to increase reporting of financial exploitation cases and prevention/intervention efforts.
- Strengthen the APS relationship with law enforcement agencies to increase reporting, improve joint investigations, and, when appropriate, lead to criminal prosecutions.

In SFY13, the FAST produced the following items:

- A financial exploitation brochure providing the signs of financial exploitation and how to seek assistance.
- The Identity Theft Kit to assist victims of identity theft.
- The FAST Fraud Alert Email to distribute information about new financial threats for vulnerable adults.

Further Development of Harmony for APS

The Harmony system purchased in SFY12 provides APS with a secure system for the management of its business processes, from initial intake and screening through completion of the investigation. The transition to Harmony started in April 2012 and has continued to the present, with APS staff currently finalizing reporting functions. With the new data system requirements almost finalized, field investigators will be fully trained on new data input procedures by the end of SFY14, which will greatly assist APS's management of investigations and ease reporting.

APS Reporting Update

Throughout Harmony's development, APS staff worked closely with the developer to create a system that will help APS leadership manage the program with easier access to information. As a result, APS began issuing a monthly report in February 2013 and was in a good position to meet new reporting requirements established when Governor Peter Shumlin signed Act 46 into law on May 24, 2013. This act required quarterly reports, with the first issued in July 2013, and expanded the data to provide in this annual report.

Implementation of a Web-based Reporting

Part of the Harmony phase-in was providing a new reporting option through a web-based intake that was deployed in February 2013. This easy access reporting option is available to reporters 24/7/365, and it increased functionality by supporting more complete reporting, giving the reporter the option to print the report once completed, and a confirmation to the reporter that APS received it.

Week-End Intake/Screening

To ensure the timely processing of new intakes, APS began performing weekend intakes and screening services in July 2012. This expansion of services was accomplished by shifting work schedules at no additional expense and has improved the speed at which we can assist vulnerable adults whose situations are reported after close of business Fridays, especially on holiday weekends.

Community Outreach and Training

APS met with and sponsored outreach meetings with 18 community groups (regional and/or statewide entities) with 195 people participating. Our goal was to strengthen the APS relationship with participating agencies and staff in support of a collaborative approach to the prevention of and/or intervention in incidents of abuse, neglect or exploitation of vulnerable adults. In addition, APS staff delivered 35 training programs to a variety of organizations with 945 participants, targeting agencies and people who deliver services to vulnerable adults in community, home-based, and facility-based settings.

Data Report

Reports Received

APS began using the Harmony system to process intakes in April 2012. However, policies regarding recording intakes pertaining to a licensed facility that were referred to the Survey and Certification (S&C) section of DLP were not finalized until March of 2013 when it was decided that all intakes involving a facility would be entered into Harmony regardless of the need for an APS investigation. Since data practices regarding S&C were not consistent throughout the reporting period, this report will not include intakes that were referred to S&C without an APS investigation. The SFY14 report will include both. APS received 1,897 reports of suspected abuse, neglect, or exploitation in SFY13.

Investigations Performed

Of the 1,897 intakes received in SFY13, APS performed 1,027 investigations (54%).

Investigations Substantiated

Of the 1,027 investigations performed, 187 were substantiated (18%).

Adult Abuse Registry Placements

As a result of the 187 substantiations, there were 95 individuals placed on the Adult Abuse Registry.

Adult Abuse Registry Checks

APS completed 50,526 Adult Abuse Registry Checks.

Written Coordinated Treatment Plan

Act 46 requires this report to include information on the number of Written Coordinated Treatment Plans. Since Act 46 was not enacted until May 2013, the Harmony System did not track this data until after SFY13. This data will be included in the SFY14 report.

Penalties and Sanctions

As in previous years, there were no penalties (33 V.S.A. § 6913.(x)) or sanctions (33 V.S.A. § 7111) imposed.

Referrals to Other Organizations and Law Enforcement

APS frequently makes referrals to other organizations, including law enforcement. Referrals were not consistently entered into Harmony by investigators until November 2013, after this reporting period. As a result, the number of referrals made for SFY13 is likely much higher than documented. The number of referrals made and documented in Harmony is listed below.

Referrals to Other Providers: APS made 86 referrals as follows:

35	Other Referrals
29	Area Agencies on Aging
10	VT Legal Aid
7	Medicaid Fraud, AG's
3	Survey/Certification Unit, DLP
2	Disability Rights VT

Law Enforcement: 19 referrals were made to law enforcement and 13 joint investigations were conducted with local and/or state law enforcement.

