

**JOINT APPROPRIATIONS COMMITTEE
ON HEALTH AND HUMAN SERVICES**

Adult Guardianship and Protective Services

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Adult Protective Services (APS)

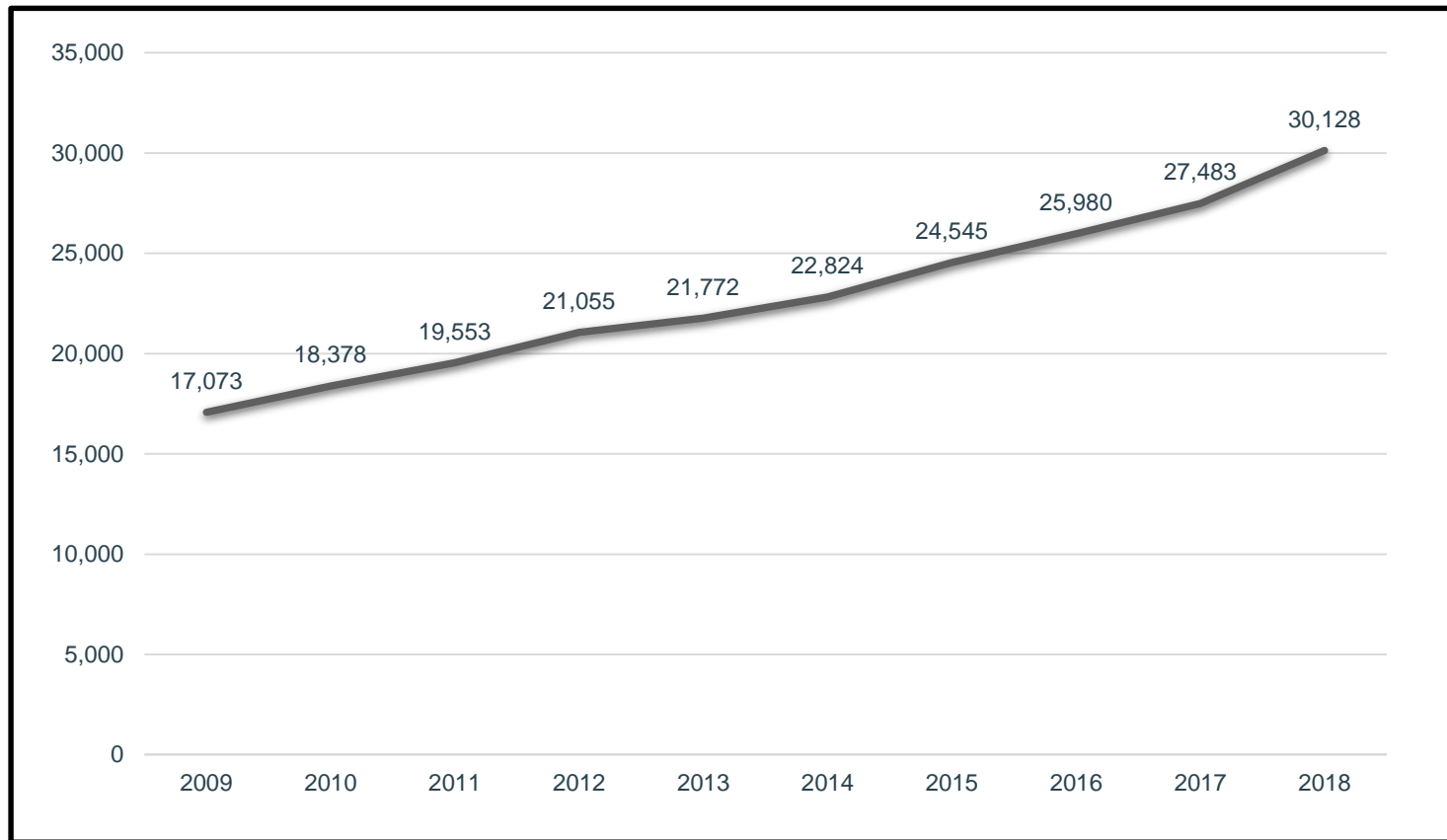
Provides for protection of vulnerable adults through NCGS, Article 6, 108A

- **County DSS social workers:**
 - Receive reports of alleged abuse, neglect, and/or exploitation of vulnerable adults age 18 and over
 - Evaluate reports with face-to-face visits with the individual, contacts and with others knowledgeable of the situation
 - Provide or arrange protective services (home/community based or residential settings)

Adults Reported as Mistreated SFY 2017-18

- 64% self-neglect
- 24% caretaker neglect
- 4% caretaker abuse
- 73% age 60 or older
- 86% lived in community settings, while 14% lived in long-term care settings, shelters, or other institutions
- Most frequently named perpetrator is adult child, followed by spouse, non-relative caregivers, and other relatives

Adult Protective Services Reports (2009-2018)



✓ Source: NC DAAS APS Annual Survey 2018

Trends and Issues in APS

- Research shows incidents of maltreatment are under-reported – some studies suggest that less than 1 in 24 cases are reported
- Many adults are afraid to report – concerned about losing their family support or being moved from their home
- Working with adults to accept protective services is a challenge for local staff as many fear losing their independence
- Work within Division of Aging and Adult Services to include inter-county collaboration and focus on service delivery barriers

Adult Guardianship

If an adult is determined incompetent by the clerk of superior court and family members or a corporation chartered to provide guardianship services is not available, then the county DSS Director is appointed guardian

Adults need guardians when:

