

Clearance #5063

**Title: Office of Children and Families: Adult Protective Services Protocol
(To comment, please click inside the red box)**

DRAFT

Family, Children and Adult Services Manual Transmittal Letter No. _____

TO: All Family, Children and Adult Services Manual Holders

FROM: Thomas J. Hayes, Director

SUBJECT: ADULT PROTECTIVE SERVICES PROTOCOL

This letter transmits the Adult Protective Services Protocol. The APS protocol is an informational tool that outlines the adult protective services operations in Ohio to assist APS workers perform their job responsibilities more efficiently, and outlines the various tasks in the delivery of APS from identifying signs and symptoms of abuse, neglect and exploitation to case termination. The protocol also includes: a sample assessment tool, reporting forms and court filing forms to serve as a guide for staff.

INSTRUCTIONS:

The following chart depicts what materials should be obsoleted and inserted in the Family, Children and Adult Services Manual.

LOCATION	REMOVE AND FILE AS OBSOLETE	INSERT/REPLACEMENT
<p>TRANSMITTALS</p> <p>Procedure Letters</p>	<p>Procedure Letters Index starting with No. 49</p>	<p>Procedure Letters Index starting with No. ____</p> <p>File FCASPL No. ____ and Protocol</p>
<p>* SOCIAL SERVICES Adult Services</p>		<p>File Adult Protective Services Protocol</p>

ADULT PROTECTIVE SERVICES PROTOCOL

Ohio Department of Job and Family Services
Office for Children and Families
Bureau of Family Services

March 2003

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INTRODUCTION

The adult protective services (APS) protocol is an informational tool that outlines adult protective services operations in Ohio. The protocol was written to assist APS workers perform their job responsibilities more efficiently.

This document outlines the various activities and tasks in the delivery of APS from identifying signs and symptoms of abuse, neglect and exploitation to case termination. A sample assessment tool, reporting forms and court filing forms have been included in the protocol for staff to use as a guide.

ADULT PROTECTIVE SERVICES

The Ohio Adult Protective Services law was enacted in 1981 (Ohio Revised Code 5101.60-5101.72) as a result of growing awareness of elder abuse being a major social issue. The purpose of the program is to assist adults who are in danger of harm, unable to protect themselves and have no one else to assist them.

Program Goals

The goals of adult services are:

1. To prevent, reduce, or remedy conditions causing endangerment to adults (who meet specified criteria) through provision of services appropriate to the needs of the adult;
2. To maximize the adult's independence and self-direction;
3. To prevent unnecessary institutionalization and to enable the adult to remain in his/her own home as long as possible by selection of the least restrictive alternative. The least restrictive alternative means the change resulting in the least loss of self-determination that will meet the specified need.

Administration

The Ohio Department of Job and Family Services (ODJFS) is the state agency under Ohio law responsible for the administration of the Adult Protective Services Program. The department has the authority to plan, develop programs, and promulgate rules and regulations pertaining to Adult Protective Services.

In Ohio, each county department of job and family services (CDJFS) is responsible for receiving and investigating all reports of abuse, neglect, and exploitation of the elderly population 60 years of age and older. These procedures may be carried out by an adult protective services department or another agency designated by the county department of job and family to carry out these activities.

The adult protective services law contains due process provisions which protect the rights of citizens to refuse state intervention in their lives. County departments of job and family services (CDJFS) intervention must be governed by the statutory authority granted them.

The CDJFS should make every reasonable effort to assist the vulnerable adult, as well as, any alleged perpetrator of abuse, neglect, or exploitation. Both the adult victim and the alleged perpetrator should be viewed as "victims" who are in need of services.

The CDJFS has responsibility for expanding the range of options available to the adult by way of support services, assisting the adult in considering the consequences of his/her actions and offering social services

and/or financial services which may be available.

Payment for Protective Services and Right to Counsel

If it appears that an adult is in need of protective services and is able to pay for such services, and a evaluation conducted by the county agency determines that the adult is able to, then the agency shall initiate procedures for reimbursement pursuant to rules promulgated by the Ohio Department of Job and Family Services (ODJFS). If the evaluation establishes that the adult is not able to pay for services, then the service shall be provided in accordance with the policies and procedures established by ODJFS for the provision of protective services. An adult will not be required to pay for court-ordered protective services unless the court determines upon a showing by the county department that the adult is financially able to pay and the court orders.