Protective Services

As with the referrals above, protective services were not consistently entered into Harmony by investigators until November 2013, after this reporting period. The number of protective services made/arranged and documented in Harmony are listed below.

Protective Services: APS provided or arranged for protective services for 94 individuals as follows:

22	Other types of protective services were arranged
16	Referrals/arranged for increased supervision/supports
13	Investigations conducted jointly with law enforcement
11	Victims were assisted in securing safe, sanitary housing
10	Victims were assisted in finding a representative payee
6	Victims were assisted in securing a temporary restraining order/relief from abuse
5	Counseling provided or arranged for counseling
3	Victims were assisted in execution of a power of attorney
3	Petitions for guardianship
3	Petitions for a successor guardian
2	Requests that a banking institution freeze a victim's accounts

Demographic Data

Demographic information was not consistently entered into Harmony by intake personnel and investigators until July 2013. As a result, we do not have complete demographic information for all cases investigated in SFY2013. Enough data was entered to provide statistical information that will provide approximate information about the individuals we serve and their challenges.

Relationship of Reporter to the Alleged Victim (Chart 1)

Chart 1 is a pie chart showing the distribution of the relationship of the reporter to the alleged victim for cases that were investigated.

Relationship of Alleged Perpetrator to the Alleged Victim (Chart 2)

Chart 2 is a pie chart showing the distribution of the relationship of the alleged perpetrator to the alleged victim for cases that were investigated.

Allegation Types (Charts 3 - 5)

Chart 3 is a pie chart showing the distribution of the allegation types investigated. Chart 4 is a pie chart showing the distribution of allegation types substantiated. Chart 5 is a bar graph showing what percentage of investigations of each allegation type resulted in substantiation.

Age of Alleged Victims (Chart 6)

Chart 6 is a pie chart showing the distribution of the age of the alleged victims for all investigations.

Type of Vulnerability (Chart 7)

Chart 7 is a pie chart showing the distribution of the type of vulnerability for the alleged victims of all investigations.

Type of Residence (Chart 8)

Chart 8 is a pie chart showing the distribution of the type of residence the alleged victim lived in at the time of intake for all investigations.

