

Social Services Attorneys Winter Conference

Thursday, February 11, 2016

Statewide, as well as county specific, APS data is available about every APS report evaluated in NC during the state fiscal year (SFY). The data below is taken from the 2015-2016 NC Adult Protective Services Register (APS-R) and is year to date (July 2015-January 2016).

As of January 2016, nearly 8,000 reports of abuse, neglect and/or exploitation have been evaluated by APS staff. In SFY 2015, over 12,000 reports were evaluated by APS staff. At the current rate, SFY 2016 will surpass that number.

73% of the reports involved adults 60 years of age and older, most with co-occurring impairments/multiple disabilities, including physical illness, physical impairment, Alzheimer's disease and related disorders.

Self-neglect remains the single most commonly reported type of maltreatment; however, when caretaker neglect and abuse categories are combined as a single type of maltreatment perpetrated by a caregiver, that form of maltreatment is more common.

Reports of financial exploitation continue to increase and often co-occur with other types of maltreatment, making for complex cases. Family members are most often identified as perpetrators of financial exploitation.

In nearly half (averaging between 44-48% statewide) of the cases maltreatment is confirmed; the need for protective services is, on average, substantiated in 1 out of 4 cases (25% statewide – individual county data varies widely). It's in these substantiated cases, when the individual is determined to lack capacity to consent or refuse protective services, that the DSS attorney and the court system most often become involved.

When court authorization is needed in order to provide protective services, the APS-R tells us that guardianship is the most commonly used legal tool used to obtain authority. To date, nearly 400 guardianship proceedings have been initiated in response to the APS case decision. In total, 300 guardianship proceedings were initiated in response to the APS case decision for all of SFY 2015. At this rate, nearly 700 new guardianship proceedings could potentially be initiated in response to APS case decisions in SFY 2016.

In comparison, to date, APS Orders (all types) have been used in only 107 instances when the adult has been found to lack capacity to consent or refuse protective services.

- What accounts for this disparity? Is guardianship being overused? Why are APS orders not being used more widely?

The subpoena directing release of financial records is proving to be a useful tool and has been used 175 instances to date in response to allegations of financial exploitation.