

# Indiana Prosecuting Attorneys Council Adult Protective Services

Interim Study Committee on Courts and the Judiciary

Sen. Rodric Bray, Chairperson

September 21, 2017

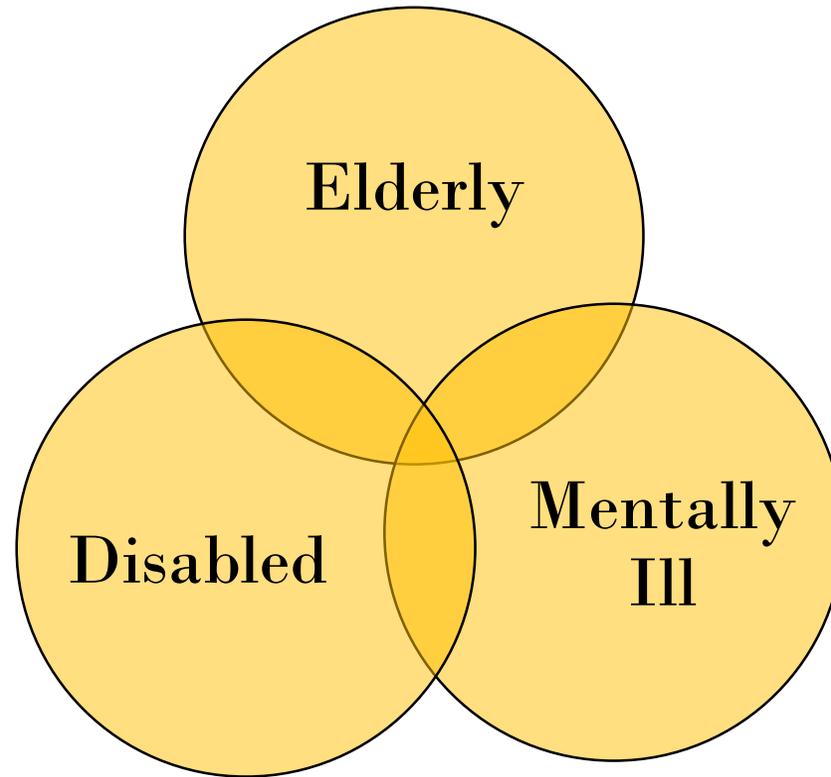
# What is Adult Protective Services?

- APS investigates reports of “endangered adults”
- **Endangered Adult IC 12-10-3-2:**
  - At least 18 years of age,
  - Incapable of managing their property, or providing/directing the provision of their self-care, **AND**
  - Harmed or threatened with harm as a result of neglect, battery, or exploitation.
- Neglect includes self-neglect
- Exploitation includes personal services or property

- “Incapable” due to:
  - A mental illness
  - Developmental disability
  - Dementia
  - Habitual drunkenness
  - Excessive use of drugs
  - Other physical or mental incapacity

IC 12-10-3-2

# APS Clients



# APS in Indiana

## Partnership with Prosecutors

- Federal government required states to create Adult Protective Services
- Indiana model is a partnership with local prosecutors to provide APS services (1985)
  - Avoid creating new state bureaucracy
  - Experience with conducting investigations and making legal determinations
  - Access to local resources - law enforcement, legal, social service providers
  - Cost-effective
- Funding agreement through FSSA, Division of Aging
- Divided the state into regional APS Units serving a multiple county area (except Lake)
- Each APS Unit is based in a “hub” prosecutor office