Chart 1: Relationship of Reporter to the Alleged Victim

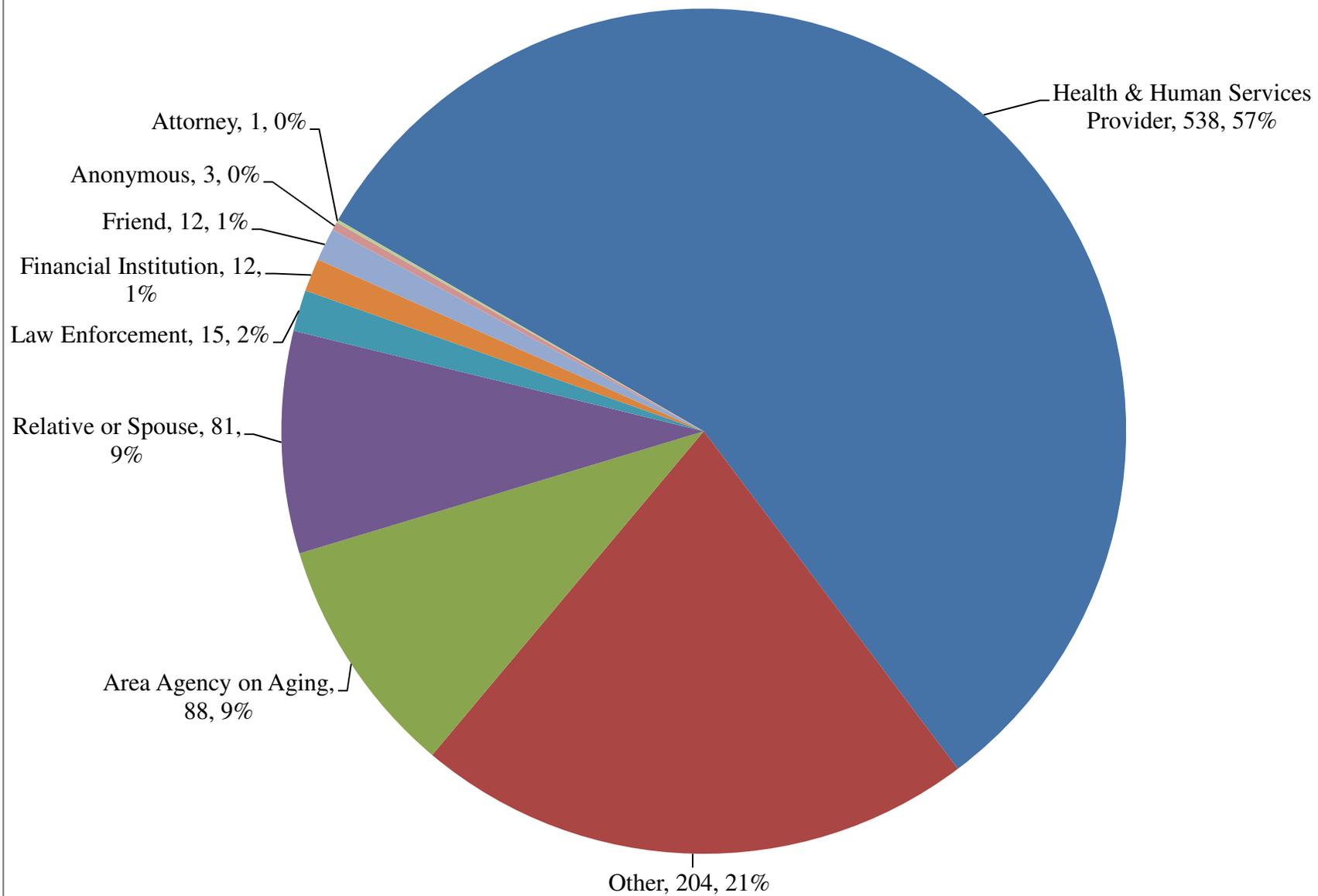


Chart 2: Relationship of Alleged