

# Adult Protective Services

## Chapter 1.B Adult Protective Services Overview

- A. The Adult Protective Service (APS) Act (Nebraska Revised Statute §28-348) establishes a program designed to meet the needs of vulnerable adults who have been abused, neglected, or exploited. It places authority and responsibility for investigations and interventions in situations of abuse, neglect, and exploitation of vulnerable adults with the Department of Health and Human Services and local law enforcement agencies. The Act authorizes and requires the least restriction possible on the exercise of personal and civil rights consistent with the person's need for services.

The objective of Adult Protective Services is to prevent and reduce the harm to vulnerable adults from abuse, neglect, and exploitation, while supporting individuals in maintaining control over their lives and in making informed choices without coercion.

### B. Guiding Values

1. Every action taken by Adult Protective Services must balance the duty to protect the safety of the vulnerable adult with the adult's right to self-determination.
2. Vulnerable Adults who are victims of maltreatment should be treated with honesty, caring, and respect.

### C. Principles for Adult Protective Services

1. Nebraska has adopted the Principles for Adult Protective Services developed by the National Adult Protective Services Association. The principles are as follows:
  - a. Adults have the right to be safe.
  - b. Adults retain all their civil and constitutional rights unless some of these rights have been restricted by court action.
  - c. Adults have the right to make decisions that do not conform with societal norms as long as these decisions do not harm others.
  - d. Adults are presumed to have decision-making capacity unless a court adjudicates otherwise.
  - e. Adults have the right to accept or refuse services.

### D. Adult Protective Services Practice Guidelines

1. Nebraska has adopted the Guidelines for Adult Protective Services developed by the National Adult Protective Services Association. CFS Specialist practice responsibilities include:
  - a. Recognize that the interests of the adult are the first concern of any intervention.
  - b. Avoid imposing personal values on others.
  - c. Seek informed consent from the adult before providing services.
  - d. Respect the adult's right to keep personal information confidential.
  - e. Recognize individual differences such as cultural, historical and personal values.
  - f. Honor the right of adults to receive information about their choices and options in a form or manner that they can understand.
  - g. To the best of one's ability, involve the adult as much as possible in developing the service plan.
  - h. Focus on case planning that maximizes the vulnerable adult's independence and choice to the extent possible based on the adult's capacity.
  - i. Use the least restrictive services first whenever possible—community-based services rather than institutionally-based services.

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- j. Use family and informal support systems first as long as this is in the best interest of the adult.
- k. Maintain clear and appropriate professional boundaries.
- l. In the absence of an adult's expressed wishes, support casework actions that are in the adult's best interest. (This means that if you have no knowledge of historical decision making of the person or the person has never had the ability to make decisions, then, making decisions is based on the standard of what is in the best interest of the person.)
- m. Use substituted judgment in case planning when historical knowledge of the adult's values is available. (This means you have knowledge of how a person historically made decisions, so, that information is used to make decisions.)
- n. Do no harm. Inadequate or inappropriate intervention may be worse than no intervention.