

5101:2-20-02

Provisions for adult protective services.

(A) The county departments of job and family services (CDJFS) shall be responsible for the receipt of all verbal or written allegations of abuse, neglect or exploitation for adults age sixty and older, and the completion of all intake activities. These activities shall include, but not limited to, the following:

(1) The CDJFS shall have staff available to receive reports by telephone, mail, fax or in person during agency work hours.

(2)) All information received by the CDJFS shall be documented and included in the case record.

(B) The report shall include, but not be limited to, the following:

(1) The date and time the allegation was received.

(2) The name, address, and the relationship of the reporter to the alleged adult victim, unless the reporter chooses to remain anonymous.

(3) The name, address, and approximate age of the adult who is the subject of the report, if known.

(4) The name, and address of the caregiver responsible for the adult's care, if any, and if known.

(5) The name, and address of the alleged perpetrator if different then the adult's caregiver, if known.

(6) The nature and extent of the alleged abuse, neglect, or exploitation of the adult.

(7) The basis of the reporter's belief that the adult has been abused, neglected, or exploited.

(8) The name(s), age(s), and relationship(s) of other known household member(s).

(9) The name(s), address(s), and/or telephone number(s) of any known collateral sources.

(C) The report shall be deemed an emergency if an adult is reported to be living in a condition which presents substantial risk of immediate physical harm or death. The risk can be the result of the adult's own action or inflicted on the adult by another person.

(1) Emergency reports shall be initiated within twenty-four hours from receipt of the report.

(2) Non-emergency shall be initiated within three working days from the receipt of

the report.

(D) The CDJFS shall make a cross referral to the following agencies, as necessary:

- (1) The county board of mental retardation and developmental disabilities (MR/DD) if the report involves an adult who has mental retardation or a developmental disability as defined in section 5126.01 of the Revised Code.
- (2))The regional or state long-term care ombudsperson if the report involves an adult who resides in a long-term care facility and their rights have allegedly been violated as defined in sections 173.01 and 173.19 of the Revised Code.
- (3) The Ohio department of health if the report involves an adult who resides in an adult care facility as defined in section 3722.01 of the Revised Code, who has allegedly been abused, neglected, or exploited by facility staff.
- (4) The local public children services agency if the report involves the safety or welfare of a child under the age of eighteen or a mentally retarded, developmentally disabled, or physically impaired child, as defined in rule 5101:2-2-01 of the Administrative Code, under the age of twenty-one as described in section 2151.421 of the Revised Code.

(E) The CDJFS or its designated agency, shall be responsible for investigating all reports of abuse, neglect, or exploitation for adults age sixty and older, and shall evaluate the need for adult protective services.

(F) The CDJFS or its designated agency shall conduct the following investigative activities:

- (1) Attempt a face-to-face visit with the alleged adult victim, preferably in the alleged adult victim's own home without the interference of others. If face-to-face contact is not possible, the reason(s) must be documented in the case record.
- (2) At the time of the initial interview, give written notice of the intent to investigate and explain the notice in language reasonably understandable to the adult who is the subject of the investigation. The CDJFS shall arrange for translator/interpreter services when needed.
- (3) Assess the risk to the adult who is subject of a report, by considering the following factual information:
 - (a) The specific danger (abuse, neglect, or exploitation) and the degree of danger (physical or sexual harm; mental anguish or mental illness) in the adult's living conditions.
 - (b) The personal vulnerability of the adult, which may include one or more of

the following conditions:

(i) Handicap due to infirmities of aging.

(ii) Physical or mental impairments preventing the adult from providing for his/her own care without the assistance of a caretaker.

(iii) The adult's understanding of his/her current situation.

(iv) The adult's feelings about his/her current living situation.

(c) The social vulnerability of the adult, which may include one or more of the following conditions:

(i) The absence of a guardian, caretaker, spouse, adult children, next of kin or friends.

(ii) The unlawful or improper act of a caretaker using an adult or his/her resources for monetary or personal benefit, profit, or gain.