Perpetrator to the Alleged Victim

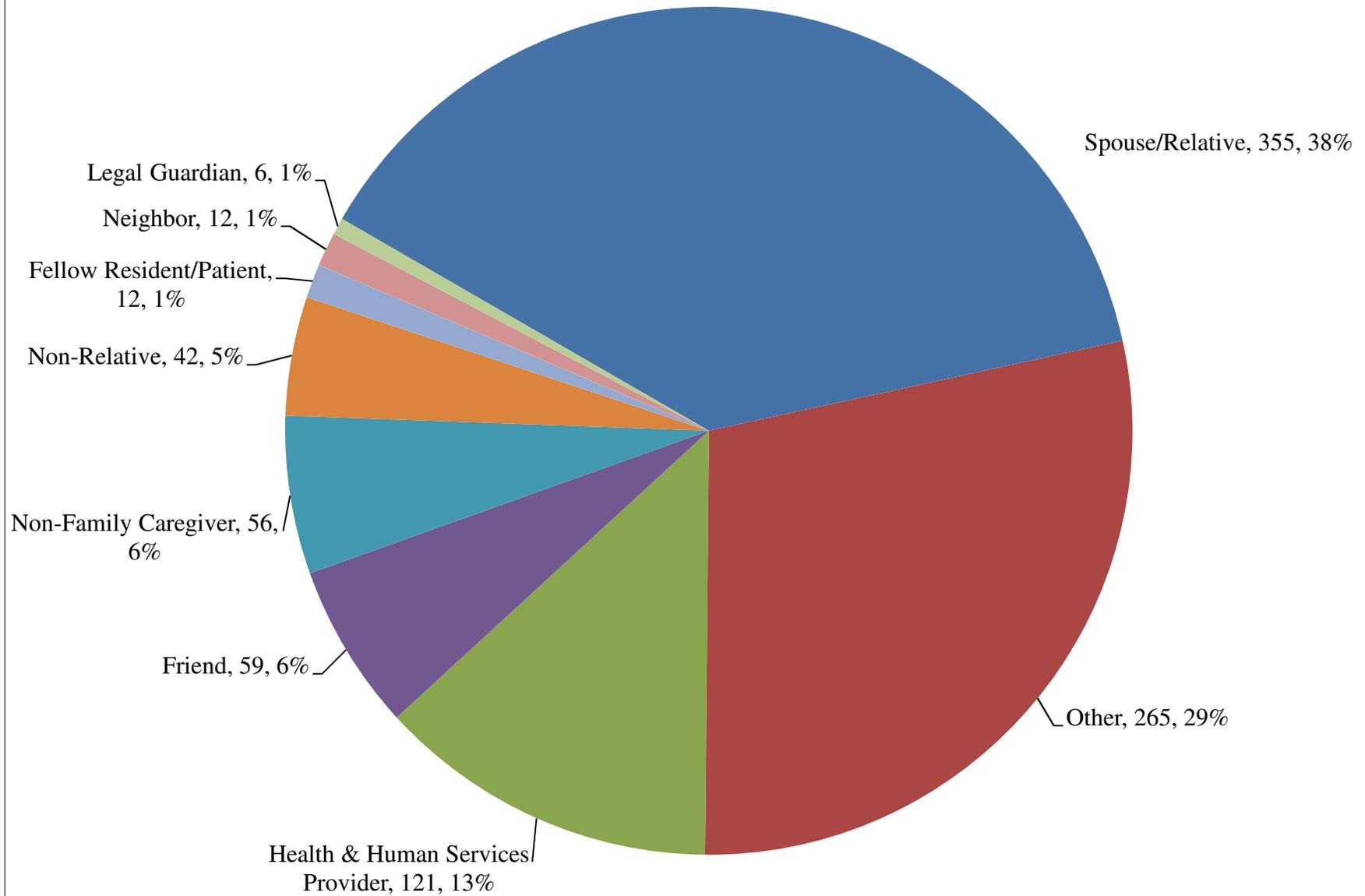


Chart 3: Distribution of Investigations by Type of Allegation

