



# **Report on Adult Protective Services**

**Family and Social Services Administration &  
Indiana Prosecuting Attorneys Council**

**IC 12-8-1.5-18**

**December 1, 2016**

## Report submitted in accordance with Senate Enrolled Act No. 192

Sec. 18.(a) Before December 1, 2016, the office of the secretary of family and social services in cooperation with the Indiana prosecuting attorneys council, shall do the following:

- (1) Prepare and submit a report as described in subsection (b) to the legislative council in an electronic format under IC 5-14-6.
  - (2) Present the report required under this section to the budget committee.
- (b) The report must include:
- (1) an estimation of the appropriate staffing levels necessary for the office of secretary of family and social services and county prosecuting attorney offices to efficiently and effectively manage the investigations of reports of matters related to the abuse, neglect or exploitation of endangered adults;
  - (2) identification of:
    - (A) the circumstances that should result in emergency placement in the case of an adult protective services investigation;
    - (B) the appropriate types of emergency placements based on those circumstances; and
    - (C) strategies for improving emergency placement capabilities;
  - (3) consideration of the benefits and costs of establishing a centralized intake system for reports of matters related to the abuse, neglect, or exploitation of endangered adults;
  - (4) a statement of consistent standards of care for endangered adults;
  - (5) a determination of the appropriate levels of training for employees of:
    - (A) the office of the secretary of family and social services; and
    - (B) a county prosecuting attorney office;who are involved in providing adult protective services;
  - (6) a draft of a cooperative agreement between the office of the secretary of family and social services and the Indiana prosecuting attorneys council that sets forth the duties and responsibilities of the agencies and county prosecuting attorney offices with the regard to adult protective services; and
  - (7) performance goals and accountability metrics for adult protective services to be incorporated in contracts and grant agreements.
- (c) The budget committee shall consider the report submitted under this section in formulating the committee's budget recommendations.

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## Executive Summary

This report was written in compliance with Senate Enrolled Act 192. Report preparation was coordinated between the Indiana Family and Social Services Administration (FSSA) and the Indiana Prosecuting Attorneys Council (IPAC). The report is divided into eight sections with each section addressing a specific paragraph or sub paragraph of SEA 192. Preparation for the report included review of the Administration for Community Living Voluntary Guidelines for State Adult Protective Services Systems, consultation with the National Adult Protective Services Association and research of best practices in APS operations in other states.

The purpose of the Adult Protective Services (APS) program is to provide a legal basis for intervention to protect endangered adults within the state of Indiana by receiving, investigating and substantiating reports regarding adults who may be endangered, and providing a coordinated and effective local response to the individual cases. Responsibility for investigating reports of neglect, battery or exploitation of endangered adults, as well as for securing the appropriate social, medical and legal intervention, shall rest with the adult protective services units per IC 12-10-3 and 455 IAC 1-2-1.

APS units are located in 17<sup>1</sup> county prosecutors' offices. Indiana is the only state in the country where APS is decentralized within the county-based criminal justice system. All other states base APS within either a state or county level social services agency. Each prosecutor, commonly referred to as a "hub," is responsible for providing APS services to their county and surrounding counties. APS unit staff are county employees with the unit director reporting directly to the elected hub prosecutor.

The Division of Aging provides grants to the county prosecutors to perform the duties of APS units per IC 12-10-3-3, IC 12-10-3-7 and 455 IAC 1-2-4(3). Additionally, per 455 IAC 1-2-4(4) the state APS staff monitors the program and fiscal activities of the units and provides training and technical assistance in program operation and service delivery. While the statute uses the term "contract," they are currently in fact "grants" that fund county prosecutors to provide APS services to the public.

The report examines the state of Adult Protective Services (APS) in Indiana and makes recommendations to enhance protections for disabled and older adults from abuse, neglect and exploitation. To fully implement the recommendations contained in this report, additional funding may be necessary for the following:

- Emergency placement and services – provides immediate short-term protection for endangered adults.
- Staffed 24/7 APS hotline – necessary to comply with statutory requirement.
- Upgraded technology – to replace a 10-year-old APS case management system.
- APS unit staff – necessary to continue funding at current levels and provide one additional investigator and 18 new case monitors.

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<sup>1</sup> Until (date), there were 18 APS hubs. Two hub regions were consolidated when one county prosecutor withdrew from providing APS services.

- A forensic fraud unit consisting of one attorney, one investigator with specialized training in financial exploitation and one forensic accountant housed either at IPAC or FSSA.
- State program staff – necessary to comply with statutory requirement for oversight and training.
- Training – necessary to fund a pre-services and in-service APS training program.

## Emergency Placement

### Problem Statement

The problem examined is how to best implement strategies for providing emergency placement for endangered adults.

### Key Recommendations

- Establish and fund agreements with providers for emergency placement and other services.
- Establish and fund professional APS case monitors within APS hubs to work alongside APS investigators to improve the delivery and monitoring of social services.
- Explore statutorily mandating that APS clients residing in emergency placement are given priority in Bureau of Developmental Disability permanent placement facilities.
- Streamline the Medicaid application process for APS clients similar to the program established for the Indiana Department of Correction.
- Encourage APS hub prosecutors to establish APS-specific multi-disciplinary teams within their regions.

## Centralized Intake

### Problem Statement

To determine the benefit and cost of a centralized APS intake versus the current intake process.

### Key Recommendations

- Enhance the capacity of the current APS hotline to operate, staffed 24 hours a day, 7 days a week. Local APS offices will continue to receive intakes and screen reports for assignment.
- Collaborate with local APS offices to establish a standard protocol for intake of all calls for service to ensure consistency.
- Procure updated APS case management technology that improves the accuracy and consistency of data management and reporting.

## Performance Goals and Accountability Metrics

### Problem Statement

To determine evidence-based performance goals and metrics to ensure consistency and compliance with the duties legislatively mandated in Indiana Code 12-10-3, 455 Indiana Administrative Code 1-2.

### Key Recommendations

- Collaborate to establish core competencies and responsibilities of each party: FSSA, IPAC and hub prosecutors, and APS personnel.
- Develop a data reporting system that allows for quality assurance and auditing of program requirements, competencies, funding and expenditures.

## Consistent Standards of Care

### Problem Statement

To establish consistent standards of care and uniform practices that are shared by the 18 separate APS programs in Indiana.

## Key Recommendations

- Develop and adopt uniform standards that are shared by the separate APS programs in Indiana.
- Determine appropriate funding for resources and services at the state and local level.
- Establish case monitors at each APS unit to monitor services for delivery and effectiveness.
- Procure updated APS case management technology that improves the accuracy and consistency of communication, management, accountability and reporting.

## Cooperative Agreements

### Problem Statement

To implement appropriate contractual agreements that are negotiated to outline clear obligations of all parties involved in the provision of APS in Indiana.

### Key Recommendations

- Collaborate to execute new professional services contracts between FSSA and the prosecuting attorneys responsible for adult protective services as anticipated by IC 12-10-3-7, replacing the current grant process.
- Collaborate to execute a new memorandum of understanding between FSSA and the Indiana Prosecuting Attorneys Council.

## Staffing Levels for APS Units

### Problem Statement

To determine the appropriate staff necessary for the APS units employed by the hub county prosecutors to efficiently and effectively perform the duties established in IC 12-10-3, 455 IAC 1-2 and other policies as adopted.

### Key Recommendations

#### Short term

- Add one additional investigator for a total of 18. This will build upon the investment made to increase investigator staffing in 2016.
- Add one case monitor in each unit.
- Seek Victims of Crime Act (VOCA) grants to fund an APS deputy prosecutor in units willing to pilot this position.

#### Long term

- Collaboratively examine research, evidence and data going forward to determine future staff levels.
- Collaboratively evaluate the appropriateness of APS hub boundaries and ensure the distribution of funds based on a data-driven funding formula.

## Staffing Levels for FSSA

### Problem Statement

To determine the appropriate staff necessary for the Office of the Secretary of Family and Social Services to efficiently and effectively perform the duties established in IC 12-10-3 and 455 IAC 1-2.

### Key Recommendations

- Fund additional hotline operators to enable the state to receive and process APS hotline reports 24/7.

- Fund additional training staff to enable the state to provide consistent high quality training to APS investigators and case monitors.

## Training

### Problem Statement

To determine the best training program for APS staff to provide appropriate and effective intervention on behalf of endangered adults.

### Key Recommendations

- Create minimum and continuing training requirements for county and state staff. Establish a four-year training cycle.
- Training will be based on APS core competencies, best practices, legal requirements, current research and emerging issues.

## Section 1, Emergency Placement & Services

Senate Enrolled Act No. 192

Sec. 18 (a) Before December 1, 2016, the office of the secretary of family and social services , in cooperation with the Indiana prosecuting attorney’s council, shall do the following. . .

(2) identification of:

(A) the circumstances that should result in emergency placement in the case of an adult protective services investigation;

(B) the appropriate types of emergency placements based on those circumstances; and

(C) strategies for improving emergency placement capabilities. . .

### Problem Statement

How to best implement strategies for providing emergency placement for endangered adults. Additionally considered were systemic and organizational changes that would not only improve emergency placement capabilities, but also the management of all social services for Adult Protective Services.

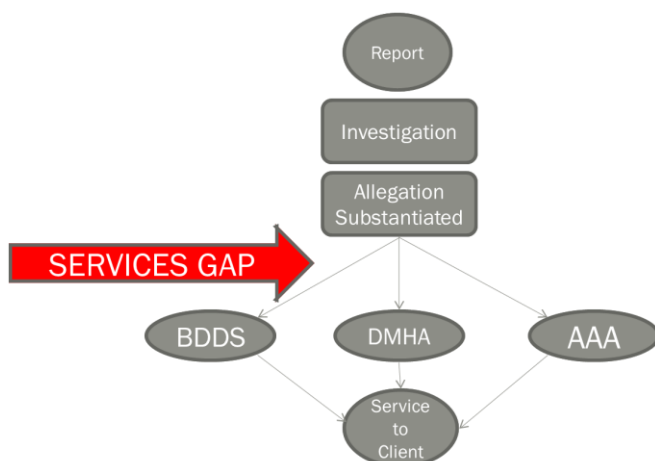
### Facts & Assumptions Taken into Consideration

#### Current State of APS Emergency Placement and Services in Indiana

According to data collected from APS units, Indiana APS conducted 9,550 investigations of alleged abuse, neglect or exploitation in 2015. Indiana APS averaged 36 new intakes per workday in 2015. These investigations resulted in 3,364 substantiated allegations, 3,218 of which required some form of assistance from social services.

Unlike many states, in Indiana social services are not embedded into the local APS programs.

Investigators working for APS hub prosecutors have no direct access to social services, including



- A time lag exists after the needs assessment is completed and before another agency can find a permanent placement solution.
- The endangered adult may be left in an unsafe environment during this lag creating the services gap.
- The challenge is how to fill this gap.



placement for endangered adults in life-threatening circumstances. A life-threatening emergency is defined as a situation where “a severe threat to life or health of an endangered adult exists; immediate care or treatment is required to alleviate that threat; and the endangered adult is unable to provide or obtain the necessary treatment or care,” IC 12-10-3-4. Once an investigator determines that a life-threatening emergency exists the case is referred to the appropriate agency, typically the Area Agency on Aging (AAA), the Bureau of Developmental Disabilities (BDDS) or Community Mental Health Center (CMHC). Each of those agencies will conduct its own intake and case management. However, those agencies do not have short-term emergency placement options, and the endangered adult often ends up on a waiting list for permanent placement. This creates a gap in service where there is nowhere for the endangered adult to go.

