

Adult Protective Services

Chapter 4.A Intake

- A. DHHS has established criteria for determining when it is appropriate to intervene in the lives of vulnerable adults. Any level of intervention by the Department is intrusive because even minimal intervention invades the privacy of the individual. Adults have attained civil rights and those rights must be respected.
- B. The Department will utilize the APS Structured Decision Making (SDM) as the tool for screening reports of adult abuse, neglect, and exploitation.

Allegations which meet the definition of vulnerable adult abuse and/or neglect must be assigned for investigation. Intakes are assigned to a CFS Specialist who is available to respond and to coordinate the response with law enforcement per local area protocols.

- C. First Contact by Law Enforcement: There are two situations where law enforcement may make the first contact with the vulnerable adult and later provide a written report to DHHS. The CFS response to each report depends on the situation.
 - 1. Law enforcement is the first agency to receive a report of possible abuse or neglect and responds to protect the vulnerable adult. Law enforcement forwards the information to the hotline.
 - 2. The Child and Adult Abuse and Neglect hotline receives information from the reporting party and has determined an emergency response is required. Intake staff requests law enforcement to respond prior to closing the intake. Once information is received from law enforcement, the intake CFS Specialist makes a decision whether to accept for investigation.

These reports will be processed through the Hotline as new Intakes, and will be accepted for assessment if:

- a. The report meets screening criteria; or
 - b. The report indicates possible safety concerns that have not been addressed.
- D. In order to provide protection for the vulnerable adult and initiate the investigation immediately so as not to lose important information from witnesses or documents, when an intake is accepted for an Organization (ORG) related investigation and the reporting party is external to the Organization and there is an identified perpetrator, the following will occur:
 - a. The assigned CFS Specialist or On-Call CFS Specialist will review the intake and determine whether to involve law enforcement immediately for the preservation of evidence. If law enforcement requests the CFS Specialist wait to initiate the investigation, then the CFS Specialist will comply. If not, the CFS Specialist will contact the facility administrator or the person in charge within 24 hours to notify the facility administrator that an intake has been accepted for investigation and the CFS Specialist will begin to gather information for the investigation (i.e., how the ORG will provide safety for the alleged victim, request the alleged perpetrator not be allowed access to the vulnerable adults, or other information such as timecards
 - b. Calls received during normal business hours will be handled by the assigned CFS Specialist.
 - c. The Intake Unit will notify the on-call CFS specialist when calls are received after normal business hours, holidays and weekends.

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Note: If the administrator or chief executive officer (CEO) is the alleged perpetrator, the investigator notifies either the Division that funds the program such as the Division of Developmental Disabilities, Home and Community Services (Medicaid), and/or the Licensure Unit.

- d. The following is a list of allegations and the preferred direction for the conversation between the CFS Specialist and the Administrator.

Sexual Abuse

Determine whether:

- the alleged victim has an injury and its severity;
- the alleged victim has been seen by medical staff;
- injuries have been treated;
- a sexual assault exam was completed and by whom;
- the victim has showered; and
- the alleged victim needs accommodations in order to communicate with the investigator.

Direct the facility to:

- protect any physical evidence for APS or law enforcement, such as blood, clothes, or damage to the unit or room that was part of the incident;
- obtain photographs of any physical evidence that may not be available at the time of an on-site visit;
- re-assign the alleged perpetrator so he or she does not have alleged victim contact; and
- protect alleged victim and evidence, including taking appropriate steps to ensure alleged perpetrators and other witnesses do not discuss the investigation.

Physical Abuse or Neglect

Determine whether:

- the alleged victim has an injury, and determine its severity;
- the alleged victim has been seen by medical staff;
- injuries have been treated; and
- the alleged victim needs accommodations in order to communicate with the investigator.

Direct the facility to:

- protect any physical evidence for APS or law enforcement, such as blood, clothes, or damage to the unit or room that was part of the incident;
- obtain photographs of any physical evidence that may not be available at the time of an on-site visit;
- re-assign the alleged perpetrator so he or she does not have alleged victim contact; and
- protect alleged victim and evidence, including taking appropriate steps to ensure alleged perpetrators and other witnesses do not discuss the investigation.

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Exploitation

Determine whether:

- the alleged victim has access to his or her own money or resources; and
- the alleged victim needs accommodations in order to communicate with the investigator.

Direct the facility to:

- re-assign the alleged perpetrator so he or she does not have alleged victim contact;
- notify any subcontractors; and
- protect alleged victim and evidence, including taking appropriate steps to ensure alleged perpetrators and other witnesses do not discuss the investigation.

- E. Intake: All reports of adult abuse and neglect are made to the DHHS Adult Abuse Hotline and assigned to the appropriate Tribe or DHHS Office.

Investigations:

1. The Omaha Tribe and Santee Sioux provide APS Services on their reservations.
2. The Ponca Tribe allows DHHS to provide APS services to their tribal members.
3. DHHS has entered into a Memorandum of Understanding with the Winnebago Tribe. DHHS APS in conjunction with Tribal CFS staff and tribal law enforcement, will conduct all investigations on the Winnebago reservation.