- Limitations such as cognitive impairments, intellectual and developmental disabilities, traumatic brain injuries, physical illness, substance use issues, or serious and persistent mental illness prevent them from being able to make and communicate decisions regarding their person and finances

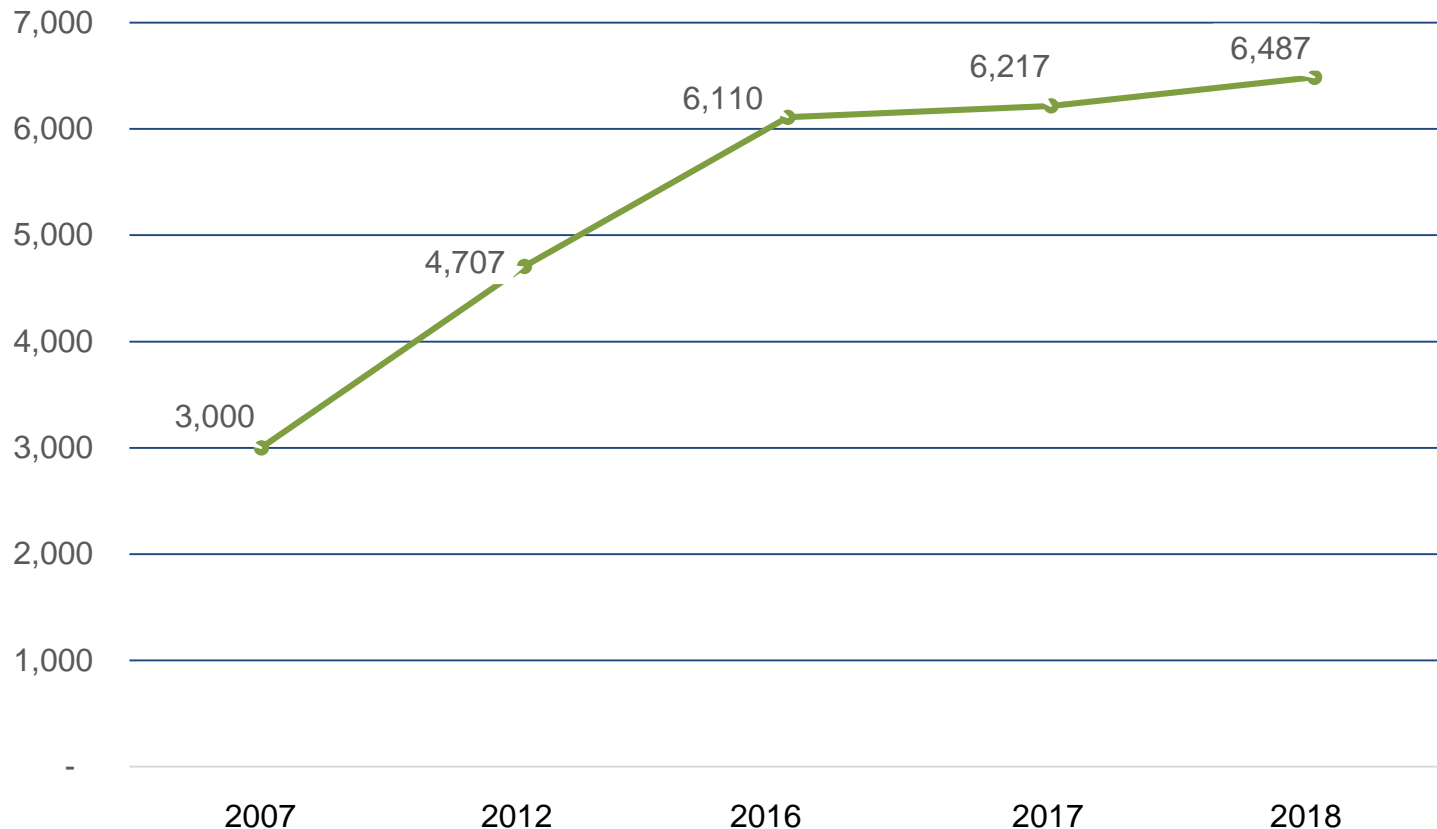
When the DSS Director is guardian:

- DSS social workers ensure that housing, medical treatments, community services and supports are provided or arranged for individuals they serve

Public Guardianship

- As a result of legislation in 2013, the mental health system was removed as a disinterested public agent guardian (DPAG), along with health departments and county aging programs
- Adults under guardianship in those programs were transferred to County DSS as the only DPAG. To lessen the impact, DAAS entered into contracts with corporations to serve 1,365 individuals on a temporary basis
- The practice of contracting with corporations has continued due to growing pressures on County DSS
- Recommend DHHS be directed to conduct a feasibility study for transferring cases from DHHS to counties

Growth in Adult Public Guardianship Services (2007-2018)



Does not include adults served through contracts with county DSSs
Source: Division of Aging and Adult Services Guardianship Database

Trends and Issues in Public Guardianship

- DSS serving more younger adults with serious mental illness and substance use issues
- DSS using county dollars to provide for unmet services needs such as housing, out of home placement, food, and medications
- Growing national, state and local concern that guardianship is used inappropriately in cases where mental illness and substance use are involved and less restrictive alternatives such as supported decision making, representative payees, or advance directives are available
- The public often doesn't understand the purpose of guardianship and its benefits and pitfalls
- Barriers to inter-agency movement of clients and information sharing

Coordinated Efforts Directed Towards Adult Protective Services (APS) and Guardianship

- **Envisioning Sessions**
- **Recommendations from the Social Services Regional Supervision and Collaboration Working Group (SSWG)**
- **Training on signs and symptoms of maltreatment**
- **Community education and outreach**