

ADULT PROTECTIVE SERVICES (APS)

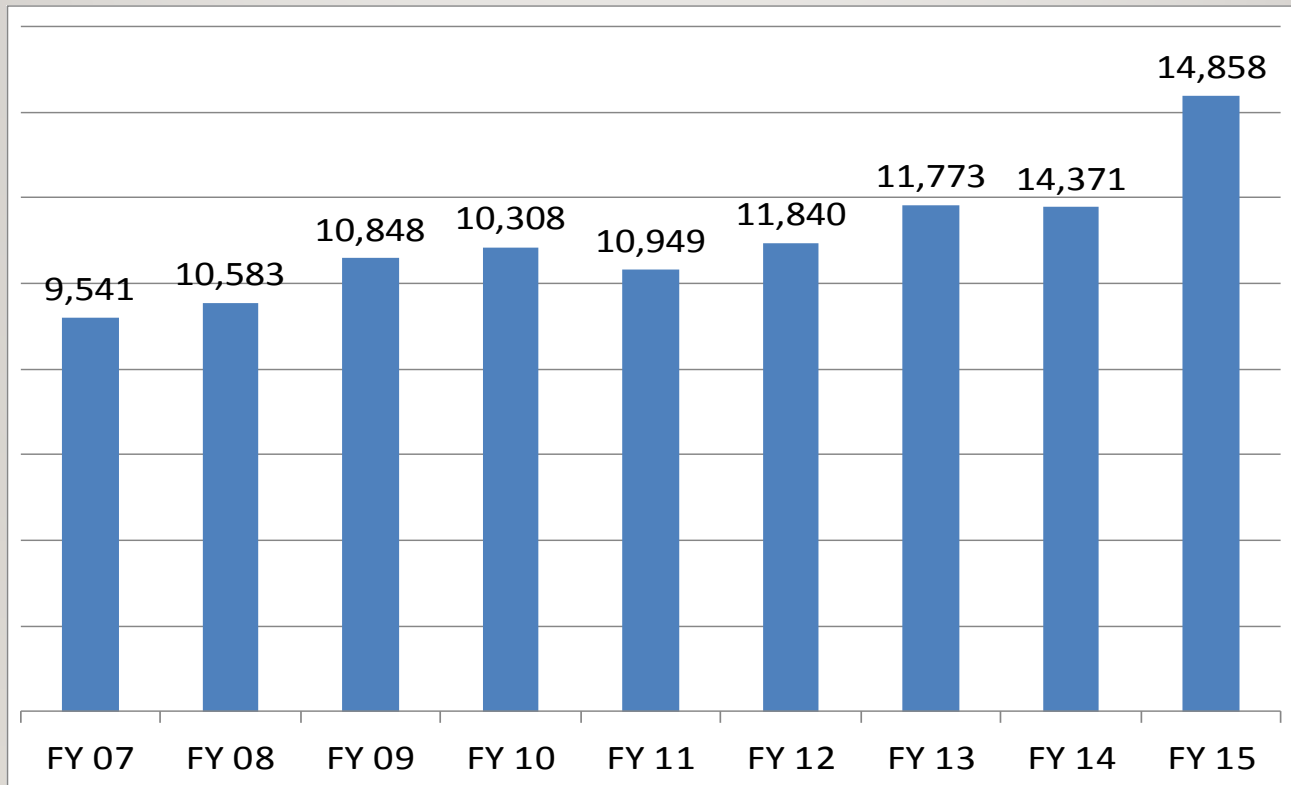
HOLLY ZIELKE, MA

ILLINOIS DEPARTMENT ON AGING

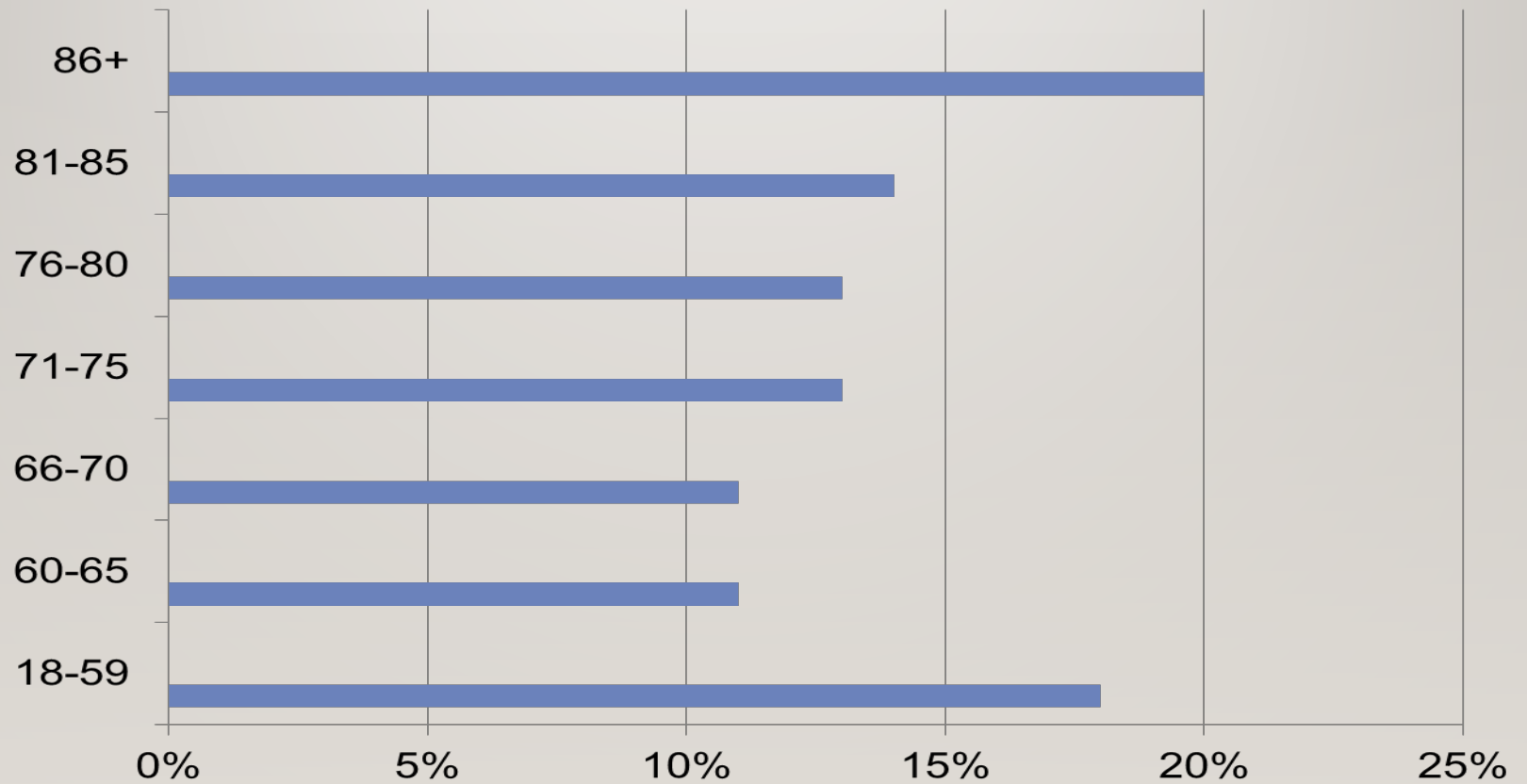
ILLINOIS

- Illinois Elder Abuse and Neglect Act signed into law in 1988.
- Statewide Program as of 1990.
- 42 Provider Agencies
- July 2013, The Elder Abuse and Neglect Act is revised into the Adult Protective Services Act (**320 ILCS 20/**)

