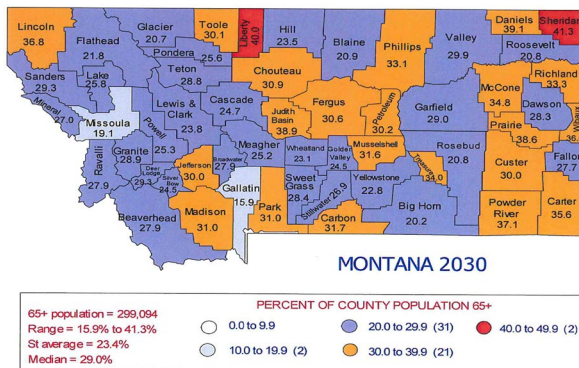


FACT SHEET FOR MONTANA

Adult Protective Services, What You Must Know

What is APS?

Adult Protective Services (APS) programs promote the safety, independence, and quality-of-life for adults who are, or are in danger of, being abused, sexually abused, neglected by self or others, or financially exploited, and provide for his or her own care or protection is impaired. APS is a social service program authorized by law to receive and investigate reports of maltreatment of an “at-risk” adult and to intervene to protect the victims to the extent possible.



APS programs can differ from state to state in terms of definitions, client eligibility requirements and standards of practice. In most states, APS victims are defined as “vulnerable adults”, or adults 18 and older with a physical, mental, or developmental/intellectual impairment or age 60 and above. APS responds to reports of adult maltreatment in private homes in every state; in about half the states they also investigate reports in nursing homes, assisted living, group homes and other facility settings. In Montana APS investigates all reports of abuse, sexual abuse, neglect, self-neglect or exploitation regardless where they live in Montana.

REPORTING ELDER/VULNERABLE ADULT ABUSE

In nearly every state there are certain professions that are required by law to report concerns of maltreatment (called “**mandatory reporting**”). Some states require all citizens to report concerns. All states accept voluntary reports, allow for anonymous reports, and provide good-faith reporters with legal protections. In Montana nearly all professionals who work with persons age 60 or older or adults with disabilities are mandated reporters including State employees and law enforcement.

Reports to Montana APS are through a web-based system www.aps.mt.gov or can be called into the APS Intake line at 1-844-277-9300. When a report is made, APS must determine if the alleged victim and the allegations meet state definitions/criteria. Reports that do not are referred to other agencies for assistance.

APS must always balance the duty to protect the safety of the vulnerable adult with the adult’s right to self-determination. All vulnerable adults should be treated with Respect, Integrity and Dignity.

WHAT DOES APS DO?

- Receives reports of alleged abuse, sexual abuse, neglect, self-neglect or financial exploitation and determines if the person meets the criteria (adult with a disability or age 60 and above)
- Investigates the allegations through interviewing the alleged victim, collateral contacts, alleged perpetrator(s) and through examining evidence such as medical and bank records.
- Addresses emergency needs for food, shelter or law enforcement protection – All sexual abuse cases and other criminal acts are cross-reported to law enforcement immediately.
- Determines whether abuse, sexual abuse, neglect or exploitation is occurring or not. If it is not, offer referral to other agencies for support/services and the case is closed.
- If it is, APS develops a service plan, with the victim, to stop the abuse, and to address the victim’s health and safety needs through services such as medical or mental health treatment, housing assistance, legal assistance, financial assistance, personal care, and home delivered meals.

VICTIM PROTECTIONS

- As is the case with any adult, victims have the right to decline protective services unless a qualified professional determines they are unable to make decisions for themselves. In these cases, APS may need to petition the legal system to appoint a guardian or conservator or seek a court order for involuntary protective services. It is the duty of the APS investigator to exhaust all other measures before seeking involuntary protective services.
- All investigation information is held in strict confidence by APS and generally may not be disclosed without a court order or a release of information signed by the victim.
- APS professionals work collaboratively with other professionals to ensure the safety of vulnerable adults. This collaboration often takes the form of multidisciplinary teams consisting of professionals from social services, criminal and civil justice, mental health, medicine, finance, public health and other services.

Frequently Asked Questions (FAQ)

I've witnessed adult maltreatment and wish to make a report. Can I make an anonymous report to Adult Protective Services? If I disclose my identity, how will that information be used?

Yes, any person making a report to APS can do so anonymously. Providing your information will allow the APS investigator to contact you in order to request additional details about your concerns. Montana law and APS policy prohibits the release of the reporter's identity.

I made a report to Adult Protective Services but have not heard back from the program about the status of the allegations I reported. Why is this?

Despite being a government record, APS records and the findings in any case are not public record. All documentation completed for an APS case must be kept confidential.

A close relative of mine was reported to Adult Protective Services. What should I do?

The single most important action you can take is to cooperate fully with the investigation and provide any information you can if contacted by the investigator. Many reports to APS are found to be not indicated and the case is closed when this is determined. If maltreatment has taken place, you may be asked to assist with whatever action is necessary to keep the vulnerable adult safe.

Someone made a report to Adult Protective Services that I was being mistreated. What are my rights?

It is the duty of the APS investigator to inform you of your rights at the beginning of the investigation. You will have the right to refuse to speak with an investigator or provide any information. You have a right to be treated with respect, integrity and dignity. You have a right to accept or refuse any assistance offered, unless a psychologist or physician evaluates you and reports that you are unable to make your own decisions and a judge concurs. It is important that you cooperate with APS as they determine if maltreatment has occurred. Remember, APS' only goal is to help you be safe.

I made a report to Adult Protective Services and know that maltreatment occurred, but the case was closed. Why did this happen?

There could be several reasons as to why the case was closed without intervention. The APS investigator may have determined that the maltreatment did not meet the legal APS definition of such. The at-risk adult may have declined protective services, despite maltreatment occurring. Perpetrators of the at-risk adult are often adult children (22%) or other family members (31%) whom the at-risk adult may wish to protect despite the maltreatment.

Someone made a report to Adult Protective Services that I was being mistreated. Will I be placed in a nursing facility if the maltreatment is confirmed?

Most APS investigations do not involve involuntary intervention. It is very unlikely that you would be placed into a nursing facility or any facility without your consent. APS investigators can only seek involuntary intervention when a judge orders the involuntary intervention. It is the responsibility of the APS investigator to use the least restrictive services first whenever possible—community-based services rather than institutionally-based services.

I made a report to Adult Protective Services and the allegations were deemed indicated. The victim appears confused and forgetful, but APS still took no action. Why is that?

There could be several reasons for this outcome. Despite exhibiting some confusion or memory loss, the impairment may not be significant enough for a psychologist/physician to recommend involuntary intervention. Involuntary intervention may not be warranted given the extent of the maltreatment.



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