Whenever the county department has petitioned the court to authorize the provision of protective services and the adult who is the subject of the petition is indigent, the court shall appoint legal counsel. *Reference: ORC Section 5101.70*

Funding

Funds available specifically for eligible adults under this section are sometimes supplemented at the CDJFS by making use of funds available under the Title XX Social Services Block Grant (SSBG) to provide and/or contract for such services as homemaker, home health aide, day care for adults and protective and continuing protective services for adults. There are also other services under the SSBG available for adults age sixty and over provided that services have been specified in the County Comprehensive Social Services Plan.

In addition to the funds which may be available to the CDJFS under the SSBG, some county departments may have levy funds available specifically for adult social services or funds from private and/or charitable agencies to further the provision of adult protective services.

Reference: ORC Section 5101.72

Duties of CDJFS for Training

The department of job and family services may provide a program of ongoing, comprehensive, formal training to county departments and other agencies authorized to implement sections 5101.60 to 5101.71 of the Revised Code. Training shall not be limited to the procedures for implementing section 5101.62 of the Revised Code. *Reference: ORC Section 5101.71*

APS Definitions

Adult - any person sixty years of age or older in the state of Ohio who is handicapped by the infirmities of aging or who has a physical or mental impairment which prevents the adult from providing for their own care or protection in the adult's own home.

Incapacitated person - someone who is impaired for any reason to the extent that he lacks sufficient understanding or capacity to make and carry out reasonable decisions concerning his person or resources, with or without the assistance of a caretaker. Refusal to consent to the provision of services shall not be the sole determinative that the person is incapacitated. "Reasonable decisions" are decisions made in daily living which facilitate the provision of food, shelter, clothing, and health care necessary for life support.

Abuse - the infliction upon an adult by himself or others of injury, unreasonable confinement, intimidation, or cruel punishment with resulting physical harm, pain, or mental anguish.

Types of Abuse:

Physical Abuse - bodily pain, injury, impairment or disease suffered by and adult.

Sexual Abuse - non consensual sexual contact of any kind with an adult.

Emotional Abuse - to threaten, humiliate, intimidate, or psychologically harm an adult. Also, the violation of an adult's right to make decisions and loss of privacy.

Neglect - failure of an adult to provide for himself the goods or services necessary to avoid physical harm, mental anguish, or mental illness or the failure of a caretaker to provide such goods or services.

Exploitation - the unlawful or improper act of a caretaker using an adult or his resources for monetary or personal benefit, profit, or gain.

Report - a verbal or written statement received by the CDJFS from any person who has reason to believe that an adult has suffered or is suffering abuse, neglect or exploitation.

Emergency - an adult is living in conditions which present a substantial risk of immediate and irreparable physical harm or death to himself or any other person.

Caretaker - a person assuming the responsibility for the care of an adult on a voluntary basis, by contract, through receipt of payment for care, as a result of a family relationship, or by order of a court of competent jurisdiction.

Validated Report (substantiated)- confirming evidence that substantiates or verifies the allegation of abuse/self neglect/neglect/exploitation.

Non Validated Report (unsubstantiated)- no evidence to verify or substantiate the allegation of abuse/self neglect/neglect/exploitation.

Protective Services - services provided by the county department of job and family service or its designated agency to an adult who has been determined by evaluation to require such services for the prevention, correction, or discontinuance of an act of, as well as, conditions resulting from abuse, neglect, or exploitation. Protective services may include, but are not limited to, case work services, medical care, mental health services, legal services, fiscal management, home health care, homemaker services, housing-related services, guardianship services, and placement services, as well as, the provision of such

commodities as food, clothing, and shelter. *Reference ORC: Section 5101.60*

Signs of Abuse, Neglect & Exploitation

Abuse:

- < bruises, black eyes, welts, lacerations, and rope marks;
- < pen wounds, cuts, punctures, untreated injuries in various stages of healing;
- < sudden change in behavior (i.e., emotionally upset or agitated);
- < elder being extremely withdrawn and non communicative or non responsive;
- < the care giver's refusal to allow visitors to see an elder alone;
- < the elder's report of being hit, slapped, kicked, sexually assaulted or mistreated.