# 17 APS Hub Units

**1 Lake**  
Bernard Carter

**1A LaPorte**  
John Espar

**2 St. Joseph**  
Kenneth Cotter

**3 Allen**  
Karen Richards

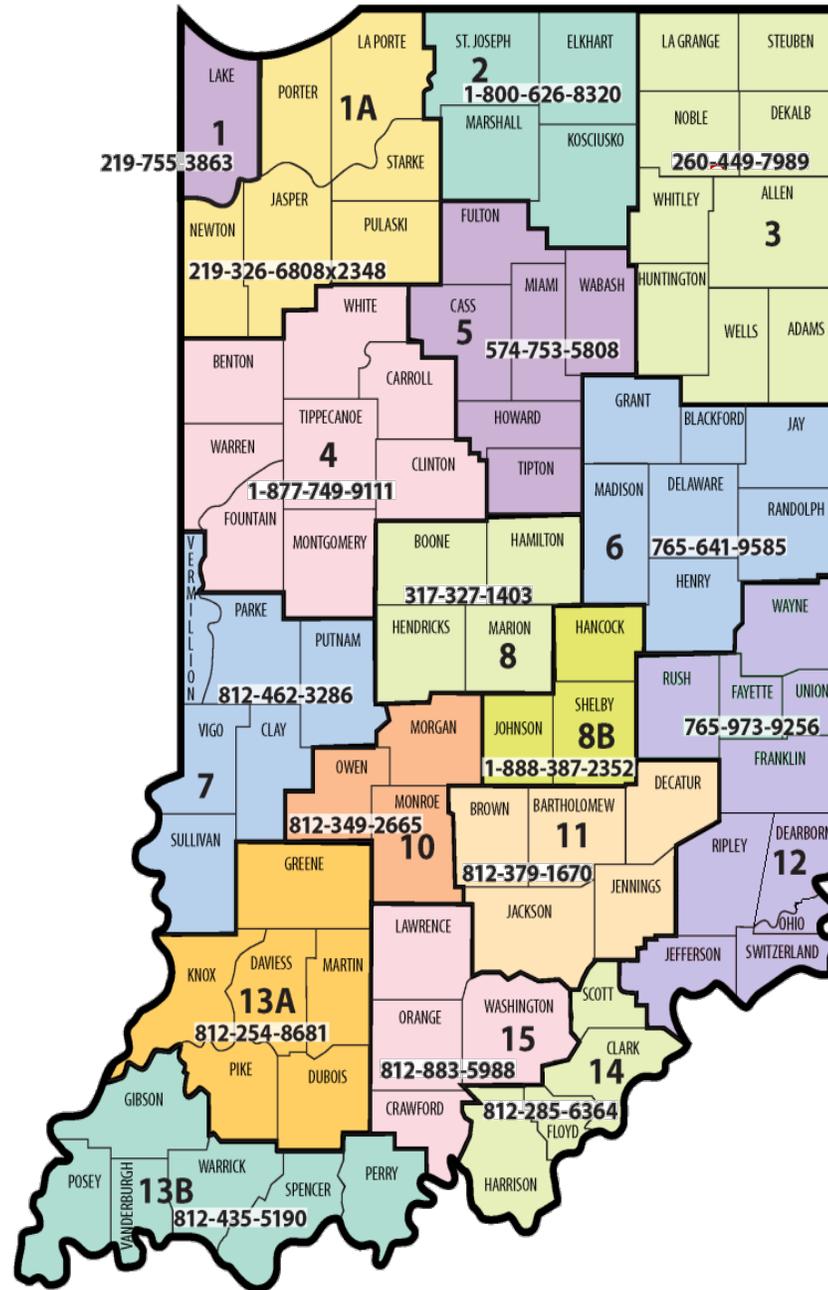
**4 Tippecanoe**  
Patrick Harrington

**5 Cass**  
Lisa Swaim

**6 Madison**  
Rodney Cummings

**7 Vigo**  
Terry Modesitt

**8 Marion**  
Terry Curry



**8B Shelby**  
Brad Landwerlen

**10 Monroe**  
Christopher Gaal

**11 Bartholomew**  
William Nash

**9, 12 Dearborn**  
Lynn Deddens

**13A Daviess**  
Daniel Murrie

**13B Vanderburgh**  
Nicholas Hermann

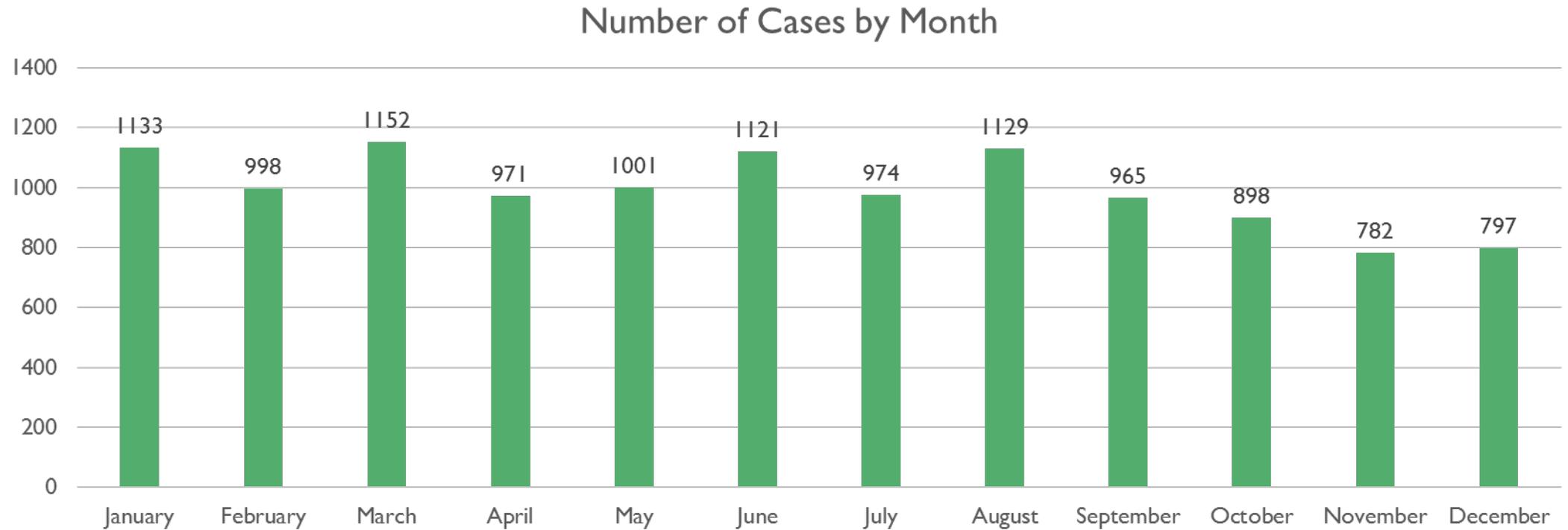
**14 Clark**  
Jeremy Mull

**15 Washington**  
Dustin Houchin