APS must be able to bridge the services gap and keep the endangered adult safe until permanent placement can be obtained. APS units need direct access to that placement, and other services with an embedded, systemic approach to APS case monitoring, post investigation. Emergency placement, direct access to services, and dedicated APS case monitoring does not currently exist within the APS organizational structure. Current APS structure consists of investigators only. There are no APS-specific case monitors or deputy prosecutors. Social services case management for the elderly or persons with intellectual or developmental disabilities requires expertise in navigating the complexities of Medicaid, the aging and disabled, as well as programs for the developmentally and intellectually disabled clients. Case monitoring for the APS client requires specialized training and a keen understanding of the complex processes for services and placement within the various government and private agencies and service providers. A deputy prosecutor, specialized in APS services and available to all counties within each Hub, would facilitate badly needed services to the endangered adult. Further, there is a lack of placement providers willing to take short-term placement on an emergency basis and that meet the needs of the individual. Nursing facilities and assisted living facilities are not always appropriate for APS clients, particularly the developmentally disabled (DD) with potential behavioral issues. A funding source does not currently exist to support short-term emergency placement or services, nor are there qualified case monitors in APS to coordinate those services and ensure their proper delivery.

### Stakeholder Engagement on the Emergency Services & Placement Gap

A stakeholder engagement meeting concerning emergency services and placements was held on July 13, 2016. The working group identified funding, placement for endangered adults and case monitoring for emergency placement and other social services as potential solutions that may narrow the emergency services and placement gap in Indiana.

## Discussion

### Emergency Services

The group discussed opportunities for emergency services. Funds could be used for the categories of services listed below.

Adult day services  
Legal services  
Home delivered meals

In-home non-skilled and skilled health services  
Transportation for medical/psychological evaluations  
Food, clothing, utilities

## Emergency Placement

The group discussed opportunities for emergency services and placement. They suggested using the current Medicaid reimbursement rate or the average nursing facility cost per day as a basis for a budget estimate. Placement could be limited to 30 days per APS client. APS units would place clients in the least-restrictive facility that would provide the protection and services needed. A standardized needs and risks assessment should be developed.

In order to provide safe placement for the aging and disabled and those with developmental and intellectual disabilities, the group recommended that the state enter into agreements with nursing facilities, assisted living facilities and facilities specializing in individuals with developmental or intellectual disabilities. The group recommended that there be agreements with three facilities, with one each located in the northern, central and southern parts of the state. Selected nursing facilities would include both long-term care and assisted living capability.

Additional recommendations included that emergency placement be used only for endangered adults, as substantiated by the responsible Adult Protective Services unit. The endangered adult would qualify for emergency placement only where the APS unit investigator had reason to believe that a life threatening situation existed as defined by IC 12-10-3-4. Emergency placement is intended to be temporary while the APS unit works with the provider and the appropriate state agency for a permanent placement solution.

Circumstances for emergency placement:

- Individual must be a substantiated endangered adult.
- Individual must be in a life-threatening situation.
- Placement is recommended by the unit investigator and approved by the unit director.
- Placement must be the least-restrictive necessary. In some cases a hotel/motel setting with in-home service providers may be most appropriate.
- If a skilled facility is needed, such as a group home, residential assisted living facility or nursing facility, placement must be appropriate for the level of care required.
- The endangered adult must meet level of care requirement when placed in a nursing facility.
- APS units will exhaust all other reasonable options to resolve the life-threatening situation before resorting to emergency placement.
- APS investigators will complete a formal needs and risk assessment, approved by the unit director and forwarded to the Division of Aging within 24 hours of placement.
- APS will ensure that a medical screening at the nearest hospital is completed before the endangered adult is transported to the emergency placement facility.
- APS units will coordinate transportation for medical screening and to the emergency placement provider.
- APS will provide all known information about the client's functional, medical, and cognitive status to the placement provider.
- It is the responsibility of the APS unit, in cooperation with the emergency placement provider, family member or other legally responsible individual, to coordinate follow-up long-term housing options for all referred clients.

- APS unit staff will meet with facility management within 24 hours of admittance and every five days thereafter to collaborate in the best interest of the endangered adult and determine if the emergency placement is still required.
- Payment for emergency placement is limited to 30 days.

### Improve Case Monitoring

There was a discussion of the need for case monitors at the APS units.

### Service and Process Description

The APS case monitor would play an integral role in ensuring victim's the safety and wellbeing during an ongoing APS investigation.

- APS Units would maintain responsibility for intake, investigation and initial needs and risk assessment.
- The APS investigator will determine if emergency services are warranted. The APS investigator will refer the case, ideally to an APS deputy prosecutor, to monitor for appropriate emergency action.
- If the APS case monitor is coordinating the emergency placement, the APS investigator and APS case monitor will conduct a transition/referral conference with the victim and appropriate family, guardians, caregivers, etc.
- The APS case monitor will coordinate and monitor services as described in the written service plan.
- The APS case monitor will conduct a reassessment of needs and risks using standardized needs and risk assessment tools as prescribed by the state and update the service plan as appropriate, including documentation in appropriate technology. (note: standardized needs and risk assessment tools do not currently exist and require collaborative development)
- When it is determined the victim is no longer in need of APS services, the APS investigator and APS case monitor will conduct a case closure conference.
- Upon the case closure conference, the APS unit will issue the client documentation that closes the case.
- While a client may no longer be in need of APS services, he or she may still require ongoing long-term services and support for chronic conditions. At that point, the appropriate service system may offer long-term case management for the client (e.g., AAA for older adults and people with physical disabilities; BDDs case management providers with persons with I/DD; DMHA case management providers for persons with a serious mental illness (SMI).

### Recommendations

The availability and efficient provision of services, particularly emergency services, has been identified as a gap in Indiana Adult Protective Services. Exploring funds targeted specifically to APS emergency placement and services narrows this gap. Those funds could be used to establish agreements with placement providers specializing in the needs of APS clients.

Specific recommendations derived from the discussion above includes the following:

- Explore funding opportunities for emergency services to be used for emergency placement situations and other services making them immediately available to protect APS clients.

- Provide funding for APS-specific case monitors.
- Establish agreements with service providers for emergency overnight placement of the aging and disabled as well as the developmentally and intellectually disabled. These placements would be temporary until permanent or other appropriate protective services were obtained.
- Establish an APS specific case monitor within an APS hub.
- Encourage hub prosecutors to seek grants to fund a deputy prosecutor specialized in APS.

General Recommendations to expedite APS clients moving from emergency placement to permanent placement:

- Due to the extreme vulnerability of APS clients and the cost associated with maintaining temporary emergency placement, explore statutorily mandating that APS clients residing in emergency placement are given priority in Bureau of Developmental Disability permanent placement facilities.
- The following actions would streamline the Medicaid application process for APS clients:
  - Similar to the program established for the Indiana Department of Correction, statutorily designate APS investigators or case monitors as Medicaid application Authorized Representatives (AR).
  - Identify a method for APS to check current eligibility status for their clients, many of whom may already be covered by Medicaid and/or Medicare.
  - Designate an APS specialist within DFR to facilitate a speedy interview and streamlined Medicaid eligibility determination process.
  - Allow APS investigators/case monitors to use the best information available to them to document or attest to required eligibility factors for the client.
- Encourage APS hub prosecutors to create APS specific multi-disciplinary teams within their regions.

## Section 2, Centralized Intake

Senate Enrolled Act No. 192

Sec. 18 (a) Before December 1, 2016, the office of the secretary of family and social services , in cooperation with the Indiana prosecuting attorney’s council, shall do the following. . .

(3) consideration of the benefits and cost of establishing a centralized intake system for reports of matters related to the abuse, neglect, or exploitation of endangered adults. . .

Indiana law directs the Division of Aging to establish “[a] statewide toll free telephone line continuously open to receive reports of suspected neglect, battery, or exploitation.” IC 12-10-3-12(1). The state

administrative code further directs the division to “establish and operate a statewide toll-free telephone line, answered twenty-four (24) hours a day, seven (7) days a week.” 455 IAC 1-2-4.

## Problem Statement

To determine the Adult Protective Services (APS) intake system that best provides consistency and accountability at a reasonable cost. This section considers the current state of APS intake. An examination of intake in other states is at appendix B.

## Facts & Assumptions Taken into Consideration

### Current Intake Process

Reports of abuse, neglect and exploitation (ANE) are taken by the 18 independent APS units and the state (800) APS hotline. No statewide standard of practice for intake has been developed. The 18 units use locally established intake criteria. Entry of demographic and case data at the point of intake varies from unit to unit. When a unit receives a report of abuse it will determine if an investigation is required based on their specific criteria. No statewide criteria or decision support tools for APS, similar to those used by child services have been developed. If the report meets the local criteria for acceptance, an investigator is assigned to conduct the investigation. The state hotline does not do intake. It will take a report and forward the essential elements of information to the appropriate unit. The state toll free hotline is staffed by a live person only during business hours. During non-business hours, reports are recorded on voicemail and the calls returned during the next business day. The statewide APS hotline receives approximately 1,400 calls annually.

### Distinguishing Actual Calls for Service versus Informational Calls

In 2015, APS received 34,721 calls for service. There is no statewide standard definition or distinction between a “call for service” and a “call for information.” However, “call for service” is loosely defined as any type of report, information or referral submitted to an APS unit. The vast majority of calls for service consist of incident reports mailed, faxed or emailed from facilities and service providers who are required to forward those reports to APS. (It is estimated that there were 31,180 incident reports forwarded to APS units in 2015.) Most incident reports do not allege abuse and are “informational calls” only. They are merely reports covering a wide range of incidents that occurred in that facility, to include billing issues and other common complaints. Most APS units log them into the database as a call for service and no investigation takes place. Both calls are important and should be accounted for; however, calls that result in investigations should be distinguished from calls that merely report information. This distinction is critical to assess program costs and needs going forward.

## Recommendation

- Enhance the capacity of the current APS hotline to operate, staffed 24 hours a day, 7 days a week. Local APS offices will continue to receive intakes and screen reports for assignment.
- Collaborate with local APS units to establish a standardized intake protocol shared by local units and the state hotline to provide the statewide consistency normally associated with a centralized intake system.
- Additionally recommend the acquisition of a modernized APS case management system that is easy for investigators to use and would improve the accuracy and consistency of data management.

Consistency begins at intake by applying uniform standards for determining which reports merit investigation or are informational only. The statewide APS hotline will ensure the collection of consistent data from the start of an investigation. A modernized APS case management system to replace the current 10-year-old system will enable the state to collect data more accurately, which will be integrated in all stages of APS investigation and case management. The hotline staff will enter data into the upgraded case management system under the supervision of a trained and experienced supervisor to ensure accuracy and consistency.

## Section 3, Performance Goals and Accountability Metrics

Senate Enrolled Act 192

Sec. 18 (a) Before December 1, 2016 the office of the secretary of family and social services , in cooperation with the Indiana prosecuting attorneys council, shall do the following. . .

(7) Performance goals and accountability metrics for adult protective services to be incorporated in contracts and grant agreements.

Indiana law directs the Division of Aging to establish standards of practice with the concurrence of the prosecuting attorney’s council, IC 12-10-3-12(2), and to “[m]onitor the program and fiscal activities of the units.” 455 IAC 1-2-4(5).

### Problem Statement

The problem is to determine what performance goals should be established to ensure we are meeting the mission of Indiana APS, and what metrics will be used to measure the outcomes toward achieving those goals. This report considered the current state of APS goals and metrics in Indiana along with what is established in other states and made recommendations on how to create an effective quality assurance program, including a case review process, in Indiana.

### Facts & Assumptions Taken into Consideration

#### Current Process for Performance Goals & Accountability Metrics

There has never been a formal quality assurance program or case review process for APS in Indiana. Indiana APS is performed by 18 separate prosecutors’ offices, responsible for a designated number of counties and operating independently. There are currently no statewide policies and procedures outside the statute, IC 12-10-3 and the administrative code 455-IAC-1-2.

