

**Protecting Adults:
A Community Concern**



PSA
Protective Services for Adults

New York State
Office of
Children &
Family
Services





**Onondaga County Department of Adult
and Long Term Care Services
Protective Services for Adults
315-435-2815**

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**PROTECTING ADULTS:
A COMMUNITY CONCERN**

- State Mandated Program
- Adults ages **18 or older** who because of mental or physical impairments:
 - Can no longer provide for their basic needs;
 - Cannot protect themselves from neglect, abuse or hazardous situations; and
 - Have no one willing and/or able to help in a responsible manner.
- Without regard to income.

PSA Elderly Clients

- Continue to grow as our population ages and family ties become strained by distance and burden of chronic illness.
- Approximately 19% (3,684,203) of New York State's total population (19,378,102) is age 60 or over. (2010 U.S. Census)
- Historically, adult neglect cases have far outnumbered abuse cases by about 3 to 1.

Aging and Our Community

- In 2012, 14.6% of Onondaga Co.'s estimated 466,853 residents were over 65 years old.
- Onondaga Co. anticipates a 30% increase in the population ages 65-74 and a 25% increase in its population over 75 during the next 20 years, while the overall population will decrease by 10%. (Onondaga Co. Trends 2007 Summary)

Recent Local PSA Statistics

- In 2015, 243 referrals regarding suspected elder abuse were handled by APS in Onondaga County (an increase of 24%).
- Only 1 in 35 such incidents are actually reported in our area (about 8,000 are not).
- Conclusions – Elder abuse is increasing, elderly persons are abused at a higher rate, and most cases are never reported.

The Mission of PSA

Protective Services for Adults is a system of services aimed at ***maintaining individuals in the community as long as possible*** rather than institutionalizing them.

PSA's Guiding Principles

- Right to Self Determination
- State's Authority to Intervene
 - Police power
 - "Parens patriae"
- Least Restrictive Alternative

PSA Client Characteristics

- Physical or Mental Impairment
The adult must have a physical illness or disability and/or a mental impairment that results in a decreased capacity for self-care and self-determination.

AND

PSA Client Characteristics

- Inability to meet essential needs or to protect oneself from harm...The adult must be at risk due to one or more of the following circumstances:
 - Unable to perform essential daily living activities.
 - Unable to obtain needed benefits and services.
 - Defenseless against abuse by another person, or vulnerable to financial exploitation or other criminal actions.
 - Unable or unwilling to manage personal finances.
 - Conditions which present a serious or immediate threat to life.**AND**

PSA Client Characteristics

- Have no one available willing and able to assist responsibly...
 - In many instances relatives are not willing or able to meet all of the client's essential needs.
 - In other cases, family members may be abusing or neglecting the client.
 - Neighbors or friends who have no legal responsibility may hesitate to play more than a limited role.
 - The ability and willingness of other agencies must be weighed against the client's needs.
 - It may be necessary for the social services district to maintain an active role in the provision of services.
 - To clients whose needs exceed the service capacity of relatives or other providers.

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PSA Service Delivery

- Referral
 - The law requires PSA to conduct an investigation whenever it receives oral or written information concerning a person who is thought to be in need of protective services. PSA must accept all referrals made within normal working hours.
- Investigation
 - PSA is required to act on referrals of life-threatening situations within 24 hours of receipt of the information. For other referrals, an investigation is begun within 72 hours and a home visit is made to the client within three working days.

PSA Service Delivery

- Assessment
 - An assessment/services plan must be made by PSA within 60 days of the referral.
 - The PSA worker assesses the risks.
 - The PSA worker develops a plan of services.
 - Efforts are made to contact family, friends, neighbors and other community-based services.
 - Social Services Law Section 473-c provides a means for Protective Services for Adults (PSA) to gain access to a person who may be in need of protective services but to whom access is being denied.
 - A petition must be filed in Supreme or County Court and if granted, authorizes PSA staff, accompanied by a police officer, to conduct an assessment.

Services

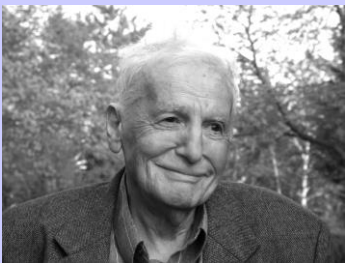
- Counseling
- Case Management
- Advocacy
- Money Management
- Finding Alternative Living Arrangements

Consulting the Service Network

- Social Services Law requires that PSA staff consult with other appropriate public, private and voluntary agencies in order to assure maximum understanding, coordination and cooperation action in the provision of appropriate services to protective services clients.

Making a Referral

- **Any concerned person** – a family member, a friend, a neighbor, a health professional or social worker – who sees an individual who, because of an impairment, is unable to cope with everyday life and is in need of PSA's help, can call the local office of PSA based on residence. Of course, **individuals who recognize their own need** for help may call on their own behalf.
- **Immunity:** Social Service Law 473-b provides immunity from civil liability to persons who, in good faith, refer an adult whom they believe may be endangered or in need of protective service.
- In Onondaga Co., call your local **Protective Services for Adults**. 315-435-2815



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RISK FACTORS FOR ABUSE OR EXPLOITATION

- Access
- Stresses
- History
- Functional Status
- Social Supports
- Financial Status
- Living Arrangements

Access

- Victims and abusers are reluctant to allow worker to visit. Family member insists on being present during the interview.