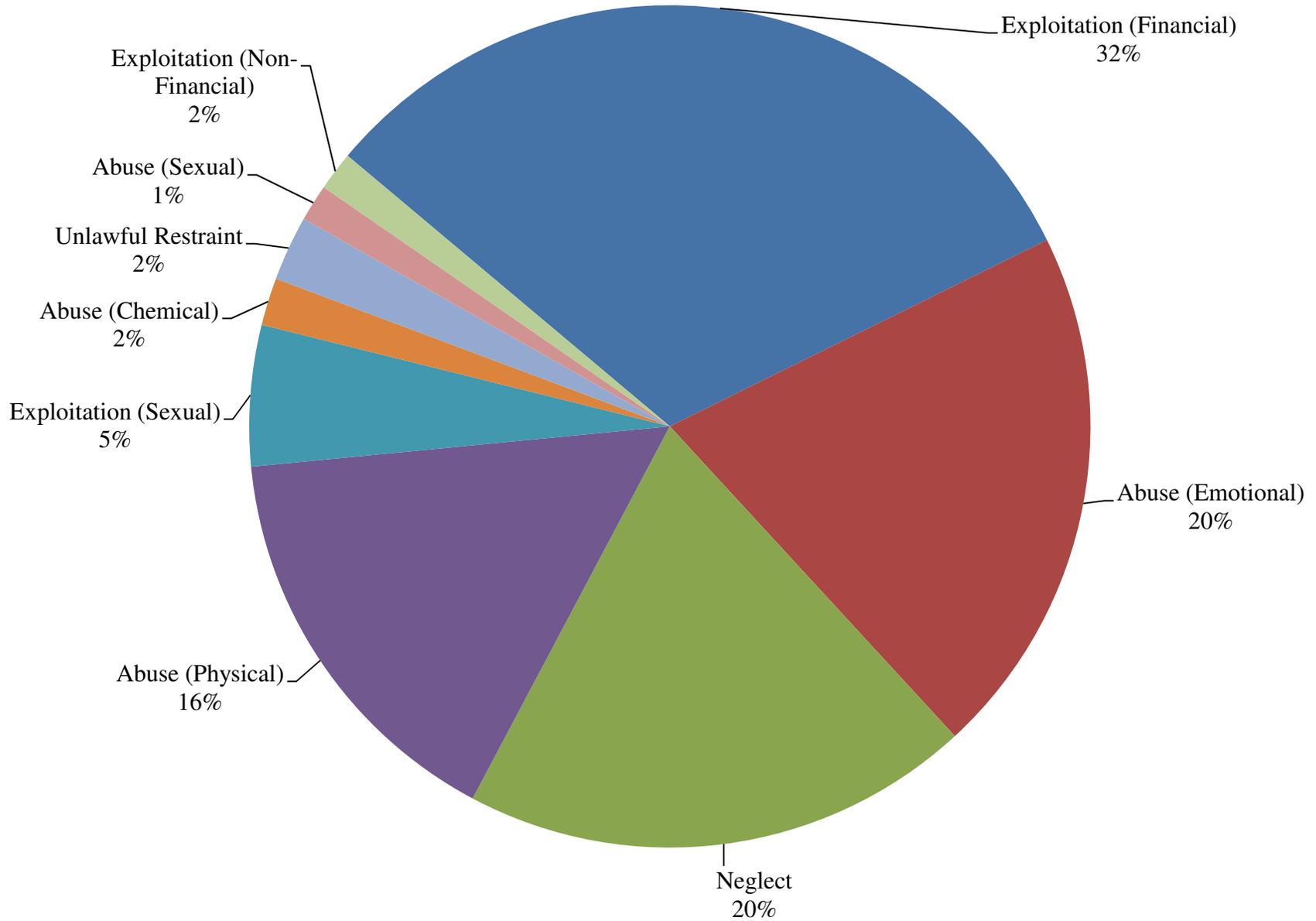


Chart 4: Distribution of Substantiations by Type of Allegation

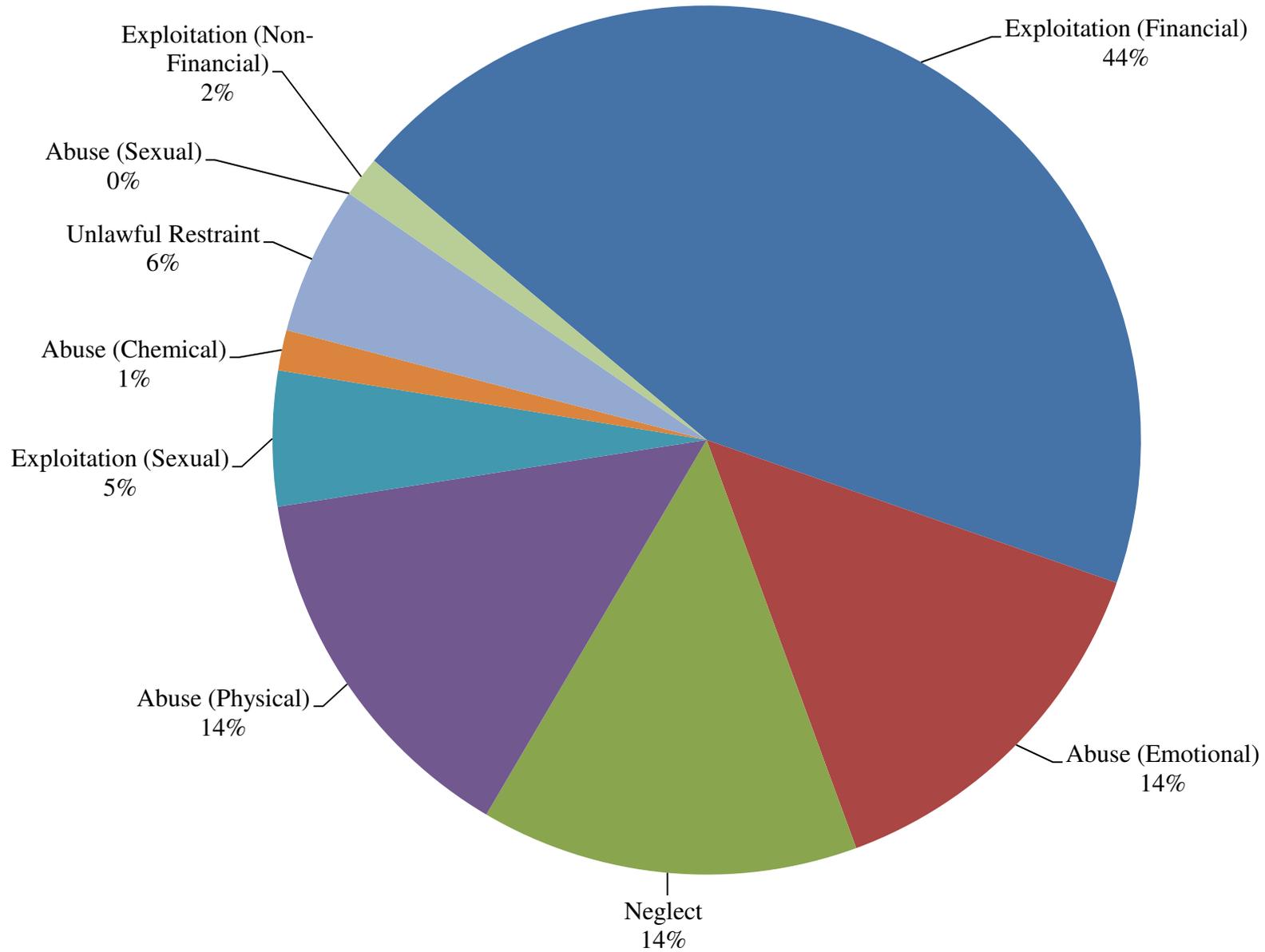