### Discussion of Mission, Goals and Metrics

Specific goals and metrics should be developed through a collaborative process. An example can be found at appendix C. Metrics and guidelines could be developed in the following areas:

1. Program Administration
  - a. Ethical Foundation of APS Practice
  - b. Definitions of Maltreatment
  - c. Population Served

- d. Mandatory Reporters
  - e. Coordination with Other Entities
  - f. Program Authority, Cooperation, Confidentiality and Immunity
  - g. Protecting Program Integrity
  - h. Staffing Resources
  - i. Access to Expert Resources
  - j. Case Review-Supervisory Process
  - k. Evaluation/Program Performance
2. Time Frames
- a. Responding to the Call/Report
  - b. Completing the Investigation
  - c. Closing the Case
3. Receiving Reports of Maltreatment or Informational Calls
- a. Intake
  - b. Screening, Triaging and Assignment of Screened In Reports
  - c. Response to informational call
4. Conducting the Investigation
- a. Determining if Maltreatment has occurred
  - b. Conducting a Psycho-Social Assessment
  - c. Investigations in Congregate Care Settings
  - d. Completion of Investigation and Substantiation Decision
5. Service Planning and Intervention
- a. Voluntary Intervention
  - b. Involuntary Intervention
  - c. Closing the Case
6. Training
- a. Case Worker and Supervisor Minimum Educational Requirements
  - b. Case Worker Initial and Ongoing Training
  - c. Supervisor Initial and Ongoing Training

## Discussion of Case Review Process

### Purpose of Case Review Process

The purpose of a case review process for Indiana Adult Protective Services is to better ensure the safety and well-being of Indiana's endangered adults by managing the effectiveness of our APS program. By regularly reviewing APS cases, administrators can see how procedures are carried out across the state, ensuring consistent investigations and support.

## Benefits

The main benefits of a case review process would be improved consistency, transparency and improved performance management.<sup>2</sup> Through a process with a consistent framework, units and the state would be able to track APS program improvement over time.

## Process

The metrics for the subjects evaluated in the case review process should be based on collaborative APS policies and procedures.

Strengths and opportunities for improvement would be identified when the cases are reviewed. If necessary, system-wide changes would be recommended when identified in the case review. If the opportunity for improvement is localized to one person, county or unit, then a discussion would take place to explore improvements in that area. Maintaining any identified strengths would also be discussed and documented.

The purpose of the case review is not to punish any individual, but to improve the Indiana APS program overall. For the Case Review Process to be an effective piece of the Quality Assurance program, all APS staff must have confidence in the process, which means they take an active part in improving the APS program, not ostracized for individual decisions. Developing the process will be a collaborative effort. An example can be found at appendix C.

## Recommendation

- It is recommended that a Quality Assurance program assessing performance measures and using a Case Review Process be established. A quality assurance program that incorporates a case review process is a cost-effective way to ensure successful consistency and accountability. A case review process could be based on a similar process used by Indiana Department of Child Services, as well as processes used by various other APS programs in other states.

## Section 4, Consistent Standard of Care

Senate Enrolled Act Number 192

Sec. 18 (a) Before December 1, 2016 the office of the secretary of family and social services, in cooperation with the Indiana prosecuting attorneys council, shall do the following. . .

- (4) a statement of consistent standards of care for endangered adults.

## Problem Statement

To establish consistent standards of care to promote uniform practices for the provision of adult protective services.

## Facts & Assumptions Taken into Consideration

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<sup>2</sup> Ibid, 9.



Indiana's Adult Protective Services (APS) system has historically suffered from inadequate resources and the lack of services available to meet the needs of endangered adults. Given the current structure of the Indiana APS program there is a lack of uniform procedures to consistently guide the operation of regional hubs throughout the state. In order to successfully implement uniform standards of care and facilitate greater consistency throughout the APS program, the deficiencies in resources and services available to meet the needs of endangered adults must simultaneously be addressed. Some of these deficiencies include: insufficient funding, a lack of written standards and a need for more training, the availability of specialized deputy prosecutors, additional investigators, social services and updated case management technology.

## Recommendations

- Investigators: Each APS unit must have a sufficient number of investigators to provide adequate staffing to conduct a thorough and competent investigation and to ensure a professional response that adequately protects endangered adults. In 2016, an additional 17 investigators were added. One additional investigator is needed.
- Uniform Standards: As a starting point, the following is an example of the type of uniform standards that could be adopted to encourage greater consistency in the provision of adult protective services. The state and IPAC should collaborate to expand standardized procedures shared by the separate APS programs.
- Establish a new "Case Monitor" position within each APS Hub to assist the endangered adult as required by IC 12-10-3-8(2)(c).
- Encourage and support a full time grant funded deputy prosecutor in each APS Hub unit dedicated to assisting with civil aspects of APS cases within each jurisdiction in the Hub.
- Develop and implement a new technologically advanced and efficient case management system.

## Intake

Report - A communication which contains an allegation of abuse, neglect or exploitation (including self-neglect) will be characterized as a "Report" and will be screened for assignment. APS staff will then gather information to adequately document the report and enter such data into the case management system. Reports will then be forwarded to the unit director for screening.

Informational - A communication that is a request for information only and does not contain an allegation of abuse, neglect or exploitation (including self-neglect), will be characterized as "informational." APS staff shall attempt to answer the request for information and will log that the call was received.

Emergency - An emergency is "a situation in which the possibility of immediate physical danger to the adult exists," 455 IAC 1-2-2-(e). When APS staff receives a communication that indicates an emergency may exist, APS staff will instruct the caller to immediately notify law enforcement or other appropriate first responder. If the situation described is a non-emergency, APS staff will complete the intake process.

Confidentiality - All reports made to APS are confidential. Reporters will be informed that their identities will be protected.

## Screening

Screening by director - All reports will be screened for possible assignment within the next business day after receipt. The director in each APS unit is responsible for screening the reports but has the discretion

to assign this duty to other unit staff. The director is ultimately responsible for the screening of reports, regardless of delegation. Reports shall be categorized as either a “case” or a “non-qualifying report.”

Case - A report shall be determined to be a “case” and assigned for investigation in the case management system if the subject of the report is at least 18 years of age and the information contained in the report provides reason to believe that:

- a. The subject of the report is developmentally or intellectually disabled, physically incapacitated or mentally ill or suffers from a cognitive impairment; and
- b. Abuse, exploitation or neglect (including self-neglect) have occurred or are likely to occur.

Non-Qualifying Report - A report that does not meet the criteria for a case assigned for investigation shall be entered into the case management system as a “non-qualifying report.” If the screener has reason to believe that the reporter or the subject of the report would benefit from a referral to an appropriate service provider or agency for assistance, the screener may provide such a referral.

### APS Triage and Response Protocol

Triage Procedure - Following a screening, when a report meets the criteria for a case assigned for investigation, then the following protocols will be used to guide the appropriate response level by the unit:

Emergency: If the report indicates that the alleged endangered adult may be in an emergency situation in which there is possibility of immediate physical danger to that adult, the reporter will be instructed to immediately notify law enforcement or other appropriate first responder. If the reporter is no longer available, APS staff will contact law enforcement or other appropriate first responder. After the emergency is mitigated, if the circumstances require APS intervention, APS will respond as quickly as appropriate.

Priority Level 1: The reporter alleges that the alleged victim has been battered, neglected or exploited or is threatened with the same and, as a result, is at risk of harm. APS will respond within four (4) business days of receipt of allegations.

Priority Level 2: Includes all other allegations of endangerment that do not involve physical harm or the threat of the same. APS will respond within twenty (20) business days of receipt of allegations.

### Investigation

Criminal Reports - APS is not responsible for a criminal investigation. However, if a report indicates that a crime may have occurred, the report should be referred to the appropriate law enforcement agency for a criminal investigation. APS staff shall cooperate with law enforcement to the extent necessary to assist with such a criminal investigation. If law enforcement does not respond to the report, the director may consult with the prosecuting attorney or deputy prosecutor for the jurisdiction assigned to the APS unit. An APS unit may then independently conduct and submit an investigation to the prosecuting attorney for review of potential criminal charges.

Investigation - The purpose of an APS investigation is to determine the validity of the information provided in the report, and to determine if such facts meet the criteria for an endangered adult in the APS

statute and whether the subject requires protective services. Appropriate investigation methods often include meeting with the subject of the report and other potential witnesses, conducting a site visit, observing conditions or circumstances relating to the allegation, examining records or looking for any other facts that may corroborate the allegations contained in the report. Prior to a site visit, the investigator should assess and prepare for potential risks regarding personal safety of the investigator at the site to be visited.

Documentation - APS staff will use a systematic method of comprehensively documenting the entire case process in the case management system. The investigation should be documented in sufficient detail to support the case findings.

Completion of Investigation - When an investigation is complete, each allegation will be either substantiated or unsubstantiated. The appropriate finding will be recorded in the case management system.

Substantiated Allegation - An allegation will be substantiated if there is evidence which makes it more probable than not that:

a. The person is harmed or threatened with harm from battery, exploitation or neglect (including self-neglect); and

b. The person is incapable of managing or directing the management of their property or providing or directing the provision of self-care.

Unsubstantiated Allegation - An allegation will be unsubstantiated if the evidence does not meet the criteria for substantiation upon completion of the investigation.

Endangered Adult - If an allegation is substantiated, the subject of the report will be determined to be an endangered adult, and the Adult Protective Services unit will conduct a safety, risk and needs assessment and initiate protective services.

## Protective Services

Safety, Risk and Needs Assessment - Units will use a standard needs and risk assessment tool as developed in collaboration between FSSA and IPAC. In order to initiate protective services for an endangered adult, a protective services plan will be developed using information from a safety, risk and needs assessment.

Safety - A safety assessment evaluates the subject's current level of safety.

Risk - A risk assessment evaluates the subject's future risk of harm.

Needs - A needs assessment evaluates the subject's need for services.

Initiate Protective Services - Based on the safety, risk and needs assessment, the APS unit will initiate procedures necessary to protect the endangered adult. Such procedures may include, but are not limited to, civil legal remedies such as protective orders, petitions to establish a guardianship or remove an abusive guardian, or to enjoin a person who is interfering with the delivery of services to the endangered adult.

Protective Services Plan - The APS unit will develop a written protective services plan in coordination and cooperation with the Division of Aging or other appropriate person(s) to make services available as required in 455 IAC 1-2-5. APS will comply with statutory notification requirements for emergency protective orders, IC 12-10-3-21 and 12-10-3-28.

Monitoring of Services - The APS Unit will monitor the protective services provided to the endangered adult as developed in the protective services plan as required by statute, IC 12-10-3-8 and 455 IAC 1-2-5.

Case Monitor - The APS unit should employ a case monitor for the purpose of aiding in the development a protective services plan, ensuring that services are actually being received by the endangered adult following a referral, and monitoring such services as required by statute. Case monitors will be degreed and/or experienced social service professionals.

Closing a Case - The goal of an APS intervention is to reduce or eliminate risk of abuse, neglect or exploitation (including self-neglect) of an endangered adult. Once that goal has been met, the case may be reviewed for closure. An APS case will be closed when the situation is stable and/or services are being adequately provided or when the person is no longer deemed an endangered adult. A case may also be closed for other reasons, including but not limited to, situations where the original allegations are unsubstantiated after investigation or where the alleged endangered adult with mental capacity refuses services. The case record should contain documentation of APS's intervention or attempted intervention, their outcomes, an assessment of the individual's current status, and the reason for the decision to close the case. Cases will not remain open indefinitely and will be closed within a specified number of days.

