

Adult Protective Services Program Summary

Report to the Mental Health and Vulnerable Adult Task Force May 2023

What is a vulnerable adult?

The Department of Family Services' (DFS) Adult Protective Services (APS) program provides case management services and supports to vulnerable adults across the state through each of its local field offices. Vulnerable adults are individuals who are 18 years of age and older, who are unable to manage and take care of him/herself or their property without assistance as a result of advanced age or a physical and/or mental disability. Advanced age in Wyoming is defined as age 60 and above.

What is Adult Protective Services?

DFS' work is guided by the Adult Protective Services Act (W.S. §§ 35-20-102 through 35-20-116). DFS works with community partners to assess and ensure the safety and well-being of vulnerable adults through targeted case management and service referrals, which may include emergency services. When DFS opens a case because of the reported safety and/or well-being concerns of a vulnerable adult, DFS works with the vulnerable adult and their caregiver (if applicable) to assess risk and safety, identify needs, and make referrals for services. DFS' goal is to help stabilize vulnerable adults based on identified needs and keep them safe in their own home. If necessary, DFS will work to identify, locate, and connect with an appropriate family member or friend in order to assist in managing daily affairs - things like housing, financials, medical and mental health and/or other needs. DFS assistance might also include locating an appropriate guardian for the vulnerable adult. There is no legal mechanism for taking an adult into protective custody due to abuse or neglect; however, DFS can identify, locate and assist in obtaining financial support for housing, food, and other needed services. If an emergency exists and if the vulnerable adult lacks the capacity to consent to the provision of protective services, DFS can, through the county or district attorney's office, petition the court for an order for emergency services. A court may make a legal finding that an adult lacks the physical and/or mental capacity to remain independent, and could order hospitalization or an extended period of evaluation.

Nearly all APS cases involve case planning with the vulnerable adult on an individual basis. DFS has 3 different types of cases that can be opened once an APS referral has been accepted. These case types include "Investigation", "Assessment" and "Prevention" cases.

What is a "Prevention" case?

- A case where there are no allegations of abuse or neglect, but there are identified risk factors that indicate a need for services to prevent abuse or neglect.

What is an "Assessment" case?

- A case where there is an allegation of abuse or neglect, but the report does not rise to the level of an investigation - meaning there is not enough evidence to constitute a crime or support the likelihood of a vulnerable adult being in imminent harm or danger. Self-neglect cases are often assigned as "Assessment" cases.

What is an “Investigation” case?

- A case where there is an allegation of abuse and/or neglect such as death, brain damage, bone fracture, extensive burns or other serious bodily injury; sexual assault; exploitation, to include financial or sexual; evidence of severe neglect; or any other activity which may constitute a crime or which places the vulnerable adult in imminent danger or seriously bodily harm. Investigations can also include intimidation or abandonment. These cases result in formal findings based on a preponderance of the evidence.
 - Example: A report received by DFS alleges “abandonment” of a vulnerable adult of advanced age who is suffering from late-onset Alzheimer’s and needs 24-hour care. If the vulnerable adult is found to be abandoned and left without proper care by a known caregiver, the caregiver could be held responsible.
 - Example: A report received by DFS alleges “financial exploitation” of a 21 year old person with an intellectual disability. If this occurs and the alleged perpetrator has, for instance, convinced the vulnerable adult to purchase illegal substances for the alleged perpetrator’s use, the alleged perpetrator could be held responsible.
- * Note - in both of the above examples, DFS would immediately report these cases to law enforcement and partner with them to investigate the case.

Definitions that apply only to investigation cases:

Preponderance of the Evidence: Means the available facts when viewed in light of surrounding circumstances would cause a reasonable person to believe a vulnerable adult was or is being abused, neglected, intimidated, exploited or abandoned.

Substantiate: Means any report of abandonment, abuse, exploitation, intimidation, or neglect pursuant to Wyo. Stats. §§ 35-20-101 through 35-20-116 that is determined upon investigation to establish that a preponderance of the evidence of the alleged abandonment abuse, neglect, exploitation or abandonment exists.

Unsubstantiate: In the absence of preponderance of evidence of abuse and/or neglect, the allegations and the investigation shall be unsubstantiated.