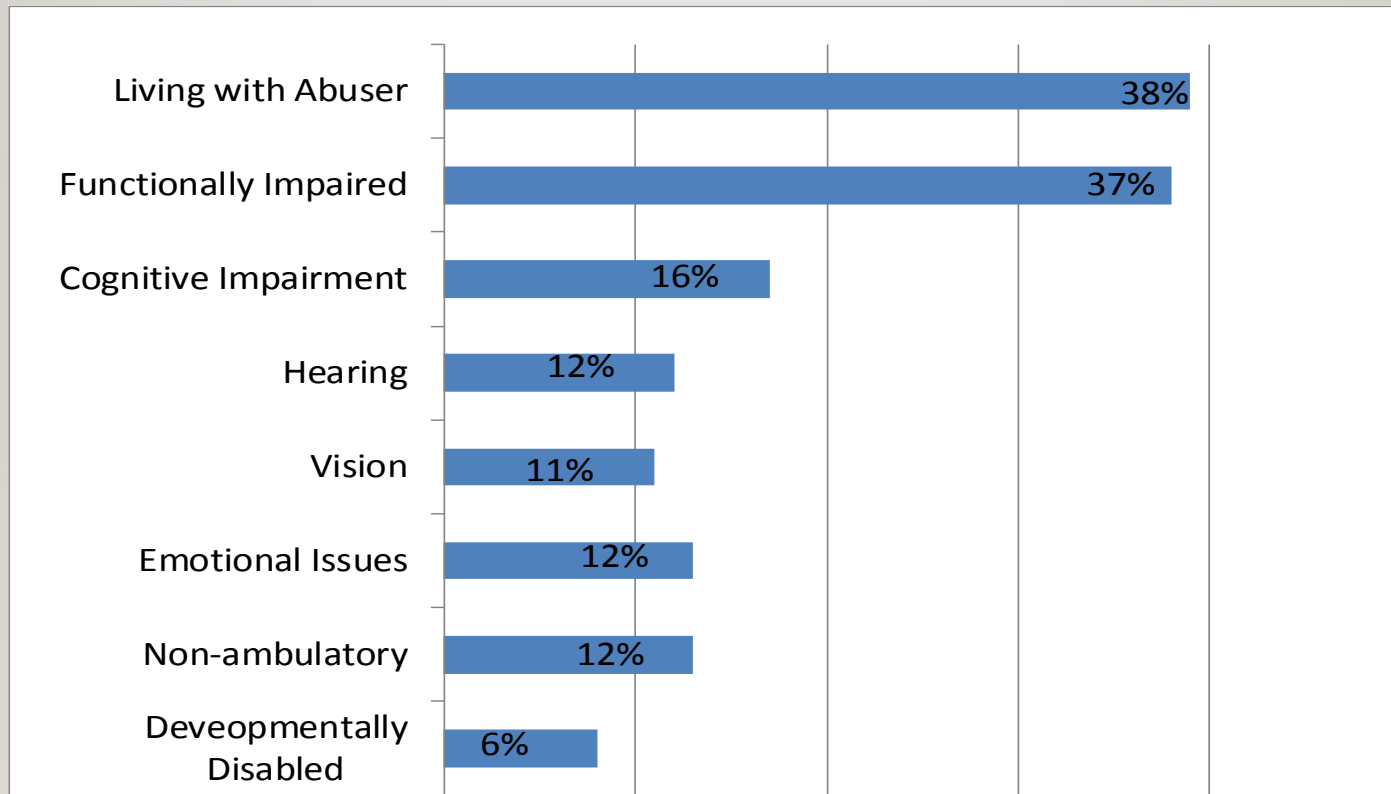
ILLINOIS – REPORTS



ILLINOIS – AGE (2015)



ILLINOIS – BARRIERS (2015)



ADULT PROTECTIVE SERVICES ACT

CHAPTER 320 ILCS 20/1

Section 2. Definitions

Sec.2.(e) **“Eligible adult”** means either an adult with disabilities aged 18-59 or a person aged 60 or older who resides in a domestic living situation and is, or is alleged to be, abused, neglected, or financially exploited by another individual or who neglects himself or herself.

ADULT PROTECTIVE SERVICES ACT

CHAPTER 320 ILCS 20/1

Section 2. Definitions

Sec.2.(d) **“Domestic Living Situation”** means a residence where the eligible adult at the time of the report lives alone or with his or her family or a caregiver, or others, or other community-based unlicensed facility, but is not (1-9).

ADULT PROTECTIVE SERVICES ACT

CHAPTER 320 ILCS 20/1

Section 2. Definitions

Sec.2.(f-5) **“Mandated reporter”** means any of the following persons while engaged in carrying out their professional duties:

(6) Personnel of the Department of Human Services, the Guardianship and Advocacy Commission, the State Fire Marshal, local fire departments, the department on Aging and its subsidiary Area Agencies on Aging and provider agencies, and the Office of the State Long term Care Ombudsman.

ADULT PROTECTIVE SERVICES ACT

CHAPTER 320 ILCS 20/1

Section 9. Authority to consent to services.

Sec.9.(d-5) an eligible adult “lacks the capacity to consent “ if qualified staff of an agency designated under this Act reasonably determine, in accordance with administrative rules promulgated by the Department, that he or she appears either

ADULT PROTECTIVE SERVICES ACT

CHAPTER 320 ILCS 20/1

Section 9. Authority to consent to services.

(Con't) ... (i) unable to receive and evaluate information related to the assessment or services or (ii) unable to communicate in any manner decisions related to the assessment of the reported incident or services.

ADULT PROTECTIVE SERVICES ACT

CHAPTER 320 ILCS 20/1

Section 9. Authority to consent to services.