Training - Once uniform standards of care are adopted, APS staff must be provided with greater opportunities for training in order to facilitate greater consistency in the practice of APS operations. The Indiana Prosecuting Attorneys Council (IPAC) and the Indiana Family Social Service Administration (FSSA) should collaborate to provide such training opportunities.

Additional Resources - Current resources and services vary dramatically from one local community to another. In each local community, APS should provide a leading role in identifying needs, and developing additional capacities to address those needs in each community. For instance, where not currently available, APS staff should work with other stakeholders at the local level to develop volunteer guardianship programs. FSSA should work to improve the availability of resources and services at the state level, such as opportunities for emergency placement, to better serve the needs of endangered adults. Each APS unit should work to coordinate local resources to identify areas of local need and encourage the development of additional resources to meet those needs in each community served by the APS unit.

APS Attorneys - A grant-funded full-time deputy prosecutor position could be created in each APS unit to provide legal guidance and civil representation in order to facilitate greater access to civil legal remedies needed to protect endangered adults in all counties served by APS units. Such civil remedies include, but are not limited to, protective orders, petitions to establish a guardianship, or for the removal of an abusive guardian, or to enjoin a person who is interfering with the delivery of services to the endangered adult. The APS deputy prosecutor must be specialized and exclusively dedicated to working with Adult Protective Services. This will promote greater uniformity in practice throughout the state. These attorneys will train together with APS staff, developing improved access to civil legal remedies and other resources

needed to protect endangered adults. This position should be initiated with grant funding until the additional resource is validated over time.

## Section 5, Cooperative Agreement

Senate Enrolled Act 192

Sec. 18 (a) Before December 1, 2016 the office of the secretary of family and social services , in cooperation with the Indiana prosecuting attorneys council, shall do the following. . .

A draft of a cooperative agreement between the office of the secretary of family and social services and the Indiana prosecuting attorneys council that sets forth the duties and responsibilities of the agencies and county prosecuting attorney offices with regard to adult protective services;

### Problem Statement

To implement appropriate contractual agreements that are negotiated to outline clear the obligations of all parties involved in the provision of APS in Indiana. There is currently no formal agreement between FSSA and IPAC. There are grant agreements with each APS prosecuting attorney that are executed annually. These agreements will be essential in ensuring accountability appropriate to each party's role in the system.

### Facts and Assumptions Taken into Consideration

I.C. 12-10-3-7 states FSSA will contract with prosecuting attorneys for APS services. However, historically no contract has ever been used. Rather FSSA awards a grant to the hub county to fund the program, and no contractual agreement is currently used.

Prosecutors, through a contractual process, provide support service to the Indiana Department of Child Services (DCS). The Indiana Prosecuting Attorney Council (IPAC) and the Indiana Department of Child Services collaboratively provide training and support to DCS and local prosecutors as they provide child support services to the citizens of Indiana. DCS executes a cooperative agreement (contract) with each prosecutor and IPAC that defines the roles and obligations of each parties. The contracts provide for dispute resolution and a process for continued improvement of services. A modified form of this agreement may work as well for FSSA, IPAC and hub prosecutors. Unlike the Department of Child Services, there are no federal funds with accompanying mandates for Adult Protective Services; therefore a professional services contract may be the appropriate type of agreement between FSSA and the hub prosecutors

### Recommendations

- Collaborate to execute new professional services contracts between FSSA and the prosecuting attorneys responsible for adult protective services as anticipated by IC 12-10-3-7, replacing the current grant process.
- Collaborate to execute a new memorandum of understanding between FSSA and the Indiana Prosecuting Attorneys Council.

## Section 6, Staffing Levels for APS Units

### Problem Statement

To determine the appropriate staff necessary for the APS units employed by the hub county prosecutors to efficiently and effectively perform the duties established in IC 12-10-3, 455 IAC 1-2 and other policies as adopted.

### Recommendations

- Section 4 of this report recommends that an additional investigator be added to the 18 provided in 2016 to manage caseloads, at least one case monitor per hub and one, grant funded, APS specific deputy prosecutor for each hub.
- Collaboratively evaluate the appropriateness of APS hub boundaries and ensure the distribution of funds based on a data-driven funding formula.

## Section 7, Staffing Levels for FSSA

### Senate Enrolled Act 192

Sec. 18 (a) Before December 1, 2016 the office of the secretary of family and social services , in cooperation with the Indiana prosecuting attorneys council, shall do the following. . .

(1) An estimation of appropriate staffing levels necessary for the office of the secretary of family and social services and county prosecuting attorney offices to efficiently and effectively manage the investigations of reports of matters related to the abuse, neglect or exploitation of endangered adults. . .

Indiana law directs the Division of Aging to contract with county prosecutors for APS operations, and if prosecutors decide not to enter into an agreement, contract with a department under the direct supervision of a “local elected official or a county office.” IC 12-10-3-3 and IC 12-10-3-7. It additionally directs the division to establish standards of practice (with concurrence of the Indiana Prosecuting Attorneys Council (IPAC)) and a toll-free hotline open continuously to receive reports. IC 12-10-3-12.

The Indiana Administrative Code directs that the Division of Aging shall do the following:

- (1) Provide information and education to the general public regarding the existence of the adult protective services law and available resources.
- (2) Prescribe the forms and procedures to be followed in the implementation of the program.
- (3) Contract with entities, as identified in IC 12-10-3-7, to perform the duties of adult protective services units.
- (4) Provide training and technical assistance in program operation and service delivery to the units.
- (5) Monitor the program and fiscal activities of the units.

- (6) Receive all reports of known or suspected neglect, battery, or exploitation which are communicated in person, in writing, or by telephone:
  - a. Establish and operate a statewide toll-free telephone line, answered twenty-four (24) hours a day, seven (7) days a week;
  - b. Document the receipt of all reports, by obtaining all necessary information as per IC 12-10-3-10;
  - c. Make a determination and classify the status of each report upon receipt as either emergency or nonemergency;
  - d. Refer all emergency reports received to the appropriate law enforcement agency immediately, and notify the appropriate APS unit of the referral to the law enforcement agency; and
  - e. Refer all nonemergency reports received to the appropriate APS unit within five (5) working days.
- (7) Report to the general assembly before February 2 of each year concerning, at a minimum:
  - a. The division’s activities in the preceding year under 12-10-3; and
  - b. Program recommendations for continuing protection of endangered adults. 455-IAC 1-2-4

**Problem Statement**

To determine the appropriate staff necessary for the Office of the Secretary of the Indiana Family and Social Services Administration to efficiently and effectively perform the duties established in IC 12-10-3 and 455 IAC 1-2.

**Facts & Assumptions Taken into Consideration**

**Current State APS Staff**

There are currently four state APS staff members within the Division of Aging. Only one of those staff members is paid by APS appropriated funds. The other three are paid by other state and federal funding streams administered by the Division of Aging. (See figure 1). Before March 2013, the state APS staff consisted of one director and the administrative assistant. At that time, the APS coordinator (operations) was added to assist with increasing hotline volume and day-to-day operations. In August 2015, the APS coordinator (training) was added to begin developing a comprehensive training program. The administrative assistant doubles as the sole APS hotline operator. She fields an average of 450 informational and referral calls monthly, resulting in an average of 115 hotline messages transmitted to the field.

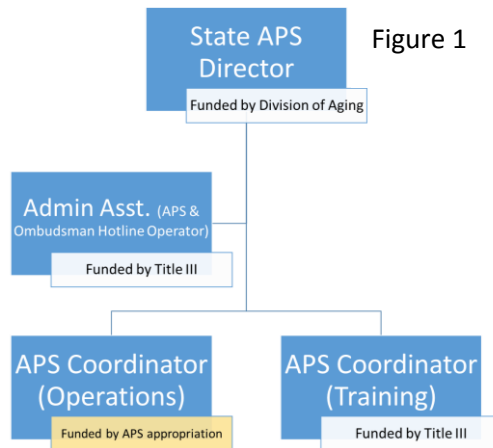


Figure 1

Current state APS staffing is not adequate to implement the recommendations outlined in this report; however, if additional resources are made available, the state would be able to provide an APS hotline staffed 24/7, emergency placement and services, upgraded case management technology and a formal APS training program. First, the state is not staffed to operate a continuously answered APS hotline available 24-hours a day, 7-days a week. Second, the state is not

properly staffed to provide the training and technical assistance required by 455 IAC 1-2, particularly in regards to financial exploitation.

### Fraud and Exploitation Unit

Abuse and financial exploitation of endangered adults is the most underreported crime in the United States. The victims are often impaired and the circumstances always complicated. A specialized team created to build investigative and litigation expertise within the state is essential. This team can also build and enhance competencies through training and support of local criminal investigations and prosecutions. The unit would consist of an Elder Abuse Prosecutor, Elder Abuse Forensic Accountant and Elder Abuse Investigator.

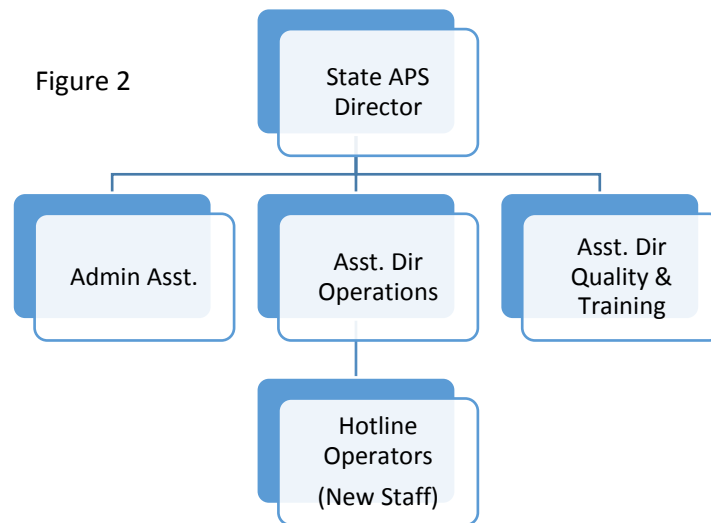
Elder Abuse Prosecutor – An attorney experienced in elder abuse and financial crimes. Will serve as team director and assist local prosecutors in assembling cases for prosecution, locate expert witnesses and coordinate with other law enforcement agencies. This attorney will provide training and guidance to prosecutors statewide.

Elder Abuse Forensic Accountant – A certified Fraud Examiner (CFE) with expertise in banking security. This person will be a resource for APS units and prosecutors as they conduct financial abuse investigations. This individual may also testify as an “expert witness”.

Elder Abuse Investigator – A person with extensive law enforcement experience and training in investigating elder abuse. As with the CFE, this person will provide guidance and training to law enforcement agencies statewide on how to build a case and conduct an investigation.

### Discussion

The organizational structure in Figure 2 will enable the state to operate an APS hotline 24/7. By combining quality and training under one individual, this organization takes advantage of the close



relationship between the two functions. As issues are identified through monitoring program metrics and the case review process, training can be efficiently tailored and presented to meet the identified needs of the units. Emergency placement and services management, if realized, will become a responsibility of the assistant director for operations.



## Recommendations

- Fund additional hotline operators to enable the state to receive and process APS hotline reports 24/7.
- Ensure all APS state employees are funded by APS appropriated funds rather than other Division of Aging program funding streams.
- Fund an elder abuse attorney, forensic accountant, and an investigator to provide technical assistance and training in complex abuse and exploitation cases. These new resources may be housed in either FSSA or IPAC.

## Section 8, Training

### Senate Enrolled Act 192

Sec. 18 (a) Before December 1, 2016 the office of the secretary of family and social services , in cooperation with the Indiana prosecuting attorneys council, shall do the following. . .

