

What APS Reporters Need to Know

There may be times when a report is made to APS and it appears that no changes occurred for the reported adult. Every action taken by APS must balance the duty to protect the safety of the vulnerable adult with the adult's right to self-determination.

All competent persons have the right to self-determine...choose their own values, principles and lifestyles. And, all adults are presumed to have competency unless determined by the court. Adults retain all their civil and constitutional rights unless a court adjudicates otherwise.

In instances where it appears that no change has occurred after a report was made, the reason may be the result of a **competent** person choosing to:

- Remain in an unsafe, unhealthy or unclean environment. Adults have the right to make decisions that do not conform with societal norms as long as these decisions do not harm others.
- Refuse services, including adult protective services.

Please note: After a report to APS has been made, if there is a **substantial** negative change to an adult's situation, a second report may be made to ensure APS is aware of a harmful or adverse change in the adult's circumstances.

Responsibilities of APS are:

- APS has the responsibility to examine all aspects of reported maltreatment while not revealing the identity of the reporter. Confidentiality laws may also prevent the release of a reported adult's personal information or the outcome of the investigation.
- When resources are available, APS has the duty to inform and assist an adult in obtaining needed services, but cannot require a **competent** adult to accept services. Every service plan for a competent adult is driven by the adult...not APS, family or others.
- The goals of APS are to help adults maintain their independence and cannot involuntarily remove someone from their home or interfere with a **competent** adult's chosen lifestyle.
- When a report is received involving an adult that the court has determined to lack competency, APS will take appropriate steps to ensure the reported adult's safety.
- APS focuses on the least restrictive intervention possible in order to preserve an adult's independence. Whenever possible, services are provided in an adult's home to help them avoid nursing home placement.
- The objective of APS is not to "fix" a situation, but to investigate and provide assistance when possible.

APS programs are not federally funded and as a result, may vary across the country. Please check with your state's APS website to learn more about what your state's laws and policies are.