Stresses

- Recent change in employment, marital status, decline in health status, death of someone close may all lead to emotional or physical abuse or neglect.

History

- Pattern of physician or hospital hopping to avoid abuse detection; unexplained delay in seeking treatment; previous unexplained injuries; victim and abuser provide differing accounts of injuries; use of alcohol or drugs by either victim or abuser; history of family violence.

Functional Status

- Victim may have dementia, developmental disabilities, they may be functionally frail and abuser may be overwhelmed, frustrated and/or resentful; victims may be caregivers to a substance abusing, mentally or developmentally disabled abuser; abusers may not want supportive services in the home.

Social Supports

- Victims are often socially isolated; abuser may attempt to limit victim's contact with others.

Financial Status

- Abusers may be financially dependent on victim; victim may have informally or legally given abuser control over income/assets

Living Arrangements

- Victims and abusers often live together in same household; one is often dependent on the other for housing



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Crisis Interventions

State law contains several specific interventions that can be utilized in crisis situations. A crisis is defined as a situation in which there is an **immediate and identifiable danger** to a person or his property. If the person, because of an impairment, is incapable of making the choices necessary to remove the endangering condition, the following interventions can be used to address crises:

Crisis Interventions

- Short-Term Involuntary Protective Services Orders (STIPSO)
 - **When an adult is at imminent risk of death or serious physical harm, is unable to understand the risk because of an impairment, and is refusing services**, PSA may apply to the supreme or county court for authority to provide involuntary emergency services for a 72-hour period, with one renewal for an additional 72 hours. The person may be removed to a hospital or receive other services available through PSA. (Social Services Law 473-a.)

Crisis Interventions

- ACCESS ORDER
 - **Social Services Law § 473-c.**
- PSA may apply to the court for an order to gain access to a person to assess whether such person is in need of protective services for adults when such official, having reasonable cause to believe that such person may be in need of protective services, is refused access by such person or another individual

Crisis Interventions

- Admission to a Psychiatric Facility
 - PSA will work with mental health professionals and/or police officers to obtain treatment for a mentally ill person living in the community who is **acting in a manner likely to cause harm to self or to others.** (New York Mental Hygiene Law, Article 9.)

Crisis Interventions

- Admission to a Developmental Center
 - PSA may apply for admission to a developmental center on behalf of an individual who is mentally retarded, in need of involuntary care and treatment and has no one else to provide the necessary help. (New York Mental Hygiene Law, Article 15.)

Crisis Interventions

- Orders of Protection
 - PSA will assist an adult to apply, or apply on his or her behalf to family or county court for an order of protection to control abusive or criminal acts between family members or people in the same household. The order may instruct a person, for example, not to hit the client, or to stop interfering with the delivery of necessary services, such as home care. A person may be ordered to participate in a counseling or substance abuse treatment program (Family Court Act, Article 8.)

RECENT CHANGE IN FAMILY OFFENSES (as of 12/18/13)

- Crimes of identity theft, larceny and coercion
- As family offenses, they are now subject to mandatory arrest and the order of protection will be added to the statewide order of protection registry.
- New conditions can be included in orders of protection requiring return of specified "identification documents"

Crisis Interventions

- **Family Health Care Decisions Act**
- **Article 29-CC of Public Health Law**
- **Allows a surrogate (from a list by priority) to make medical determinations, including end-of-life decisions, for someone who is found to be incapacitated by physicians. May avoid guardianship proceedings.**

Legal Procedures of Long-Term Consequence

- PSA must petition the courts when long-term management of impaired person and/or their property is required and no one else is willing and able to assist responsibly.
- ***Guardianship*** (New York Mental Hygiene Law, Article 81)
- ***Guardianship of the Developmentally Disabled*** (Surrogate Court Procedure Act, Article 17-A)

Power of Attorney

- On September 1, 2009 (as revised in 2010), significant changes to powers of attorney took effect designed to prevent the abuse of powers of attorney
- One of the most important changes was the allowance of special proceedings to review the validity of the power of Attorney and to review the actions of the Agent
- General Obligations § 5-1510

Pending New Legislation

- Several introduced statutes designed to enhance the criminal justice system concerning elder abuse, collecting data on elder abuse, and stopping abusive financial transactions.



New York State
Office of Children & Family Services
Capital View Office Park
52 Washington Street
Rensselaer, New York 12144



State of New York

PSA

Protective Services for Adults

NYS website:

www.ocfs.state.ny.us

To report adult abuse, call (within New York State only): 1-844-697-3505 or



ONONDAGA CO. DEPARTMENT OF ADULT & LONG TERM CARE SERVICES
PROTECTIVE SERVICES FOR ADULTS

315-435-2815