- (1) A determination of appropriate levels of training for employees of :
  - a. The office of secretary of family and social services; and
  - b. A county prosecuting attorney office;

### Problem Statement

To determine the best training program for APS directors, investigators and APS case monitors to provide appropriate and effective intervention on behalf of endangered adults.

### Facts and Assumptions Taken into Consideration

Abuse of endangered adults can be difficult to identify, prevent and resolve. The greatest percentage of abuse occurs in the home by a family member or caretaker. There are few options for the endangered adult. Fear of further or increased abuse and the displeasure of putting a family member in jail can prevent an endangered adult from disclosing abuse.

While in-home abuse creates challenges, so does the increasing number of self-neglect cases. Persons fearful of giving up perceived independence may place themselves in such dire straits that APS intervention is necessary.

To be effective in uncovering and preventing further abuse or self-neglect, APS staff must be educated on the dynamics of abuse as well as the opportunities for appropriate intervention. This training should begin with the intake workers who answer the phone and carries through to APS investigators and directors.

APS has never had a formalized training program. Workers have attended seminars, when available, but most of the training has occurred on the job. While a unit that has an experienced investigator or director can provide excellent skill training, not all units have that resource. A standardized training program comprised of classroom and field experience is needed to ensure a consistent response statewide.

A review of other states similar to Indiana has revealed that most states have a standardized training program for newly hired APS employees. After that initial training, most states provide ongoing training and yearly training requirements.

The Indiana Prosecuting Attorneys Council (IPAC) provides training for prosecutors and their staff as well as for law enforcement officers and other various stakeholders. IPAC will work with FSSA to develop and provide initial training as well as ongoing training to directors, investigators and intake staff.

### Recommendations

- Create an Indiana training program for new APS investigators and case monitors to include classroom training in addition to field training. The initial training will include CORE activities and procedures for APS investigators.
- Develop a four-year continuing education training cycle within the IPAC training calendar for APS staff focused on core competencies, legal updates and emerging issues.
- Provide standard and specialized training programs to APS personnel by way of classroom and web technologies.
- IPAC and FSSA will collaborate and facilitate training.
- IPAC through collaboration with FSSA will provide logistics and support for training for APS personnel.

## Appendix A, Emergency Placement and Services in other States

The National Adult Protective Services Association (NAPSA) issued a report in January 2016, highlighting innovative practices from APS programs across the country. Three states and the District of Columbia were mentioned with regard to emergency services and placements. A few of those highlights are as follows:

- Georgia created a Temporary Emergency Respite Fund (TERF). The fund is used to provide emergency placement. They additionally use a smart phone application that allows investigators to see information on beds available at licensed facilities.
- Similarly, Nevada maintains provider agreements with group homes to accommodate adults in emergency situations. The state also has emergency funds to assist with paying past-due bills, biohazard clean, homemaker services, etc.
- The District of Columbia can respond with licensed social workers and in-home assistance 24/7. It also maintains a fleet of vehicles to transport clients to medical appointments.
- Colorado was mentioned for recently adding funding for “emergency and one-time services.”

A survey was conducted by Indiana APS. The survey was sent to all 50 state programs. Thirty-two states responded. Of those states responding to the survey, 20 provide direct access to emergency services and placements, 12 do not. The status of emergency placement in the states that did not respond is unknown.

Twenty-two states responded to a question regarding the annual number of clients staying one or more nights in an emergency placement facility. Of the 22 states responding, nine states reported less than 100 clients per year, two states reported from 101 to 500 clients per year, and one state (Texas) reported over 2000 clients per year. Ten states responded that they did not have the data.

When asked about the average length of stay, 18 states responded. Of the responding states, five reported that their clients resided in an emergency placement facility less than one week. Seven states reported more than a week but less than a month, and five states reported more than a month but less than three months. No state reported clients staying more than three months.

## Appendix B, Intake in Other States

### Intake in other States

#### Survey

In a report published in 2012 by the National Adult Protective Services Association, 75 percent of the states had a 24-hour APS hotline, 68 percent of which were staffed by a live person 24/7. The remainder staffed their hotlines during non-business hours using a message service, call center, online services or other means. Over half the states reported that they have a centralized intake (one entry point for APS reporting), usually combined with some other agency, such as child protectives services.<sup>3</sup>

#### Interviews

FSSA conducted telephonic interviews with APS directors from five states (Kentucky, Georgia, West Virginia, Michigan and Minnesota). Below is a summary of the advantages and disadvantages of centralized intake expressed by the state APS directors.

Summary of advantages in regards to APS centralized intake:

- Improved client outcomes.
- Improved documentation.
- Improved focus on “what comes in the door.”
- Reduced number of complaints regarding units that do not respond to reports.
- Consistent application of intake criteria.
- Intake performed by trained personnel rather than “whoever picks up the phone.”
- Prevents investigators from manipulating their workload by screening out reports that should be taken.
- Better control; easier to gather intake staff for training.
- Increased professionalism and morale.
- Better productivity and lower turnover.
- Easier to elevate intake issues to state supervisory staff.
- Allows investigators a way of “aging out of the field.”

Summary of challenges in regards to APS centralized intake:

- A recurring theme from all states is that local officials (e.g., judges, physicians, attorneys) preferred dealing with local staff. They did not like being locked into a standardized intake protocol.
- Local APS units complained about a lack of control of the intake decision. To address this complaint, all states interviewed implemented a dispute process through which local units could challenge state-level intake decisions.

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<sup>3</sup> National Adult Protective Services Resource Center. *Adult Protective Services in 2012: Increasingly Vulnerable*. Rep. National Association of States United for Aging and Disabilities, 2012. Web. 15 Aug. 2016.

- Need to ensure the telephone system has a means to move law enforcement forward in the queue.
- Need to ensure all case management software is compatible and integrated.
- It can take a year to develop and implement central intake.

Of the states interviewed, most noticed a significant rise in call volume in the year after centralized intake was implemented. In all but one state, the intake staff were state employees. In two of the five states, intake staff was combined between APS and CPS. Three states had separate APS-specific intake. One state (Minnesota) contracts with a private for-profit company for intake, but does not allow the contracted employees to make the acceptance decision. Below is a side-by-side comparison of the states interviewed with regard to their centralized intake.

State/pop.	Accepted Reports of ANE (2015)	Increase in call vol. year after CI implemented	Who makes the acceptance decision	State employees or contracted	Cost information for Intake	Year Implemented
KY 4.4 mil	16,694	23%	State intake staff	State employees	Not available	2007
GA 10.2 mil	16,000	Unknown	State intake staff	State employees	Not available	2004
WV 1.8 mil	12,853	Noticeable but not measured	State intake staff	State employees (combined with DCS)	Admin overhead - \$367,500 (does not include salaries)	2014
MI 9.9 mil	20,000	39%	State intake staff	State employees (combined with DCS)	Not available	2012 – referrals only 2014 – acceptance decisions
MN 5.4 mil	40,000+	40%	Local units (all reports sent to units for screening)	Contracted private call center	\$1.5 mil expected to rise to \$1.8. \$300K start-up costs	2015

### Intake in West Virginia

In 2013, an audit was performed of the West Virginia Bureau of Children and Families by the West Virginia Legislative Auditor, Performance Evaluation and Research Division.<sup>4</sup> One of the findings

<sup>4</sup> *Agency Review, Bureau of Children and Families, Department of Health and Human Resources*. Rep. no. PE 13-03-539. Charleston, WV: West Virginia Legislative Auditor, 2013.  
[http://www.legis.state.wv.us/joint/perd/perdrep/ChildFam\\_8\\_2013.pdf](http://www.legis.state.wv.us/joint/perd/perdrep/ChildFam_8_2013.pdf).

expressed that “The Bureau of Children and Families should move forward with plans to develop and implement a centralized intake system to improve consistency, efficiency, and effectiveness of child protective services investigations.”<sup>5</sup> In West Virginia the intake staff are state employees who conduct intake for both child protective services and adult protective services. Centralized intake was implemented in 2014. They are staffed 24/7. Calls are processed through the Verizon Digital Call Center which prioritizes calls and forwards them to intake operators.<sup>6</sup> There are approximately 35-40 operators and 10 supervisors. Benefits of centralized intake cited by the West Bureau for Children and Families were:

- Centralized intake is a community service.
- One point entry for all referrals.
- Consistent community message/education.
- Central intake ensures consistency across the state in how abuse and neglect complaints to APS are received and documented.
- It provides consistent evaluation and assignment of cases.
- Centralized intake staff are trained to make accurate assessments.
- Staff are trained to use structured decision making.
- Training and quality assurance is built into the system.<sup>7</sup>

Citing a Casey Family Programs study of Centralized Intake for Child Protective Services, the West Virginia audit report states that other benefits include:

- Consistency and standardization of screening decisions.
- Improved consistency in response priority.
- Dedicated staff able to devote more time to either intake or to casework.
- Quicker response times to calls.<sup>8</sup>

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<sup>5</sup> Ibid.

<sup>6</sup> Information obtained from interview with West Virginia APS Director conducted by Indiana APS Director.

<sup>7</sup> "Centralized Intake Unit." (2015): Bureau for Children and Families. Web. <<http://www.courtswv.gov/public-resources/CAN/wvcip/2015Cross-Training/Centralized-Intake.pdf>>.

<sup>8</sup> *Agency Review, Bureau of Children and Families, Department of Health and Human Resources*. Rep. no. PE 13-03-539. Charleston, WV: West Virginia Legislative Auditor, 2013. [http://www.legis.state.wv.us/joint/perd/perdrep/ChildFam\\_8\\_2013.pdf](http://www.legis.state.wv.us/joint/perd/perdrep/ChildFam_8_2013.pdf).

## Appendix C, Performance Goals and Accountability Metrics in other States with Example Metrics and Case Review

### National Best Practice

The National Adult Protective Services Association (NAPSA), whose mission is to “strengthen Adult Protective Services programs in order to improve the safety and independence of older persons and adults with disabilities who are victims of abuse, neglect, self-neglect, or financial exploitation” recommends the following minimum standards for an APS quality assurance program:

- APS direct service personnel have access to knowledgeable case supervision.
- Provisions are made for access to subject matter experts, current research and best practice.
- Recommended or required direct service personnel to case ratios are established.
- Case assignments are made with consideration to complexity of the report and the education and training of direct service personnel.
- APS program data is collected, analyzed, and reported.
- Data is utilized for program improvements such as budgeting, resource management, program planning, legislative initiatives and community awareness, and to improve knowledge about clients, perpetrators and the services and interventions provided to them.
- A case review process is standardized and consistently applied.<sup>9</sup>

### Other States

The National APS Resource Center (NAPSRC), which is operated by NAPSA, in conjunction with the National Association of States United for Aging and Disabilities (NASUAD), published a report in 2012 to gauge how states operate their APS programs. They found that over 70 percent of states have a case review system for Quality Assurance.<sup>10</sup> Seventy-five percent of those states review every case. Also, they found that five states have specialized quality control staff to review cases. Their study showed that only 25 percent say there is no review at all. Indiana does not have a formal case review process. In contrast to this, the Indiana Department of Child Services, recognizes the need for a case review process for quality assurance and utilizes the Human Systems and Outcomes, Inc. *Quality Service Review Protocol*<sup>11</sup>. Only two states currently have quality assurance written into their statutes: Illinois (320 ILCS 20/15.5) and Texas (Tex. Hum. Res. Code Ann § 40.0515(a) and 48.006).