(iii) The failure or inability of a caretaker or the adult to provide goods or services necessary to avoid physical harm, mental anguish or mental illness.

(4) Interview other known persons and/or agencies who may have knowledge of the abuse, neglect or exploitation.

(5) Any additional findings regarding the adult victim that are discovered during the initial investigation of suspected abuse, neglect, or exploitation while the CDJFS or its designated agency is actively involved with the adult, must also be investigated.

(G) If during the course of an investigation, the CDJFS or its designated agency has reason to believe that the adult victim is at risk, and the CDJFS or its designated agency is denied access or access into the residence is obstructed by any person, including the adult victim, the CDJFS or its designated agency may file a petition in court for a temporary restraining order. After obtaining an order restraining the obstruction of or interference with the investigation by any person, including the resident, the CDJFS or its designated agency may request accompaniment to the residence by a peace officer.

(H) The investigation shall be completed no later than thirty calendar days from the receipt of the report or no later than forty-five days when additional information is needed to determine a case disposition which could not be obtained within the thirty day timeframe. The reason for the fifteen calendar day extension must be documented in the case record.

- (I) The investigation shall not be considered complete until all additional findings that contribute to the risk of the adult are investigated and found to be validated or non validated.
- (J) An investigative report containing the following information, shall be placed in the case record in accordance with the timeframes outlined in paragraph (H) of this rule. The report shall include:
- (1) A summary of the investigation/assessment activities and conclusions as specified in paragraphs (E) to (J) of this rule.
 - (2) A determination as to whether the report of abuse, neglect, or exploitation is validated or non validated and the reason for this conclusion.
 - (3) Documentation of the services needed that were identified and the referrals made to other social service agencies, if applicable.
- (K) The CDJFS or its designated agency shall develop a written protective services plan for each adult who receives protective services. The protective services plan shall be part of the case record.
- (1) A protective services plan shall be developed by the CDJFS or its designated agency no later than thirty calendar days after the report is validated.
 - (2) Each protective services plan shall include, but is not limited to, the following:
 - (a) The identified problem.
 - (b) The protective services objectives.
 - (c) The type of protective services that will be provided and the service provider(s).
 - (d) Effective dates of protective service plan.
 - (e) Signature of the adult victim. If the adult refuses to sign the plan, the worker shall document the reason in the case record and/or petition the court pursuant to paragraph (L)(1) of this rule.
 - (3) The protective service plan shall be based upon the least restrictive services available to meet the needs of the adult.
 - (4) At the end of the initial six month period of service, the CDJFS shall assess the need to continue providing protective services. If the adult continues to be at risk and in need of protective services, the CDJFS or its designated agency shall develop a service plan for the next six months and every six months

thereafter until the case can be closed. The assessment shall be written and placed in the case record.

- (5) The CDJFS or its designated agency has the responsibility to reassess the level of risk and amend the service plan anytime there is a change in the adult victim's circumstances that contributed to the need for services.
- (6) In the development of the protective services plan, the CDJFS or its designated agency must involve the adult and significant other(s) which may include relatives, friends, care givers, and/or neighbors to the extent possible.
- (7) The CDJFS or its designated agency shall be responsible for the delivery of services or may arrange service delivery through the use of referrals, contracts or written agreements.
- (L) The CDJFS or its designated agency shall terminate adult protective services in the following circumstances:

 - (1) When requested by the adult who is the recipient of the protective services. However, if the CDJFS or its designated agency determines that an adult is in need of protective services and the adult is incapacitated or incompetent, it may petition the court for an order authorizing the provision of protective services.
 - (2) When the adult is no longer in need of protective services based on the reassessment of risk.
 - (3) When the adult subject leaves the CDJFS area of jurisdiction. In such an instance, the CDJFS shall make a referral to the new county or state of residence, if known, and upon request of the authorized receiving agency, provide appropriate information to facilitate determination of need for adult protective services in the new county or state of residence.
 - (4) When the adult victim has been placed in an institution, unless the institutionalization is court ordered.
 - (5) When the adult dies.

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Certification

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