Neglect:

- < hazardous or unsafe living conditions/arrangements (improper wiring, no heat or running water);
- < unsanitary and unclean living conditions (e.g. dirt, fleas, lice on a person, soiled bedding, fecal/urine smell, inadequate clothing);
- < dehydration, malnutrition, untreated bed sores, and poor personal hygiene;
- < unattended or untreated health problems.

Exploitation:

- < sudden appearance of previously uninvolved relatives claiming their rights to an elder's affairs and possessions;
- < unexplained sudden transfer of assets to a family member or someone outside the family;
- < discovery of an elder's signature being forged for financial transactions or for the titles of his/her possessions;
- < unexplained disappearance of funds or valuable possessions;
- < abrupt changes in a will or other financial documents;
- < sudden changes in bank account or banking practice, including unexplained withdrawals of large sums of money by a person accompanying the elder.

Reporting Abuse, Neglect, and Exploitation

- Any person having reason to believe that an adult has suffered abuse, neglect or exploitation, may report, or cause a report to be made to their local county department of job and family services (CDJFS).
- Reports can be made to the CDJFS by telephone, mail, fax or in person during agency work hours.
- When making a report, the following information is needed by the CDJFS:

- C The name, address, and approximate age of the adult who is the subject of the report, if known.
- C The name and address of the care giver responsible for the adult's care, if any and if known.
- C The nature and extent of the alleged abuse, neglect, or exploitation of the adult.
- C The basis of reporter's belief that the adult has been abused, neglected, or exploited.
- C The name(s), age(s), and relationship(s) of other known household member(s).
- C The name(s), address(s), and/or telephone number(s) of any known collateral sources.
- C It should be noted that anonymous reports are accepted. *Reference ORC Sections 5101.61 (B)(C)*

Reports to other agencies

- C If the report involves an adult who is mentally retarded and/or developmentally disabled as defined in section 5126.01 of the Revised Code, the report is made to the County Board of Mental Retardation and Developmental Disabilities (MR/DD).
- C If the report involves an adult who resides in a long-term care facility and their rights have allegedly been violated as defined in sections 173.01 and 173.19 of the Ohio Revised Code, the report is made to the Regional or State Long-Term Care Ombudsperson.
 - Reports involving an adult who has allegedly been abused, neglected, or exploited by staff employed at an adult care facility as defined in sections 3722.12 of the Ohio Revised Code reports are made to The Ohio Department of Health.
 - If a report involves the safety or welfare of a child under the age of eighteen or mentally retarded, developmentally disabled, or physically impaired child under the age of twenty-one as defined in Section 2151.421 of the Ohio Revised Code, reports are made to the local Public Children Services Agency (PCSA).

Mandatory Reporters

- Attorney
- Physician (Osteopath, podiatrist, chiropractor, or dentist)
- Psychologist
- Nurses
- Employees of an ambulatory health facility
- Employees of a home health agency

- Employees of an adult care facility
- Employees of a community alternative home
- Employees of a nursing home, residential care facility, or home for the aging
- Senior service providers
- Peace officers
- Coroner
- Clergymen
- Employees of a community mental health facility
- Social workers or counselors

Reference Section 5101.61 (A)(ii)

- < If any of the above individuals has reason to believe that an adult is being abused, neglected, or exploited, or is in a condition which is the result of abuse, neglect, or exploitation, the person must immediately report such belief to the county department of job and family services. This section does not apply to employees of any hospital or public hospital licensed by the Ohio Department of Mental Health as defined in section 5122.01 of the Revised Code.
- < The multi-disciplinary nature of adult protective services (APS) is reflected in the list of professionals who by state law must immediately report to the CDJFS their belief that an adult is being abused, neglected or exploited. The CDJFS should work closely with these professionals to assure protection for adults in need. Designated professionals who fail to carry out their reporting responsibilities under the law may be subject to a fine of not more than \$500 (ORC Section 5101.99).

