



STATE OF HAWAII
DEPARTMENT OF HUMAN SERVICES
Adult Protective and Community
Services

MANDATED REPORTER TRAINING

What Today's Training Will Cover

- ✓ What is APS
- ✓ APS Goals
- ✓ Capacity
- ✓ Who is a Vulnerable Adult
- ✓ Types of Abuse
- ✓ Abuse Definitions
- ✓ Investigation Process
- ✓ APS and Police Interface
- ✓ Mandated Reporters
- ✓ Making an APS Report

What is Adult Protective and
Community Services (APS)?

APS receives and investigates reports of abuse to vulnerable adults

APS provides short-term services to protect the health, safety and welfare of
vulnerable adults who have been abused, neglected, or financially exploited

APS Goals

Safety:

Remedy the abuse, neglect, and/or exploitation of a vulnerable adult

Stabilize:

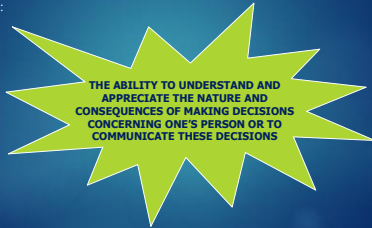
the situation through counseling and/or support services

Respect:

the individual's right to self-determination

Definition of Capacity

Hawaii Revised Statutes Chapter 346-222 defines "capacity" as:



Capacity

- ✓ If capacity is at issue, the vulnerable adult must be examined by a psychiatrist or qualified physician (HRS 346-240)
- ✓ The court shall also make a finding concerning the capacity of the vulnerable adult to effectively make decisions concerning personal needs or property (HRS 346-240)

Definition of Vulnerable Adult

1. Age 18 or older, *and*
2. Has a mental, developmental or physical impairment, *and*
3. Is unable to:
 1. Communicate or make responsible decisions to manage person's own care or resources, *or*
 2. Carry out or arrange for essential activities of daily living, *or*
 3. Protect oneself from abuse

Definition of Abuse

Hawaii Revised Statutes Chapter 346-222 defines "abuse" as, any of the following, separately or in combination:

- Self-neglect
- Physical abuse
- Caregiver neglect
- Financial Exploitation
- Psychological abuse
- Sexual abuse

Definition of Self-Neglect



1. The *vulnerable adult* is unable, due to physical or mental impairment (or both) to perform tasks essential to caring for oneself;
2. Appears to lack understanding or capacity to make or communicate responsible decisions; and
3. Appears to be exposed to an immediate risk of death or serious physical harm.

Self-Neglect



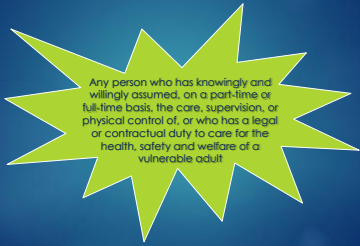
Self-Neglect



Self-Neglect



Definition of a Caregiver



Examples of Caregivers

- ✓ Primary caregiver
- ✓ Adult residential care-home (ARCH) operator
- ✓ Adult day-care program
- ✓ Family member
- ✓ Power of attorney/durable power of attorney
- ✓ Legal guardian
- ✓ Health-care facility

Definition of Caregiver Neglect

Failure of a caregiver to exercise that degree of care for a vulnerable adult that a **reasonable person with the responsibility of a caregiver would exercise** within the scope of the caregiver's assumed legal or contractual duties, including but not limited to:









Definition of Sexual Abuse

Non-consensual sexual contact or conduct caused by another person, including, but not limited to:

- ✓ Sexual assault
- ✓ Molestation
- ✓ Sexual fondling
- ✓ Incest
- ✓ Prostitution
- ✓ Or pornographic photographing, filming or depiction

Investigation Process

- ✓ Assigned to a social worker, nurse, assistant, and auditor (for financial cases)
- ✓ Unannounced visits; will attempt to go more than once. Speak to the victim and perpetrator separately
- ✓ Ensure safety, stability, right to self-determination
- ✓ Order for immediate protection (OIP)
- ✓ Legal Guardianship (for vulnerable adult who lacks capacity)

Police Involvement

- ✓ Per HRS 346-229, Right of Entry: APS may request the assistance of a police officer for a warrantless entry to ascertain the vulnerable adult's welfare
- ✓ APS will report to police or the Department of the Attorney General, and Medicaid Fraud Control Unit, when APS suspects that a crime has been committed



Mandated Reporters

State law requires certain professionals to report vulnerable adult abuse (HRS Chapter 346, Part X)

All personnel in:

- ✓ Social Services
- ✓ Law Enforcement
- ✓ Health care
- ✓ Medical Examiners or Coroners