Chart 5: Investigations Substantiated by Type of Allegation

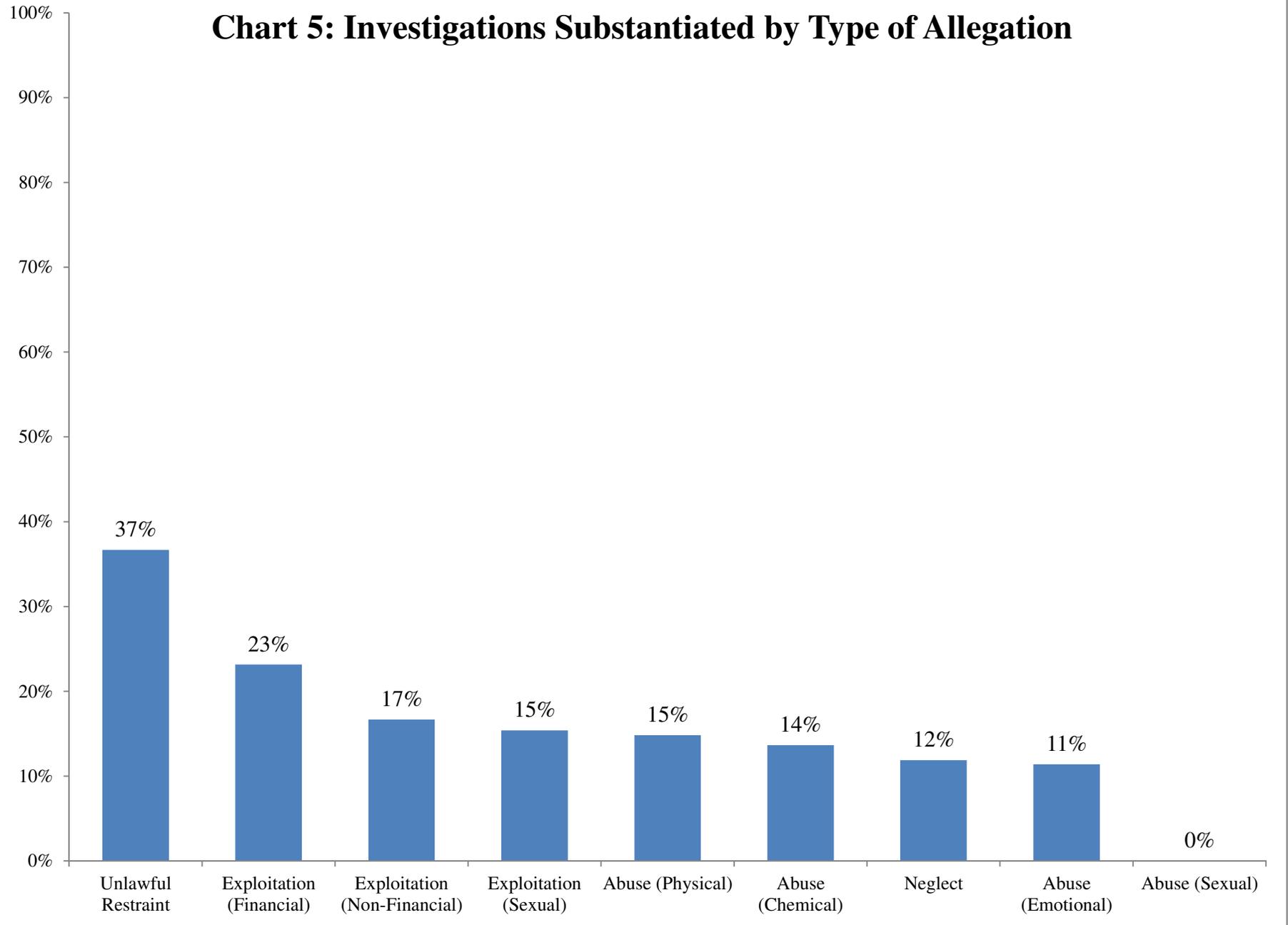