Immunity for Reporters

- < Any person with reasonable cause to believe that an adult is suffering abuse, neglect, or exploitation who makes a report pursuant to Section 5101.61 (D)(E) of the Ohio Revised Code or who testifies in any administrative or judicial proceeding arising from such a report, or any employee of the state or any of its subdivisions who is discharging responsibilities under section 5101.62 of the Ohio Revised Code shall be immune from civil or criminal liability on account of such investigation, report, or testimony, except liability for perjury, unless the person has acted in bad faith or with malicious purpose. No employer or any other person with authority to do so shall discharge, demote, transfer, prepare a negative work performance evaluation, or reduce benefits, pay, or work privileges, or take any other action detrimental to an employee or in any way retaliate against an employee as a result of the employee's having filed a report under this section. *Reference ORC Section 5101.61 (D) and (E)*

Investigation of Reports

- < The county department of job and family services (CDJFS) is responsible investigating all reports of abuse, neglect, and exploitation for adults age 60 and older and evaluate the need for protective services. The law allows the CDJFS to designate another agency to perform duties under this section.
- < Reports are prioritized into two categories:

- 1) **Emergency Reports** - all abuse, neglect, and exploitation reports are deemed emergency if an adult is allegedly living in conditions which present substantial risk of immediate or irreparable physical harm or death. The risk can be the result of the adult's own actions or inflicted on the adult by another person. This type of report requires an investigation to be initiated within **twenty-four hours**.
 - 2) **Non- Emergency Reports** - all other abuse, neglect or exploitation reports that are excepted by the agency that have not been deemed an emergency. These reports require an investigation to be initiated within **three working days**.
- < Investigations must include a face-to-face visit with the adult who is subject of a report, preferably in the adult's own home.
- < If during the course of an investigation, any person, including the adult who is the subject of the investigation, denies or obstructs access to the residence of the adult, the county department of job and family services may file a petition in court for a temporary restraining order to prevent the interference or obstruction. The court shall issue a temporary restraining order to prevent the interference or obstruction if it finds there is reasonable cause to believe that the adult is being or has been abused, neglected, or exploited and access to the person's residence has been denied or obstructed. Such a finding is prima-facie(at first sight) evidence that immediate and irreparable injury, loss, or damage will result, so that notice is not required. After obtaining an order restraining the obstruction of or interference with the investigation by any person, including the resident, the CDJFS or its designated agency may request accompaniment to the residence by a peace officer.
- < At the time of the initial interview, a written notice of intent to investigate must be given to the adult victim in language reasonably understandable to the adult who is the subject of the investigation. Interpreter services must be made available when needed.
- < When assessing risk of the adult who is the subject of the report, the following factual information should be obtained:
1. The **specific danger** (abuse, neglect, or exploitation) and the degree of danger (physical or sexual harm; mental anguish or mental illness) in the adult's living conditions.
 - 2) The **personal vulnerability** of the adult, including one or more of the following conditions:
 - Limitations due to the infirmities of aging.
 - Physical and mental impairments preventing the adult from providing for his/her own care without the assistance of a caretaker.
 - The adult's understanding of his/her current situation.
 - The adult's feeling about his/her current living situation.

- 3) The **social vulnerability** of the adult, including one or more of the following conditions:
- The absence of a guardian, caretaker, spouse, adult children, next of kin or friends.
 - The unlawful or improper act of a caretaker using an adult or his resources for monetary or personal benefit, profit or gain.
 - The failure or inability of a caretaker or the adult to provide goods or services necessary to avoid physical harm, mental anguish or mental illness.
- < Upon completion of the investigation, the department shall determine from its findings whether or not the adult who is the subject of the report is in need of protective services. No adult shall be determined to be abused, neglected, or in need of protective services for the sole reason that, in lieu of medical treatment, the adult relies on or is being furnished spiritual treatment through prayer alone in accordance with the tenets and practices of a church or religious denomination of which he is a member or adherent. The CDJFS shall write a report which confirms or denies the need for protective services and states why it reached this conclusion. *Reference ORC Section 5101.62*

Adult Protective Services and Planning

- < Adult protective services are services designed to prevent, or correct an act or condition that is a result of abuse, neglect or exploitation. Any adult age sixty or older can request to receive protective services, however, the CDJFS or its designated agency must determine the need for protective services.
- < Protective services may include, but are not limited to, caseworker services, medical care, mental health services, legal services, fiscal management, home health care, homemaker services, housing-related services, guardianship services and placement services, as well as, the provision of such commodities as food, clothing and shelter. Needed protective services shall be provided by the CDJFS or its designated agency, to the extent of available funds.
- < The services provided should be based on the kinds of services needed to supplement or compensate for the problem(s) identified and the degree of endangerment. CDJFSs should avoid the tendency to categorize or generalize in their description of the situation and in their service plan development. For example, it is an over-simplification to state that the adult victim is an alcoholic. Determine exactly what problems are present and match the problem with the service, e.g., inability to pay bills due to alcoholism and need for help in this area. Therefore, when the CDJFS or its designated agency develops a protective services plan, the plan must include, but not be limited to the following:
- Identified problem.
 - Protective services objective.
 - Type of protective services and the service provider(s).