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<sup>9</sup> National Adult Protective Services Association. (2013). *Adult Protective Services Recommended Minimum Program Standards*. National Adult Protective Services Association. Retrieved from NAPSA: <http://www.napsa-now.org/wp-content/uploads/2014/04/Recommended-Program-Standards.pdf>

<sup>10</sup> National APS Resource Center. (2012). *Adult Protective Services in 2012: Increasingly Vulnerable*. Washington DC: National Association of States United for Aging and Disabilities

<sup>11</sup> Human Systems and Outcomes, Inc. (2010, January). *Quality Services Review: Protocol For Use By Certified Reviewers. A Reusable Guide For a Child/Family-Based Review of Locally Coordinated Children's Services, Field Use Version 4.0.*

## Example Goals and Accountability Metrics

Example goals and metrics are below in Figure 1. They cover the seven program domains that will be monitored through the quality assurance program. These domains are based on the Domains and Elements identified by the Administration for Community Living (ACL) as areas that would provide guidance to “assist states in developing efficient and effective APS systems.”<sup>12</sup> The guidelines in these domains were developed by subject matter experts in the field of APS and abuse, neglect and exploitation of older adults and adults with disabilities. These guidelines are informational in content and are intended to assist states in developing efficient and effective APS systems. The domains are: program administration, timeframes, receiving reports of maltreatment, conducting the investigation, service planning and intervention, training and evaluation/program performance. The table that lists the ACL Domains and Elements is also provided for reference in Figure 2. The ACL element that correlates with the Indiana APS program domain goal is referenced in Figure 1. The report additionally states “It is recommended that APS systems compile a written report of those performance measures and make that report available to state and federal bodies and the public. Data related to the following categories, at a minimum, are suggested for inclusion: a) APS Workload, b) Caseload Ratios, c) Training, d) Participation in Multi-Disciplinary Teams.”<sup>13</sup>

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<sup>12</sup> Ibid.

<sup>13</sup> Ibid.



Figure 1: Example Goals/Objectives/Metrics compiled by FSSA

<i>Program Domain: Program Administration</i>					
<b>Goals</b>	<b>Objectives</b>	<b>Outcomes</b>	<b>Metrics</b>		
			<b>Measures</b>	<b>Benchmark s</b>	<b>Data Source</b>
<b>Ensure proper staffing of all regions to improve quality of APS investigations and client outcomes. (1h), (7)</b>	Units are staffed so that individual investigators have no more open cases than the amount established by policy	Caseloads are managed efficiently and effectively; client outcomes are improved	Number of open cases per investigator based on a 90 day rolling average	TBD	APS/CMS
<b>Provide effective and efficient APS services to Indiana. (1h), (7)</b>	Cost effective caseload distribution among the various APS units	Cost per case remains relatively consistent between the different APS units, indicating resources are properly allocated between units given real-time unit case counts.	Average cost per case/investigation	TBD	APS/CMS

<i>Program Domain: Time Frames</i>					
<b>Goals</b>	<b>Objectives</b>	<b>Outcomes</b>	<b>Metrics</b>		
			<b>Measures</b>	<b>Benchmarks</b>	<b>Data Source</b>
<b>Improved responsiveness to reports of abuse, neglect or exploitation (2a)</b>	State hotline forwards all reports of abuse, neglect, exploitation (ANE) to appropriate unit in a timely manner	State hotline staff is responsive to reports of ANE and meets regulatory requirement for report processing	Average number of days from receipt of report to date it was forwarded to the unit	5 workdays (455 IAC 1-2)	APS/CMS
	Reports are triaged, given a priority and assigned to an investigator in a timely manner	Reports are screened in or out in a timely manner.	Average number of days from the unit receiving a report to the date assigned to an investigator	1 workday	APS/CMS
	Investigations of screened in reports are commenced in accordance with their designated priority	Face-to-face contact is made within the timeline established by policy	Average number of days from assignment to an investigator's first face-to-face contact with client	<i>High:</i> 24-hours <i>Medium:</i> 4-days <i>Low:</i> 20-days	APS/CMS
<b>(2b)</b>	Clients are made safe in an efficient and timely manner	Protective services are provided within time appropriate to ensure the safety of the client	Average number of days from initial contact to service delivery	TBD	APS/CMS
<b>(2c)</b>	Cases will only be kept open as long as necessary to reduce potential trauma to endangered adults.	Case findings determined, services offered and cases closed in timely manner	Average number of days a case remains in open status	90 days	APS/CMS

<i>Program Domain: Receiving Reports of Maltreatment</i>					
<b>Goals</b>	<b>Objectives</b>	<b>Outcomes</b>	<b>Metrics</b>		
			<b>Measure</b>	<b>Benchmarks</b>	<b>Data Sources</b>
<b>Improve consistency of intake and data entry statewide (3a)</b>	Units and state hotline follow statewide policy and procedure for intake	Intake and data entry are standardized and consistent statewide	Assessment of case review committee	TBD	Case Review
<b>Improve triage of reports through screening (3b)</b>	Determine level of risk so investigators can determine urgency for investigation	Reports are responded to in a manner fitting with the severity of the situation as reported; triage results remain consistent among all units	Tracking percentage of reports rated in three priority zones	TBD	AMS/CMS

<i>Program Domain: Conducting the Investigation</i>					
<b>Goals</b>	<b>Objectives</b>	<b>Outcomes</b>	<b>Metrics</b>		
			<b>Measure</b>	<b>Benchmarks</b>	<b>Data Sources</b>
<b>Improve the well-being and safety of endangered adults through quality, holistic investigations (4a), (4d)</b>	Ensure all legitimate allegations of abuse, neglect, and exploitation are investigated.	Client safety is improved, the percentage of accepted reports remains consistent among all units	Percentage of reports accepted for investigation	TBD	APS/CMS
	Investigation resources are allocated efficiently	Resources are maximized for those clients most in need; the percentage of substantiated allegations remain reasonably consistent among all units	Percentage of investigations resulting in substantiated allegations	TBD	APS/CMS
<b>Improve consistency of APS investigations (4b), (4d)</b>	APS units comply with statewide policy and procedures, including use of risk, needs and capacity assessment tools, and protocol for standards of evidence to substantiate allegations	Investigations are conducted in a consistent manner statewide	Assessment from case review committee	TBD	Case review

<i>Program Domain: Service Planning and Intervention</i>					
<b>Goals</b>	<b>Objectives</b>	<b>Outcomes</b>	<b>Metrics</b>		
			<b>Measure</b>	<b>Benchmarks</b>	<b>Data Sources</b>
<b>Improve the well-being and safety of endangered adults through quality, person-centered, efficient services (5a), (5b), (5c)</b>	Ensure endangered adults are receiving services that are appropriate to their unique needs and are in the least-restrictive setting.	Formal needs and risk assessment was completed, appropriate services were delivered and monitored	Assessment of case review committee	TBD	Case review
	Reduce the repeat maltreatment of endangered adults	Maltreatment is reduced and maintained below the benchmark	Percentage of repeat maltreatment	TBD	APS/CMS
	Improve efficiency of emergency protective services provided to APS clients	Emergency services are provided in a cost effective manner	Average cost per-client for emergency placement;  Average cost per-client for other emergency services	TBD	APS/CMS; Division of Aging controller
<b>Improve consistency of APS delivery of protective services statewide (5c)</b>	Ensure policies and procedures for service delivery are being followed	Services statewide are provided in a standardized and consistent manner	Assessment of case review committee	TBD	Case review process

<i>Program Domain: Training</i>					
<b>Goals</b>	<b>Objectives</b>	<b>Outcomes</b>	<b>Metrics</b>		
			<b>Measure</b>	<b>Benchmarks</b>	<b>Data Source</b>
<b>Provide high quality investigations and case management through a training program that is based on national best-practices. (6a), (7)</b>	Provide all new investigators on-boarding training in-line with NAPSA APS core competencies.	Conduct an onboarding, classroom training consisting of 76-hours, with a curriculum based on national best practices, to be completed within the investigator's first year.	Percent of investigators that have completed on-boarding training	90%	Training records
<b>(6b)</b>	Provide all experienced investigators on-going enrichment training in-line with NAPSA APS core competencies.	Provide advanced worker training for experienced workers consisting of a minimum of 24-hours, annually, with a curriculum based on national best practices.	Percent of investigators that have completed in-service training	90%	Training records
<b>(6c)</b>	Provide all supervisors on-going enrichment training in-line with NAPSA APS core competencies.	Provide advanced leadership training for supervisors consisting of a minimum of seven hours, annually, with a curriculum based on national best practices.	Percent of supervisors that have completed in-service training	90%	Training records

## Example Case Review Process

<i>Who is involved in the process?</i>	<p>Quality Review Team:</p> <ul style="list-style-type: none"> <li>• Local APS unit directors/dep. prosecutors</li> <li>• APS executive director, and/or</li> <li>• APS assistant director, and/or</li> <li>• APS program coordinator</li> </ul>
<i>What is the goal of the process?</i>	<ul style="list-style-type: none"> <li>• To identify strengths in the Indiana APS program</li> <li>• To identify challenges in the Indiana APS program</li> <li>• To improve practice in the Indiana APS program</li> <li>• To improve consistency in the Indiana APS program</li> <li>• To better ensure the safety and well-being of endangered adults in Indiana</li> </ul>
<i>When does the process occur?</i>	<ul style="list-style-type: none"> <li>• Quarterly</li> </ul>
<i>Where does the process occur?</i>	<ul style="list-style-type: none"> <li>• TBD</li> </ul>
<i>How does the process flow?</i>	<ul style="list-style-type: none"> <li>• Random cases are pulled from APS units across the state.</li> <li>• The quality review team reads and scores each case             <ul style="list-style-type: none"> <li>○ Cases are read and scored independently</li> <li>○ The score is averaged</li> <li>○ The case is discussed among the team</li> </ul> </li> <li>• Strengths and needs are identified</li> <li>• The case score is discussed with the local unit director, and possibly the investigator if necessary</li> <li>• An improvement plan is created for the unit based on all cases reviewed The plan is reviewed during the next quarter to either maintain or adjust</li> </ul>

## Appendix D, Agreements

**Note: The following agreement was drafted by IPAC. It is an example only. There has been no negotiated agreement concluded between FSSA and the prosecuting attorneys. Agreement with any of the terms listed below should not be implied.**

**APS HUB County:** \_\_\_\_\_

**Calendar Years: 2018-2022**

### **AGREEMENT FOR PROSECUTING ATTORNEYS PERFORMING ADULT PROTECTIVE SERVICES**

#### **I.**

##### **Purpose of the Agreement**

This Agreement is entered into between the County Prosecuting Attorney (hereinafter referred to as the "Prosecuting Attorney"), and the Family and Social Services Agency (hereinafter referred to as "FSSA"). The intent of this Agreement is to provide for mutual assistance and procedures for providing adult protective services (APS) under Title 12, Article 10, Chapter 3 of the Indiana Code.

This Agreement is made pursuant to Indiana Code 12-10-3-7 which requires FSSA to contract for APS services with a Prosecuting Attorney. The parties mutually agree to carry out and comply with the provisions of these state laws and will comply with all regulations promulgated or to be promulgated thereunder, including standards of performance, the Indiana Rules of Court, and the Indiana Professional Rules of Conduct. The parties mutually agree to comply with reasonable procedures or policies established or to be established by the state government to assist in implementing such laws and regulations.

#### **II.**

##### **Duties and Responsibilities of FSSA**

FSSA shall have the following duties and responsibilities:

- (1) To provide instructional and/or informational materials, when needed or requested; to assist the Prosecuting Attorney in carrying out his/her duties and responsibilities under this agreement.
- (2) To coordinate with the Prosecuting Attorney and by providing the information needed regarding the placement and care of endangered adults necessary to permit the Prosecuting Attorney to fulfill his/her obligations under this agreement. To coordinate with and enter into agreements, when appropriate, with other Indiana State and local agencies to ensure services are in place so the Prosecuting Attorney may fulfill his/her obligations under this agreement.



