Adult Protective Services

Let's examine how Adult Protective Services works in this state and what some of the challenges are, using Mrs. Parker’s situation as a case scenario. We talked with Vicki Kryk, Program Coordinator for Adult Protective Services and Guardianship at the Adult Services Branch, to learn more about the issues, and her comments appear here.

First of all, what is adult protective services? The box on the last page provides highlights of North Carolina’s statute on the Protection of Abused, Neglected or Exploited Disabled Adults. Unlike child protective services, where there is federal legislation and tracking, there is no equivalent in the arena of elder mistreatment. Each state has its own law(s). Some only deal with frail or impaired people over age 60, and others deal with all disabled adults, as we do in North Carolina.

One issue for community agencies and others who make reports to DSS is the confusion over what NC’s reporting statute means by “in need of protective services” and what that means county DSSs are given authority to do. “Adult protective services is very different from children’s protective services,” according to Ms. Kryk. She says, “I find this difference to be frustrating for social workers at DSSs. Members of the community want to report abuse and neglect of disabled adults just like they do with children, and often they expect the same results. The APS reporting law requires the adult also be unable to provide for his or her own needs and have no one else able, willing, and responsible to provide for him or her.” This last requirement is what the reporting law by “in need of protective services.”

There are very good reasons for the differences in the protection laws for children and adults, explains Ms. Kryk. “With adults, we’re dealing with people who have the right to make choices that juveniles can not make. Adults have the right, for example, to live in surroundings
When Mr. Brown arrives at Mrs. Parker’s house, he sees that it has flaking paint, a broken handrail on the front steps, and there are cats everywhere. He calls out to Mrs. Parker from the yard and gets no response, though he can see her watching him at the front window. He comes up to the steps, holds out his county identity card where she can see it, introduces himself, and explains that he is with the Department of Social Services. He says there may be some ways his agency or others in the community might be able to help her, if she’d like. Then he waits.

After a little while, Mrs. Parker opens the window and talks to Mr. Brown through the screen. He begins by asking her how her day has been going. He mentions the cats and asks whether they all have names. She tells him what she calls the four or five she can see out the window. He replies that it must take a bit of money to keep them all fed. She says that it does, and that one of the feed stores delivers a couple 20-pound bags of cat food once a month. He compliments her on coming up with that strategy and asks how she manages for herself. She says the feed store also delivers cracked corn for the chickens she keeps, and she just boils up some of that for herself, with some greens she raises. She says it takes some boiling for it to be soft enough to eat with her bad teeth.

He remarks that some of the floorboards on the porch have come loose and asks if she has someone who can help nail them down. She says no and that it worries her, and he asks if there are other chores like that around the house she’s concerned about and can’t do herself. She says that she doesn’t use the hallway to the bathroom after dark because she can’t see where the boards are rotted out. He asks if he can have a look, and she opens the door for him.
On one of the tables in her living room are photos. Mr. Brown notices the very old one he suspects is the Parkers’ wedding photo and a more recent one of the couple that shows a somewhat stout Mrs. Parker. The woman before him, though, probably weighs about 80 pounds and she is dressed in a frayed housedress that isn’t very clean. She is wearing a brace on her leg with rags stuffed around the top to hold it in place. Although she is somewhat slow getting around, she doesn’t appear to have bruises and the skin above and below the brace seems to be in good condition.

The house itself smells strongly of cat, but it has been swept recently and is not cluttered. The hallway between the bedroom and the bathroom is treacherous—several of the boards are broken through, others are loose, and the crawlspace under the house is visible.

As they pass back through the living room, Mr. Brown asks about the pictures and learns that his guess was right. He says that Mrs. Parker seems to have gotten much thinner since the latest picture, and he asks whether she has been having any health problems lately. She says no, but that she finds it hard to keep enough wood on the fire to keep warm in the winter, but then, the cats all come sit with her on the couch or sleep on the bed at night. Mr. Brown asks whether she has other ways of heating the house, and she tells him that she had the gas and electricity cut off a few years ago because she couldn’t keep up with the bills. She says she doesn’t really need them most of the year because she goes to bed when it’s dark and gets up when it’s light. He asks whether she has any problems getting her Social Security check, and she says she doesn’t get one, just a little pension from her husband, which gets sent to the bank. She sends her bill from the feed store to the bank manager, who pays it and also the property tax on the farm.

After determining that she is probably not in immediate danger and getting this general information, Mr. Brown asks if he can come back to see her the next day. He explains the normal assessment process to her, and she agrees.

On the next day when he returns, he asks her more detailed questions about her health and her weight loss. She says she knows she’s gotten thin, but that she feels all right and doesn’t get sick much. She hasn’t seen a doctor in 10 years, and she doesn’t want to see one now. She says she had enough doctors when she had polio as a girl. She doesn’t care much what she eats, she says. Her cats come first, because they are her responsibility. The house is also important to her, because it was her husband’s. She would like to keep it up better, but she can’t do some of the work or afford to get someone else to do it. He asks her if there’s anything that worries her about her life right now or if there’s something that would make her happier if it was different. She says no, she’s got her chores and her cats to keep her busy.

He describes what protective services might offer her, and he leaves her information about other community services for older people. He mentions that the meals-on-wheels program provides three meals a week, and that some of the church youth groups do home repair as a service project. She thanks him for the information, and he leaves.
What happens if a case is not APS or the adult refuses services after an APS evaluation? Is there any follow-up? “Any time a case comes to the attention of DSS as a potential APS report or is accepted as a report, two things are possible. One, if the situation does not constitute an APS report but there appears to be a need for other services, the DSS is obligated to refer the case to other services. Two, if the case is accepted for protective services but is not substantiated or if the client refuses services, and there is still a need for other services, then the DSS is obligated to make that offer to the client. The client might be willing to accept a telephone reassurance service or to talk to her doctor about having home health services, so there may be other opportunities for follow-up.”

In his agency, APS workers confer with their supervisors once the evaluation is completed. At the case conference Mr. Brown and his supervisor agree that Mrs. Smith is disabled, neglecting herself, and has no one to help her, so they substantiate the case. However, they agree that she demonstrates capacity, because she acknowledges the consequences of living as she does. When Mr. Brown returns to offer services, Mrs. Parker refuses. He encourages her to contact the DSS if she would like help in the future.

Highlights of the Protection of the Abused, Neglected, or Exploited Disabled Adult Act (NCGS 108A, Sec. 6)

- Anyone who has “reasonable cause to believe that a disabled adult is in need of protective services” must report this to the local department of social services.
- A disabled adult is anyone over the age of eighteen (or an emancipated minor) who is incapacitated due to a physical or mental problem.
- A disabled adult is considered to be in need of protection if he is unable to take care of himself, unable to obtain services for himself, has no one to help him, and may be experiencing either abuse, neglect, or exploitation.
- Abuse is defined as willful infliction of harm.
- Neglect is the lack of provision of services necessary to maintain physical or mental health.
- Exploitation is the illegal or improper use of a disabled adult or his resources.
- The local department of social services is required to evaluate all reports of disabled adults in need of protection, determine what services are needed, and provide or arrange for those services as appropriate and available.

This scenario draws on situations found in APS cases, but any resemblance between the characters mentioned here and real individuals or cases is purely coincidental.

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