- Identified community or family support system.
 - Effective dates of the protective service plan.
- < The protective service plan should be based upon the least restrictive services available to meet the need of the adult to the extent funds are available. If there continues to be a need for protective services, the plan must be reassessed every six months until the case is closed. *Reference ORC Section 5101.64*

Court Ordered Protective Services

- < If the county department of job and family services determines that an adult is in need of protective services and is an incapacitated person, the department may petition the court for an order authorizing the provision of protective services. The petition must state the specific facts alleging the abuse, neglect, or exploitation and must include a proposed protective plan. Any plan for protective services must be specified in the petition. *Reference ORC Section 5101.65*

Case Termination

- < An adult protective service case will be terminated when the following circumstances occur:
- When requested by the adult who is the recipient of protective services.
 - When the adult is no longer in need of protective services.
 - When the adult subject leaves the department's area of jurisdiction. In such an instance, the CDJFS will make a referral to the new county or state of residence, if known, and upon request of the authorized receiving agency, provide appropriate information to facilitate determination of need for adult protective services in the new county or state of residence.
 - When the adult victims has been placed in an institution.
 - When the adult dies.

Confidentiality

Neither the written or oral intake report or the investigative report shall be considered public record. Due to the sensitive nature of the material in such reports and documents the law is very specific about who may have access to such information. Only the adult victim or their legal representative or a designated agency authorized by the county department should know information contained in the report (i.e., the allegation, outcome of the investigation and services provided). Otherwise a release of information signed by the adult victim or their legal counsel would be required prior to releasing any information to anyone either verbally or in writing. *Reference ORC Section 5101.61(F)*

Appendix A

County Reproduced
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**ADULT PROTECTIVE SERVICES
SCREENING AND REFERRAL FORM**

Date: _____

Time: _____

Name of Adult Victim:		
Street Address:		
City, State, and Zip Code:		
Telephone Number:	D.O.B. or Est. Age:	Sex: <input type="checkbox"/> M <input type="checkbox"/> F

Name of Referral Source (<i>If known</i>):
Street Address:
Telephone Number:
Relationship:

Type of Allegation:

Abuse Neglect Exploitation

Type of Maltreatment:

Abuse: Physical Sexual Emotional

Neglect: Self Neglect Neglect By Other(s)

Exploitation: Financial Personal Assets

Reason for Report:

Name of Caregiver:	Address:	Relationship:

Name of Alleged Perpetrator:	Address:	Relationship:

Name of Household Members:	Age:	Relationship:

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**ADULT PROTECTIVE SERVICES
REFERRAL AND SCREENING FORM**

Priority Level:

Emergency (24 hour response) _____

Non-Emergency (3 day response) _____

Referred Reporter to Another Agency:

MR/DD _____

Ombudsman _____

Dept. of Health _____

PCSA _____

Nursing Home _____

Other Agency _____

Comments:

Caseworker's Signature

Date

Appendix B

(Originated 03/2003)
County Reproduced
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ADULT PROTECTIVE SERVICES
INVESTIGATIVE ASSESSMENT

Case Assigned To: _____

Date The Investigation Was Initiated: _____

Investigation Initiated Via: Face-To-Face Visit Telephone

Client's Name: _____

Client's Address: _____

Client's Race: _____ D.O.B / EST. Age: _____ Sex: _____

Client's Residence

- Client's Own Home
- Homeless
- Group Home
- Caregiver or Other's Home
- Assisted Living
- Shelter

CLIENT'S MARTIAL STATUS

- Married
- Separated
- Single
- Significant Other
- Widowed
- Unknown
- Divorced

A. CLIENTS FINANCIAL STATUS

Source of income _____ Amount of Monthly Income \$ _____

Name of POA/ Guardian Over Finances _____

Rent or Mortgage Payment Paid In Full Monthly Yes No

Medical Insurance: Medicare Medicaid Other (Describe)_____

Amount of Monthly Out of Pocket Medical Expenses \$_____

B. CLIENT'S LIVING CONDITION

Home: Clean & Neat Clean & Cluttered Dirty & Cluttered

Pest: Roaches Mice Fleas Animals

Other _ (Explain)_____ N/A

CLIENT'S LIVING CONDITION (CONT.)