# What does APS do?

- Receive reports of potentially endangered adults
- Conduct investigation, make determination of “endangered adult”
- Assess immediate safety needs – address emergency needs
- Develop protective services plan in coordination with appropriate agencies
  - (AAA, BDDS, Division of Mental Health, guardianship program, medical providers, nursing home, long-term care facility, group home, etc.)
- Refer to services; monitor provision of services
- In criminal case work with law enforcement, prosecutor

# 12,236 cases investigated in 2016



# Number of Calls for Service and Cases - 2016

**Calls for service – 17,031**

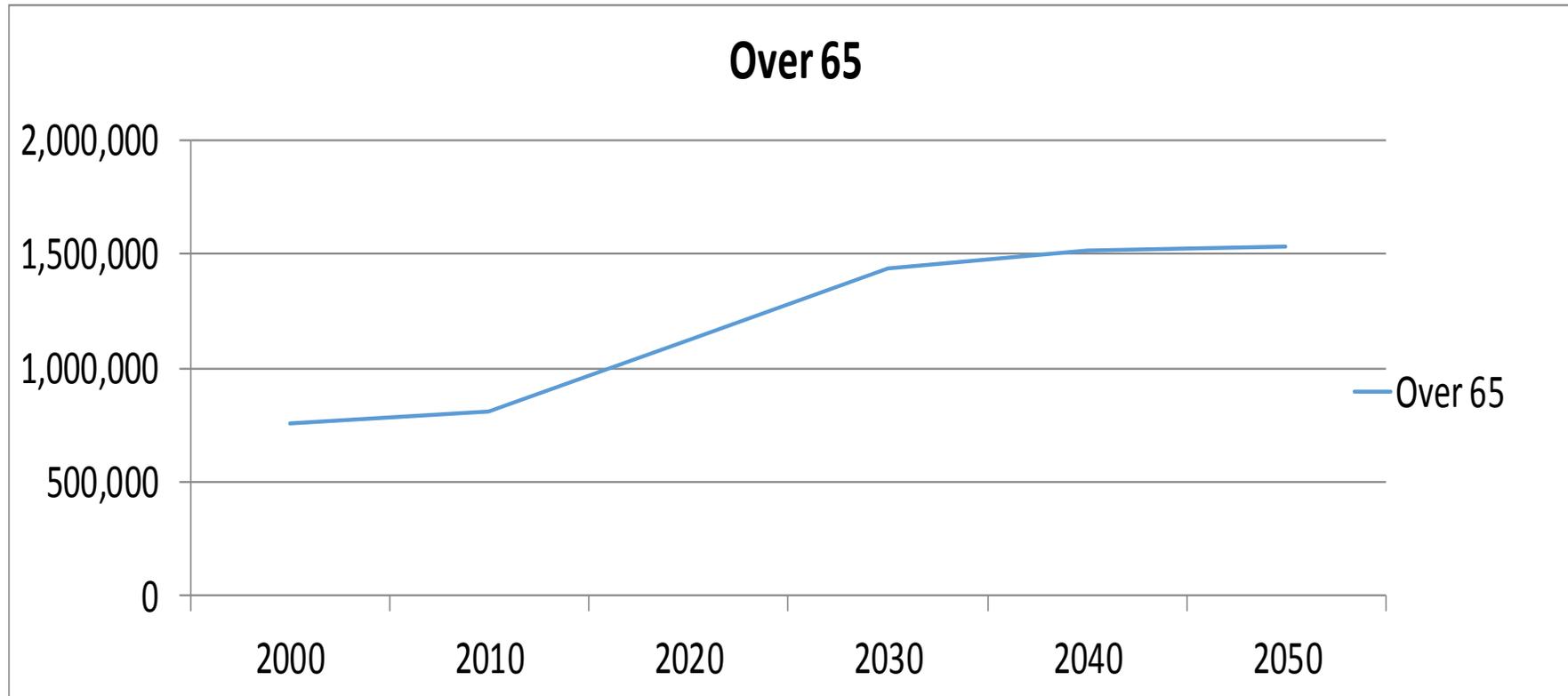
**Cases opened and investigated - 12,236**

