

5101:2-20-12

**Adult protective services assessment and investigation.**

(A) The county department of job and family services (CDJFS) or its designee shall be responsible for conducting an assessment/investigation on all reports of abuse, neglect, or exploitation for adults age sixty and older, and shall evaluate the need for adult protective services.

(B) The CDJFS or its designee shall do all of the following:

(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 or its designee 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 or her own care without the assistance of a caretaker.

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

(iv) The adult's feelings about his or 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 or 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) Investigate additional concerns regarding the adult victim that are discovered during the initial investigation of suspected abuse, neglect and/or exploitation while the CDJFS or its designee is actively involved with the adult.

(C) The CDJFS or its designee may request an ex parte emergency protective services order under the following circumstances:

(1) An emergency exists.

(2) There is reasonable cause to believe that the adult is incapacitated.

(3) There is reasonable cause to believe that there is a substantial risk to the adult of immediate and irreparable physical harm, immediate and irreparable financial harm or death.

(D) The CDJFS or its designee may request an emergency protective services order under the following circumstances:

(1) The adult is an incapacitated person.

(2) An emergency exists.

(3) No person authorized by law or court order to give consent for the adult is available or willing to consent to emergency services.

(4) There is reasonable cause to believe that there is a substantial risk to the adult of immediate and irreparable physical harm, immediate and irreparable financial harm, or death.

(E) The CDJFS or its designee may request a temporary protective services order at the ex parte order hearing or the emergency protective services order hearing.

(F) The CDJFS or its designee may request the following services through a court order for adult protective services:

(1) Evaluations.

(2) Emergency services order.

(3) The freezing of the adult's financial assets.

- (4) Orders requiring a party to vacate the adult's place of residence or legal settlement.
- (5) Restraining orders. If a restraining order is issued due to the obstruction of or interference with the investigation by any person, including the resident, the CDJFS or its designee may request accompaniment to the residence by a peace officer.
- (G) 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 and the information could not be obtained within the thirty day time frame.
- (H) The CDJFS or its designee shall request an extension of the time frame for completing the case disposition if the CDJFS or its designee is unable to complete specific assessment/investigative activities within thirty calendar days. The justification for the extension shall:

  - (1) Contain written justification for not meeting the established time frame.
  - (2) Contain supervisory approval of the written justification prior to the expiration of the established time frame.
  - (3) Be maintained in the case record.
- (I) The investigation shall not be considered complete until all additional concerns that contribute to the risk of the adult are investigated and found to be validated or nonvalidated.
- (J) An investigative report containing the following information shall be placed in the case record in accordance with the time frames outlined in paragraph (G) of this rule. The report shall include:

  - (1) A summary of the investigation/assessment activities, dispositions and case opening disposition as specified in paragraphs (B) to (F) of this rule.
  - (2) A determination as to whether the report of abuse, neglect and/or exploitation is validated or nonvalidated and the reason for this conclusion.
  - (3) Documentation of the service needs that were identified and the referrals made to other social service agencies, if applicable.
  - (4) Case opening decision.
  - (5) Court filings if required to complete investigation.

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CERTIFIED ELECTRONICALLY

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Certification

09/22/2016

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Date

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