Utility Shut Off: Water Gas Electric Telephone N/A

Adequate Food In The Home: Yes No

Hazardous Material: Exposed Wires Broken Glass Fumes/Odor

Cause:_____

CLIENT'S PHYSICAL CHARACTERISTICS

Hygiene: Good _____ Fair _____ Poor _____

Appropriately Dressed for Season: Yes No

Mobility: Ambulatory_____ Non-Ambulatory_____ Ambulatory w/ Assistance_____

Impairments: Blind _____ Deaf _____ Other (Describe) _____

Adaptive Devices: Eye Glasses _____ Hearing Aid _____ Wheel Chair _____

 Walking Cane _____ Chair Lift _____ Walker _____

 Other _____

CLIENT'S MENTAL/EMOTIONAL CHARACTERISTICS

Cognitive Status: Alert/ Oriented _____ Confused/Disoriented _____

Mental Illness: Yes No Unknown If yes, type of mental illness _____

History of Mental Illness: Yes No Unknown If yes, explain _____

Medications Taken: _____

Medications Taken Properly: Yes No

Drug Abuse: Yes No Unknown If yes, describe drug use _____

Alcohol Abuse: Yes No Unknown

If yes, describe alcohol use _____

Emotional Status Appears Appropriate To Situation: **9** Yes **9** No
 (Check the appropriate emotional status)

Content ____ Sad ____ Agitated ____ Anxious ____

Depressed ____ Withdrawn ____ Fearful ____

DAILY LIVING SKILLS ASSESSMENT:

Activities of Daily Living Skills	No Help Needed	Needs Assistance	Can Not Perform	Describe
Bathing				
Grooming				
Dressing				
Eating				
Toileting				
Take Medication				
Use Telephone				
Shopping				
Driving				
Laundry				
Housekeeping				
Meal Preparation				
Arrange Transportation				

IDENTIFY CLIENT'S SUPPORT SYSTEM:

(Names)

(Telephone Number)

1. _____

2. _____

3. _____

ALLEGED PERPETRATOR(s):

RELATIONSHIP TO CLIENT:

- Self
- Spouse/Significant Other
- Adult Children
- Grandchildren
- Other Relatives
- Paid Caregiver
- Acquaintance
- Other

LIVING ARRANGEMENTS (PERPETRATOR):

- Lives With Client
- Does Not Live With Client
- Unknown

OUT COME OF THE INVESTIGATION:

VALIDATED

- Agree to Services, Internal or External
- Knowingly Refused Services
- Services Needed but not Available
- Client Unable to Agree To or Refuse Services
- Court Ordered Services

NON-VALIDATED

- Referred to Other Supportive Services, Internal or External

OTHER VALIDATED FINDINGS

- Abuse
- Self Neglect
- Exploitation
- Neglect

INVESTIGATION NOT COMPLETED DUE TO:

- Death
- Moved Out of Jurisdiction
- Nursing Home Placement
- Could Not Locate
- Referred to MR/DD
- Other (Explain)_____

ADDITIONAL REFERRALS MADE: Yes No To:_____

COURT INTERVENTION: Yes No

- Temporary Restraining Order To Prevent Interference With An Investigation
- Emergency Protective Services
- Routine Protective Services
- Temporary Restraining Order To Prevent Interference With Provision Of Protective Services
- Cases Referred To Probate For Guardianship

ADDITIONAL COMMENTS RELATING TO THE ASSESSMENT/INVESTIGATION:

Caseworker's Signature

Date

Appendix C

_____ **County Department of Job and Family Services**
CDJFS Address
City, State Zip Code
(Area code) Telephone Number

NOTICE OF INTENT TO INVESTIGATE

The _____ County Department of Job and Family Services has received a report that you may be suffering from abuse, neglect or exploitation. Under Ohio law (O.R.C. 5101.62), it is our responsibility to investigate this report to determine whether or not you are in danger of mental or physical harm. Our job is to also offer you services that are available in _____ county that will prevent and protect you from suffering further harm.

If you have any questions or concerns, I can be reached at _____.

Caseworker's Signature

Date

By signing below, you acknowledge and understand the Notice of Intent to Investigate this report.