Chart 6: Age of Alleged Victims for All Investigations

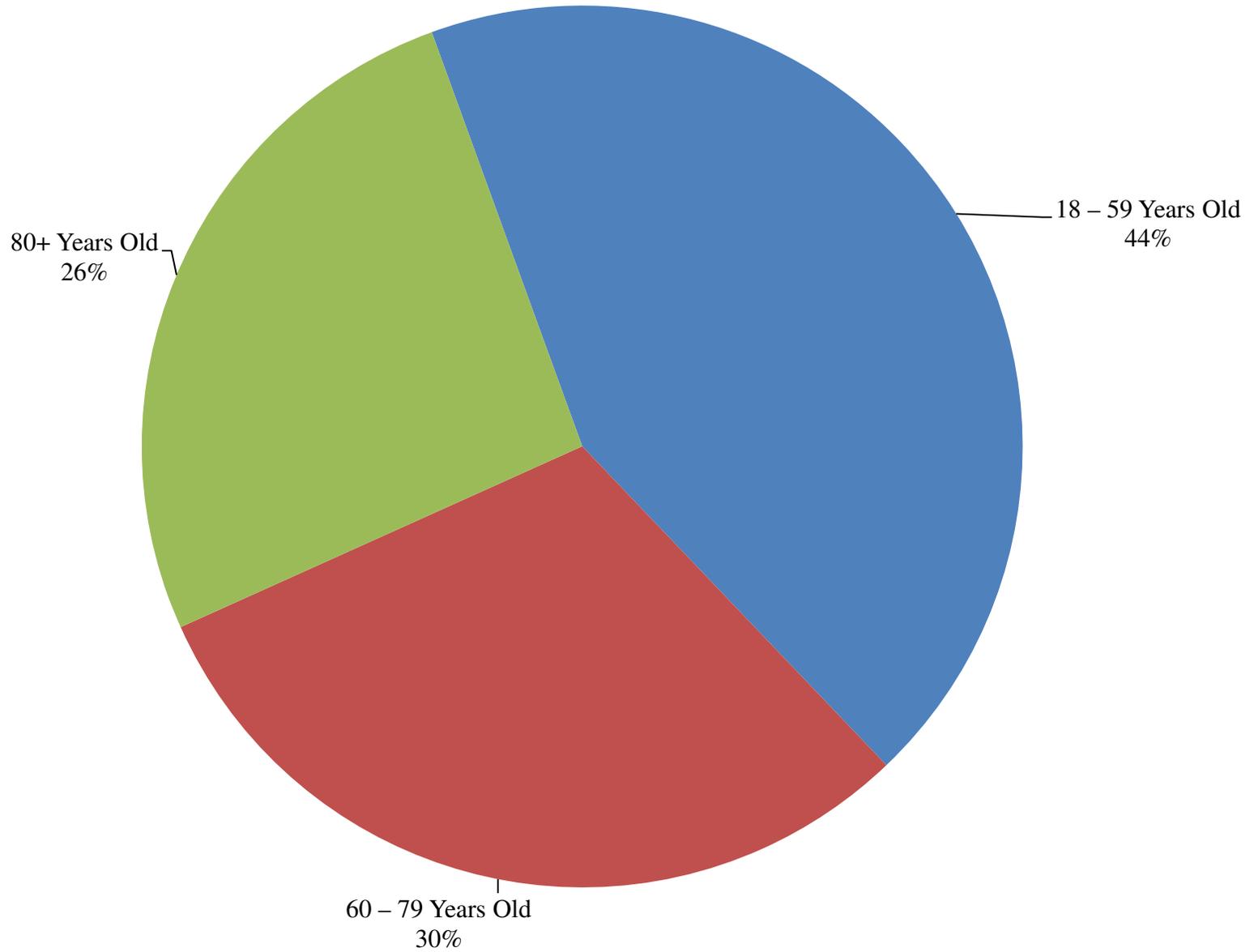


Chart 7: Vulnerability Type of Alleged Victims of