- 3697 for self-neglect
- 2697 for neglect
- 2273 for battery
- 2235 for exploitation
- 1334 for *other*

# Breakdown of Cases for 2016

	Self-neglect	Neglect	Battery	Exploitation	Other
<b>Substantiated</b>	<b>1368</b>	<b>631</b>	<b>532</b>	<b>458</b>	<b>504</b>
Unsubstantiated	2140	1930	1586	1616	807
<b>Pending</b>	<b>189</b>	<b>136</b>	<b>135</b>	<b>161</b>	<b>23</b>
Totals	3697	2697	2273	2235	1334

# Indiana's Projected Elder Population Growth



# Short Term Critical Issues:

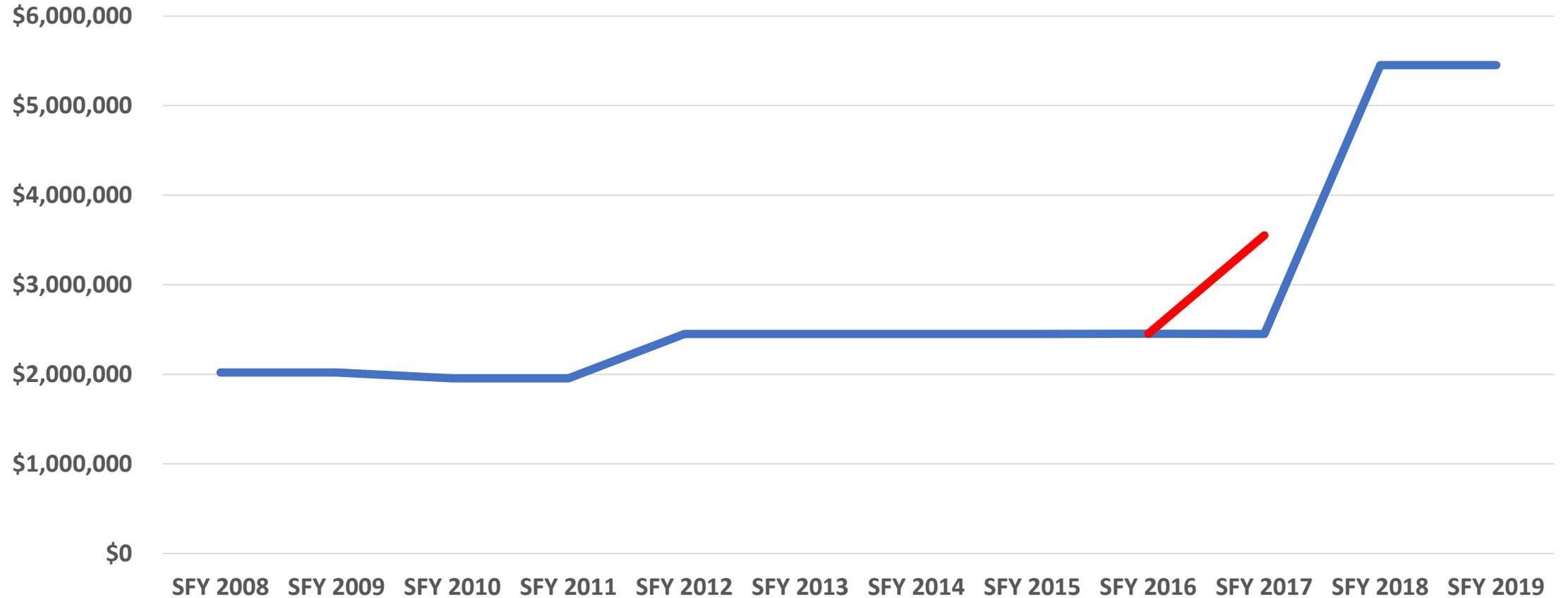
## **Immediate Problems:**

- Too many cases
- Not enough investigators
- Inadequate resources/services
  - Emergency Placement
  - Financial Fraud and Exploitation – specialized resources

## **Emergency Solutions:**

- Additional investigators – one in each hub
- New “Case Monitor” position – identify gaps in services/resources

## APS Appropriation (General Fund/Tobacco Settlement)



2006-2009: \$2,021,540

2010-2011: \$1,956,528

2012-2017: \$2,451,948

2017: FSSA able to shift ~ \$1.1M to field an additional investigator in each hub

2018-2019: \$5,451,948

# Current APS Budget Breakdown

- \$5.4M annual budget (SFY 18)
  - 17 FTE unit directors
  - 52 FTE investigators (*includes 17 new from SFY 2017*)
  - 11.5 FTE intake personnel
  - **Entire state APS personnel paid through APS budget**
    - Director, Assistant Director, and Administrative Assistant
  - **24/7 Hotline**
  - **15 Case Monitor positions**

*\*red denotes NEW for SFY 2018*

# Long Term Solutions – SEA 192

**SEA 192 called for Joint Report by FSSA & IPAC to be provided to the State Budget Agency (SBA) by December 2016:**

- Appropriate staffing levels
- Emergency Placement and Services– appropriate circumstances, availability of resources, strategies for improving resources
- Costs and benefits of a centralized intake system (hotline)
- Consistent standards of care
- Appropriate levels of training for staff
- Cooperative Agreement

# Next Steps: Training

- Develop training for APS staff to promote consistent standards of care and encourage best practices
- Training has never been funded
- No current funding in budget for training current and new employees