Client's Signature

Date

Appendix D

IN THE COURT OF COMMON PLEAS, _____ COUNTY, OHIO

PROBATE DIVISION

IN RE:

(Name, Age, Address of Adult)

TEMPORARY RESTRAINING ORDER TO
PREVENT INTERFERENCE WITH INVESTIGATION
OF REPORTED ABUSE OF AN ADULT

This cause came before the court upon the verified petition and testimony of the _____ County Department of Job and Family Services requesting a temporary restraining order to prevent interference by the respondent with the investigation of a report of abuse, neglect or exploitation of the above-named adult.

The Court finds that there is reasonable cause to believe that the person who is the subject of the investigation is being or has been abused, neglected, or exploited and access to the person's residence has been denied or obstructed, and that notice to the respondent is therefore not required by the terms of ORC 5101.63.

IT IS THEREFORE ORDERED THAT:

1. (Name of Respondent), or any person acting in concert with him is restrained from obstructing or in any way interfering with petitioner's access to the residence of (Name of Adult).
2. The same access to be accorded to any peace officer requested to accompany the petitioner.
3. This order be effective immediately and for 14 days hence, unless extended by further order of the Court.
4. A copy of this order be served by the petitioner, or any peace officer accompanying him, on the adult or any respondent who attempts to obstruct access to him, and an immediate return of any such service be made to the Court.

Judge

Appendix E

VOLUNTARY CONSENT OF AN ADULT TO THE PROVISION OF PROTECTIVE SERVICES

1. This agreement of consent is entered into between the _____County Department of Job and Family Services and (Name and Address of Adult) _____ on (Date _____)

2. The adult certifies that he has voluntarily requested the Department to provide protective services to him, and shall cooperate with the Department in this regard and inform it when such services are no longer desired.

3. The Department certifies that it has performed an investigation at the request of the adult and has concluded that he is in need of the following protective services: (describe proposed service plan, including dates of commencement and completion)

NOW THEREFORE, the parties agree that the foregoing services will be provided by the Department until either the adult withdraws his consent or the Department decides to withdraw the services and gives 10 days notice to the adult.

(Signature of Adult or Legal Representative)

(Signature of Director or Designate)

Appendix F

IN THE COURT OF COMMON PLEAS, _____ COUNTY, OHIO

PROBATE DIVISION

IN RE:

(Name, Age, Address of Adult)

**ORDER AUTHORIZING ROUTINE ADULT PROTECTIVE SERVICES
ORC 5101.67**

This cause came before the Court upon the petition of the County Department of Job and Family Services for an order authorizing the provision of protective services, to the above named adult. The adult was served with notice at least 5 working days prior to this hearing, and (did) (did not) appear (with) (without) counsel. All necessary persons were also given notice or waived notice.

Based on the evidence presented, the Court finds by clear and convincing evidence that the adult has been abused, neglected, or exploited and is in need of protective services, and is incapacitated, and that no person authorized by law or court order is available to give consent.

IT IS THEREFORE ORDERED THAT:

1. The petitioner shall be authorized to provide, or make arrangements for the following protective services for the adult:

2. This order shall be effective immediately and for 6 months hence unless terminated or extended according to law.

Judge

Appendix G

IN THE COURT OF COMMON PLEAS, _____ COUNTY, OHIO

PROBATE DIVISION

IN RE:

(Name, Age, Address of Adult)

TEMPORARY RESTRAINING ORDER TO PREVENT
INTERFERENCE WITH THE PROVISION OF
PROTECTIVE SERVICES TO AN ADULT
ORC 5101.68

This cause came before the Court upon the verified petition of the County Department of Job and Family Service requesting a temporary restraining order to prevent interference by the respondent with the provision of protective services to the above-named adult. The respondent was served with notice of petition and (did) (did not) appear.

The Court finds that the proposed protective services are necessary that the adult has consented to them by voluntary consent or court order and that the respondent has prevented the provision of such services.

IT IS THEREFORE ORDERED THAT:

1. _____ (Name of Respondent) _____, or any person acting in concert with him, is restrained from preventing or in any way interfering with the provision of the proposed protective services to the above-named adult.

2. The respondent shall be further restrained from interfering with any peace officer requested to accompany the petitioner in providing such services to the adult.