All Investigations

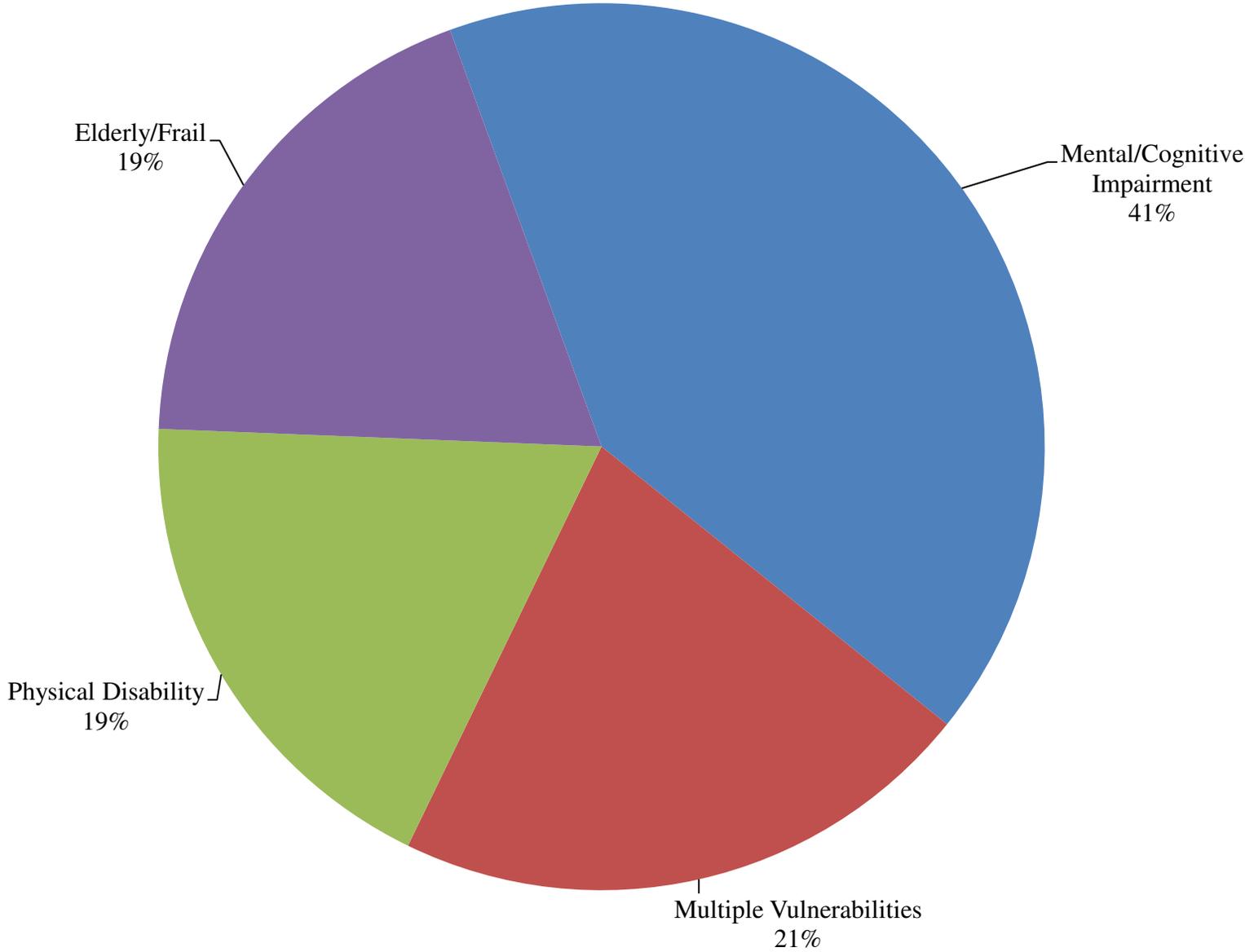


Chart 8: Type of Residence for Alleged Victims for All Investigations