- (3) To provide reports and data to assist the Prosecuting Attorney in tracking and monitoring APS cases.
- (4) To participate in meetings of the Indiana Prosecuting Attorneys Council (IPAC) APS Committee on at least a quarterly basis and, at such meetings resolve issues and collaborate regarding the policy, procedure, and operation of Indiana's APS program. To participate in special meetings of the IPAC APS Committee or Board of Directors upon request.
- (5) To notify in advance and collaborate with the IPAC regarding new technology or tools, legislative initiatives, administrative rule or policy changes that affect local APS program operations
- (6) In the event that federal or state statutes, regulations, policies, or procedures significantly change the duties and responsibilities of the Prosecuting Attorney as set forth in this agreement, FSSA shall notify the Prosecuting Attorney and the terms of this Agreement may be amended at the mutual agreement of the parties. If it is unclear to FSSA as to whether any of the above rule, system, statutory or policy changes will significantly affect prosecutor resources or discretion, FSSA will seek the advice of IPAC.
- (7) To not establish rules on performance standards or time periods for the performance of APS duties that are more restrictive or more demanding than state law unless there has been prior written advice of the IPAC and prior written agreement of the parties during the term of this Agreement.
- (8) FSSA will not use the Prosecutor's letterhead on any document without collaboration with the Prosecutor and IPAC.
- (9) To provide funding sufficient to operate the APS program.
- (10) To collaborate with the APS standing committee and IPAC to determine appropriate staffing levels and workload requirements within each APS HUB.

### **III.**

#### **Duties and Responsibilities of the Prosecuting Attorney**

The Prosecuting Attorney shall have the following duties and responsibilities:

- (1) To appoint and supervise staff within the APS HUB.
- (2) To investigate complaints as to whether an individual is an endangered adult.
- (3) Initiate procedures to protect the endangered adult.
- (4) Coordinate and cooperate with FSSA to obtain services and develop a case management plan for the endangered adult.
- (5) Monitor protective services provided to the endangered adult.
- (6) To maintain case files in a reasonable and confidential manner approved by FSSA.

- (7) To determine what action needs to be taken on APS cases pursuant to the policies of FSSA, and to do so within the realm of prosecutorial discretion.
- (8) To track the status of cases utilizing reports provided by FSSA, or other appropriate methods and to ensure data for which the Prosecuting Attorney is responsible for entering or updating is correct. In the event the Prosecuting Attorney converts to a paperless filing system, the Prosecuting Attorney will ensure an electronic copy of the court orders are maintained in place of paper copies and will reproduce images for audit purposes, e.g. on a CD as requested by FSSA auditors.
- (9) To represent the interests of the State of Indiana in prosecuting, establishing and enforcing APS cases. Enforcement activities shall include, but not be limited to, the following:
  - (a) Establishment, modification or enforcement of protective orders for endangered adults.
  - (b) Establishment of guardianship orders when appropriate;
  - (c) Review and modification of orders;
  - (d) Prosecution of crimes against endangered adults;
- (10) To notify FSSA and the Deputy Attorney General handling appeals for the State of any case in which an appeal is taken or should be taken by the State and to provide all documents necessary to permit the Office of the Attorney General to perfect or defend an appeal.
- (11) To assist other Indiana counties, and other states, countries and tribes, through the use of existing reciprocal laws in the other jurisdiction.
- (12) To devote the amount of staff time to the program as agreed upon in the budget and to have APS personnel participate in appropriate training as determined by FSSA and IPAC.
- (13) To maintain statistical, fiscal, and narrative data relative to APS cases on the case management system provided by FSSA.
- (14) To maintain an inventory record of equipment used in the APS program pursuant to instructions issued by FSSA.
- (15) To comply with all applicable federal and state statutes and regulations, Indiana APS policies and procedures, Indiana Rules of Court, and Indiana Rules of Professional Conduct. FSSA will seek input from IPAC when interpreting federal and state statutes, regulations, rules and policies and case law that affect local program operations providing adequate time for review and comment, as mutually agreed upon IPAC. In the event that the Prosecutor questions the legality of any policy, procedure, or directive issued by FSSA, the prosecutor shall submit the question and any supporting documentation in writing to the designee of FSSA. The designee, shall consider the matter and issue a written opinion regarding such question. If the prosecutor disagrees with the opinion of the designee, the parties may submit the question in accordance with Section VII of this agreement. Questions not presented to the designee shall not be submitted for resolution under Section VII of this agreement. Prosecuting Attorneys shall not be held responsible by FSSA for failure to comply with such statutes, regulations and procedures, determined by state

audit, if the failure to comply is due to inadequate, erroneous or untimely information provided by FSSA.

- (16) To be entitled to establish procedures for the performance of the above responsibilities as reasonable based upon existing staff, funding and resources.
- (17) To represent the State of Indiana with respect to the above-delineated activities
- (18) To respond in a timely manner to FSSA and/or IPAC staff when complaints are received regarding a APS case, and to assist in resolving those complaints.

#### **IV.**

#### **Budget, and Financial Audits and Monitoring**

##### A. General

- (1) No claims for payment will be accepted for any monthly period unless a fully executed Agreement is on file with FSSA, or unless a mutually agreed upon extension of an Agreement from a prior term is in effect. The time period for the mutually agreed upon extension will be no more than 90 calendar days. The parties agree to engage in good faith negotiation during this time period. In no event shall reimbursement be made without the Prosecuting Attorney's certification that expenditures claimed for reimbursement are reasonable, appropriate, and directly related to APS cases.
- (2) Assuming that the Prosecuting Attorney has submitted the appropriate budget documents, reimbursement claim requests, and Agreement as set forth above, FSSA shall not withhold reimbursement or funds from a Prosecuting Attorney without first providing the Prosecuting Attorney and IPAC with written notice at least sixty (60) days prior to the date upon which FSSA intends to withhold the reimbursement or funds. The written notice shall describe the specific reason(s) for which FSSA intends to withhold funds and an opportunity for the Prosecuting Attorney to correct any deficiencies. If a dispute arises between the Prosecuting Attorney and FSSA which cannot be resolved by mutual agreement the matter shall follow the dispute resolution procedures set forth in Section VII of this agreement.

##### B. Budget

- (1) The annual budget for the Prosecuting Attorney's APS Program, once approved by the county fiscal body, shall be submitted by the Prosecuting Attorney to FSSA on the Form designated by FSSA, incorporated by reference hereto, by December 15th each year.

##### C. Financial Audits and Monitoring

- (1) The parties to this Agreement acknowledge and agree the performance of duties pursuant to this Agreement and state and federal law, including but not limited to transactions relating to the expenditure and receipt of APS program funds, are subject to audits authorized by and performed in accordance with state law. The parties further acknowledge and agree federal law requires FSSA monitor the use of the funds.

- (2) The Prosecuting Attorney will cooperate with FSSA in providing accountability for APS program funds. FSSA shall designate actions and communications made for monitoring or audit purposes.
- (3) The Prosecuting Attorney agrees to cooperate with monitoring including audits, authorized by and conducted in accordance with federal or state law by the Indiana State Board of Accounts, FSSA or other appropriate state agencies.
- (4) The Prosecuting Attorney shall maintain documentation for claims in accordance with state law, and local records retention requirements.
- (5) The parties to this Agreement will, when appropriate, provide mutual assistance and support to the party being audited, reviewed, or monitored.
- (6) If a state audit reveals noncompliance, FSSA will assist the Prosecuting Attorney in developing and implementing a local corrective action plan. Provided, however, that FSSA shall not be responsible for carrying out the duties and responsibilities of the Prosecuting Attorney.
- (7) Audit disallowances assessed against the state may be passed on to a responsible county if the audit disallowance is a result of noncompliance with this Agreement. FSSA will provide written notice to the Prosecuting Attorney and any other affected county official.
- (8) If a review or audit results in an audit exception or cost disallowance, FSSA shall have the right to withhold payment of current allowable claims or to request cash repayment. Upon request by the Prosecuting Attorney, the recoupment or repayment of funds may be extended over more than one quarter, as permitted by state law. If an audit exception or cost disallowance occurs, the Prosecuting Attorney shall submit a proposed corrective action plan to FSSA. If the proposed corrective action is unsatisfactory, FSSA may prescribe alternative action.
- (9) FSSA, with assistance of IPAC as appropriate, shall provide training and education to county officials responsible for establishing APS budgets and appropriating funds, making or approving expenditures of funds, preparing or submitting claims for payment of expenses or federal or state reimbursement or audit compliance.

## V.

### **Confidentiality, Security, and Confidentiality and Security Audits and Monitoring**

#### A. Confidentiality

- (1) The Prosecuting Attorney and FSSA agree that confidential information concerning endangered adults shall not be released outside the administration of the APS program and shall be used only for those business purposes authorized under relevant state law and regulations and the Indiana Rules of Court.
- (2) The Prosecuting Attorney and FSSA agree that all confidential information shall be safeguarded in accordance with all relevant state law and regulations, and Indiana Rules of Court, including but not limited to Administrative Rule 9.

#### B. Security

- (1) The Prosecuting Attorney will ensure that appropriate administrative, technical, and physical safeguards are in place to insure the security and confidentiality of records and to protect against any anticipated threats or hazards to their security or integrity which could result in substantial harm, embarrassment, inconvenience, or unfairness to any individual on whom information is maintained.
- (2) The Prosecuting Attorney shall ensure that all computers used to access confidential APS information in his or her office have up to date antivirus software with the latest definitions, up to date malware software, the latest operating system patches, the latest application security patches, firewall(s) turned on, and spam protection enabled on their e-mail system.
- (3) The Prosecuting Attorney shall prohibit confidential APS information from being copied to, and stored on removable digital media unless encrypted at the disk or device level, using a device approved by FSSA. The Prosecuting Attorney shall ensure that appropriate office policies are put in place to protect all APS information that is copied to and stored on removable digital media.
- (4) FSSA shall offer security and privacy awareness training to the Prosecuting Attorney. The Prosecuting Attorney shall ensure that one or more staff members attend the training.
- (5) If the Prosecuting Attorney requests assistance with compliance of the requirements described in this section, FSSA will ensure assistance is provided, including telephonic or on site consultation as necessary and appropriate.

#### C. Confidentiality and Security, and Program Audits and Monitoring

- (1) The parties acknowledge and agree that the performance of all duties pursuant to this Agreement and state law, including but not limited to confidentiality and security agreements described in this section are subject to audits and monitoring provisions.
- (2) The parties to this agreement will, when appropriate, provide mutual assistance and support to the party being audited, reviewed, or monitored.

### VI.

#### **Severability, Cancellation, and Renewal of the Agreement**

- (1) The invalidity of any section, subsection, clause, or provision of this Agreement shall not affect the validity of the remaining sections, subsections, clauses, or provisions of this Agreement.
- (2) The Prosecuting Attorney and FSSA agree that either party may cancel the Agreement pursuant to the terms of 465 Ind. Admin. Code § 1-1-6.
- (3) FSSA has a duty to provide funding until such date as the Agreement is actually cancelled provided that the Prosecuting Attorney continues to carry out all duties and responsibilities under this Agreement up to the effective date of the cancellation. FSSA need not provide funding on or after the effective date of the cancellation of the Agreement.

- (4) If the contract is not cancelled by either party during its term, the parties shall attempt to renew the contract prior to the expiration of its term.