3. This order shall be effective immediately and for 14 days hence, unless extended by further order of the Court.

Judge

Appendix H

Adult Placement Terms

Adult family home is a residence or facility that provides accommodations to three to five unrelated adults and supervision and personal care services to at least three of those adults. All adults for whom the residence or facility provides accommodations shall be considered as one group in determining the total number of residents in the adult family home.

Adult group home is a residence or facility that provides accommodations to six to sixteen unrelated adults and provides supervision and personal care services to at least three of the unrelated adults. All adults to whom the facility provides accommodations shall be considered as one group in determining the total number of residents in the adult group home.

Adult care facility is an adult family home or an adult group home. For the purposes of this chapter, any residence, facility, institution, hotel, assisted living facility, congregate housing project, or similar facility that provides accommodations and supervision to three to sixteen unrelated adults, at least three of whom are provided personal care services, is an adult care facility regardless of how the facility holds itself out to the public. "Adult care facility" does not include:

- (a) A nursing home, rest home, or home for the aging as defined in section 3721.01 of the Revised Code;
- (b) An alcohol and drug addiction program as defined in section 3793.01 of the Revised Code;
- (c) A habilitation center as defined in section 5123.041 of the Revised Code;
- (d) A residential facility for the mentally ill licensed by the Ohio Department of Mental Health (ODMH) under section 5119.22 of the Revised Code;
- (e) A facility licensed to provide methadone treatment under section 3793.11 of the Revised Code;
- (f) A residential facility licensed under section 5123.19 of the Revised Code or otherwise regulated by the Ohio Department of Mental Retardation and Development Disabilities (ODMR/DD);
- (g) Any residence, institution, hotel, assisted living facility, congregate housing project, or similar facility that provides personal care services to fewer than three residents or that provides, for any number of residents, only housing, housekeeping, laundry, meal preparation, social or recreational activities, maintenance, security, transportation, and similar services that are not personal care services or skilled nursing care;
- (h) A facility approved by the Veterans Administration under section 104 (a) of the Veterans Health Care Amendments of 1983, 97 Stat. 993, 38 U.S.C. 630 as amended, and used exclusively for the placement and care of veterans.

Certified adult foster homes (foster homes certified by Ohio Department of Aging (ODA) or its designee) are to be considered independent living arrangements.

Mental retardation means having significantly subaverage general intellectual functioning existing concurrently with deficiencies in adaptive behavior, manifested during the developmental period.

The ODMR/DD is required by state statute to determine mental retardation and eligibility for services from ODMR/DD (ORC 5123.01, 5123.02, 5126.01, and 5126.08). There are two indicators which verify that individuals are the responsibility of the ODMR/DD:

- a. An individual who has been recently deinstitutionalized from an MR/DD facility;
- b. An individual who has been admitted to a developmental center and is being considered for placement in a licensed residential care facility.

Appendix I

Ohio Revised Code Sections Related to Adult Protective Services

- I. Abuse of the Mentally Retarded:
 - ORC 5126.30
 - ORC 5101.13
 - ORC 5123.61

- ii. Patient Abuse:
 - ORC 109.86
 - ORC 2903.33-2903.37
 - Prohibits patient abuse and neglect in certain care facilities and requires cases to be referred to the attorney general for investigation.

- iii. Abuse by Caretakers:
 - ORC 2903.10
 - ORC 2903.13
 - ORC 2903.16
 - Describes criminal offenses to prohibit caretakers from harming those who cannot take care of themselves because of physical and mental handicaps of aging.

- Iv. Offenses of Rape or Sexual Imposition Against the Elderly:
 - ORC 2907.05
 - ORC 2907.12
 - Describes these criminal offenses when committed against those whose ability to resist is impaired by age.

- V. Durable Power of Attorney for Health Care:
 - ORC 1337.09-1337.17
 - Authorizes an attorney in fact to make health care decisions for the principal at any time the principal has lost the capacity to make informed health care decisions for his/her self.

- VI. Court Investigator and Guardianship:
 - ORC 2111.01
 - Created the position of court investigator and provides for limits interim and emergency guardian.

- VII. Family Members Defined:
 - ORC 2919.25
 - ORC 3113.31
 - ORC 3913.33
 - Expands the definition of family members in relation to domestic violence law.

- VIII. Domestic Violence Training:
 - ORC 5101.071
 - Defines the requirement of ODJFS to develop a training program and guidelines for the county departments in the provision of training to certain of its employees.