The majority of APS cases are “Assessment” or “Prevention” cases. These cases involve a DFS caseworker working with the vulnerable adult to find or create a natural support network, including the identification of community based services and organizations to meet identified needs. In APS cases, vulnerable adults have the right to choose whether to accept services, and how they want to live. For example, a vulnerable adult can choose to live in a hoarding situation despite recommendations from family, doctors, their DFS caseworker, or in-home care providers. In situations like this, DFS will open an “Assessment” or “Prevention” case, provide funding to get the home cleaned and/or repaired, offer to help the vulnerable adult move if he/she wants to move, find other appropriate services, and help find family members that can provide support more long term and ongoing support.

Other Important Department Duties

DFS is statutorily obligated (W.S. 35-20-104) to assign designated caseworkers to support the APS program. The statute does not prescribe the number of required caseworkers. DFS currently has 24 caseworkers who support APS cases, in addition to local supervisors and district managers. Of the 24 caseworkers, six (6) of them support APS cases exclusively. The remaining eighteen (18) caseworkers also support cases involving abused/neglected children and/or juvenile delinquents.

Community Adult Protection Teams (APTs) are also mandated by APS statutes and rules. APT teams provide a venue within which to discuss adult protection issues in each community. The local DFS district manager is required to develop, facilitate and participate in APTs. These APT teams play a vital role in protecting vulnerable adults in each Wyoming community. APT teams strive to ensure the safety and well being of vulnerable adults by promoting better coordination of adult protection activities and services between DFS and other APT Team members.

Each community has unique needs and available resources and may use the forum of their APT team in a way that best serves that particular community. Examples of potential APT members include:

- Animal Control Officer;
- District/County Attorney;
- Department of Family Services, Adult Protective Services Caseworker;
- Department of Family Services, Benefit Specialist;
- In-home health care providers, Case Managers, Participant Support Specialists, Home and Community Based services waiver providers;
- Law enforcement representatives (local Police and Sheriff's Department);
- Medical professional(s);
- Mental health professional;
- Public health nurse;
- Senior citizen center Director and/or staff;
- Domestic Violence Counselor/Advocate;
- Financial (bank or lending institution);
- Emergency Medical Technician (EMT)

Each of these potential APT Team members has specific knowledge of vulnerable adults in their local communities.

Gaps in Services

DFS, with feedback from numerous community partners through a formal needs assessment, identified key areas where significant gaps in services exist. The most significant areas of need identified are transportation for vulnerable adults and timely guardianship services. Additionally, a need for in-home care service providers also surfaced as a current system barrier.

In response to the above-named needs and gaps in services, DFS has contracted with community organizations to provide funding to address these needs. Funding provided was made available to DFS through the American Rescue Plan Act (ARPA). DFS has awarded contracts to the Wyoming Guardianship Corporation and a number of Senior Centers and other transportation-specific agencies that provide services to vulnerable adults. In addition, this funding has provided relief to vulnerable adults in need on DFS' current caseload. Specific examples include pest control, home clean up, moving expenses, medical services that insurance won't cover, and emergency housing for adults who are between 18 and 21. Although this funding is one-time, it has been

used to provide some relief to existing agencies for the gaps identified and will continue to be available for this purpose until 2024.

Adult Protective Services Program Data

The following table shows APS program data from Federal Fiscal Years 2018 through 2022.

Adult Protective Services	FFY18	FFY19	FFY20	FFY 21	FFY22
Reports	2058	2048	1850	1986	2389
Screened-In/Accepted Reports	1045	997	986	1046	1166
Assessment or Prevention Cases	949	917	897	969	1109
APS Investigation Cases	96	80	89	77	57
APS Cases with One or More Allegations^{1 2}	61	42	47	59	35
Exploitation Allegation	28	13	22	27	16
Exploitation Substantiation	12	9	7	12	7
Abuse Allegation	18	9	12	15	8
Abuse Substantiation	7	6	7	2	2
Neglect Allegation	12	12	9	16	10
Neglect Substantiation	7	7	4	5	2
Sexual Abuse Allegation	4	8	3	3	2
Sexual Abuse Substantiation	2	4	1	2	0
Emotional Abuse Allegation	0	0	0	0	1
Emotional Abuse Substantiation	0	0	0	0	0
Intimidation Allegation	1	1	2	2	0
Intimidation Substantiation	1	1	1	1	0
Other Allegation(s)	0	0	2	0	0
Other Substantiated	0	0	1	0	0

¹ Some investigation cases did not include specific allegations therefore these totals do not equal the number of APS Investigation cases.

² One APS case may have multiple allegations of abuse and/or neglect, therefore, there may be more allegations than cases.