## **VII.**

### **Disputes**

- (1) Should any disputes arise with respect to the Agreement, the Prosecuting Attorney and FSSA agree to act immediately to resolve them. Time is of the essence in the resolution of disputes.
- (2) The Prosecuting Attorney and FSSA agree that, the existence of a dispute notwithstanding, they will continue without delay to carry out all of their responsibilities under the Agreement that are not affected by the dispute. If the Prosecuting Attorney and FSSA cannot resolve a dispute within twenty (20) working days following notification in writing by either party of the existence of a dispute, then the following procedure described in paragraphs (3) and (4) of this section shall apply.
- (3) The parties to the Agreement agree to resolve such matters as follows:
- (a) Financial Matters: The Parties shall submit all disputes related to financial matters to the Commissioner of the Indiana Department of Administration for a written decision. The parties shall use the procedure established by the Commissioner or designee.
  - (b) State Statutes, Rule and Regulation Interpretation: The Parties shall submit all disputes related to the legality of any interpretation of state statute, rule, or regulation to the Indiana Attorney General and request a written legal opinion. The parties shall use the procedure established by the Indiana Attorney General, or designee.
  - (c) Policy Decisions: Unless otherwise stated in this agreement, APS policy decisions made by FSSA are not subject to review for issues not related to legality.

Should any of the above decline to render an opinion, a party may submit the dispute to a court of competent jurisdiction.

- (4) FSSA may withhold payments on the disputed items pending resolution of the dispute. The unintentional nonpayment by FSSA to the Prosecuting Attorney of one or more payments in dispute in accordance with the terms of this Agreement will not be cause for the Prosecuting Attorney to terminate the Agreement, and the Prosecuting Attorney may bring suit to collect these amounts without following the dispute procedure contained herein.

## **VIII.**

### **Term of the Agreement**

The Prosecuting Attorney and the Family and Social Services Agency agree that this Agreement shall extend from January 1, 20XX to December 31, 20XX. The parties further agree that this Agreement is subject to amendment in writing and by agreement as necessary to conform to pertinent legislative changes or enactments which govern the administration or responsibilities of the APS program, including changes in the governmental funding of the Program.

IN WITNESS WHERE OF, the undersigned have duly executed this Agreement.

FOR THE PROSECUTING ATTORNEY,

FOR THE INDIANA FAMILY AND SOCIAL  
SERVICES AGENCY

\_\_\_\_\_  
(SIGNATURE)

\_\_\_\_\_  
Dr. John Wernert  
Director

\_\_\_\_\_, Prosecutor

Print or Type Name

Date: \_\_\_\_\_

Date: \_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_

City \_\_\_\_\_

Zip Code: \_\_\_\_\_

Telephone: \_\_\_\_\_  
\_\_\_\_\_

Email address for confirmation of receipt of Agreement

Note: An endorsement should also be gathered from the President of the County Commissioners and County Council.

**Note: The following agreement was drafted by IPAC. It is an example only. There has been no negotiated agreement concluded between FSSA and the IPAC. Agreement with any of the terms listed below should not be implied.**

**AGREEMENT FOR ADULT PROTECTIVE SERVICES  
BETWEEN THE FAMILY AND SOCIAL SERVICES AGENCY AND INDIANA  
PROSECUTING ATTORNEYS COUNCIL**

**I.**

**Purpose of the Agreement**

This Agreement (“Agreement”) is entered into between the following parties: the Family and Social Services Agency (hereinafter referred to as “FSSA”) and The Indiana Prosecuting Attorneys Council (hereinafter referred to as “IPAC”). The intent of this Agreement is to provide for mutual assistance and procedures for providing Adult Protective Services (hereinafter referred to as “APS”) to endangered adults in the State of Indiana under Indiana Code Title 12, Article 10, Chapter 3.

**II.**

**Duties and Responsibilities of the Indiana Prosecuting Attorneys Council**

IPAC shall have the following duties and responsibilities:

- (1) To work collaboratively with the FSSA to carry out the trainings and communication of best practices.
- (2) To comply with all applicable federal and state laws, regulations and policy.
- (3) To employ staff sufficient to collaborate with FSSA and support APS activities statewide.
- (4) Joint FSSA / IPAC Activities:
  - a. Training and Consultation:
    - To work with the Agency to develop joint training and training materials/communications for APS prosecutors and their staff, on areas relevant to their duties set forth in the *Agreements* between the Agency and the Prosecutor. *Joint Training* includes but is not limited to: (to be agreed upon for each 4 year election cycle)
    - To provide consultation and support to prosecutors relating to their duties in the *Agreement* with the Agency and when appropriate conduct joint consultations for prosecutors who have requested assistance and those whom IPAC or the Agency has identified are in need of focused assistance.



- To work with the Agency, when appropriate, in providing APS education outreach and training to other officials, agencies, and branches of government. *Other agencies, officials, and branches of government* include, but are not limited to: legislators, executive branch agencies, auditors, judges, sheriffs, health care providers, county councils and commissioners.
- b. Technology:
- To assist the Agency, when appropriate, in the planning, design, implementation, procurement and training for new technology that impacts the performance of APS prosecutor and staff duties as set forth in the *Agreement* between the Agency and the Prosecutor.
  - To work collaboratively with the Agency to identify, evaluate and implement when feasible, technology solutions, in addition to the statewide computer system, to improve program performance, efficiency and services to the public.
- c. Policy, Procedure, Administrative Rules, Training and Instructional Materials, and Legislation:
- To advise and assist the Agency in drafting and implementing changes or proposed changes to policy, procedure, administrative rules, training materials and legislation that will impact prosecutors in carrying out the duties set forth in the *Agreement* between the Agency and the APS Prosecutor.
- d. Communications, Operations and Special Initiatives:
- To meet with the Agency as needed to ensure coordination and adequate communication occurs between the Agency and APS prosecutors relating to the delivery of APS services.
  - To seek the Agency's assistance when necessary in addressing interagency operational issues impacting prosecutors in carrying out the duties set forth in the *Agreement* between the Agency and the APS Prosecutor.
  - To work with the Agency to identify and implement feasible joint initiatives and projects that will improve APS program performance, efficiency and services to the public.
  - To provide research, assistance and support, in coordination with the Agency to prosecutors relating to their duties in the *Agreement* between the Agency and the APS Prosecutor.
  - To work with the Agency to develop and deliver communication and public outreach materials to be use by the Agency and prosecutors to promote the availability of APS services to all families.

- e. To assist the Agency in drafting the *Agreement* between the Agency and the APS Prosecutors.

### **III.**

#### **Duties and Responsibilities of the Family and Social Services Agency**

The Agency shall have the following duties and responsibilities:

- (2) To administer the APS program as authorized under Indiana law at I.C. 12-10-3-1 through I.C. 12-10-3-31 and as amended.
- (3) To work collaboratively with the IPAC to carry out the training and communication of best practices.
- (4) To assist, when requested, the IPAC in carrying out their duties and responsibilities under this agreement; and to notify the IPAC of relevant policy changes as soon as possible.
- (5) To collaborate with IPAC and APS prosecutors, and include IPAC APS committee representatives as appropriate, on all activities discussed in items II above.

### **IV.**

#### **Confidentiality**

The parties agree that APS information shall be confidential in accordance with all relevant state and federal law and regulations providing for safeguarding information, including but not limited to Indiana Open Door statutes and Indiana Supreme Court Administrative Rule 9.

### **V.**

#### **Cancellation of the Agreement**

That either party may cancel the Agreement with thirty (30) days advance written notice.

If the agreement is not cancelled by either party during its term, the parties shall attempt to renew the agreement prior to the expiration of its term.

### **VI.**

#### **Terms of the Agreement**

The parties agree that this Agreement covers the period of January 1, 20XX to December 31, 20XX. The parties further agree that this Agreement may be amended periodically to conform to any state or federal statutory changes, including changes in governmental funding of the program. Any such amendment shall be valid only in writing and duly executed by the parties.

IN WITNESS WHEREOF, the undersigned have duly executed this Agreement.

**FOR THE FAMILY AND SOCIAL SERVICES AGENCY**

\_\_\_\_\_

Dr. John Wernert

Director

Family and Social Services Agency

Date: \_\_\_\_\_

**FOR THE INDIANA PROSECUTING ATTORNEYS COUNCIL**

\_\_\_\_\_

David Powell

Executive Director

Indiana Prosecuting Attorneys Council

Date: \_\_\_\_\_

**End of samples agreements.**

## Appendix E, State Staff Job Descriptions

### State APS Director

The primary purpose of this position is to develop, oversee and promote a system of programs and policies that support the safety and well-being of adults at-risk because of mental or physical incapacities that prohibits them from self-care and self-determination. This position manages the performance of contracted APS providers as well as providing the external face of APS to constituent groups and community collaborative efforts. Specific duties include, but are not limited to:

- Collaborate with others in the FSSA divisions to ensure that adult protective services' policies and operations work in tandem and do not conflict with each other.
- Develop relationships with stakeholder entities, both internal and external to state government, to ensure collaboration and coordination of protective services.
- Ensure program compliance with all federal requirements, including but not limited to the Older American's Act.
- Use program data from local APS units to identify and assess program responsiveness, operations and program compliance.
- Serve as a liaison to the 18 prosecutors' offices serving as APS Hubs.
- Recruit and hire state staff.
- Provide consultation to the division director.
- Develop and implement policies and procedures that guide the program.
- Oversee the design, protection and maintenance of APS case management databases.
- Design and supervise delivery of investigator training.
- Represent the division on boards and advisory committees.
- Monitor the APS program and review the compliance of contracted providers, including monitoring of budget and authorization of expenditures.
- Monitor the budget and authorization of expenditures.
- Represent Indiana at national and regional conferences.

### Assistant Director for Operations

The primary purpose of this position is to manage, promote and ensure consistent operations among the 18 APS units and to support the safety and well-being of adults who are at risk of mental or physical incapacities which prohibit them from self-care and self-determination. Specific duties include, but are not limited to:

- Facilitate interagency and intra-agency coordination to resolve emergency situations elevated by APS units requiring state level assistance.
- Serve as liaison to local APS units for problem identification, program coordination and resolution to assure safety of endangered adults.
- Provide technical assistance to local APS units and other community entities concerning Adult Protective Services.
- Assist in developing statewide APS policies and procedures.
- Assist in monitoring the program budget.

- Screen monthly claims to ensure expenditures comply with state regulations and agency guidance.
- Develop and manage the APS emergency placement program.
- Answer all constituent inquiries; maintain a log for all inquiries and complaints concerning APS operations and policies.
- Supervise APS hotline operations; ensures continuous and uninterrupted operation.
- Recruit and hire hotline staff
- Develop, maintain and improve hotline performance and responsiveness by implementing systems, identifying and resolving problems.
- Collect and analyze hotline data and trends.

### Assistant Director for Quality and Training

The primary purpose of this position is to provide state level leadership and training concerning the 23 APS core competencies in accordance with 455 IAC 1-2. Further to monitor unit performance and provide technical assistance and training as part of the APS quality assurance program.

- Develop the program of instruction, curriculum, lesson plans and training materials for a statewide APS training program.
- Develop, plan and conduct pre-service and in-service training for all APS employees.
- Develop program performance goals, accountability measures and metrics to assess program performance and identify training needs.
- Develop and administer a case review process to assess compliance with program standards, policies and procedures.
- Ensure required key indicators are provided annually to the National Adult Maltreatment Reporting System.
- Serve as the division's point of contact for the annual Money Smart Program.
- Supervise APS training staff.

### Hotline Operator

The primary purpose of this position is to receive and forward calls alleging abuse of a disabled adult to the appropriate APS unit. Specific duties include but are not limited to:

- Receive all incoming calls involving abuse, neglect or exploitation of a disabled or incapacitated adult, make quick decisions regarding the adult's life and well-being and determine immediacy and type of response needed based on initial risk assessment; contact police for immediate assistance or forward report to APS unit for further screening and investigation.
- Elicit essential elements of information from caller including the contact information of the endangered adult, reporter, alleged offender and family members; the nature of the alleged abuse, neglect or exploitation; the physical and mental condition of the endangered adult; and any other relevant information in accordance with IC 12-10-3-10.
- Enter all information into the APS case management system.