(c) A guardian of the person of an eligible adult may consent to an assessment of the reported incident and to services being provided according to the case plan.

ADULT PROTECTIVE SERVICES ACT CHAPTER 320 ILCS 20/1

(Con't)

If an eligible adult lacks capacity to consent, an agent having authority under a power of attorney may consent to an assessment of the reported incident and to services.

ADULT PROTECTIVE SERVICES ACT CHAPTER 320 ILCS 20/1

(Con't)

If the guardian or agent is the suspected abuser and he or she withdraws consent for the assessment of the reported incident, or refuses to allow services to be provided to the eligible adult, the Department, an agency designated under this Act, or the office of the Attorney General

ADULT PROTECTIVE SERVICES ACT CHAPTER 320 ILCS 20/1

(Con't)

- May request a court order seeking appropriate remedies, and may in addition request removal of the guardian and appointment of a successor guardian or request removal of the agent and appointment of a guardian.

THE POWER OF ATTORNEY ACT OF 1987 (755 ILCS 45/2-7 AND 3.3)

Section 2-7 Duty –standard of care-record –keeping- exoneration

(c-2) a representative of a provider agency, as defined in Section 2 of the Adult Protective Services Act, acting in course of an assessment of a complaint of elder abuse or neglect under this Act.

THE POWER OF ATTORNEY ACT OF 1987 (755 ILCS 45/2-7 AND 3.3)

(Con't)

the principle, a guardian, another fiduciary acting on behalf of the principle, and, after the death of the principle, the personal representative or successors in the interest

THE POWER OF ATTORNEY ACT OF 1987 (755 ILCS 45/2-7 AND 3.3)

(d)

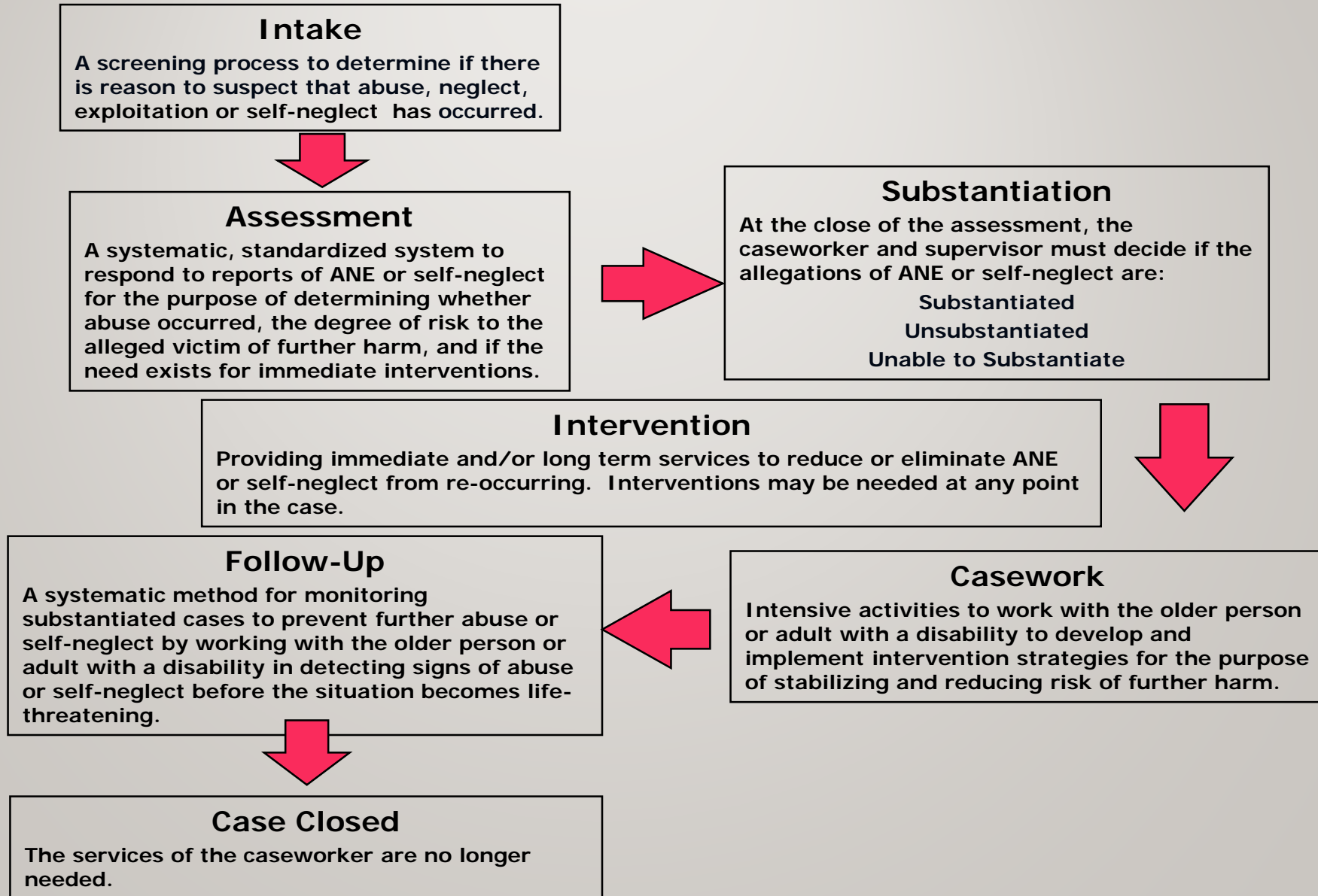
If the agent fails to provide his or her record of all receipts, disbursements, and significant actions within 21 days after a request under subsection (c), the APS Agency or the Ombudsman may petition the court for an order requiring the agent to produce his or her record of receipts, disbursements, and significant actions.

