

Interim Study Committee on Courts and the Judiciary
Thursday, September 21, 2017
1:00 PM in Room 431

Chris Gaal (Monroe County Prosecutor - IPAC)

- Adult Protective Services (APS) investigates reports of endangered adults
- An endangered adult is:
 - A person 18 years of age or older, incapable of managing their own property
 - and; Are threatened with harm due to neglect, including self-neglect
- Imagine a 40-year-old developmentally disabled person, his mother dies, no other relatives can take care of him, no plan is in place to take care of him. Being unable to manage his own affairs, APS gets a call to devise a plan for where this person will go.
- Investigating as to whether someone is an endangered adult is something we have experience doing
- There are several free services provided by lawyers for APS
- Each APS unit has a HUB office in the County Processors office
- APS receives reports of potentially endangered adults
- APS investigates the claims and makes a determination of the statutory definition of an endangered adult
- We develop a protective services plan when the determination is made for endangered adults
- The law requires us to use the least restrictive protective services available
- In criminal cases, APS will work in conjunction with law enforcement
- By month we are investigating about 12,000 cases
- There are 29,267 endangered adults in the system currently
- We have 17 unit directors
- With 17 new investigators, we now have a total of 52 investigators
- SEA-192 Called on FSSA (Family and Social Services Administration) and IPAC to report to the budget committee regarding six issues:
 - The appropriate staffing levels
 - Emergency placement availability
 - Cost and benefit of a centralized intake system
 - Consistent standards of care
 - Appropriate training levels for staff
 - A co-operative agreement
- There are things that can be addressed immediately and others that will need time and funding
- The idea of a 24/7 hotline is low hanging fruit

Karen Richards (Allen County Prosecutor - IPAC)

- This is a population (endangered adults) that is going to explode over the next few years
- We need to work on a co-operative agreement between FSSA and hub prosecutors
- There is no budget to provide training to APS folks across the state
- We need to implement a statewide training program
- In many smaller counties, there are no places to house endangered adults

- We are looking for money to place endangered adults into care until Medicaid comes through for them
- We would like to have a staff of attorneys and forensic accountants so that we can follow the money in regards to fraud cases

Rep. Washburne

- It is in the United States and Indiana Constitutions' that people have a reasonable expectation of privacy in their documents and financial information
- Guarding the access of records is very important. We cannot give out records without a subpoena

Q: (Sen. Lanane) I appreciate that the prosecuting attorneys have stepped into this issue. The fact that we have 15 hub's that serve five or six counties each, aren't you really just under resourced?

A: (Richards) Yes.

Q: (Sen. Lanane) Aren't you really a law enforcement agency dealing with a social service issue?

A: (Richards) People have asked that before and my answer is a few things:

- I think we do not only look at ourselves as law enforcement, we are more like problem solvers
- We even collect child support, which has nothing to do with criminal law
- We have a huge civil division
- As a prosecutor's office, we do a lot of other things besides law enforcement
 - Like how do you solve a problem of someone with an addiction issue
 - Only one out of seven people working for me has a law background

A: (Gaal) We don't provide any services: We try to provide a plan in conjunction with service providers. We deal with such a diversity of service providers that in order to improve the system we need to fill the gap from both ends.

Dax Denton (Indiana Bankers Association)

- Senate Bill 345 was a piece of legislation we supported
- There are roughly 10,000 reports of elder abuse reported per year
- It is very important to us that financial institutions have immunity, whether they disclose information or not
- Giving banks the ability to release this information is also important

Q: (Sen. Sandlin) I have done these types of investigations. I've got to say; I don't recall going to a financial institution and interviewing a branch manager or teller and getting any problems with this information. If the statute you just talked about could possibly be firmed up to provide immunity to a person that has privileged information, do you think that would be beneficial?

A: (Denton) Certainly, immunity is a key component. I agree, I have not heard of circumstances where banks will not cooperate with law enforcement.

Q: (Sen. Sandlin) What would be the ability of a bank to refuse a subpoena?

A: (Denton) Honestly I don't know the answer to that.

Q: (Rep. Washburne) Would you vote to suspend the 4th amendment?

A: (Denton) That's a tough question to raise.

(Rep. Washburne) Every year we are faced with things that would not be bad public policy, but we cannot undermine the Constitution.