- Training is a primary function of IPAC
- IPAC and Division of Aging can develop a training protocol
- Propose regular ongoing training on:
  - Core Competencies
  - Advanced & Emerging Topics
  - Fiscal, Administrative & Supervisory Practices
- Funding Proposal: \$100,000
  - 4 days per year
  - 50 people
  - Lodging, meals, travel, materials, faculty

# Next Steps: Emergency Placement and Services

APS cases often require an emergency response to protect the immediate safety of an endangered adult.

## **Proposed Strategies:**

- Medicaid Reimbursement – Increase ability to use Medicaid Match dollars to fund immediate emergency service needs (collect and identify at intake)
- Designate “Case Monitors” as Medicaid Navigators
- Encourage “Case Monitors” to assess gaps in local services
- Create and provide additional funding for local emergency placement
- Establish short term placement agreements with local emergency services providers
- Create a voucher system to bridge gap in services prior to Medicaid eligibility (similar to Recovery Works)
- Legislation to prioritize placement of endangered adults in BDDS permanent placement facilities

# Next Steps: Financial Fraud and Exploitation Unit

- Specialized unit with training/skills to assist local prosecutors in handling complicated financial fraud and exploitation cases
- Resource housed at IPAC – available to support local APS/Prosecutors state-wide
- Attorney, Investigator, Forensic Accountant – access to information, specialized training, expertise
- Proposed Funding: \$326,000
- Approved by Senate and House Appropriations in the last session (2017)

# Next Steps: Banks and Financial Information

- Supplements FinCEN – Financial Crimes Enforcement Network
  - Regulated by U.S. Department of Treasury
- SB 345 - Allows financial institutions to release records to law enforcement/APS related to suspected illegal activity regarding an endangered adult's account, provides civil immunity for good faith reporters
- Suspected Fraud & Financial Exploitation – Improve access to banking data and financial information for APS investigators

# Thank You

**Questions:**

**David Powell**, Executive Director, IPAC