THE POWER OF ATTORNEY ACT OF 1987 (755 ILCS 45/2-7 AND 3.3)

(Con't)

If the court finds that the agent's failure to provide his or her record in a timely manner to the APS Agency or Ombudsman was without good cause, the court may assess reasonable costs and attorney's fees against the agent, and order such other relief as is appropriate.

INTERVENTION PROCESS



TYPES OF ANE

⊙ Abuse

- Physical
- Sexual
- Emotional
- Confinement

⊙ Neglect

- Passive
- Willful Deprivation

⊙ Exploitation

- Financial

TYPES OF ABUSE, NEGLECT AND EXPLOITATION

- Physical Abuse

Means the causing of infliction of physical pain or injury to an older person or an adult with a disability.

PHYSICAL ABUSE

Possible Indicators

Injuries

Pattern of Injuries

Violent Actions Against Client

Inappropriate Chemical Restraint

Medical Evidence

TYPES OF ABUSE, NEGLECT AND EXPLOITATION

- Sexual Abuse

Means touching, fondling, or any other sexual activity with an adult with a disability or older adult when she or he is unable to understand, unwilling to consent, threatened, or physically forced to engage in sexual behavior.

SEXUAL ABUSE

Possible Indicators

Medical Evidence

Behaviors of the Client

Violent Actions Against the Client

Behaviors of the Abuser

TYPES OF ABUSE, NEGLECT AND EXPLOITATION

- Emotional Abuse

Means verbal assaults, threats of abuse

harassment or intimidation.

EMOTIONAL ABUSE

Possible Indicators

Actions of Abuser

Blaming

Threatening

Gestures

TYPES OF ABUSE, NEGLECT AND EXPLOITATION

- Confinement

Means restraining or isolating an older person or an adult with a disability for other than medical reasons.

CONFINEMENT

Possible Indicators

Bilateral Skin Markings

Cannot Access a Telephone

Locks on Outside of Door

Restraints without Medical Order

TYPES OF ABUSE, NEGLECT AND EXPLOITATION

- Passive Neglect

Means the failure of a caregiver or personal assistant to provide an older adult or an adult with a disability with the necessities of life including, but not limited to, food, clothing, shelter, supervision or medical care.

PASSIVE NEGLECT

Possible Indicators

Improper Hygiene / Physical Care

Lack of Medical Care & Medications

Lack of Appropriate Nutrition

No Appropriate Supervision

Home in Disrepair

Social Isolation

TYPES OF ABUSE, NEGLECT AND EXPLOITATION

- Financial Exploitation

Means the misuse or withholding of an older adult's or an adult with a disability's resources by another person to the disadvantage of that adult and or the profit or advantage of a person other than the adult.

FINANCIAL EXPLOITATION

Possible Indicators

Unusual Bank Activities

Unusual Cash Transactions

Inappropriate decision-making by Abuser

Theft

Abuse Controls Banking Decisions and Cash

Vandalism

REPORTING

How does a person make an abuse report?

Anyone who suspects that an older adult or an adult with a disability is being mistreated should call the Illinois Department on Aging Abuse Hotline:

1-866-800-1409

TTY: 1-888-206-1327

All calls are confidential